



April 9, 2018

The Honorable Hannah-Beth Jackson
State Capitol, Room 2032
Sacramento, CA 95814

RE: SB-1260, Fire prevention and protection: prescribed burns (Introduced February 15, 2018) – **Support If Amended**

Dear Senator Jackson:

The California Licensed Foresters Association (CLFA) supports the intent of SB-1260 (Jackson) to comprehensively address the challenges of managing fuels and fire in the wake of devastating wildfires over the past several years. CLFA would like to take this opportunity to show its support for this proposed legislation and offer comments to assist you in moving forward the most effective bill possible.

Preburn thinning - CLFA is pleased the bill acknowledges that often "preburn thinning is required to avoid fire escape" and that in some cases, costs may be offset through the sale of wood products. It should be noted that other tools available to reduce fire hazard include: lopping, mastication, and chipping. Foresters place a high importance on fuel arrangement, also described as horizontal and vertical continuity of fuels. Forest thinning reduces this continuity by separating tree crowns (horizontal continuity) and reducing the middle story which connects the understory to the overstory (vertical continuity). These are tools that can be used in conjunction with burning as preburn activities, or individually if necessary. We support an increase in the utilization of the California Conservation Corps and convict crews to perform some of this work for noncommercial projects.

We don't necessarily agree with the statement in Section 1 (g) of the intent language that, "Prescribed burning is often the most cost-effective, efficient fuel treatment option for forest lands. This is especially true in areas dominated by steep terrain or lack of vehicular access." We feel that this claim is too general and no evidence is presented. Burning often requires suppression crews, planning and permitting personnel, and insurance at great cost. Steep roadless terrain can be harvested with skyline cables or helicopters.

CLFA suggests the following amended language Section 1 (g) - "*Prescribed burning can be a cost-effective, efficient fuel treatment option for forest lands. In some circumstances, costs may be a challenge when preburn thinning, lopping, mastication, chipping, or other treatments are required to avoid fire escape during burns. In California, some of these costs may be offset through the sale of wood products (for example, the Forest Fire Prevention Pilot Project Exemption) which allows landowners to harvest timber to offset the cost of thinning or burning.*"

Training- training and certifying individuals to safely and responsibly apply fire to the landscape, as proposed in SB 1260 is essential to meeting the goal of increased use of prescribed fire. Several legislators have proposed training programs. Some refer to the position overseeing a prescribed burn as "fire boss" which is a term used by the U.S. Forest Service. Others refer to the position as "burn manager" which is a term used by Cal Fire. We hope that whatever language is used, the effect is to certify individuals to conduct these operations on state, private, and federal land.

Federal land - As we know, landscapes cannot be effectively made fire resilient when management is restricted by property lines. For this reason, CLFA supports the bill's proposal to collaborate with the federal government on applying prescribed fire.



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Liability - As written, the bill provides that compliance with laws and agreements with Cal Fire regarding prescribed burning "shall constitute prima facie evidence of due diligence" by the burner. This provision is necessary as the Public Resources Code (PRC) 4435 currently states that if a fire escapes, "the occurrence of the fire is prima facie evidence of negligence". Prescribed burns can and do occasionally escape. The current legal climate prevents landowners from engaging in prescribed burning without taking serious legal and financial risk.

Insurance – insurance is increasingly expensive and difficult to obtain for burners and for landowners who wish to conduct burning or protect themselves financially from damage caused by any fire. Landowners are not likely to engage in prescribed burning or be supportive of others doing so unless insurance reform is enacted.

Air quality – air quality standards are such that there are very few burn days allowed by the local Air Pollution Control Districts. Not only is this one of the largest barriers to burning, it costs a lot of money to prepare for burn projects that never occur. A greater level of engagement with the Air Resources Board will be needed to achieve the desired increase in prescribed burning.

Biomass – we believe biomass could play an important role in fuel reduction with cost savings and improved air quality. Properly functioning biomass plants have considerably less emissions than open burning even when transportation emissions are included.

CLFA will support SB-1260 if amended with particular consideration to Section 1, item (g). We thank you for a very well thought out bill and for considering licensed forester's expertise and interest in the immediate need to prevent future wildfire disasters.

Sincerely,

Kieran O'Leary
President
California Licensed Foresters Association

A handwritten signature in blue ink that reads "K O'Leary".

cc: Senate Natural Resources Committee
Senate Environmental Quality Committee
Senate Government and Finance Committee

CLFA was formed by Registered Professional Foresters (RPFs) in 1980. The Association represents Industrial, Consulting, Academic or Public foresters working together for the common cause of enhancing the role of the Professional Forester in California

