Board of Forestry and Fire Protection

“1038(c)(6) Expiration Amendment”

Title 14, California Code of Regulations

Division 1.5, Chapter 4, Subchapter 7, Article 2

Amend: § 1038

§ 1038. Exemptions.

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:

(a) Harvesting Christmas trees.

(b) Harvesting dead trees, Dying Trees, or Diseased Trees of any size, fuelwood or split products in amounts less than ten (10) percent of the average volume per acre, or the removal of Slash and Woody Debris that is not located within a WLPZ.
(c) The cutting or removal of trees in compliance with PRC §§ 4290 and 4291, which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration and intensity. The requirements of this subsection shall not supersede the requirements of PRC § 4291.

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

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

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

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

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

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

(A) The post-harvest stand shall be primarily comprised of healthy and vigorous
Dominant and Codominant trees well-distributed throughout the treated area and meet
the stocking standards consistent with 14 CCR § 913.2 [933.2, 953.2].

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

(C) All Slash shall be lopped, removed, chipped, piled and burned, or otherwise treated
to achieve a maximum post-harvest depth of eighteen (18) inches above the ground
within forty-five (45) days from the start of Timber Operations except for the burning of
piles, which shall be accomplished not later than April 1 of the year following their
creation, or for piles created on or after September 1, not later than April 1 of the
second year following creation. Treatment of surface fuels by burning shall be exempt
from the one-year time limitations on Timber Operations described under 14 CCR §
1038.
(D) The notice of exemption shall include site class, an estimate of pre- and post-harvest QMD and certification by the RPF that, in their professional judgment, post-harvest Slash treatment and stand conditions will lead to more moderate fire behavior.

(E) 14 CCR § 1038(c)(6) shall expire pursuant to PRC 4584(m)(3) on January 1, 2022.

[NO ADDITIONAL CHANGES ARE PROPOSED TO THIS SECTION]

Note: Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code.