

**State of California
Office of Administrative Law**

In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

APPROVED:

Amend section: 895, 895.1, 1038, 1038.3,
1038.4, 1052.1, and 1052.4

WITHDRAWN:

Amend section: 1038.3(n), (n)(1), (n)(2),
and (n)(3)

**NOTICE OF APPROVAL IN PART AND
WITHDRAWAL IN PART OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-1119-03

**OAL Matter Type: Certificate of Compliance
(C)**

The Z'berg-Nejedly Forest Practices Act of 1973 (the Act) prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. The Act authorizes the Board of Forestry and Fire Protection (the Board) to exempt from some or all of those provisions of the Act a person engaging in specified forest management activities, as prescribed, including: (1) for a period of five years following the adoption of emergency regulations, the cutting or removal of trees on the person's property that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break, known as the Small Timberland Owner Exemption; (2) until 1/1/2026, the harvesting of those trees that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for specified purposes, known as the Forest Fire Prevention Exemption; (3) until 1/1/2026, the cutting or removal of trees on the person's property in compliance with specified defensible space requirements, as provided; and (4) the cutting or removal of trees to restore and conserve California black or Oregon white oak woodlands and associated grasslands.

Assembly Bill 2276 (2023-2024 Reg. Sess.) (1) repealed the Small Timberland Owner Exemption; (2) renamed the Forest Fire Prevention Exemption the Forest Resilience Exemption, revised standards and criteria for qualifying for that exemption, and extended that exemption until 1/1/2031; and (3) extended until 1/1/2031 the other exemption described above. A.B. 2276 also revised requirements governing compliance with the cutting or removal of trees to restore and conserve California black or Oregon white oak woodlands and associated grasslands.

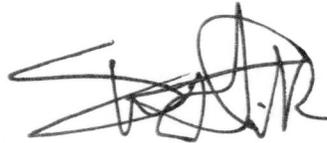
In this certificate of compliance pursuant to Gov. Code § 11346.1(e), the Board is amending regulations necessary to implement and ensure compliance with these requirements and with the Forest Resilience Exemption requirements, as required by the statutory changes made by A.B. 2276.

OAL approves the sections listed as APPROVED above pursuant to section 11349.3 of the Government Code. With the exception of the amendments to Section 1038.3(n), (n)(1), (n)(2), and (n)(3), all new amendments become effective on 1/1/2027 pursuant to Public Resources Code section 4554.5(a). All other amendments become effective on 1/6/2026.

The section(s) listed as WITHDRAWN above were withdrawn from OAL review pursuant to Government Code section 11349.3(c) on 1/6/2026

Please contact me at (916) 324-6948 or steven.escobar@oal.ca.gov, or the OAL Reference Attorney at (916) 323-6815, if you have any questions about the resubmittal process. You may request the return of your rulemaking record by contacting the OAL Front Desk at (916) 323-6225.

Date: January 6, 2026



Steven J. Escobar
Attorney

Original: Tony Andersen, Executive
Officer
Copy: Jane Van Susteren

For: Kenneth J. Pogue
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

CERT

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2025-0901-01	REGULATORY ACTION NUMBER 2025-1119-03C	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 06 2026

1:58 pm

OFFICE OF ADMIN. LAW
2025 NOV 19 @ 4:59 PM

AGENCY WITH RULEMAKING AUTHORITY Board of Forestry and Fire Protection	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2025, No. 37-2	PUBLICATION DATE 9/12/2025

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Forest Resilience and Oak Woodland Exemption, 2025	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2025-0106-01E, 2025-0627-01EE, and 2025-1010-02EE
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
	ADOPT
	AMEND 895, 895.1, 1038, 1038.3, 1038.4, 1052.1, 1052.4
	REPEAL
	TITLE(S) 14

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 1/1/2027 per Pub. Resources Code § 4554.5(a)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify) _____			

7. CONTACT PERSON Jane Van Susteren	TELEPHONE NUMBER (916) 619-9795	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jane.vansusteren@bof.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Jane Van Susteren <small>Digitally signed by Jane Van Susteren Date: 2025.11.19 16:17:36 -0800</small>	DATE 11/19/25
TYPED NAME AND TITLE OF SIGNATORY Jane Van Susteren, Regulations Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 06 2026

Office of Administrative Law

Per agency's request: SE, 1/13/2026

1 Board of Forestry and Fire Protection

2 **FOREST RESILIENCE EXEMPTION AND OAK WOODLAND EXEMPTION**

3 **AMENDMENTS**

4 Title 14 of the California Code of Regulations

5 Division 1.5, Chapter 4,

6 Subchapter 1 & 7

7
8 **§ 895. Abbreviations Applicable Throughout Chapter.**

9 The following abbreviations are applicable throughout this chapter:

10 *****

11 d.b.h. The average diameter of a tree measured outside bark, at breast height, a point
12 4.5 feet (1.37m) above the average ground level on the uphill side of the tree.

13 *****

14
15 Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code.

16 Reference: Sections 4511, 4512, 4512.5, 4513, 4521.3, 4523-4525, 4525.3, 4525.5,
17 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, 4597, 4750,
18 4750.3, 4750.4 and 21080.5, Public Resources Code.

19
20 **§ 895.1. Definitions.**

21 The definitions contained in the Z'berg-Nejedly Forest Practice Act of 1973 as amended
22 (commencing with PRC § 4511) shall apply to this chapter, as well as the following
23 definitions, unless the context clearly requires otherwise.

24 ***Defined word or phrase***

PRC Sec. Containing Ref. Def.

25 *****

1 "Diameter" ~~when measuring standing live trees,~~
2 means the average Diameter of a tree
3 measured outside the bark, at breast height, a
4 point 4.5 feet (1.37m) above ~~the average~~
5 ground level. on the uphill side of the tree.

6 *****

7

8 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7
9 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513,
10 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528,
11 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 4597.1, 21001(f),
12 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K
13 (printed following Section 15387 of Title 14 Cal. Code of Regulations), *Laupheimer v.*
14 *State* (1988) 200 Cal.App.3d 440; 246 Cal. Rptr. 82; and *Joy Road Area Forest and*
15 *Watershed Association v. California Department of Forestry & Fire Protection*, Sonoma
16 County Superior Court No. SCV 229850.

17

18 **§ 1038. Exemption.**

19 Timber Operations conducted pursuant to this section are exempt from the Plan
20 preparation and submission requirements (PRC § 4581) and from the completion report
21 and Stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber
22 Operations conducted under any notice of exemption described herein shall be limited
23 to one (1) year from the date of receipt by the Director, and shall comply with all
24 operational provisions of the FPA and District Forest Practices Rules applicable to
25 "Timber Harvest Plan", "THP", and "Plan" definitions per 14 CCR § 895.1. In-lieu

1 practices within WLPZs as specified under Article 6 of these Rules, exceptions to the
2 Rules, and alternative practices are not allowed. The following types of Timber
3 Operations are exempt:

4 *****

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

8 (1) The Harvest Area does not cumulatively exceed, during any five-(5) year
9 period, three-hundred (300) acres per ownership in a Planning Watershed
10 (CALWATER 2.2), for the timberland owner(s) identified pursuant to 14 CCR §
11 1038.1(a)(2).

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

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

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

17 (C) A certification that states:

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

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

1 (3) Unless it is necessary to achieve the goal of the oak woodland restoration, no
2 trees larger than thirty (30) inches dbh may be removed for commercial
3 purposes.

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

10 (B) The RPF shall consult with the Director ~~before felling by~~ contacting the
11 local CAL FIRE Unit Forester prior to submitting a notice of exemption if
12 there is a potential to fell any tree greater than thirty (30) inches dbh. The
13 results of this consultation shall be included in the written explanation and
14 justification for the harvest of the tree as referenced in 14 CCR §
15 1038(e)(3)(A).

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

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

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

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

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

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

8 *****

9
10 Note: Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code.
11 Reference: Sections 4290, 4291, 4516, 4527, 4584, 4584.1 and 4597, Public
12 Resources Code; and *EPIC v. California Department of Forestry and Fire Protection*
13 *and Board of Forestry* (1996) 43 Cal. App.4th 1011.

14
15 **§ 1038.3 Forest Resilience Exemption.**

16 Persons who are engaged in the harvesting of trees, limited to those trees that eliminate
17 the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns, for
18 the purpose of reducing flammable materials to reduce fire spread, duration and
19 intensity, fuel ignitability, or ignition of tree crowns are exempt from the plan preparation
20 and submission requirements (PRC § 4581) and from the completion report and
21 Stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations
22 conducted under any notice of exemption described herein shall be limited to one (1)
23 year from the date of receipt by the Director, or until the submitter notifies the Director of
24 the termination of operations, whichever occurs sooner, and shall comply with all
25 operational provisions of the FPA and District Forest Practices Rules applicable to

1 "Timber Harvest Plan", "THP", and "Plan" definitions per 14 CCR § 895.1. This
2 exemption shall be known as the Forest Resilience Exemption. Preparation and
3 submittal of notices of exemption under this section, or Timber Operations conducted
4 thereunder, shall comply with the following conditions, exceptions, or requirements as
5 described. Exemption Notices authorized by this section shall not have a harvest area
6 that geographically overlaps with the harvest area of another non-expired Notice or Plan
7 with the exception of an approved NTMP or WFMP.

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

10 **(b)** This exemption shall only be used on Timberlands that are within the most recent
11 version of the Department's Fire Hazard Severity Zone Map, which can be found on
12 the Department's website: [https://osfm.fire.ca.gov/divisions/community-wildfire-](https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/)
13 [preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-](https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/)
14 [zones-maps/](https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/), that shows the exemption will occur in areas determined to be
15 moderate, high, or very high fire hazard severity zones.

16 **(c)** The Harvest Area shall not exceed five hundred (500) acres.

17 **(d) (1)** ~~Slash and Woody Debris shall be treated to achieve a maximum post-harvest~~
18 ~~depth of eighteen (18) inches above the ground except as provided for in § 1038.3~~
19 ~~(d)(2) and (3). within one hundred fifty (150) feet from any point of an approved and~~
20 ~~legally permitted structure that complies with the California Standards Building~~
21 ~~Code.~~

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

1 Within one-hundred-fifty (150) feet of an Approved and Legally Permitted Structure,
2 all Surface Fuels, Slash, and Woody Debris which could promote the spread of
3 wildfire, shall be chipped, burned, or removed within forty-five (45) days from the
4 start of Timber Operations within the 150-foot zone.

5 **(3)** Slash and Woody Debris ~~woody debris, created during operations,~~ within 50 feet
6 of a public road or critical infrastructure, shall be chipped, burned, or removed. For
7 purposes of this subsection, "critical infrastructure" means infrastructure so vital to
8 the state that its incapacitation or destruction would have a debilitating impact on
9 public health, safety, economic security, or any combination thereof, including, but
10 not limited to, electrical distribution and transmission facilities, water reservoirs or
11 other conveyances, wastewater facilities or conveyances, or communication and
12 data transmission and distribution facilities.

13 **(4)** Vertical spacing shall be achieved by treating dead fuels, excluding dead
14 branches on the trees retained for Stocking, to a minimum clearance distance of
15 eight (8) feet measured from the base of the live crown of the post-harvest
16 Dominants and Codominants to the top of the dead surface or ladder fuels,
17 whichever is taller.

18 **(5)** Except as stipulated in § 1038.3(d)(2) for areas within one-hundred-fifty (150)
19 feet of Approved and Legally Permitted Structures, All fuel treatments shall be
20 completed within one (1) year from the date the Director receives the notice. This
21 requirement does not apply to burning, which instead shall be completed within two
22 (2) years from the date the Director receives the notice.

23 **(6)** The requirements of this subsection shall not supersede the requirements of
24 PRC § 4291.

1 (e) The construction or reconstruction of roads, other than Temporary Roads, is
2 prohibited. The construction or reconstruction of Temporary Roads on slopes greater
3 than thirty (30) percent is prohibited. The construction or reconstruction of Temporary
4 Roads on slopes of thirty (30) percent or less shall be allowed if all of the following
5 conditions are met:

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

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

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

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

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

17 (B) Timber Operations during the Winter Period shall comply with the
18 applicable Rule sections under 14 CCR § 914.7 [934.7, 954.7](c)(1)&(2).

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

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

1 **(5)** Temporary Road construction or reconstruction, shall be limited to no more than
2 two (2) miles of road per ownership within a single Planning Watershed (CALWATER
3 2.2) per any five (5) year period.

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

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

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

12 **(D)** Temporary Roads constructed or reconstructed under this section shall not
13 be connected to other Temporary Roads constructed under previous or
14 subsequent exemptions filed pursuant to this section.

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

19 **(F)** No tree larger than thirty (30) inches in diameter at breast height shall be
20 removed for the purposes of Temporary Road construction or reconstruction as
21 it applies to this exemption.

22 **(f)** The RPF responsible for submission of the notice of exemption shall designate
23 Temporary Road locations, Landing locations, Tractor Road crossings of Class III
24 Watercourses, Unstable Areas, or Connected Headwall Swales on the ground prior to
25 submission of the notice of exemption.

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

4 **(h)** Only trees less than thirty (30) inches in dbh, may be removed.

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

12 **(1)** Within the Coast District, if the preharvest crown canopy of Dominants and
13 Codominants is occupied by trees less than fourteen (14) inches in dbh, a minimum of
14 one hundred (100) trees over four (4) inches in dbh shall be retained per acre for Site
15 I, II, and III lands, and a minimum of seventy-five (75) trees over four (4) inches in dbh
16 shall be retained per acre for Site IV and V lands.

17 **(2)** Within the Northern District and Southern District, if the preharvest Dominant and
18 Codominant crown canopy is occupied by trees less than fourteen (14) inches in dbh,
19 a minimum of sixty-five (65) trees over four (4) inches in dbh shall be retained per acre
20 on lands of all Site Classifications.

21 **(j)** Dead and dying trees in amounts less than ten (10) percent of the average volume
22 per acre for trees up to thirty-six (36) inches dbh may be harvested.

23 **(1)** All trees over thirty (30) inches dbh that are harvested pursuant to this paragraph
24 shall be marked by, or under the supervision of, a RPF before felling operations
25 begin.

1 (2) The RPF shall consult with the Director before submitting the exemption or felling
2 any dead or dying trees in excess of thirty (30) inches dbh. The consultation will take
3 place between the RPF and the local CAL FIRE Unit Forester. The RPF shall submit
4 written documentation of the consultation to CAL FIRE, including the date, contact
5 person, and a summary of the consultation.

6 (3) When selecting trees to be harvested, the RPF shall take into consideration
7 safety, fuel hazard abatement, mortality capture, and the retention of wildlife trees per
8 wildfire and habitat protection provisions located in Article 9 of Subchapters 4, 5, and
9 6 of 14 CCR, Division 1.5, Chapter 4.

10 (k) The six trees with the largest dbh per acre within the boundaries of a notice of
11 exemption submitted pursuant to this section shall not be harvested.

12 (l) No trees of the genus *Quercus* that are greater than twenty-two (22) inches in dbh
13 shall be harvested under a notice of exemption submitted pursuant to this section, except
14 for those trees that need to be removed to mitigate safety issues.

15 (m) The postharvest composition of tree species shall be representative of the preharvest
16 stand condition and demonstrate progression towards climax forest conditions, unless the
17 ~~registered professional forester~~ Registered Professional Forester provides information
18 explaining how modification of species diversity will benefit forest health and resiliency.

19 (n) ~~The minimum post treatment Canopy closure of Dominant and Codominant trees shall~~
20 ~~be 30% for all forest types on approximately (80) percent of the Harvest Area. The~~
21 following canopy, retention, and spacing standards shall be achieved on at least eighty
22 (80) percent of the Harvest Area:

23 (1) Minimum post treatment Canopy cover of Dominant and Codominant trees shall be
24 30% for east side pine forest types and 40% for coastal redwood forest, Douglas-fir
25 forest, mixed conifer forest and all other forest types.

- 1 (2) Post treatment stand shall contain no more than two-hundred (200) trees per acre
2 over three (3) inches in dbh.
- 3 (3) Vertical spacing shall be achieved by treating dead fuels, excluding dead branches
4 on the trees retained for Stocking, to a minimum clearance distance of eight (8) feet
5 measured from the base of the live crown of the post-harvest Dominants and
6 Codominants to the top of the dead surface or ladder fuels, whichever is taller.
- 7 **(o)** Helicopter Yarding shall be prohibited.
- 8 **(p)** The RPF shall comply with 14 CCR § 1035.2, relating to interaction between the LTO
9 and the RPF.
- 10 **(q)** All Timber Operations conducted in the Lake Tahoe Region, if applicable, shall have a
11 valid Tahoe Basin Tree Removal Permit (as defined by the TRPA) or shall be conducted
12 under a valid TRPA Memorandum of Understanding, when such a permit is required by
13 TRPA.
- 14 **(r)** Upon submission of the notice of exemption, a Confidential Archaeological Letter
15 pursuant to 14 CCR § 929.1 [949.1; 969.1] (c)(2) and (7)-(11) and site records if required
16 pursuant to 14 § 929.1 [949.1; 969.1] (g) or pursuant to 14 CCR § 929.5 [949.5; 969.5]
17 ~~must be provided to the Director and the RPF shall send a copy of the notice of~~
18 ~~exemption to Native Americans as defined in 14 CCR § 895.1.~~
- 19 **(s)** No Timber Operations on any site that satisfies the criteria listed in 14 CCR § 895.1
20 for a Significant Archaeological or Historical Site may be conducted (information on some
21 of these sites may be available from the Information Centers of the California Historical
22 Resources Information System within the Department of Parks and Recreation),
- 23 **(t)** If a notice of exemption has been accepted by the Director and will use pesticides or
24 herbicides on the Harvest Area within one (1) calendar year of the date of acceptance,

1 the timberland owner shall notify the appropriate regional water quality control board
2 within ten (10) days prior to application of pesticides or herbicides.

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

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

10 **(w)** The notice of exemption shall be submitted to the Director, on a form provided by the
11 Department, prior to the commencement of Timber Operations. The form shall contain the
12 following information:

13 **(1)** Name(s), address, and telephone number(s) of the Timber Owner(s), timberland
14 owner(s), and Timber Operator;

15 **(2)** Name, address, and telephone number and license number of the RPF preparing
16 and submitting the notice of exemption;

17 **(3)** Legal description of the location of the Timber Operations;

18 **(4)** The tentative date of commencement of Timber Operations;

19 **(5)** A signature of the landowner certifying that they are the landowner and have read
20 and understand the information contained within the notice of exemption;

21 **(6)** A description of preharvest stand structure; and

22 **(7)** An estimate of pre and post-harvest QMD and certification by the RPF that, in
23 their professional judgment, post-harvest slash treatment and stand conditions will
24 lead to more moderate fire behavior.

25 **(x)** The RPF shall, upon submission of the notice of exemption:

1 **(1)** Certify that the level of residual Stocking shall be consistent with maximum
2 sustained production of high quality timber products. The residual stand shall
3 consist primarily of healthy and vigorous Dominants and Codominants from the
4 preharvest stand. Trees retained to meet the basal area stocking standards shall
5 be selected from the largest trees available on the project area prior to harvest.

6 **(A)** In no case shall Stocking be reduced below the standards found within
7 14 CCR § 913.3 [933.3, 953.3](a)(1)(A)(1)-(4) Commercial Thinning
8 ~~Stocking Standards~~ stocking standards or 14 CCR § 913.2 [933.2,
9 953.2](a)(2)(A)(1)-(4) Selection ~~Stocking Standards~~ stocking standards.

10 **(B)** The RPF responsible for preparing the notice of exemption shall
11 identify the designated postharvest stocking within the notice of
12 exemption. The selected stocking shall be applicable to, and consistent
13 with, silviculture that would apply to the preharvest stand condition
14 provided pursuant to subparagraph (x)(1).

15 **(C)** Additional information on preharvest stand conditions, including, but
16 not limited to, stand ages, stand structure, past management activities,
17 and landowner goals and objectives shall also be provided by the RPF
18 preparing and submitting the exemption that substantiates the selection of
19 postharvest stocking.

20 **(2)** Affirm that the construction or reconstruction of each Temporary Road is
21 necessary to provide access to Harvest Areas when no other feasible alternative
22 exists. The notice shall include the total number of and cumulative length of
23 Temporary Roads being constructed and/or reconstructed.

24 **(3)** Provide the selection criteria for the trees to be removed or the trees to be
25 retained. In the development of these criteria, and the fuel reduction prescriptions,

1 the RPF should consider retaining habitat elements, where feasible, including, but
2 not limited to, ground level cover necessary for the long-term management of
3 local wildlife populations. The selection criteria shall specify how the trees to be
4 removed, or how the trees to be retained, will be designated.

5 (y) The Director shall notify the submitter of the date of the Director's receipt of the notice
6 of exemption. Timber Operations pursuant to the notice of exemption may not commence
7 for ten (10) working days from the date of the Director's receipt of the notice of exemption
8 unless the delay is waived by the Director. If the notice of exemption is not complete and
9 accurate, the Director shall notify the submitter within five (5) working days from the date
10 of the Director's receipt, and the Timber Operations may not commence. The Director
11 shall determine whether the notice of exemption is complete and accurate, and if so, shall
12 send a copy of a notice of acceptance to the submitter; provided, however, if the Director
13 does not act within ten (10) working days of receipt of the notice of exemption, Timber
14 Operations may commence. Timber Operations may not be conducted without a copy of
15 the Director's notice of acceptance of the notice of exemption at the operating site, except
16 where the Director has failed to act within the ten (10) working-day review period.

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

20 (z) Before beginning Timber Operations, the RPF responsible for submittal of the notice of
21 exemption shall notify the Department, the appropriate RWQCB, the CDFW, and the CGS
22 of the actual commencement date of operations. The notification, by telephone, mail, or
23 email, shall be directed to the appropriate agency personnel and contact information for
24 the appropriate agency personnel shall be provided by the Department on the notice of

1 exemption form. If the notification is provided by mail, Timber Operations may not
2 commence for three (3) days after the postmark date of notification.

3 **(aa)** This section will expire on January 1, 2031.

4 **(bb)** No later than January 1, 2029, and bi-annually thereafter, the Board shall review
5 data from CAL FIRE Unit Foresters to assess the implementation of the Forest Resilience
6 Exemption. The Board will use this data to evaluate whether implementation is achieving
7 the desired forest resilience goals as pertains to fire, pest and disease resilience;
8 environmental protection; and forest health. The summary shall include recommendations
9 for actions that could improve outcomes for these forest resilience goals.

10

11 NOTE: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code.

12 Reference: Sections 4527, 4527.5, 4584 and 4584.2, Public Resources Code.

13

14 **§ 1038.4. Mapping Standards for the Forest Resilience Exemption.**

15 An exemption pursuant to this 14 CCR § 1038.4 will be mapped on a USGS 7 ½ minute
16 quadrangle map, or equivalent topographic maps, and shall contain all required
17 information stated within this section. Additional maps, which may be topographic or
18 planimetric, may be used to provide the information required in this section, to show
19 specific details, and to improve map clarity. Appurtenant Roads may be shown on a
20 separate map which may be planimetric with a scale as small as one-half inch equals
21 one mile. Color coding may not be used. A legend shall be included indicating the
22 meaning of symbols used.

23 (a) Boundaries of the Logging Area.

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

- 1 (c) Location of all roads to be used for, or potentially impacted by, Timber Operations.
- 2 This shall include:
- 3 (1) The classification of all roads as proposed, Permanent, Seasonal, Temporary,
- 4 Deactivated, or proposed for Abandonment.
- 5 (2) Roads and Landings located in Watercourses, Lakes, WLPZs, marshes, and
- 6 Wet Meadows and Other Wet Areas, other than at road Watercourse crossings.
- 7 (3) Logging Roads that provide access to rock pits and water drafting sites, and
- 8 the location of water drafting sites.
- 9 (4) Public Roads within one-quarter ($\frac{1}{4}$) mile of the Harvest Area.
- 10 (5) The location of Significant or Existing Potential Erosion Sites on all Roads
- 11 and Landings pursuant to 14 CCR § 923.1(e).
- 12 (d) For all constructed and reconstructed Temporary Roads and Landings, the following
- 13 shall be mapped:
- 14 (1) Location of Temporary Road grades greater than fifteen (15) percent for over
- 15 two-hundred (200) continuous feet or Logging Road grades exceeding twenty
- 16 (20) percent.
- 17 (2) Location of Road Failures on existing Temporary Roads to be Reconstructed.
- 18 (3) Location of Landings, specifying those that require substantial excavation and
- 19 those in excess of one-quarter acre in size.
- 20 (4) Location of excess material disposal sites on slopes greater than forty (40)
- 21 percent or on active Unstable Areas.
- 22 (e) Location of all Tractor Road Watercourse crossings of classified Watercourses.
- 23 (f) Location of Erosion Hazard Ratings, if more than one rating exists.
- 24 (g) Location of Watercourses and Lakes with Class I, II, III, or IV waters.
- 25 (h) Location of known Unstable Areas.

1 (i) Location of understocked areas prior to Timber Operations, and other areas not
2 normally bearing timber to at least a 20-acre minimum, or as specified in the district
3 rules.

4 (j) Location of boundaries of timber-site classes needed for determination of stocking
5 standards to be applied, down to at least a twenty (20) acre minimum, or as specified
6 in the District Rules.

7 (k) Location of any Special Treatment Areas.

8 (l) Boundaries of any areas where Tractor Operations are proposed for use on areas
9 designated for Cable Yarding.

10
11 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code.

12 Reference: Sections 4527, 4584 and 4584.2, Public Resources Code.

13
14 **§ 1052.1. Emergency Conditions.**

15 *****

16 (b) The following are conditions that constitute a financial Emergency as defined in 14
17 CCR § 895.1:

18 (1) Potential financial loss of timber previously inoperable or unmerchantable due to
19 one or more of the following factors: access, location, condition, or timber volume that
20 has unexpectedly become Feasible to harvest provided that the harvest opportunity
21 will not be economically Feasible for more than 1 year and provided that such
22 operations meet the conditions specified in 14 CCR §§ 1038.1(c)(5)-(14) and
23 1038.3(¶s) and meet minimum Stocking requirements at the completion of Timber
24 Operations.

1 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:
2 Sections 4592, 4750, 4750.3 and 4750.4, Public Resources Code.

3

4 **§ 1052.4. Emergency Notice for Fuel Hazard Reduction.**

5 *****

6 (b) The conditions of 14 CCR §§ 1038.1(c)(5)-(14) and 1038.3(~~sp~~) are applied and,
7 for operations in the Lake Tahoe Region, 14 CCR § 1038.1(b) is applied.

8 *****

9

10 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553 and 4592, Public Resources
11 Code. Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 21001(f) and
12 21080(b)(4), Public Resources Code.