



Hot Topics



Question/Topic: How can an exemption notice preparer or submitter consult with the Director of the California Department of Forestry and Fire Protection (CAL FIRE) on an Oak Woodland Conservation and Restoration or Forest Resilience Exemption?

Effective January 15, 2025, the Board of Forestry and Fire Protection's revised regulations for the existing "Oak Woodland Conservation and Restoration Exemption" [14 CCR Section 1038(e)], and the re-envisioned "Forest Resilience Exemption," now provide for the removal of trees greater than 30 inches Diameter at Breast Height (DBH) [14 CCR Sections 1038(e)(3)(B), 1038.3(j)(2)] under certain conditions and requirements. [Click here to access forms under the Exemptions folder.](#)

Both of these Exemption Notice types are required to be prepared and submitted by a Registered Professional Forester (RPF) [14 CCR Section 1038.1(c)(1), 1038.3(v)], and in order to remove trees greater than 30 inches DBH, the RPF must also consult with the Director of CAL FIRE prior to felling any such tree.

The consultation requirement between an RPF preparing an Exemption Notice and CAL FIRE should be approached within the generally understood meaning of the term "consultation." The act of consultation is a discussion between separate parties to receive advice or gain a shared understanding. As such, local CAL FIRE units and inspectors can be available to discuss projects and provide advice relative to the stated objectives of the Exemption(s). Alternatively, consultation can be requested through the Region CAL FIRE offices which will then be directed to the appropriate CAL FIRE Unit personnel.

When preparing for consultation, the RPF may want to consider using a different color marking paint or flagging to distinguish between trees marked for consultation and those under 30 inches DBH. Doing so may allow for both easier review of consultation trees as well as easier revisions, if any are necessary following conclusion of the consultation.

Consultation will have occurred when the RPF and CAL FIRE have met and reviewed the trees in question. Following the consultation, it is suggested the RPF document a summary of the consultation process, including any recommendations provided by CAL FIRE, and submit this summary with the Notice of Exemption.

It is important to understand that CAL FIRE is not in a position to accept either of the two Notice of Exemption types in the event consultation is required, but does not occur. Submission of an Exemption Notice with a written description of the trees over 30 inches DBH to be removed without accompanying documentation of consultation does not appear to satisfy the Forest Practice Rule requirements. In such a circumstance, CAL FIRE would be left without the information necessary to determine if the Exemption Notice was in conformance with the consultation requirement.