



Report on Exemption and Emergency Timber Harvest Notice Usage

Fiscal Years 2019 to 2023

**Mandated Reporting on CAL FIRE Emergency and Exemption Notice
Usage, Inspections, and Forest Practice Rule Violations FY 2019 – FY 2023**



Contents

Executive Summary	1
Introduction	2
Exemption and Emergency Notice Usage	3
Individual Exemption Notice Type Usage	4
Individual Emergency Notice Type Usage	7
Exemption and Emergency Notice Inspections and Violations	7
CAL FIRE Inter-Agency Monitoring Efforts	8
Discussion	9
Appendix 1	11

Executive Summary

Public Resources Code Section 4589 requires the Department of Forestry and Fire Protection (CAL FIRE) and the Board of Forestry and Fire Protection (BOF) to report on trends in use of Exemption and Emergency Notices, along with compliance metrics for these Notices. This document reports these metrics by fiscal year (FY) and by Notice type over a 5-year timeframe from FY 2019 through 2023. In general, there has been a clear declining trend in the number of approved Notices, and an apparent decrease in the amount of acreage under Notice. One-third of the Exemption Notice types accounted for the majority of submitted Notices, while 9% of submitted Exemptions accounted for 98% of the total acreage operated under Exemption Notices. Emergency Notices peaked in FY 2020 with a decline through FY 2023, and were dominated by post-fire salvage logging activities. While the proportion of Exemption/Emergency Notices receiving a regulatory inspection decreased, total hours dedicated to regulatory inspections increased. The proportion of Exemptions/Emergency Notices receiving violations never exceeded three percent during the five-year timeframe. To date, five reports have been submitted to, and approved by, the BOF on the effectiveness of various Exemption/Emergency Notice provisions. The variables affecting trends in use of Exemptions and Emergency Notice are complex in nature and discussed herein.

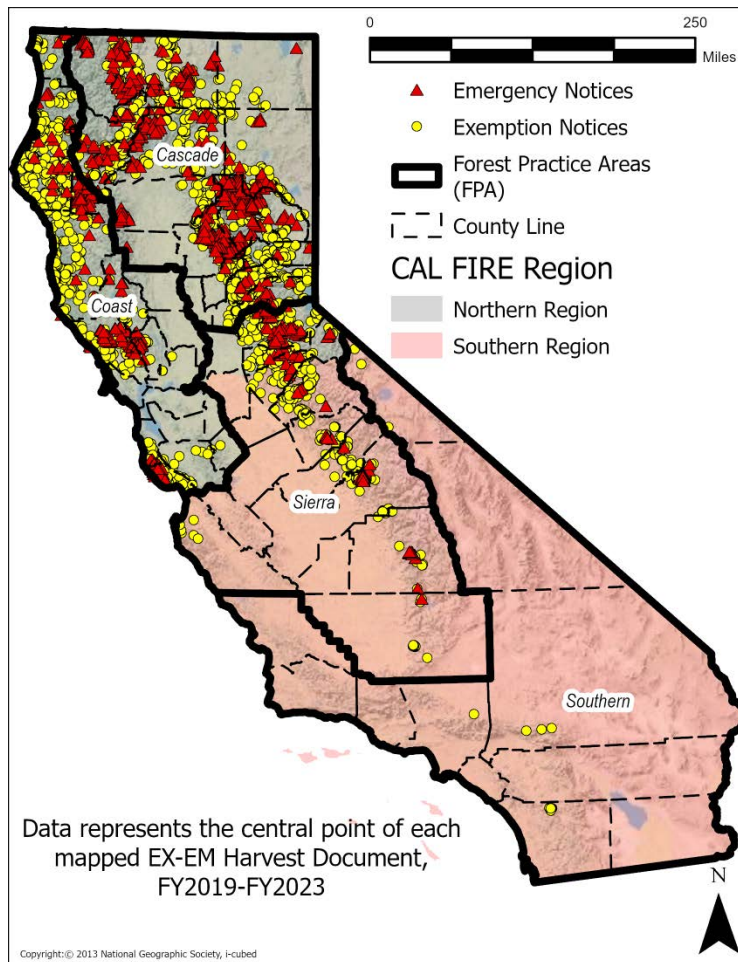


Figure 1: Exemption and Emergency Notices, displayed as points, FY 2019 to FY 2023, in the state of California. Red triangles represent Emergency Notices of all types (post-fire salvage, drought mortality, fuel hazard reduction, etc.), yellow dots represent Exemption Notices of all types (non-discretionary timber harvests for forest thinning, structure defensible space, drought/insect mortality-related timber harvesting, utility rights-of-way, etc.). Also shown are county lines (dashed black lines), Forest Practice Areas (“FPA”s, solid black lines), and CAL FIRE Regions (light gray for Northern, light red for Southern).

Introduction

SB 901¹ (Dodd, Ch. 626, Stats. 2018) and Public Resources Code (PRC) Section 4589 mandates a yearly report from CAL FIRE on Exemption and Emergency Notices used for forestry operations on non-federal land in California. Since 2018, CAL FIRE has conducted field work, analysis, writing, and production of:

- one inter-agency pilot project report;
- five monitoring reports on individual Exemption or Emergency Notice document types approved by the Board of Forestry and Fire Protection (BOF); and

¹ “Existing law requires the department and the state forestry board....to review and submit a report to the Legislature on the trends in the use of, compliance with, and effectiveness of, timber harvest exemptions and emergency notice provisions, as provided. Existing law requires the report to include an analysis of any barriers for small forest owners presented by the exemptions.... to annually submit a report to the Legislature that also includes information on the number and type of violations and enforcement actions taken on each notice of exemption and emergency notice, among other things.”

- one five-year annual Exemption and Emergency Notice trends and usage report.

CAL FIRE is currently producing a sixth monitoring report as a California Forestry Report (**Appendix 1, Table 8**). Depending upon interest and available staffing, the Department of Fish and Wildlife (CDFW), Regional Water Quality Control Boards (RWQCB), State Water Resources Control Board (SWQCB), and California Geological Survey (CGS) have also participated in this process.

Exemption and Emergency Notice Usage

Total non-discretionary timber harvest documents (Exemption and Emergency Notices combined) for the past five fiscal years (FY) were primarily focused in the northern portion of California, within the Coast (27%) and Cascade (59%) Forest Practice Areas (FPAs). A lesser number were within the Sierra FPA (13%), split between CAL FIRE Northern and Southern Regions (**Figure 1**), while a small minority of Exemptions and Emergencies were submitted and accepted in the Southern FPA (0.2%) (**Figure 1**).

Of all non-discretionary documents over the last five fiscal years, Exemptions account for 84% of all accepted Notices, while Emergencies accounted for 16% of Notices (**Table 1, Figure 2**). Exemption proportions of non-discretionary documents decreased between FY 2020 through FY 2022, as the proportion of Emergency Notices increased following significant wildfire events in the State of California in those years, followed by a slight decrease in FY 2023 (**Table 1, Figure 2**).

While over the last five fiscal years the Cascade FPA accounted for the majority of accepted Exemptions (59%), the percentage of Exemptions in the Cascade FPA has decreased from 72% of all Exemptions in FY 2019, to only 51% in FY 2023 (**Table 1**); Exemptions in the Coast FPA have increased from only 15% in FY 2019, to 41% and 40% in FY 2022 and FY 2023, respectively (**Table 1**).

Table 1: Proportion of non-discretionary documents accepted as Exemptions or Emergencies for the last five fiscal years total, by fiscal year, and by Forest Practice Area for both all five and individual fiscal years for Exemptions and Emergency Notices, respectively. Columns may not add up to 100% due to rounding.

	All FY	FY19	FY20	FY21	FY22	FY23
Exemption	84%	94%	78%	76%	80%	89%
Emergency	16%	6%	22%	24%	20%	11%
Exemption						
Coast FPA	28%	15%	25%	36%	41%	40%
Cascade FPA	59%	72%	58%	50%	48%	51%
Southern FPA	0.3%	0.2%	0.2%	0.4%	0.4%	0.2%
Sierra FPA	13%	12%	17%	14%	10%	10%
Emergency						
Coast FPA	24%	8%	38%	20%	14%	28%
Cascade FPA	61%	84%	52%	62%	61%	65%
Southern FPA	0%	0%	0%	0%	0%	0%
Sierra FPA	15%	9%	10%	18%	25%	7%

For Emergency Notices, from FY 2019 through FY 2023, they were proportionally the most prevalent in the Cascade FPA, at 61% of all Emergencies. However, while in FY 2019 the Cascade FPA accounted for 84% of Emergencies, by FY 2023 the Cascade FPA was down to only 65% of Emergency Notices (**Table 1**). This is driven by a proportional increase of Emergency Notices in the Coast FPA, while in FY 2021 and FY 2022 the Sierra FPA had an increase in the proportion of Emergency Notices in the State in those fiscal years (18% and 25%, respectively) (**Table 1**).

The majority of reported acres under non-discretionary harvest documents rapidly declined for FY 2022 and FY 2023 after a high in FY 2021 of over three million reported acres (due to Exemptions, see **Figure 3**), while there were continued decreases in the number of accepted non-discretionary documents (**Figure 2**). While Emergency Notice numbers and reported acres are highly variable (in response to environmental events, see **Figure 4**), the number of Exemption documents has shown a downward trend in number in the last five fiscal years (**Figure 2**).

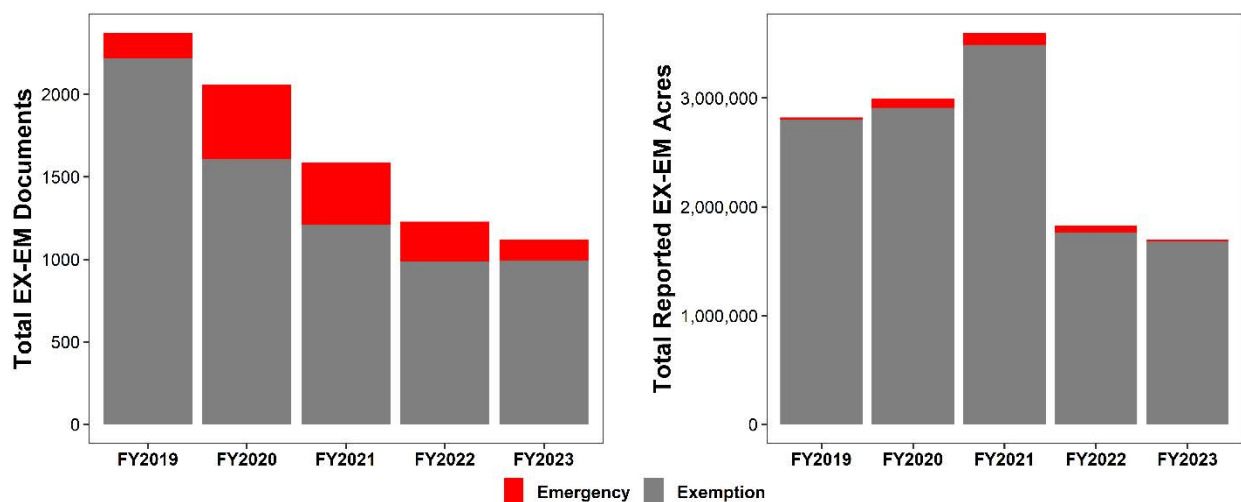


Figure 2: Total accepted Exemption and Emergency Notice documents and total reported acres on accepted Notices by fiscal year. Bar color indicates the type of non-discretionary document.

Individual Exemption Notice Type Usage

Table 2: The proportion of 5-year total Exemption Notices from FY 2019 through FY 2023 by document count and reported acres. Rows may not add up to 100% due to rounding.

	FY19	FY20	FY21	FY22	FY23
Count	32%	23%	17%	14%	14%
Reported Acres	22%	23%	28%	14%	13%

Exemption document submissions over the last five fiscal years have decreased in number when compared to FY 2019 and FY 2020 (**Table 2**). This result has held true for reported acres as well (**Table 2**). Exemptions in the last five fiscal years were proportionally dominated by 1038(c) Structure Protection Exemptions in number, which in each fiscal year was the most popular or second most popular (by proportion) Exemption (**Table 3**). The Oak Woodland Management Exemption has proportionally increased in the number of Exemptions (<1% in FY 2019 to 3% of all Notices in FY 2023),

as have the Forest Fire Prevention (2% of all Exemptions in FY 2019 to 8% in FY 2023) and Drought Mortality/Unmerchantable Sawlog Exemptions (2% of all Exemptions in FY 2019 to 10% in FY 2023) (**Table 3**). Less Than 3 Acre Conversion Exemptions continue to be between 10 and 20% of annual Exemptions accepted by CAL FIRE (**Table 3**). Interestingly, Public/Private Right-of-Way Exemptions have shown a proportional decrease in number (14% in FY 2019 to only 6% of all Exemptions I FY 2023, **Table 3**).

Table 3: Proportion of individual Exemption Notice types for all fiscal years and by fiscal year. Columns may not add up to 100% due to rounding.

	All FY	FY 19	FY 20	FY 21	FY 22	FY 23
Structure Protection (0 to 150 feet) v2019	25%	27%	24%	21%	25%	29%
10 Percent Dead, Dying Diseased, Fuelwood, or Woody Debris v2019	24%	21%	24%	25%	26%	26%
Less than 3 Acre Conversion	13%	9%	16%	19%	14%	11%
Public/Private Utility Right-of-Way	11%	14%	13%	10%	8%	6%
Drought Mortality and Unmerchantable Sawlog v2019	6%	2%	5%	8%	9%	10%
Post Fire Recovery v2020	6%	7%	8%	4%	4%	1%
Forest Fire Prevention v2019	4%	2%	4%	5%	6%	8%
Butte Post Fire Recovery	4%	12%	0%	0%	0%	0%
Structure Protection (150 to 300 feet) v2019	3%	2%	3%	5%	4%	3%
Christmas Trees	2%	1%	2%	2%	2%	2%
Oak Woodland Management v2019	1%	0.4%	1%	1%	2%	3%
Small Timberland Owner	0.2%	0.4%	0.2%	0.2%	0.1%	0.1%

Across all Exemptions from FY 2019 through FY 2023, 30% of Exemption Notices were 1 acre or less in reported size, and 51% were 1.1. to 100 acres in reported size, indicating that 81% of all Exemption in the last five fiscal years were less than 100 acres in reported size, but accounted for less than 1% of reported Exemption acres (**Table 4**). Only 9% of all Exemption Notices were over 1,000 acres in reported size, but these Notices accounted for 98% of all reported acres (**Table 4**).

Table 4: Proportion of Exemptions by size class and proportion reported acres by size class for all accepted Exemptions between FY 2019 and FY 2023.

Reported Size Class	% of Exemptions	% of Reported Exemption Acres
1 Acre or Less	30%	0.01%
1.1 to 100 Acres	51%	0.4%
100 to 1,000 Acres	10%	2%
1,000 to 10,000 Acres	6%	12%
Over 10,000 Acres	3%	86%

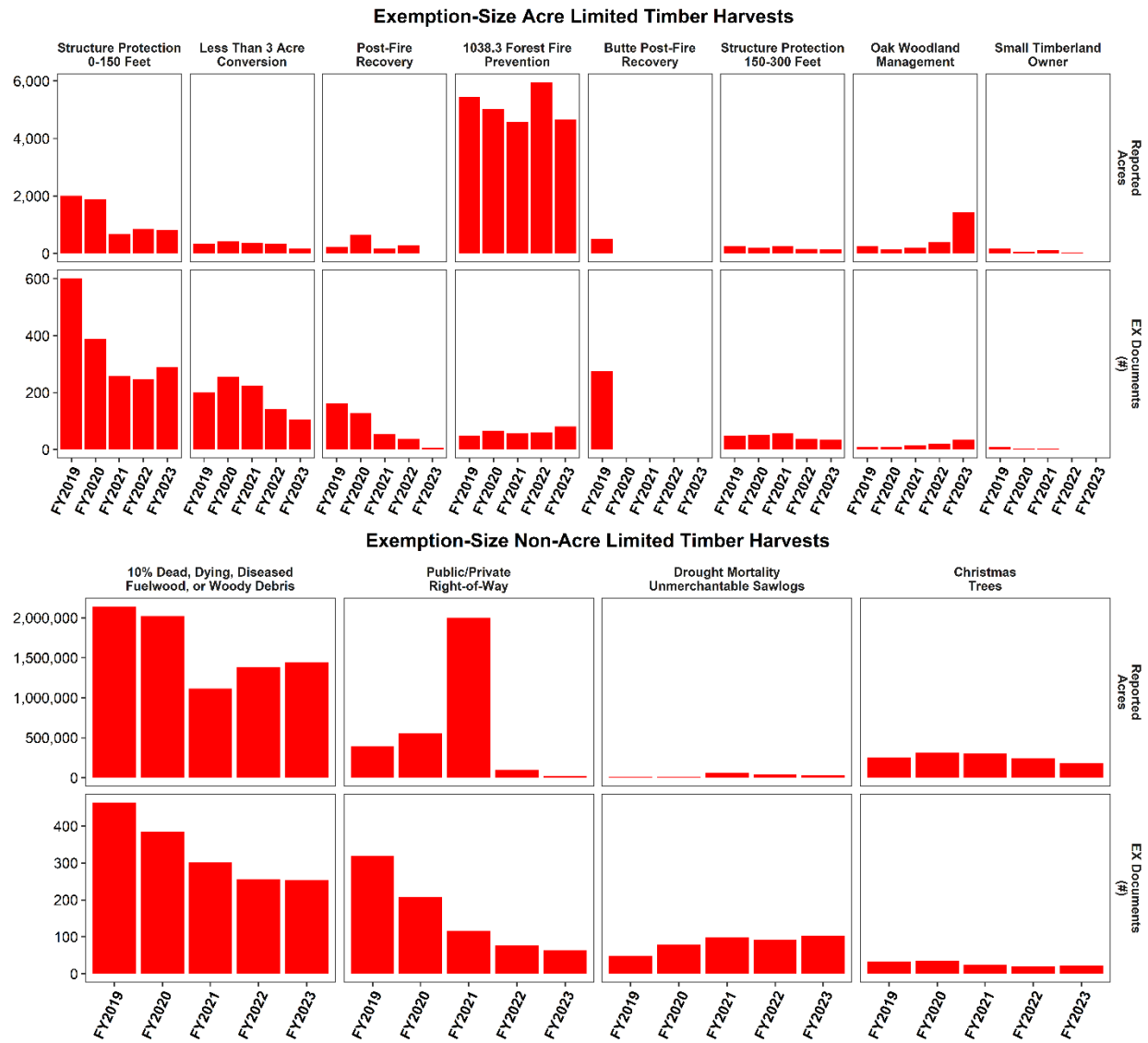


Figure 3: Exemption numbers and reported acres by fiscal year and Exemption Notice type for Exemptions with Forest Practice Rule limited acreage area (top two panels), and by Exemptions with no acreage limit (bottom two panels). Please note the differences in y-axis limits in each panel.

The fact that relatively few non-discretionary Notices account for the majority of acres is driven by Exemption harvest documents with no acreage limit, particularly the 10% Dead, Dying, Diseased, Fuelwood, or Woody Debris Exemption (**Figure 3**). Further, reported acreage drastically dropped off as the number and reported acres under Public/Private Right-of-Way Exemptions significantly decreased in FY 2022 and FY 2023 (**Figure 3**). Where the Forest Practice Rules do not limit project/harvest size, the 10% Dead, Dying, Diseased Exemption was the dominant Exemption in terms of number and reported acreage, but has shown a decrease in reported size with a slight increase in the number of accepted Exemptions in the last five fiscal years (**Figure 3**). The Drought Mortality/Unmerchantable Sawlog Exemption has shown increasing numbers and reported acreage (annual reported acreage between ~8,000 and ~62,000 acres, **Figure 3**). The Christmas Tree Exemption has shown slightly declining numbers and reported

acreage (**Figure 3**), and represents a very small proportion of Exemptions each year ($\leq 2\%$ a year, **Table 3**).

Where Forest Practice Rules limit Exemption acreage/treatable areas, acreage is clearly dominated each fiscal year (and overall) by the Forest Fire Prevention Exemption (**Figure 3**), while the accepted number of Exemptions with acreage-limits is dominated by the §1038(c) 0-150 foot structure protection Exemption, Less Than 3 Acre Conversion Exemption, and Post-Fire Recovery Exemption (**Figure 3**). The Oak Woodland Management Exemption has seen an increase in numbers and acreage, from 8 to 33 Notices, and ~250 to ~1,400 reported acres between FY 2019 to FY 2023; it is driven by usage within the Coast and Cascade FPAs, namely within Humboldt and Trinity Counties.

Individual Emergency Notice Type Usage

Post-fire Emergency Notices represent the majority of §1052 Notice of Emergency Timber Operations documents, both in number and reported acres (**Figure 4**). In the last five fiscal years, non-fire related Emergency Notices represent the minority of Emergency Notices, and in both number and reported acreage the Fuel Hazard Reduction Emergency Notice is the least used (**Figure 4**). In total, over 260,000 acres have been reported under §1052 Emergency Notices for post-fire salvage in the last five fiscal years, however, this number may not reflect actual harvested/treated area.

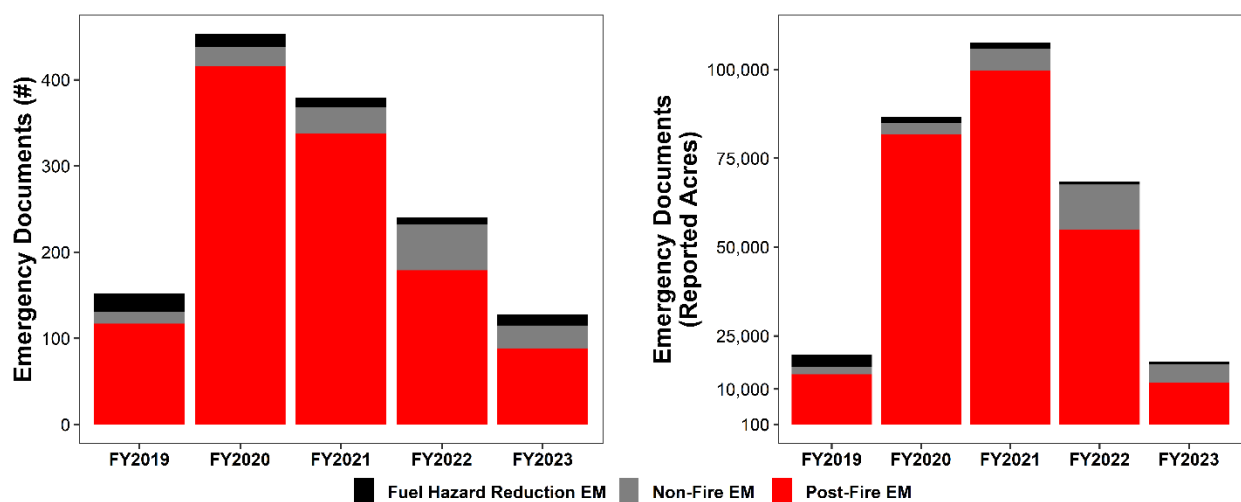


Figure 4: Emergency Notice type usage by the number of accepted documents (left) and reported acres (right) for each fiscal year, where bar colors indicate the type of Emergency Notice.

Exemption and Emergency Notice Inspections and Violations

The proportion of Exemption Notices with an inspection has decreased over the past five fiscal years, as has the proportion of Emergency Notices receiving an inspection. However, the field and office hours dedicated to inspecting Exemption and Emergency Notice documents has been highly variable (**Table 5**). The overall hours dedicated to inspecting Emergency Notices, regardless of the year of acceptance, has increased (**Table 6**). While the overall number of Exemptions has decreased, and the inspection hours and proportion of Exemptions inspected has decreased, for Emergency Notices the inspection hours have been variable according to Emergency Notice numbers (**Table 5**).

Regardless, overall inspection hours across Exemption and Emergency Notice documents have held steady over the last five fiscal years (**Table 6**).

Notices of Violation on Exemption and Emergency documents have shown to be low proportionally (**Table 6, Table 7**). No more than 3% of Exemption or Emergency documents have had a Notice of Violation of the Forest Practice Rules (**Table 6, Table 7**).

Table 5: The proportion of Exemption and Emergency Notices inspected, by the year of acceptance of the document, and associated inspection hours (office and field time) by the year of document acceptance.

Proportion Inspected For Notices Accepted FY19-23	FY 2019	FY 2020	FY 2021	FY2022	FY 2023
Exemption Notices	40%	37%	43%	40%	23%
Emergency Notices	97%	86%	72%	63%	33%

Inspection Hours for Notices Accepted FY19-23	FY 2019	FY 2020	FY 2021	FY2022	FY 2023
Exemption Notices	4,175	3,453	2,732	2,247	1,231
Emergency Notices	986	3,845	2,329	1,016	224
All EX-EM Documents	5,161	7,298	5,061	3,263	1,555

Table 6: Inspection hours by fiscal year, by document type, regardless of the fiscal year a document was accepted by CAL FIRE.

Inspection Hours FY19-23 (Regardless of Document FY)	FY 2019	FY 2020	FY 2021	FY2022	FY 2023
Exemption Notices	4,077	3,439	3,714	3,087	2,743
Emergency Notices	1,540	1,381	2,517	2,402	2,584
All EX-EM Documents	5,617	4,820	6,231	5,489	5,327

Table 7: Percentage of non-discretionary documents with a Forest Practice Rule violation, by the year of acceptance of the document with a violation.

Notices of Violation (% of Notices)	FY 2019	FY 2020	FY 2021	FY2022	FY 2023
Exemption Notices	2%	3%	1%	3%	1%
Emergency Notices	2%	3%	2%	3%	0%

The majority of Exemption Notices with a Notice of Violation (at least one) were 1038(c) Structure Protection 0-150 Foot Notices, 10% Dead, Dying, Diseased, Fuelwood, or Woody Debris Notices, Less Than 3 Acre Conversion Notices, and §1038.3 Forest Fire Prevention Notices. A small minority of Violations went to Right-of-Way Exemptions as well. The significant majority of Violations on Emergency Notices were found on post-fire salvage §1052 Emergency Notices.

CAL FIRE Inter-Agency Monitoring Efforts

CAL FIRE has undertaken inter-agency monitoring of Exemption and Emergency Notice documents since 2019, beginning with the “Exemption and Emergency Notice Monitoring

Pilot Project Report” (**Appendix 1, Table 8**). Since then, CAL FIRE, and to varying degrees other Review Team Agencies (CDFW, RWQCB, SWQCB, CGS), have continued to undertake systematic and objective scientific monitoring of Exemption and Emergency Notice documents, including for Emergency Notices (twice), §1038(c) 0-150 Foot Structure Protection, §1038(c)(6) 150-300 Foot Structure Protection, §1038.3 Forest Fire Prevention, and §1038(d) Drought Mortality/Unmerchantable Sawlogs on Substantially Damaged Timberlands Notice types.

With the exception of the initial pilot project, the post-fire specific 2022/2023 §1052 Emergency Notice report, and the pending §1038(d) Drought Mortality/Unmerchantable Sawlogs on Substantially Damaged Timberlands report, all monitoring reports have been publicly vetted, and subsequently approved, by the BOF.

Both the pending focused monitoring report on the §1038(d) Exemption Notice, as well as the post-fire salvage §1052 Emergency Notice monitoring report, will be published as CAL FIRE California Forestry Reports.

Discussion

Exemption Notice numbers and acreage are generally on the decline across the State. Exemption Notices with acreage limitations (i.e., in statute or via operational limits of where harvesting can occur, such as near a residential structure) have shown a decrease in number and acreage with the exception of the Forest Fire Prevention and Oak Woodland Management Exemptions. The most popular Exemptions, the §1038(c) 0-150 Foot Structure Protection and Less Than 3 Acre Conversion Exemptions, continue to dominate the number of Exemptions but are a small number of reported acres. The §1038(c)(6) 150-300 Foot Structure Protection Exemption has shown continued, albeit minimal, use in the State, while the Small Timberland Owner Exemption Notice, which was recently repealed by the Legislature, has covered a very small minority of Exemption counts and acres. The Right-of-Way Exemption has seen a substantive drop in numbers and reported acres.

Emergency Notices are overwhelmingly related to fire activity; very few undertake the §1052 Emergency Notice Fuel Hazard Reduction approach to forest thinning, likely due to the complex nature of the regulations under the Emergency. Non-fire Emergency Notices are dependent on environmental and regional events (i.e., drought, insect outbreak, windthrow, etc.), while fire-related Emergency Notices are dependent upon fire seasons, ownerships, market conditions, and other variables. Further detailed scientific analysis of post-fire §1052 Emergency Notices is undergoing CAL FIRE review and external independent review, for publishing as California Forestry Report No. 8, following public presentation of results and findings to the BOF (**Appendix 1, Table 8**). The Forest Fire Prevention Exemption has proven to be more popular in use than the Fuel Hazard Reduction Emergency Notice.

CAL FIRE continues to undertake rigorous, objective monitoring of all types of timber harvesting on non-federal lands in California, for Exemption, Emergency, and discretionary (i.e., Timber Harvest Plans) timber harvests, including making the results publicly available. Results from the 2019 *Report on Emergency Notice of Timber*

Operations Monitoring Results and Exemption Notice Use were prominently featured in California Forestry Report No. 7 *Mitigating Potential Sediment Delivery from Post-Fire Salvage Logging*, the first guidance document published on best practices for post-fire salvage logging². (**Appendix 1, Table 8**).

Current barriers to Exemption and Emergency Notice usage are complicated to assess and relate, particularly for individual types of harvest documents. Licensed Timber Operator and Registered Professional Forester availability, market conditions (both tree species demand and burned or unburned condition of trees), timber harvest and subsequent hauling distance to a log mill, external variables (out-of-State lumber supply, building demand, economy), and site and timberland-owner specific conditions (e.g., dense, high fire hazard forest settings) may all factor into the use of Exemption and Emergency Notice documents.

It should be noted that AB 2276 (Ch. 388, Stats. 2024) was recently signed into law resulting in multiple changes to the Exemption statutes. AB 2276 repealed the underutilized Small Timberland Owner Exemption; renamed the Forest Fire Prevention Exemption to the “Forest Resilience Exemption,” amended several provisions including the diameter limits for harvested trees, and extended the sunset date to January 1, 2031; amended the California Black and Oregon White Oak Restoration Exemption to mirror some of the provisions of the Forest Resilience Exemption; and extended the sunset date of the § 1038(c)(6) 150’-300’ Defensible Space Around a Habitable Structure Exemption to January 1, 2031. The revised statute includes a requirement that the BOF adopt the changes in regulation through emergency rulemaking action. It is anticipated the BOF will move forward with emergency rulemaking before the end of the current calendar year. Whether the changes to statute and regulations will result in any noticeable differences in trends in use from prior fiscal years remains to be seen.

² <https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/what-we-do/natural-resource-management/forest-practice/forest-practice-files/california-forestry-report-7-post-fire-salvage-logging.pdf?rev=8beeb9d0ad09489db9e61320b08e15c2&hash=27F3FD3E74FD6B9FEEDABD3AB2B3D9CF>

Appendix 1

Table 8: CAL FIRE Exemption and Emergency Notice monitoring reports since initiation of monitoring in 2018, including non-field-based trends and use reports and future CAL FIRE Forestry Report monitoring documents.

Report	Monitoring and Analysis	Document(s) Monitored	CAL FIRE Status	Board of Forestry Status
"Exemption and Emergency Notice Monitoring Pilot Project Report"	2018	§1038(k) [deprecated], §1038(j) [deprecated], §1052 Emergency Notice	Internal Review and Approval, 2018	Not Applicable
"Report on Emergency Notice of Timber Operations Monitoring Results and Exemption Notice Use"	2019	§1052 Emergency Notice	Internal Review and Approval, 2019	Approval, December 2019
"Report on Exempt Timber Harvesting for the Reduction of Fire Hazard Within 150 Feet of Structures"	2020	§1038(c) [0-150 Foot Structure Defensible Space]	Internal Review and Approval, 2021	Approval, July 2021
"Beyond Zone 1: Monitoring of Fire Hazard Reduction Within 300 Feet of Residences Through Timber Harvest with the §1038(c)(6) Exemption"	2020 to 2021	§1038(c)(6) [150-300 Foot Residential Defensible Space]	Internal Review and Approval, 2021	Approval, April 2022
"Forest Fire Prevention, or Forest Resiliency? Monitoring Report on the §1038 Forest Fire Prevention Exemption"	2021 to 2022	§1038.3 Forest Fire Prevention	Internal Review and Approval, 2022	Approval, January 2023
"Monitoring Results of Non-Federal Post-Fire Salvage Logging in California Forests"	2022 to 2023	§1052 Emergency Notice	Internal Review and Approval, 2023 ¹	Presentation given in January 2024, formal report not released to BOF
Annual EX-EM Report	2024 (<i>Not Field Based</i>)	5-Year Summary of EX-EM Documents	Internal Review and Approval, 2023	Not Applicable
§1038(d) Drought Mortality and Unmerchantable Sawlog	2023 to 2024	§1038(d)	Current Analysis and Writing	2

1: Pending CAL FIRE California Forestry Report now in external peer-review.

2: CAL FIRE is currently analyzing and writing results and implications in a CAL FIRE California Forestry Report.