**Board of Forestry and Fire Protection**

**Oak Woodland Exemption Amendments**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4,**

**Subchapter 7**

**§ 895.  Abbreviations Applicable Throughout Chapter.**

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**d.b.h. The average diameter of a tree measured outside bark, at breast height, a point 4.5 feet (1.37m) above ~~the average~~ ground level on the uphill side of the tree.**

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Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513, 4521.3, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, 4597, 4750, 4750.3, 4750.4 and 21080.5, Public Resources Code.

**§ 895.1. Definitions**

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**Diameter** ~~when measuring standing live trees, means~~ ~~t~~The average diameter of a tree measured outside the bark, at breast height, a point 4.5 feet (1.37m) above ~~the average~~ ground level~~.~~ on the uphill side of the tree.

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Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513, 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 4597.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal. Rptr. 82; and *Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection*, Sonoma County Superior Court No. SCV 229850.

**§ 912.7 [937.2, 957.2]. Resource Conservation Standards for Minimum Stocking.**

The following resource conservation standards constitute minimum acceptable stocking in the Coast [Northern, Southern] Forest District after Timber Operations have been completed.

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(b) An area on which Timber Operations have taken place shall be classified as acceptably stocked if either of the standards set forth in (1) or (2) below are met within five (5) years after completion of Timber Operations unless otherwise specified in the Rules.

(1) [Coast] An area contains an average point count of two hundred (200) per acre on Site I and II lands, one hundred twenty-five (125) on Site III lands, or one hundred (100) on site IV and V lands. The point count to be computed as follows:

(A) Each countable tree *[Ref. PRC § 4528(b)]* which is not more than four (4) inches d.b.h. counts one (1) point.

(B) Each countable tree over four (4) inches and not more than twelve (12) inches d.b.h. counts two (2) points.

(C) Each countable tree over twelve (12) inches d.b.h. counts as four (4) points.

(D) Root crown sprouts will be counted using the average stump diameter twelve (12) inches above average ground level of the original stump from which the sprouts originate, counting one sprout for each foot of stump diameter to a maximum of six (6) per stump.

(1) [Northern, Southern] An area contains an average point count of one hundred twenty-five (125) per acre on Site I, II and III lands or one hundred (100) on Site IV and V lands, to be computed as follows:

(A) Each countable tree [Ref. PRC § 4528(b)] which is not more than four (4) inches d.b.h. counts one (1) point.

(B) Each countable tree over four (4) inches and not more than twelve (12) inches d.b.h. counts two (2) points.

(C) [Northern, Southern] Each countable tree over twelve (12) inches d.b.h. counts three (3) points.

(D) [Northern] Sprouts over one (1) foot in height will be counted, counting one (1) sprout for each six (6) inches or part thereof of stump diameter to a maximum of four (4) per stump.

(D) [Southern] Root crown sprouts over one (1) foot in height will be counted, using the average stump diameter at one (1) foot above the average ground level of the original stump, counting one (1) sprout for each foot of stump diameter to a maximum of six (6) per stump.

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Note: Authority cited: Sections 4551, 4553, 4561.1 and 4561.2, Public Resources Code. Reference: Sections 4561, 4561.1 and 4561.2, Public Resources Code.

**§ 913.8. Special Harvesting Methods for Southern Subdistrict**.

(a) Only the following Regeneration Methods and Stocking requirements, and those described in Article 6 of Subchapter 7 of this Chapter, shall apply in the Southern Subdistrict of the Coast Forest District. Timber Operations shall be conducted in accordance with paragraphs (1), (2), or (3) below. If the provisions of more than one subsection will be used within any individual timber operation or Logging Area, a line separating the areas to be cut under provisions of each shall be shown in the Plan and clearly defined on the ground by paint or other means prior to filing the Plan and so as to be readily identifiable during and after completion of logging.

(1) Leave uncut a well-distributed timber stand after Timber Operations have been completed on the Logging Area that is at least forty (40) percent by number of those trees eighteen (18) inches and more d.b.h. present prior to commencement of current Timber Operations. Leave trees shall be thrifty coniferous trees which were dominant or co-dominant in crown class prior to timber harvesting or which have crowns typical of such dominant or co-dominant trees. They shall be free from significant damage caused by the Timber Operations. No conifer shall be cut which is more than seventy-five (75) feet from the nearest leave tree twelve (12) inches d.b.h. or larger located within the Logging Area. No area may be cut in excess of the leave tree standards of this rule in any ten (10) year period. Upon completion of Timber Operations one of the following Stocking Standards for coniferous trees shall be met:

(A) Basal Area. The average residual basal area, measured in stems one (1) inch or larger in Diameter at least one hundred twenty (120) square feet per acre on Site I lands, and at least one hundred (100) square feet per acre on Site II lands, and seventy-five (75) square feet per acre on Site III lands, and fifty (50) square feet per acre on Sites IV and V lands.

(B) Countable Trees. The area contains a well-distributed stand of trees with an average Countable Tree point count of at least two hundred (200) per acre on Site I and II lands, one hundred twenty-five (125) per acre on Site III lands, or one hundred (100) per acre on Site IV and V lands. The point count to be computed as follows:

1. Each Countable Tree which is not more than four (4) inches d.b.h. counts one (1) point.

2. Each Countable Tree over four (4) inches and not more than twelve (12) inches d.b.h. counts two (2) points.

3. Each Countable Tree over twelve (12) inches d.b.h. counts as four (4) points.

4. Redwood root crown sprouts over one (1) foot in height will be counted using the average stump diameter one (1) foot above average ground level of the original stump from which the redwood root crown sprouts originate counting one (1) sprout for each one (1) foot of stump diameter to a maximum of six (6) per stump. Any countable redwood root crown sprout over one (1) foot in height but less than four (4) inches d.b.h. shall count as one (1) toward meeting Stocking requirements.

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Note: Authority cited: Sections 4551, 4553, 4561.1 and 4562.5, Public Resources Code. Reference: Sections 4551.5, 4561, 4561.1, 4562.5 and 4562.7, Public Resources Code.

**§ 921.4. Stocking Requirements.**

The Stocking Standards for understocked Timberlands and Substantially Damaged Timberlands as provided for by §§ 14 CCR 1080 through 1081.1 and 1085 through 1085.6 are not applicable in Coastal Commission Special Treatment Areas in the Coast Forest District. After completion of Timber Operations one of the following Stocking Standards must be met:

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(b) Point Count. The area contains an average Countable Tree point count of at least two hundred (200) per acre on Site I and II lands, one hundred twenty-five (125) per acre on Site III lands, or one hundred (100) per acre on Site IV and V lands. The point count to be computed as follows:

(1) Each Countable Tree which is not more than four (4) inches d.b.h. counts one (1) point

(2) Each Countable Tree over four (4) inches and not more than twelve (12) inches d.b.h. counts two (2) points

(3) Each Countable Tree over twelve (12) inches d.b.h. counts as four (4) points

(4) Redwood root crown sprouts will be counted using the average stump diameter one (1) foot above average ground level of the original stump from which the redwood root crown sprouts originate, counting one (1) sprout for each one (1) foot of stump Diameter to a maximum of six (6) per stump.

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Note: Authority cited: Section 4551, Public Resources Code. Reference: Sections 4551.5, 4561.2 and 30417, Public Resources Code.

**§ 1038. Exemption.**

Timber Operations conducted pursuant to this section are exempt from the Plan preparation and submission requirements (PRC § 4581) and from the completion report and Stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations conducted under any notice of exemption described herein shall be limited to one (1) year from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1. In-lieu practices within WLPZs as specified under Article 6 of these Rules, exceptions to the Rules, and alternative practices are not allowed. The following types of Timber Operations are exempt:

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(e) The cutting or removal of trees to restore and conserve California black (*Quercus kelloggii*) or Oregon white (*Quercus garryana*) oak woodlands and associated grasslands, if all the following requirements are met:

(1) The Harvest Area does not cumulatively exceed, during any five-(5) year period, three-hundred (300) acres per ownership in a Planning Watershed (CALWATER 2.2), for the timberland owner(s) identified pursuant to 14 CCR § 1038.1(a)(2).

 (2) Upon submission, the notice of exemption shall include:

(A) Total acreage of the exemption Harvest Area per Planning Watershed (CALWATER 2.2).

(B) A description of the pre-harvest and post-harvest stand structure including an estimate, by species, of diameter distribution, and basal area.

 (C) A certification that states:

1. That a minimum of thirty-five (35) square feet of basal area per acre of California black or Oregon white oak, or both, occupy the Harvest Area at the time the notice is prepared ~~prior to Timber Operations~~; and

2. That the proposed Timber Operations are designed to restore and conserve California black oak and Oregon white oak woodlands and associated grasslands that have been encroached upon by conifers.

(3) Unless it is necessary to achieve the goal of the oak woodland restoration, n~~N~~o trees larger than ~~twenty-six (26) inches stump diameter, measured eight (8) inches above ground level~~ thirty (30) inches dbh may be removed for commercial purposes.

(A) If removal of trees greater than thirty (30) inches dbh is necessary to achieve the goals of the oak woodland restoration, the RPF shall attach to the submitted notice of exemption a written explanation and justification for the harvest of the tree based on the RPF's finding that the removal of the tree(s) is necessary for the long-term maintenance of the oak stand or associated grassland.

(B) The RPF shall consult with the Director by contacting the local CAL FIRE Unit Forester prior to submitting this exemption if there is a potential to ~~before~~ fell~~ing~~ any tree greater than thirty (30) inches dbh. The results of this consultation shall be included in the written explanation and justification for the harvest of the tree as referenced in 14 CCR § 1038(e)(3)(A).

(4) The post-harvest stand shall meet, at a minimum, the following criteria:

(A) A minimum of eighty (80) percent of the pre-treatment basal area of California black oak or Oregon white oak, or both, shall be retained; and

~~(B) A minimum of thirty-five (35) square feet of basal area of California black oak or Oregon white oak, or both, shall be retained; and~~

(~~C~~B) Conifer Stocking, measured in basal area, shall represent less than twenty-five (25) percent of the total onsite Stocking of all trees within the Harvest Area. Decadent and Deformed Trees of Value to Wildlife (excluding hardwoods) shall not count towards this required stocking standard.

(~~D~~C) All harvested conifers shall be within three-hundred (300) feet of a California black oak or Oregon white oak that is a minimum of four (4) inches dbh.

(~~E~~D) As well as compliance with applicable Slash requirements pursuant to Table 1 of 14 CCR § 1038.1, all Slash shall be configured in a manner that minimizes risk of fire related mortality to all retained California black oak and Oregon white oak.

~~(5) A notice of exemption pursuant to this subsection is not applicable within the Southern Sub-District of the Coast Forest District or the Southern Forest District.~~

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Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code. Reference: Sections 4290, 4291, 4516, 4527, 4584, 4584.1 and 4597, Public Resources Code; and *EPIC v. California Department of Forestry and Fire Protection and Board of Forestry* (1996) 43 Cal. App.4th 1011.

**§ 1052.4. Emergency Notice for Fuel Hazard Reduction.**

The RPF preparing the Notice of Emergency Timber Operations for Fuel Hazard Reduction shall describe the nature of the Emergency and the need for immediate cutting in sufficient detail so that the reason for the Emergency is clear. Emergency Timber Operations, under the presumed Emergency standard of 14 CCR § 1052.1, may be commenced and conducted when in conformance with the following:

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(d) Vegetation Treatments: Tree removal shall target Codominant and Understory trees. The residual stand shall consist primarily of well-distributed, healthy and vigorous Dominant and Codominant trees from the preharvest stand.

(1) The following restrictions exist related to the diameter of trees that may be harvested pursuant to this section:

(A) Only trees less than thirty (30) inches in stump diameter, measured at eight (8) inches above ground level, may be removed except under the following condition: if the goal of fuel reduction cannot be achieved by removing trees less than thirty (30) inches in stump diameter, measured at eight (8) inches above ground level; trees less than thirty-six (36) inches in stump diameter, measured at eight (8) inches above ground level, may be removed if that removal is necessary to meet the fuel objectives stated in 14 CCR § 1052.1(a)(5).

(B) No trees of the genus *Quercus* that are greater than twenty-six (26) inches outside bark stump diameter, measured at eight (8) inches above ground level, may be removed.

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Note: Authority cited: Sections 4551, 4551.5, 4552, 4553 and 4592, Public Resources Code. Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 21001(f) and 21080(b)(4), Public Resources Code.