



CALIFORNIA
LICENSED
FORESTERS
ASSOCIATION

P.O. Box 1516 · Pioneer, CA 95666
phone · 209.293.7323 fax · 209.293.7544
email · clfa@volcano.net web · www.clfa.org

May 28, 2004

The Honorable Sheila James Kuehl
Chairperson,
Senate Natural Resources Committee
California State Senate
State Capitol
Room 4032
Sacramento, CA 95814
Dear Senator Kuehl,

REFERENCE: AB 2420 (La Malfa)
CLFA Position: Support if amended

The California Licensed Foresters Association (CLFA) is encouraged to see the efforts undertaken by Assemblyman LaMalfa in sponsoring AB 2420. This bill will provide needed regulatory relief to landowners and communities who are faced with a fire threat potentially even more grave than the fire season of 2003. Homes and lives were lost. Millions of dollars were spent fighting wildfires which often were intensified by symptoms of unhealthy forests. As professional foresters we believe that while top-notch fire suppression efforts are crucial, a more effective long-term approach to the problem is to create healthy forests that are more resilient to catastrophic wildfires. In essence, treat the illness instead of the symptom. AB 2420 is a good step in the right direction. By reducing state regulatory red tape necessary for landowners to conduct fuel treatments, AB 2420 provides forest owners and professional managers more cost-effective options to address and treat unnaturally overstocked properties with site-specific fuel treatments.

CLFA represents over 600 Registered Professional Foresters who constitute a vast library of knowledge about fuel treatments and how to create healthy fire resilient forests. CLFA has discussed AB 2420 and CLFA would like your committee to consider the concerns/suggestions that were raised during our discussions. We submit these concerns in order that AB 2420 will achieve maximum effectiveness in addressing the current forest fuel problems throughout our State. Our concerns/suggestions are as follows:

- Possibly the most troubling language in this bill is the timing requirements for the treatment of slash created during fuel treatments. Currently the bill states:

“ (9) All surface fuels created by timber operations under the exemption, that could promote the spread of wildfire, including logging slash, and debris, deadwood, branches exceeding one inch in diameter, and brush, shall be chipped, burned, or removed within 45 days of their creation. ”

This requirement is unrealistic in many scenarios. For example, during fire season permissible burn days are commonly non-existent. In fuel reduction harvests conducted in the spring, burning of the logging slash may not be possible until the fall of the year, when burning conditions are more suitable to a controlled burn situation. As another example, our understanding is that contractors conducting chipping operations, in parts of the state with heavy workloads, will have problems meeting the 45-day deadline. For these reasons, the 45-day requirement will be detrimental to the feasible application of this exemption.

- While we agree that logging slash must be treated, our concern is that the bill currently excludes the option to lop and scatter slash. The option to lop and scatter would be more feasible on some wildlands and therefore will encourage the owners of those lands to treat fuels. The Committee should consider amending the legislation to make slash treatment requirements less burdensome, especially in treated areas not immediately adjacent to forest structures, roads and other improvements. A two-tiered slash treatment requirement, with rigid standards adjacent to improvements and more flexible standards elsewhere, would increase the chances that this new exemption will be viewed as feasible for use by interested landowners/managers. CLFA would be honored to offer alternative requirements for logging slash treatment that would be both practical and enforceable.
- We are also concerned that the legislation's stump diameter limit is too restrictive. Fuel treatments work best when they are developed and implemented on a site-specific basis. Diameter cut restrictions are a "one size fits all" restriction that may prevent resource professionals from accomplishing the ultimate goal of a healthy forest. We understand that some members of the public are concerned about potential abuses, but since a state-licensed Registered Professional Forester (RPF) will be involved in the preparation of the exemption, the chances of such a misapplication will be minimal. Additionally, the bill requires that thinning activities be "*limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns,*" requires the RPF to specify both the pre- and post-harvest stand structure, requires that "*The residual stand shall consist primarily of healthy and vigorous dominant and codominant trees*", and also that trees be marked in advance by or under the supervision of an RPF. In light of all these safeguards, CLFA believes the 18 inch diameter limit is clearly counter-productive to achieving AB 2420's stated purpose. Such a standard will preclude otherwise feasible treatments in many stands where the commercial utilization of some of the removed material could help offset the high costs of the overall fuel treatment. In such an instance, the only alternative for an interested landowner would be a full-blown Timber Harvest Plan, which unfortunately is now so costly that the fuel treatment work which could have been accomplished will go undone – precisely the kind of regulatory straightjacket that this legislation seeks to address.

In conclusion, CLFA is appreciative of Assemblyman LaMalfa's efforts. We are optimistic that with some minor language modifications, the Registered Professional Foresters of California will be able to fully utilize the exemption that this bill will create as a hands-on tool to reduce the flammable fuel loads which pose an unacceptable risk to the people and resources of the Golden State. If our organization can be of any assistance to you and the Natural Resources Committee

in your deliberations, please do not hesitate to contact us. Thank you for your careful consideration of our comments.

Sincerely yours,

Chris Quirnbach, RPF #2623
President, California Licensed Foresters Association
Business Phone: (530)-842-2310

Cc: The Honorable Doug LaMalfa.
Members, Senate Natural Resource Committee.
CLFA Board of Directors.
William W. Keye, CLFA Government Affairs.
William Craven

The California Licensed Foresters Association, with approximately 750 members, represents the common interests of Registered Professional Foresters in the State of California. The Association provides opportunities for continuing education and public outreach to its membership, which includes diverse professionals affiliated with public agencies, private timber companies, consultants and the academic community. Governed by an elected Board of Directors, CLFA was established in 1980 after the passage of the landmark California Professional Foresters Law.