

1 **Exemption Emergency Regulations, 2019**

2 **Title 14 California Code of Regulations**

3 **Division 1.5, Chapter 4**

4 **Subchapter 7, Article 2**

5 **§ 1038. Exemption.**

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

14
15 (a) Harvesting Christmas trees.

16 (b) Harvesting dead trees, Dying Trees, or Diseased Trees of any size, fuelwood or split products in
17 amounts less than ten (10) percent of the average volume per acre, or the removal of Slash and Woody
18 Debris that is not located within a WLPZ.

19 (c) The cutting or removal of trees in compliance with PRC §§ 4290 and 4291, which eliminates the
20 vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of
21 reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration and intensity.

22 The requirements of this subsection shall not supersede the requirements of PRC § 4291.

23 (1) Only trees within one-hundred-fifty (150) feet from any point of an Approved and Legally
24 Permitted Structure that complies with the California Building Standards Code may be
25 harvested, except as specified in 14 CCR § 1038(c)(6).

1 (2) The following Silvicultural Methods may not be used: clearcutting, Seed Tree removal step,
2 shelterwood removal step.

3 (3) All surface fuels created by Timber Operations, within one-hundred-fifty (150) feet of an
4 Approved and Legally Permitted Structure, that could promote the spread of wildfire, including
5 Slash or Woody Debris, exceeding one (1) inch in diameter, and brush, shall be chipped,
6 burned, or removed within forty-five (45) days from the start of ~~T~~imber ~~O~~perations.

7 (4) In addition to the surface fuel treatment described in 14 CCR § 1038(c)(3), the Harvest Area
8 must meet the vegetation treatment standards in PRC § 4584(i)(1) to (2)(A) illustrated in Board
9 Technical Rule Addendum No.4 within one (1) year from the receipt of issuance of notice of
10 acceptance. This paragraph does not apply to 14 CCR § 1038 (c)(6).

11 (5) Timber Operations conducted under this subsection shall conform to the applicable city or
12 county general plans, city or county implementing ordinances, and city or county zoning
13 ordinances within which the notice of exemption is located. The LTO, timberland owner, or if
14 applicable the RPF, shall certify that the city or county has been contacted and the notice of
15 exemption conforms with all city or county regulatory requirements.

16 (6) Trees that are located from one-hundred-fifty (150) feet up to three-hundred (300) feet from
17 any point of an Approved and Legally Permitted Habitable Structure that complies with the
18 California Building Standards Code may also be cut and removed for the purpose of reducing
19 flammable materials and maintaining a fuelbreak provided the following conditions are met:

20 (A) The post-harvest stand shall be primarily comprised of healthy and vigorous
21 ~~d~~Dominant and ~~e~~Codominant trees well-distributed throughout the treated area and
22 meet the Stocking Standards consistent with 14 CCR § 913.2 [933.2, 953.2].

23 (B) The QMD of trees greater than eight (8) inches dbh in the pre-harvest Harvest Area
24 shall be increased in the post-harvest stand.

1 (C) All Slash shall be lopped, removed, chipped, piled and burned, or otherwise treated
2 to achieve a maximum post-harvest depth of eighteen (18) inches above the ground
3 within forty-five (45) days from the start of Timber Operations except for the burning of
4 piles, which shall be accomplished not later than April 1 of the year following their
5 creation, or for piles created on or after September 1, not later than April 1 of the second
6 year following creation. Treatment of surface fuels by burning shall be exempt from the
7 one-year time limitations on Timber Operations described under 14 CCR § 1038.

8 (D) The notice of exemption shall include site class, an estimate of pre- and post-harvest
9 QMD and certification by the RPF that, in their professional judgment, post-harvest
10 Slash treatment and stand conditions will lead to more moderate fire behavior.

11 (E) 14 CCR § 1038(c)(6) shall expire on January 1, 2022.

12 (d) Harvesting dead trees, Dying Trees or Diseased Trees, fuelwood, or split products in response to
13 drought related stress or dead trees which are unmerchantable as sawlog-size timber that are located
14 upon Substantially Damaged Timberland when the following conditions are met:

15 (1) The RPF certifies that the notice of exemption is submitted upon Substantially Damaged
16 Timberland when necessary.

17 (2) Trees eligible for removal when harvesting in response to drought related stress shall meet
18 one (1) or more of the following conditions:

19 (A) Trees that are dead, or,

20 (B) Trees with fifty (50) percent or more of the foliage-bearing crown that is dead or
21 fading in color from a normal green to yellow, sorrel, or brown, excluding normal autumn
22 coloration changes, or with evidence of successful bark beetle attacks, through
23 indications of dead cambium and brood development distributed around the
24 circumference of the bole, or;

1 (C) The RPF, in writing, within the submitted notice of exemption, certifies that trees are
2 designated, by an RPF or Supervised Designee, with a stump mark, as likely to die due
3 to drought related stress within one (1) year.

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

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

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

11 (A) Total acreage of the exemption Harvest Area per Planning Watershed (CALWATER
12 2.2).

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

15 (C) A certification that states:

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

19 2. That the proposed Timber Operations are designed to restore and conserve
20 California black oak and Oregon white oak and associated grasslands.

21 (3) No trees larger than twenty-six (26) inches outside bark stump diameter, measured eight (8)
22 inches above ground level may be removed for commercial purposes.

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

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

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

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

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

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

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

14 (f) The cutting or removal of trees that eliminates the vertical continuity of vegetative fuels and the
15 horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a
16 Fuelbreak. An exemption pursuant to this subdivision shall be known as the Small Timberland Owner
17 Exemption. The cutting or removal of trees in compliance with this subdivision shall be subject to all of
18 the following conditions:

19 (1) A notice of exemption pursuant to this subsection is limited to small forest landowners who
20 own:

21 (A) Sixty (60) acres or less of timberland within a single Planning Watershed

22 (CALWATER 2.2) within the Coast Forest District, or;

23 (B) One-hundred (100) acres or less of Timberland within a single Planning Watershed

24 (CALWATER 2.2) within the Northern or Southern Forest Districts.

1 (2) The RPF shall, upon submission of the notice of exemption, include a description of the pre-
2 harvest stand structure and a statement of the minimum expected post-harvest stand Stocking
3 levels. The residual stand shall consist primarily of healthy and vigorous dominant and
4 codominant trees from the pre-harvest stand, well distributed throughout the Harvest Area.
5 Minimum post-harvest ~~S~~stocking ~~S~~standards shall be achieved through Unevenaged
6 Management, excluding group selection, and shall be as follows:

7 (A) On Site I lands, a minimum of one-hundred-fifty (150) square feet of basal area shall
8 be retained within the Coast Forest District, while a minimum of one-hundred (100)
9 square feet of basal area shall be retained within the Northern and Southern Forest
10 Districts.

11 (B) On Site II lands, a minimum of one-hundred (100) square feet of basal area shall be
12 retained within the Coast Forest District, while a minimum of seventy-five (75) square
13 feet of basal area shall be retained within the Northern and Southern Forest Districts.

14 (C) On Site III lands, a minimum of seventy-five (75) square feet of basal area shall be
15 retained.

16 (D) On Site IV and V lands, a minimum of fifty (50) square feet of basal area shall be
17 retained.

18 (3) The QMD of trees greater than eight (8) inches dbh in the pre-harvest Harvest Area shall be
19 increased in the post-harvest stand. The submitted notice of exemption shall report the
20 expected post-harvest increase in QMD.

21 (4) Only trees less than thirty-two (32) inches outside bark stump diameter, measured at eight
22 (8) inches above ground level, may be removed, with the following exception:

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

1 (5) The six (6) largest trees per acre within the boundaries of the notice of exemption shall be
2 retained.

3 (6) The post-harvest tree species composition shall be representative of the pre-harvest stand
4 condition and demonstrate progression towards climax forest conditions, unless the RPF
5 provides a justification, submitted with the notice of exemption, explaining how modification of
6 the tree species diversity will benefit forest health and resiliency.

7 (7) Vertical spacing in the Harvest Area shall be achieved by treating dead fuels, excluding dead
8 branches on the trees retained for stocking, to a minimum clearance distance of eight (8) feet
9 measured from the base of the live crown of the post-harvest Dominants and Codominants to
10 the top of the dead surface or ladder fuels, whichever is taller.

11 (8) The post-harvest canopy closure for trees which are Dominants and Codominants shall
12 comply with the standards of 14 CCR § 1052.4(d)(3)(A).

13 (9) All trees to be harvested, or all trees to be retained, shall be marked by a RPF, or their
14 Supervised Designee, prior to commencing timber felling.

15 (10) Timber Operations conducted under a notice of exemption pursuant this subdivision shall
16 only occur once over a ten (10) year period on any given acre. During this ten (10) year period,
17 the Director shall not approve a Plan that allows for an even-aged silvicultural prescription(s), or
18 an RPF shall not submit a notice of exemption pursuant to 14 CCR § 1038.4, for acres where
19 Timber Operations occurred under a notice of exemption pursuant to this subsection.

20 (11) The Department shall only accept a maximum of three (3) notices of exemption pursuant to
21 this subsection submitted on behalf of a timberland owner.

22 (12) This subsection will expire five (5) years after February 19, 2019.

23 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code. Reference: Sections
24 4290, 4291, 4516, 4527, 4584, 4584.1, and 4597, Public Resources Code; and *EPIC v. California*
25 *Department of Forestry and Fire Protection and Board of Forestry* (1996) 43 Cal. App.4th 1011.(b)

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1038.1. Additional Exceptions or Requirements

Preparation or submittal of a notice of exemption described in 14 CCR § 1038, or Timber Operation thereunder, shall comply with the additional exceptions or requirements as described.

(a) A notice of exemption, pursuant to 14 CCR § 1038, shall be submitted to the Director, on a form provided by the Department, prior to the commencement of Timber Operations. The form shall contain the following information:

- (1) The type of exemption.
- (2) Name(s), address, and telephone number(s) of the Timber Owner(s), timberland owner(s), and Timber Operator.
- (3) Name, address, and telephone number and license number of the RPF, if applicable.
- (4) Legal description of the location of the Timber Operation.
- (5) The tentative date of commencement of Timber Operations.
- (6) A signature of the landowner certifying that they are the landowner and have read and understand the information contained within the notice of exemption.

(b) For notices of exemption pursuant to 14 CCR § 1038, the additional requirements apply:

- (1) All Timber Operations conducted in the Lake Tahoe Region must have a valid Tahoe Basin Tree Removal Permit, as defined by TRPA, or shall be conducted under a valid TRPA Memorandum of Understanding, when such a permit is required by TRPA.
- (2) The Department shall provide the appropriate RWQCB, CDFW, and CGS with copies of the submitted notice of exemption prior to the tentative date of commencement of Timber Operations.
- (3) No helicopter yarding shall be allowed.

(c) The following additional exceptions or requirements apply to ~~prepared, submitted, or a Timber Operation conducted under a notice of~~ exemptions pursuant to 14 CCR § 1038 as provided in Table 1 below:

Table 1: Additional Exceptions or Requirements

Applicable Exceptions or Requirements	Notice of Exemption Type(s)
14 CCR § 1038.1(c)(1)	14 CCR § 1038(c)(6), (d), (e), and (f)
14 CCR § 1038.1(c)(2)	14 CCR § 1038 (e) and (f)
14 CCR § 1038.1(c)(3)	Applies to all notices of exemption pursuant to 14 CCR § 1038
14 CCR § 1038.1(c)(4)(A)	14 CCR § 1038 (d)
14 CCR § 1038.1 (c)(4)(B)	14 CCR § 1038 (e) and (f)
14 CCR § 1038.1(c)(5) through (14)	14 CCR § 1038 (b), (c), (d), (e), and (f)
14 CCR § 1038.1(c)(15)	14 CCR § 1038 (a), (b), (c), (d), and (e)

- (1) The notice of exemption shall be prepared, signed, and submitted to the Department by a RPF.
- (2) Upon submission of the notice of exemption, a Confidential Archaeological Letter pursuant to 14 CCR § 929.1 [949.1; 969.1] must be provided to the Director and the RPF shall send a copy of the notice of exemption to Native Americans as defined in 14 CCR § 895.1.
- (3) No Timber Operations on any site that satisfies the criteria listed in 14 CCR § 895.1 for a Significant Archaeological or Historical Site (~~information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation~~), except under the following conditions:

1 (A) If a Significant Archaeological or Historical Site is identified by the RPF
2 preparing the notice of exemption within the project boundary, the site may
3 be preserved in place by capping or covering with a layer of soil prior to
4 submission.

5 (B) If a site has been preserved in place, the RPF preparing the notice of
6 exemption shall obtain written concurrence from a Department archeologist
7 prior to submission indicating operations will not cause damage to a
8 Significant Archaeological or Historical Site.

9 (C) The written concurrence from a Department archeologist shall be submitted
10 with the notice of exemption.

11 (4) Fuel treatments as follows:

12 (A) Slash within the Harvest Area shall be treated to achieve a maximum post-harvest
13 depth of thirty (30) inches above the ground. All Slash shall be lopped, removed,
14 chipped, piled for burning, or otherwise treated, within one (1) year from the date of
15 the Director receiving the notice except for burning. Burning shall be completed
16 within two (2) years from the date of the Director receiving the notice.

17 (B) Slash shall be treated to achieve a maximum post-harvest depth of eighteen (18)
18 inches above the ground on at least eighty (80) percent of the Harvest Area. All
19 Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated,
20 within one (1) year from the date of the Director receiving the notice except for
21 burning. Burning shall be completed within two (2) years from the date of the
22 Director receiving the notice.

23 (5) No tractor or heavy equipment operations on slopes greater than fifty (50) percent. No
24 construction of new tractor roads on slopes greater than forty (40) percent.

- 1 (6) Timber Operations within any Special Treatment Area shall comply with the rules associated
2 with that Special Treatment Area.
- 3 (7) No tractor or heavy equipment operations on known Unstable Areas.
- 4 (8) No new road construction or reconstruction, as defined in 14 CCR § 895.1.
- 5 (9) No heavy equipment operations within the standard width of a WLPZ, as determined
6 pursuant to~~defined in~~ 14 CCR § 916.4 [936.4, 956.4] (b), except for maintenance of roads
7 and Drainage Facilities or structures.
- 8 (10) No known sites of rare, threatened or endangered plants or animals will be disturbed,
9 threatened or damaged.
- 10 (11) No Timber Operations within the buffer zone of a Sensitive Species.
- 11 (12) No timber harvesting within the standard width of a WLPZ, as determined pursuant
12 to~~defined in~~ 14 CCR § 916.4 [936.4, 956.4] (b), except sanitation-salvage harvesting, as
13 identified with~~defined in~~ 14 CCR § 913.3 [933.3, 953.3], where immediately after
14 completion of operations, the area shall meet the Stocking Standards of 14 CCR § 912.7
15 [932.7, 952.7] (b)(2), or, except the removal of dead or dying trees where consistent with 14
16 CCR § 916.4 [936.4, 956.4] (b). Trees to be harvested shall be marked by, or under the
17 supervision of, an RPF prior to Timber Operations.
- 18 (13)The Director shall notify the submitter of the date of the Director's receipt of the notice of
19 exemption. Timber Operations pursuant to the notice of exemption may not commence for
20 five (5) working days from the date of the Director's receipt of the notice of exemption unless
21 this delay is waived by the Director. If the notice of exemption is not complete and accurate,
22 the Director shall notify the submitter within five (5) working days from the date of the
23 Director's receipt, and the Timber Operations may not commence. The Director shall
24 determine whether the notice of exemption is complete and accurate, and if so, shall send a
25 copy of a notice of acceptance to the submitter; provided, however, if the Director does not

1 act within five (5) working days of receipt of the notice of exemption, Timber Operations may
2 commence.

3 (A) Timber Operations may not be conducted without a copy of the Director's notice of
4 acceptance of the notice of exemption at the operating site, except where the
5 Director has failed to act within the five (5) working-day review period.

6 (14) Before beginning Timber Operations, the LTO, RPF, or person responsible for submittal of
7 the notice of exemption shall notify CAL FIRE of the actual commencement date of
8 operations. The notification, by telephone, mail, or email, shall be directed to the appropriate
9 CAL FIRE Unit Headquarters, Forest Practice Inspector or other designated personnel. If the
10 notification is provided by mail, Timber Operations may not commence until three (3) days
11 after the postmark date of notification. The provisions of this paragraph do not supersede the
12 requirements of paragraph (13) above.

13 (15) No large old trees, defined as a tree that existed before 1800 AD and is greater than sixty
14 (60) inches in diameter at stump height for Sierra or Coast Redwoods, and forty-eight (48)
15 inches in diameter at stump height for all other tree species, or Decadent and Deformed
16 Trees with Value to Wildlife shall be harvested unless the following apply:

17 (A) The tree is not critical for the maintenance of a Late Successional Stand.

18 (B) A RPF attached to the submitted notice of exemption a written explanation
19 and justification for the harvest of the tree based on the RPF's finding of any of
20 the following:

21 1. The tree is a hazard to safety or property.

22 2. The removal of the tree is necessary for the construction of a building
23 as approved by the appropriate local jurisdiction and shown on the
24 county or city approved site plan, which shall be attached to the
25 submitted notice of exemption.

1 3. The tree is dead or likely to die within one (1) year of the date of the
2 proposed removal, as determined by a RPF.

3 (C) An RPF's written explanation or justification need not be attached to the
4 submitted notice of exemption if an approved Habitat Conservation Plan,
5 Sustained Yield Plan, or Plan addresses large old tree retention for the area in
6 which the large old tree is proposed for removal and the removal is in
7 compliance with the retention standards of that document.

8 Note: Authority cited: Sections 4551, 4553, and 4584, Public Resources Code. Reference: Sections
9 4527, 4584, and 4584.1, Public Resources Code.

10
11 **§ 1038.2. Mapping Standards for Notices of Exemption.**

12 A submitted notice of exemption shall include a seven-and-one-half (7½) minute USGS quadrangle map,
13 or its equivalent, depicting the information as required in Table 1 below. Additional maps, which may be
14 topographic or planimetric, may be used to provide additional information, to show specific details, and
15 to improve map clarity. A larger scale map such as an assessor parcel map showing the location of the
16 Timber Operations shall be included for exemptions conducted under 14 CCR § 1038 (c). The
17 Appurtenant Roads included within the Logging Area pursuant to subsection (b) below may be shown on
18 a map which may be planimetric with a scale as small as one-half inch equals one mile. Color coding
19 shall not be used. A legend shall be included indicating the meaning of the symbols used. The submitted
20 notice of exemption shall indicate if more than one Yarding system is to be used and identify the
21 systems (if more than one is used).

22
23 **Table 1: Mapping Requirements**

24

Applicable Mapping Requirements	Notice of Exemption Type(s)
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14 CCR § 1038.2 (a)	14 CCR § 1038 (a) & (c)
14 CCR § 1038.2 (b), (c), (k)	14 CCR § 1038 (b), (c)(6), (d), (e), and (f)
14 CCR § 1038.2 (d) through (f)	14 CCR § 1038(c)(6) through (f)
14 CCR § 1038.2 (g), (h), and (j)	14 CCR § 1038 (c)(6), (e), and (f)
14 CCR § 1038.2 (i)	14 CCR § 1038 (b) through (f)
14 CCR § 1038.2 (l)	14 CCR § 1038(f)

- 1 (a) Boundaries of the Harvest Area.
- 2 (b) Boundaries of the Logging Area.
- 3 (c) Location of all Roads to be used for, or potentially impacted by, Timber Operations.
- 4 (d) The classification of all Roads as Permanent Roads, Seasonal Roads, or Temporary Roads.
- 5 (e) Road(s) and Landing(s) located in a Watercourse, Lake, WLPZ, Meadows and Wet Areas other
- 6 than at road Watercourse crossings.
- 7 (f) Location of water drafting sites.
- 8 (g) Public Roads within one-quarter (¼) mile of the Harvest Area.
- 9 (h) Location of portions of the Harvest Area with an Extreme Erosion Hazard Rating.
- 10 (i) Location of all Watercourses and Lakes with Class I, II, III or IV waters.
- 11 (j) Location of known Unstable Areas.
- 12 (k) Location of any Special Treatment Areas.
- 13 (l) Location of boundaries of timber-site classes needed for determination of Stocking Standards to
- 14 be applied, down to at least a twenty (20) acre minimum or as specified in District Forest
- 15 Practice Rules.

17 Note: Authority cited: Sections 4551, 4553, and 4584, Public Resources Code. Reference: Sections
18 4527, 4584, and 4584.1, Public Resources Code.

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1 **§ 1038.3 Forest Fire Prevention Exemption.**

2 Persons who are engaged in the cutting or removal of trees, limited to those trees that eliminate the
3 vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of
4 reducing flammable materials to reduce fire spread, duration and intensity, fuel ignitability, or ignition of
5 tree crowns are exempt from the plan preparation and submission requirements (PRC § 4581) and from
6 the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber
7 Operations conducted under any notice of exemption described herein shall be limited to one (1) year
8 from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and
9 District Forest Practices Rules applicable to "Timber Harvest Plan", "THP", and "Plan" definitions per 14
10 CCR § 895.1. This exemption shall be known as the Forest Fire Prevention Exemption. Preparation and
11 submittal of notices of exemption under this section, or Timber Operations conducted thereunder, shall
12 comply with the following conditions, exceptions, or requirements as described.

13 (a) Comply with the requirements of Title 14 CCR §§ 1038.1 (c)(5), (6), (7), and (9) through (12)
14 inclusive.

15 (b) This exemption shall only be used on Timberlands that are within the most recent version of
16 the Department's Fire Hazard Severity Zone Map, which can be found on the Department's
17 website: <http://www.fire.ca.gov>, that shows the exemption will occur in areas determined to be
18 moderate, high or very high fire threat areas.

19 (c) The Harvest Area shall not exceed three-hundred (300) acres.

20 (d) (1) Slash and Woody Debris shall be treated to achieve a maximum post-harvest depth of
21 eighteen (18) inches above the ground except within one-hundred-fifty (150) feet from
22 any point of an approved and legally permitted structure that complies with the California
23 Standards Building Code.

1 (2) All surface fuels within one-hundred-fifty (150) feet of an Approved and Legally
2 Permitted Structure, which could promote the spread of wildfire, shall be chipped,
3 burned, or removed within forty-five (45) days from the start of Timber Operations.

4 (3) All fuel treatments shall be completed within one (1) year from the date the Director
5 receives the notice. This requirement does not apply to burning, which instead shall be
6 completed within two (2) years from the date the Director receives the notice.

7 (4) The requirements of this subsection shall not supersede the requirements of PRC §
8 4291.

9 (e) The construction or reconstruction of roads, other than Temporary Roads is prohibited. The
10 construction or reconstruction of Temporary Roads on slopes greater than thirty (30) percent is
11 prohibited. The construction or reconstruction of Temporary Roads on slopes of thirty (30)
12 percent or less shall be allowed if all of the following conditions are met:

13 (1) Temporary Roads or Landings shall not be located on Unstable Areas.

14 (2) Temporary Roads shall be single lane in width.

15 (3) Temporary Roads shall not be located across a Connected Headwall Swale.

16 (4) Construction or re-construction of Temporary Roads, Landings or Watercourse
17 crossings shall not occur during the Winter Period.

18 (A) Roads and Landings used for log hauling or other heavy equipment uses
19 during the Winter Period shall occur on a Stable Operating Surface and, if
20 necessary, be surfaced with rock to a depth and quantity sufficient to maintain
21 a Stable Operating Surface. No operation shall be permitted on roads that are
22 not subject to Hydrological Disconnection, or which exhibit Saturated Soil
23 Conditions.

24 (B) Timber Operations during the Winter Period shall comply with the applicable
25 Rule sections under 14 CCR § 923 [943, 963] *et seq.*

1 (C) Use of Temporary Roads shall comply with the operational provisions of 14
2 CCR § 923 [943, 963] *et seq.*,

3 (D) No Logging Road or Landings construction, or reconstruction, activities shall
4 occur within two-hundred (200) feet of Class I and Class II Watercourses, or
5 within fifty (50) feet of a Class III Watercourse.

6 (5) Temporary Road construction or reconstruction, shall be limited to no more than two
7 (2) miles of road per ownership within a single Planning Watershed (CALWATER 2.2)
8 per any five (5) year period.

9 (A) For exemptions that are less than forty (40) acres, all Temporary Roads
10 constructed and/or reconstructed shall not exceed a cumulative length of
11 three-hundred (300) feet.

12 (B) For exemptions between forty (40) and eighty (80) acres, this standard shall
13 not exceed three-hundred (300) to six-hundred (600) feet, as determined on a
14 pro rata basis by total acreage affected by the exemption.

15 (C) For exemptions over eighty (80) acres, this standard shall not exceed six-
16 hundred (600) feet.

17 (D) Temporary Roads constructed or reconstructed under this section shall not be
18 connected to other Temporary Roads constructed under previous or
19 subsequent exemptions filed pursuant to this section.

20 (E) Prior to completion of Timber Operations, all Temporary Roads constructed or
21 reconstructed under this section shall undergo Abandonment in a manner
22 which uses protective measures that will effectively remove them from the
23 Permanent Road Network, as defined in 14 CCR § 895.1.

24 (F) No tree larger than thirty-six (36) inches in diameter at stump height, measured
25 eight (8) inches above ground level, shall be removed for the purposes of

1 Temporary #Road construction or reconstruction as it applies to this exemption.
2 Trees between thirty (30) and thirty-six (36) inches in diameter at stump height,
3 measured eight (8) inches above ground level, may be removed for the
4 purposes of Temporary #Road construction or reconstruction when no other
5 feasible option exists for Temporary #Road construction activities.

6 (f) The RPF responsible for submission of the notice of exemption shall designate Temporary
7 Road locations, Landing locations, Tractor Road crossings of Class III Watercourses, Unstable
8 Areas, or Connected Headwall Swales on the ground prior to submission of the notice of
9 exemption.

10 (g) The QMD of trees greater than eight (8) inches dbh in the Harvest Area shall be increased in
11 the post-harvest stand. The submitted notice of exemption shall report the expected post-
12 harvest increase in QMD.

13 (h) Except within constructed or reconstructed Temporary #Road prisms, only trees less than thirty
14 (30) inches in stump diameter, measured eight (8) inches above ground level, may be
15 removed.

16 (i) All trees that are harvested or all trees that are retained shall be marked or sample marked by,
17 or under the supervision of, an RPF before felling operations begin. Sample marking shall be
18 limited to homogeneous forest stand conditions typical of plantations. When trees are sample
19 marked, the prescription for unmarked areas shall be in writing and the sample mark area shall
20 include at least ten (10) percent of the harvest area to a maximum of twenty (20) acres per
21 stand type which is representative of the range of conditions present in the area.

22 (j) If the preharvest crown canopy of Dominants and Codominants is occupied by trees less than
23 fourteen (14) inches in dbh, a minimum of one-hundred (100) trees over four inches in dbh
24 shall be retained per acre for Site I, II, and III lands, and a minimum of seventy-five (75) trees
25 over four inches in dbh shall be retained per acre for Site IV and V lands.

1 (k) The following canopy, retention, and spacing standards shall be achieved on at least eighty
2 (80) percent of the Harvest Area:

3 (1) Minimum post treatment canopy closure shall comply with the standards of 14 CCR §
4 1052.4 (d)(3)(A)

5 (2) Post treatment stand shall contain no more than two-hundred (200) trees per acre over
6 three (3) inches in dbh.

7 (3) Vertical spacing shall be achieved by treating dead fuels, excluding dead branches on
8 the trees retained for stocking, to a minimum clearance distance of eight (8) feet
9 measured from the base of the live crown of the post-harvest Dominants and
10 Codominants to the top of the dead surface or ladder fuels, whichever is taller.

11 (l) Helicopter Yarding shall be prohibited.

12 (m) The RPF shall comply with ~~14 CCR § 1035.2~~~~Section 1035.2 of Title 14 of the California Code~~
13 ~~of Regulations~~, relating to interaction between the LTO and the RPF.

14 (n) All Timber Operations conducted in the Lake Tahoe Region ~~pursuant to 14 CCR § 1038.4~~, if
15 applicable, must have a valid Tahoe Basin Tree Removal Permit (as defined by the TRPA) or
16 shall be conducted under a valid TRPA Memorandum of Understanding, when such a permit is
17 required by TRPA.

18 (o) Upon submission of the notice of exemption, a Confidential Archaeological Letter pursuant to
19 14 CCR § 929.1 [949.1; 969.1] must be provided to the Director and the RPF shall send a copy
20 of the notice of exemption to Native Americans as defined in 14 CCR § 895.1.

21 (p) No Timber Operations on any site that satisfies the criteria listed in 14 CCR § 895.1 for a
22 Significant Archaeological or Historical Site may be conducted (information on some of these
23 sites may be available from the Information Centers of the California Historical Resources
24 Information System within the Department of Parks and Recreation),

1 (q) If a notice of exemption has been accepted by the Director and will use pesticides or herbicides
2 on the Harvest Area within one (1) calendar year of the date of acceptance, the timberland
3 owner shall notify the appropriate regional water quality control board within ten (10) days prior
4 to application of pesticides or herbicides.

5 (r) Subsequent to the completion of Timber Operations operating under this section, the
6 Department shall conduct an onsite inspection to determine compliance with this section. The
7 Department shall notify the appropriate RWQCB, the CDFW, and the CGS seven (7) days prior
8 to conducting the onsite inspection.

9 (s) The notice of exemption shall be prepared, signed, and submitted by an RPF. The RPF shall
10 be retained to oversee all construction or reconstruction of Roads and/or Landings, and provide
11 for necessary mitigation to avoid potential impacts.

12 ~~(t)~~ The notice of exemption shall be submitted to the Director, on a form provided by the
13 Department, prior to the commencement of Timber Operations. The form shall contain the
14 following information:

15 (A1) Name(s), address, and telephone number(s) of the Timber Owner(s),
16 timberland owner(s), and Timber Operator.

17 (B2) Name, address, and telephone number and license number of the RPF
18 preparing and submitting the notice of exemption.

19 (C3) Legal description of the location of the Timber Operations.

20 (D4) The tentative date of commencement of Timber Operations.

21 (E5) A signature of the landowner certifying that they are the landowner and have
22 read and understand the information contained within the notice of exemption.

23 ~~(2) The notice of exemption shall include:~~

24 (A6) aA description of preharvest stand structure; and

1 (~~B7~~) ~~a~~A estimate of pre and post-harvest QMD and certification by the RPF that, in
2 their professional judgment, post-harvest slash treatment and stand conditions
3 will lead to more moderate fire behavior.

4 (~~3u~~)The RPF shall, upon submission of the notice of exemption:

5 (~~A1~~) Certify that the level of residual Stocking shall be consistent with maximum sustained
6 production of high quality timber products. The residual stand shall consist primarily of
7 healthy and vigorous Dominants and Codominants from the preharvest stand. Trees
8 retained to meet the Basal Area stocking standards shall be selected from the largest
9 trees available on the project area prior to harvest. In no case shall stocking be
10 reduced below the standards found within 14 CCR § 913.3 [933.3, 953.3] (a).

11 (~~B2~~) Affirm that the construction or reconstruction of each Temporary Road is necessary to
12 provide access to Harvest Areas when no other feasible alternative exists. The notice
13 shall include the total number of and cumulative length of Temporary Roads being
14 constructed and/or reconstructed.

15 (~~E3~~) Provide the selection criteria for the trees to be removed or the trees to be retained. In
16 the development of these criteria, and the fuel reduction prescriptions, the RPF should
17 consider retaining habitat elements, where feasible, including, but not limited to,
18 ground level cover necessary for the long-term management of local wildlife
19 populations. The selection criteria shall specify how the trees to be removed, or how
20 the trees to be retained, will be designated.

21 (~~4v~~) The Director shall notify the submitter of the date of the Director's receipt of the notice of
22 exemption. Timber Operations pursuant to the notice of exemption may not commence for ten
23 (10) working days from the date of the Director's receipt of the notice of exemption unless the
24 delay is waived by the Director. If the notice of exemption is not complete and accurate, the
25 Director shall notify the submitter within five (5) working days from the date of the Director's

1 receipt, and the Timber Operations may not commence. The Director shall determine whether
2 the notice of exemption is complete and accurate, and if so, shall send a copy of a notice of
3 acceptance to the submitter; provided, however, if the Director does not act within ten (10)
4 working days of receipt of the notice of exemption, Timber Operations may commence. Timber
5 Operations may not be conducted without a copy of the Director's notice of acceptance of the
6 notice of exemption at the operating site, except where the Director has failed to act within the
7 ten (10) working-day review period.

8 (~~5~~1) Upon receipt of the submitted notice of exemption, the Director shall place it, or a true
9 copy thereof, in a file available for public inspection, and shall transmit a copy to the
10 CDFW, the appropriate RWQCB, and the CGS.

11 (~~tw~~) Before beginning Timber Operations, the RPF responsible for submittal of the notice of
12 exemption shall notify the Department, the appropriate RWQCB, the CDFW, and the CGS of
13 the actual commencement date of operations. The notification, by telephone, mail, or email,
14 shall be directed to the appropriate agency personnel and contact information for the
15 appropriate agency personnel shall be provided by the Department on the notice of exemption
16 form. If the notification is provided by mail, Timber Operations may not commence for three (3)
17 days after the postmark date of notification.

18 (~~ux~~) This subsection will expire five (5) years after February 19, 2019.

19 Note: Authority cited: Sections 4551, 4553, and 4584, Public Resources Code. Reference: Sections 4527,
20 4584, and 4584.2, Public Resources Code.

22 **§ 1038.4. Mapping Standards for the Forest Fire Prevention Exemption.**

23 An exemption pursuant to this 14 CCR § 1038.4 will be mapped on a USGS 7 ½ minute quadrangle map,
24 or equivalent topographic maps, and shall contain all required information stated within this section.

25 Additional maps, which may be topographic or planimetric, may be used to provide the information

1 required in this section, to show specific details, and to improve map clarity. Appurtenant Roads may be
2 shown on a separate map which may be planimetric with a scale as small as one-half inch equals one
3 mile. Color coding may not be used. A legend shall be included indicating the meaning of symbols used.

4 (a) Boundaries of the Logging Area

5 (b) Boundaries of Yarding (logging) systems, if more than one system is used.

6 (c) Location of all roads to be used for, or potentially impacted by, Timber Operations. This shall
7 include:

8 (1) The classification of all roads as proposed, Permanent, Seasonal, Temporary, Deactivated,
9 or proposed for Abandonment.

10 (2) Roads and Landings located in Watercourses, Lakes, WLPZs, marshes, Wet Meadows and
11 other Wet Areas, other than at road Watercourse crossings.

12 (3) Logging Roads that provide access to rock pits and water drafting sites, and the location of
13 water drafting sites.

14 (4) Public Roads within one-quarter (1/4) mile of the Harvest Area.

15 (5) The location of Significant or Existing Potential Erosion Sites on all Rroads and Landings
16 pursuant to 14 CCR § 923.1 (e).

17 (d) For all constructed and reconstructed LoggingTemporary Roads and Landings, the following shall
18 be mapped:

19 (1) Location of LoggingTemporary Road grades greater than fifteen (15) percent for over two-
20 hundred (200) continuous feet or Logging Road grades exceeding twenty (20) percent.

21 (2) Location of Road Failures on existing LoggingTemporary Roads to be Reconstructed.

22 (3) Location of Landings, specifying those that require substantial excavation and those in
23 excess of one-quarter acre in size.

24 (4) Location of excess material disposal sites on slopes greater than forty (40) percent or on
25 active Unstable Areas.

- 1 (e) Location of all Tractor Road Watercourse crossings of classified Watercourses.
- 2 (f) Location of Erosion Hazard Ratings, if more than one rating exists.
- 3 (g) Location of Watercourses and Lakes with Class I, II, III, or IV waters.
- 4 (h) Location of known Unstable Areas.
- 5 (i) Location of understocked areas prior to Timber Operations, and other areas not normally bearing
- 6 timber to at least a 20-acre minimum, or as specified in the district rules.
- 7 (j) Location of boundaries of timber-site classes needed for determination of Stocking Standards to
- 8 be applied, down to at least a twenty (20) acre minimum, or as specified in the District Rules.
- 9 (k) Location of any Special Treatment Areas.

10

11 Note: Authority cited: Sections 4551, 4553, and 4584, Public Resources Code. Reference: Sections 4527,
12 4584, and 4584.2, Public Resources Code.

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