



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

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October 3, 2003

Board of Forestry and Fire Protection  
Attn: George Gentry  
Acting Executive Officer  
P.O. Box 944246  
Sacramento, CA 94244-2460

RE: Variable Retention - 2003

Dear Board Members:

The California Licensed Foresters Association (CLFA) submits the following comments to the record for the consideration and review of the Board of Forestry (BOF) on the proposed rule making package titled "Variable Retention - 2003" (proposed package). CLFA has reviewed the changes made to the proposed package within the 15-day notice circulated September 24, 2003. CLFA recognizes that the proposed package, as amended, addresses several of our comments in our previous letter to the BOF dated August 29, 2003 regarding the proposed package. However, CLFA does not support the proposed package in its current form. The rest of the comments in this letter state the reasons for this position.

### **Comment 1**

Comment 12 from our previous letter was not incorporated into the proposed package. This comment dealt with the minimum retention standards for variable retention. Our recommended text change within the comment would have allowed some reduction in the minimum standards under two conditions. First, the proposed variable retention harvest unit would have to conform the size standards of 14 CCR 913.1 [933.1, 953.1](a)(2). Second, the RPF would have to explain and justify how the proposed retention levels will meet the objectives of variable retention outlined at the beginning of the proposed package. CLFA maintains that the diverse objectives of the proposed variable retention silvicultural method can be met with lower retention standards than those outlined in Table 1 of the proposed package, especially for smaller units. Providing some flexibility to the RPF under certain conditions will allow the RPF to develop prescriptions on a site-specific basis which meet the intent of variable retention as outlined at the beginning of the proposed package. In addition, such flexibility could encourage the programmatic use of variable retention across all unit sizes within California. CLFA stands by its recommended text change within Comment 12 of our previous letter.

### **Comment 2**

Lines 6-7 on page 8 of the proposed package are problematic in that they reference certain classes of trees within the Dunning's classification system. These classes are described

in 14 CCR 895.1 within the definition of the term “Dunning’s Classification”. The definition acknowledges that this tree classification system was initially devised for pine trees exclusively. Currently, the Dunning’s Classification system is only used in 14 CCR 953.12. This rule section details the silvicultural methods to be utilized in the “high use subdistrict.” Lines 6-7 on page 8 of the proposed package would significantly expand the use of the Dunning’s Classification system within the Forest Practice Rules (FPR) to the entire state of California. Given language in both the Dunning’s Classification and the 45-Day noticed version of the proposed package, it appears that the intent of the BOF is to have some sort of age component within lines 6-12 on page 8 of the proposed package. CLFA believes that the use of the term predominant trees is a more enforceable and implementable surrogate to age throughout the state of California than the two options mentioned above. The term “predominant trees” is defined in 14 CCR 895.1 and applies throughout the state regardless of the subject tree species. In addition, the term is used in descriptions of silvicultural prescriptions in the Northern, Southern and Coast Districts. **Recommended text change (double strikethrough indicates deletion):** “(D) Retention trees classified as Dunning’s Class 3, 4, 5, or 7 which exceed the size standards of 14 CCR § 912.7 [932.7, 952.7](b)(3)(Option B add: ~~or where predominant in pre-harvest stand~~) and appear to the RPF or supervised designee to have physical characteristics which indicate an age of origin before 1850, may be counted ...”.

### **Comment 3**

Line 5 and lines 11-12 on page 8 of the proposed package contain the phrases “in excess of the minimum variable retention standard.” These phrases should be eliminated from the proposed package since the incentive to retain the described structures should be provided under all circumstances.

We hope these detailed comments from field practitioners will help the Board to make final changes and to create a higher-quality rule package. If the changes we recommend cannot be made under another notification (15-day or 45-day), we encourage the BOF to return the proposed package to the Forest Practice Committee for further discussion.

Very truly yours,

Gary F. Howard, RPF #1017  
President, CLFA