

Forest Management

Legislation Helps, But Regulatory Easing Needed to Speed Good Forest Health

Periodic wildfires are a part of the natural cycle of forests. The wildfires serve to clear out dead or dying trees, diseased trees or plants, and forest debris, allowing younger, healthier trees and shrubs to grow. Good forestry management practices mimic nature, mechanically clearing out underbrush and other forest debris, setting prescribed burns, and cutting and removing dead, infested or dying trees. Environmental regulations protecting species and their habitats severely restrict the ability of forest landowners and forestry companies to manage their lands in a way that reduce fuel loads leading to wildfires.

BACKGROUND

Millions of acres of forested lands are vulnerable to wildfires due to increased fuel loading and prolonged drought and climate change. The fire season has lengthened almost into a year-round phenomenon.

Over time, an increasing number of homes and commercial enterprises have been built on the urban fringe interfacing with forestlands and scrublands. Small rural communities exist within forested areas of the state supported by tourism, recreation or the timber industry. Rapid growth in vineyards and wineries in Napa, Sonoma and Mendocino counties spurred corresponding growth in commercial and residential developments, again on the urban fringe bordering forested lands, which already had many vacation and retirement homes. Structures on the fringe are vulnerable to wildfires and the cost of fighting them increases exponentially. Newer structures built under current building codes require use of noncombustible materials that are fire resistant. However, there are many older structures still in use.



Structures unencumbered with loans do not have to carry fire insurance. Also, not everyone observes keeping defensible space around their structures clear of debris to aid in firefighting.

California's 2017 catastrophic wildfire season caused numerous legislative proposals to be introduced. Unfortunately, major forestry management improvements in SB 901 (Dodd; D-Napa), signed September 21, 2018 (Chapter 926) by Governor Edmund G. Brown Jr., wasn't in time to reduce fuel loads that added to the devastation caused by 2018 wildfires.

KEY POINTS OF SB 901 WILDFIRES BILL

- \$200 million annually for the next five years:
 - \$165 million from Greenhouse Gas Reduction Fund (Cap and Trade) to California Department of Forestry and Fire Protection (Cal Fire) for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions from wildfire; and
 - \$35 million from Cap and Trade to Cal Fire to complete prescribed fire and other fuel reduction projects consistent with the recommendations in California's Forest Carbon Plan and the operation of year-round prescribed fire crews, research and monitoring for climate change adaptation.
- Five-year extension for several of the state's biomass facilities

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and allowance for monthly reporting for some contracts in exchange for additional fuel flexibility.

- Regulatory streamlining for prescribed fire, thinning and fuel reduction projects on federal lands if the state or local agency is conducting projects under federal Good Neighbor Authority.

- Conservation easements purchased with state funds now must be maintained and improved for forest health.

- Creation of a new Small Timberland Owner Program for landowners with fewer than 100 acres—a new timber harvest plan exemption.

- Expansion of the existing Forest Fire Prevention Pilot Program by allowing the construction of up to 600 feet of temporary roads for the purpose of treating and thinning forests.

- Improves the existing Non-Industrial Timber Management Plan and Working Forest Management Plan by clarifying that multiple land owners can work together to manage their lands and submit one plan as long as the total acres in the plan does not exceed a maximum number of acres.

IMPACT ON BUSINESS

Uncontrolled wildfires are costly. Business structures, residences of employees and business owners are at risk. Wildfires cause disruptions in normal commerce through extended periods due to road closures, water damage, poor air quality, erosion (causing landslides), employee displacement and lack of basic amenities. Also, extended business interruptions with ensuing financial losses make it difficult for companies to rebuild their businesses.

Forest landowners suffer loss of long-term investments when their trees burn. It takes many years to grow a replacement crop, especially if owners are unable to clear the burned acres in a timely fashion due to strict forestry rules regarding salvage.

To date, the 2018 Camp Fire in Butte County is the most destructive fire in the state's history. It burned 153,336 acres and destroyed 13,972 homes, 528 commercial structures, and 4,293 other structures. The Woolsey Fire in Los Angeles and Ventura counties burned 96,949 acres and destroyed 1,500 structures and damaged another 341.

Risk Management Solutions, a firm that predicts the economic impact of disasters, estimates the Camp Fire losses in property damage, automobile damage, interruption to business, and additional living expenses will cost the region between \$7.5 billion to \$10 billion and the Woolsey Fire losses range from \$1.5 billion to \$3 billion.

The ultimate costs will not be known for months.

ANTICIPATED ACTIVITIES IN 2019

SB 901 included many improvements to forest management practices. It is reasonable to expect additional legislation further easing forestry regulations to allow more salvage operations to clear the burn areas. There probably will be attempts to expedite permitting requirements for thinning operations, clearing undergrowth and removing diseased trees on private lands to help stop rapid spreading of fires. Although SB 901 allows temporary roads, it did not relieve onerous permit or mapping requirements needed prior to approval of roads. Expect legislation to remedy that issue. Increasing the amount of defensible space around a structure will likely be introduced as another preventive measure.

CALCHAMBER POSITION

The California Chamber of Commerce supports adequate fire prevention availability for all areas of the state, including the ability for forestland owners and timber companies to clear underbrush and other debris, as well as remove dead or dying trees. The CalChamber supports more inspections and stricter enforcement of defensible space regulations and use of ignition-resistant landscaping where applicable. SB 901 is an improvement in forestry management, but more regulatory easing is necessary to expedite good forest health.



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