

## **Board of Forestry and Fire Protection**

### **NOTICE OF PROPOSED ACTION**

#### **“Forest Resilience and Oak Woodland Exemption” Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4, Subchapter 1 & 7**

[Notice to be Published September 12, 2025]

#### **NATURE OF PROCEEDING**

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

#### **PUBLIC HEARING**

The Board will hold a public hearing on November 4, 2025 at 10:00 a.m. at the joint Forest Practice and Management Committee meetings, in the Natural Resources Building, 715 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may also participate via the online meeting platform or telephone conferencing. To participate via the online meeting platform please email [PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov) by 4:30 p.m. on November 3, 2025 to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front page of the Board website, no later than 8:00 a.m. the morning of the hearing.

#### **WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. All written comments must be received by the Board office via mail, facsimile, e-mail, or hand delivery no later than the end of the day **October 27, 2025**

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Daniel Craig  
Regulations Program Manager  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Attn: Daniel Craig  
715 P Street  
Sacramento, CA 95814

Written comments may also be delivered via e-mail at the following address:

[PublicComments@BOF.ca.gov](mailto:PublicComments@BOF.ca.gov)

**AUTHORITY AND REFERENCE (pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14) 14 CCR § 1122)**

Authority cited: Sections 4551, 4551.5, 4552, 4553, 4584, 4584.1, 4561, 4561.5, 4562, 4562.5, 4562.7, 4591.1, 4592 and 21082, Public Resources Code.

Reference: Sections 4290, 4291, 4511, 4512, 4512.5, 4513, 4516, 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4554, 4555, 4561, 4562, 4562.5, 4562.7, 4582, 4583.2, 4584, 4584.1, 4584.2, 4591.1, 4592, 4597, 4597.1, 4750, 4750.3, 4750.4, 21001(f), 21080(b)(4), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal. Rptr. 82; and Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection, Sonoma County Superior Court No. SCV 229850 and EPIC v. California Department of Forestry and Fire Protection and Board of Forestry (1996) 43 Cal. App.4th 1011.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (pursuant to GOV 11346.5(a)(3)(A)-(D))**

On September 22, 2024 Governor Newsom signed Assembly Bill 2276 (Stats. 2024, chapter 388) which became effective January 1, 2025. Assembly Bill 2276 amended sections of the Public Resources Code, including sections of the Z'Berg-Nejedly Forest Practice Act of 1973 (Act). The sections amended by AB 2276 include sections 4584 and 4584.1, which describe exemptions to the Act which may be adopted by regulation by the Board. The bill addresses matters related to forest health within the Act, including

changes which the Legislature deemed to be emergencies: renaming the Forest Fire Prevention Exemption to the Forest Resilience Exemption, making other adjustments to that exemption, and revising certain aspects of the Oak Woodland Exemption. The amended changes to PRC 4584 and 4584.1 developed new statutory language for these exemptions and gave the Board of Forestry and Fire Protection authority to consider regulatory language addressing the Diameter Breast Height (dbh) to determine Basal Area (BA) and the percent canopy cover/closure needed to meet forest resilience goals.

The Forest Fire Prevention, now Forest Resilience Exemption, has been a successful tool for landowners to reduce their vulnerability to wildfires, and the preservation and management of oak woodlands and forests is vital for ecological and cultural reasons. As such the Legislature saw fit to authorize the Board to adopt these rules via emergency rulemaking to shorten the gap during which the Forest Resilience Exemption would be unavailable to landowners, and changes to the Oak Woodland Exemption would not be reflected in the regulatory text. On January 15, 2025, the Board adopted emergency regulations for these exemptions and renewed it for 90 days on July 14, 2025.

Catastrophic wildfire in California is a significant threat to life, public health, infrastructure, private property, and natural resources. This threat has grown in recent years and is likely to continue due to factors such as widespread and unprecedented tree mortality, extensive loading of fuels within the wildland, continued population growth, changing land use patterns, drought, and shifts in climatic conditions. Limiting the impacts of wildfires via reducing high fuel loads and dead and downed fuels in Timberland has become an important focus of the management of Timberland (Agee and Skinner 2005).

The rule plead as presented changes the name of the Forest Fire Prevention Exemption to the Forest Resilience Exemption and provides regulatory language based on the statutory language in the bill and makes adjustments to the exemption regulatory language for clarity and enforceable standards.

The problems are as follows: First, as the effects of a century of fire suppression and warming climate make large wildfires more common in California, additional measures are necessary to replicate the effects of low-intensity wildfire; the control of small trees and other species that are not fire-resilient, the limitation of fuel loads, and the maintenance of an open forest with limited canopy closure. Streamlined permitting for these management measures was previously authorized by the Legislature under the Forest Fire Prevention Exemption, and regulations related to this permitting pathway. January 1st, 2025, the Forest Fire Prevention exemption was modified per AB 2276 and renamed as the Forest Resilience Exemption. Additionally, AB 2276 streamlined the permitting requirements for the management of oak woodlands and associated grasslands, as authorized by the Legislature under the Oak Woodland Exemption. This Oak Woodland Exemption was limited in its use based on maximum size for encroaching conifers to be removed from the grove, means of measuring tree diameter,

and permissions for use to specific forest districts. These requirements limited the efficacy of the exemption and prohibited its use in the southern part of the state.

The purpose of this rule plead is to finalize permit rule language adopted in AB 2276 and provide clarification to the rule text addressing canopy cover and diameter breast height requirements for the use of the exemption's notices. This language provides clear regulatory standards which provides Professional Foresters the understanding on when the exemptions may be utilized within a forested landscape and provides environmental protection for the natural resources within areas of operations. Additionally, the rule plead provides clear enforceable standards for the enforcing agency assuring the protection of natural resources.

The effect of the rule plead will be access to two tools to promote streamlined management of California's forests: the Oak Woodland Exemption, which allows for the removal of conifers from stands historically dominated by oaks; and the Forest Resilience Exemption, which allows for management to eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns.

The benefit of the rule plead is the preservation of oak woodlands which are being converted to conifer stands by a lack of the historic periodic fire and cultural management of those ecosystems and the promotion of forests that are more resilient to catastrophic wildfire due to management so that the fuels within the forests are not connected in a way that promotes the spread of landscape-level wildfires.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations.

Otherwise, Board staff evaluated the balance of existing State regulations related to measures concerning conversion of timberland within State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

#### **MANDATED BY FEDERAL LAW OR REGULATIONS**

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations related to regulating the management of forest for forest resilience or the restoration of oak woodlands. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5)).**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))**

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations and will not result in any direct or indirect costs or savings to any state agency.

**HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))**

The proposed action will not significantly affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

**FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))**

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

## **STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will affect the health and welfare of California residents by providing additional options for fuel treatment; aiding the management of oak woodlands and forests; and creating forest more resilient to wildfire. Greater forest resilience across the landscape will reduce fire intensity slowing the spread of fire through California forests. By reducing the fire intensity in treated zones, it will provide for firefighter safety and protection to communities, improving worker and public safety. This adoption will provide clarity and enforceability, resulting in improved environmental outcomes, yielding non-monetary benefits in accordance with GOV § 11346.3(b)(1)(D).

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (pursuant to GOV § 11346.5(a)(9))**

Persons wishing to manage the horizontal and vertical continuity of forest fuel loads for the purpose of fire resilience and wish to restore oak woodlands within their forested landscapes will be provided with a cost-effective alternative by allowing the use of a notice of exemption compared to the cost of the preparation of a Timber Harvest Plan.

## **BUSINESS REPORT (pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))**

The proposed action does not impose a business reporting requirement.

## **SMALL BUSINESS (defined in GOV 11342.610)**

The proposed regulation may affect small business, though small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

## CONSIDERATION OF ALTERNATIVES

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Daniel Craig  
Regulations Program Manager  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-8007

The designated backup person in the event Mr. Craig is not available is Jane Van Susteren Regulations Coordinator for the Board of Forestry and Fire Protection. Mrs. Van Susteren may be contacted at the above address or phone.

## AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who submitted comments during the public comment period, or requested notification

of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**FINAL STATEMENT OF REASONS**

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

**INTERNET ACCESS**

All of the material referenced in the Availability Statements is also available on the Board web site at:

<https://bof.fire.ca.gov/regulations/proposed-rule-packages/>