**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**

**§ 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 is necessary for the long-term maintenance of the oak stand or associated grassland.

(B) The RPF shall consult with the Director before felling any tree greater than thirty (30) inches dbh.

(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) 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) 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) 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.