

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 *****

9 **§ 895. Abbreviations**

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

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13
14 Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code.

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

18
19 **§ 895.1. Definitions**

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

23 *****

1 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7
2 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513,
3 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528,
4 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 4597.1, 21001(f),
5 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K
6 (printed following Section 15387 of Title 14 Cal. Code of Regulations), *Laupheimer v.*
7 *State* (1988) 200 Cal.App.3d 440; 246 Cal. Rptr. 82; and *Joy Road Area Forest and*
8 *Watershed Association v. California Department of Forestry & Fire Protection*, Sonoma
9 County Superior Court No. SCV 229850.

10

11 **§ 1038. Exemption.**

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

22 *****

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

1 (1) The Harvest Area does not cumulatively exceed, during any five-(5) year
2 period, three-hundred (300) acres per ownership in a Planning Watershed
3 (CALWATER 2.2), for the timberland owner(s) identified pursuant to 14 CCR §
4 1038.1(a)(2).

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

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

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

10 (C) A certification that states:

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

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

19 (3) Unless it is necessary to achieve the goal of the oak woodland restoration,

20 ~~n~~No trees larger than twenty-six (26) inches stump diameter, measured eight
21 ~~(8) inches above ground level~~ thirty (30) inches dbh may be removed for
22 commercial purposes.

23 (A) If removal of trees greater than thirty (30) inches dbh is necessary to
24 achieve the goals of the oak woodland restoration, the RPF shall attach to
25 the submitted notice of exemption a written explanation and justification

1 for the harvest of the tree based on the RPF's finding that the removal of
2 the tree(s) is necessary for the long-term maintenance of the oak stand or
3 associated grassland.

4 (B) The RPF shall consult with the Director by contacting the local CAL
5 FIRE Unit Forester prior to submitting a notice of exemption if there is a
6 potential to fell any tree greater than thirty (30) inches dbh. The results of
7 this consultation shall be included in the written explanation and
8 justification for the harvest of the tree as referenced in 14 CCR §
9 1038(e)(3)(A).

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

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

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

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

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

23 ~~(E)~~ As well as compliance with applicable Slash requirements pursuant
24 to Table 1 of 14 CCR § 1038.1, all Slash shall be configured in a manner

1 that minimizes risk of fire related mortality to all retained California black
2 oak and Oregon white oak.

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

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6
7 Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code.

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

11
12 **§ 1038.3 Forest Fire Prevention Resilience Exemption**

13 Persons who are engaged in the ~~cutting or removal~~ harvesting of trees, limited to those
14 trees that eliminate the vertical continuity of vegetative fuels and the horizontal
15 continuity of tree crowns, for the purpose of rpeducing flammable materials to reduce
16 fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns are exempt
17 from the plan preparation and submission requirements (PRC § 4581) and from the
18 completion report and Stocking report requirements (PRC §§ 4585 and 4587) of the
19 FPA. Timber Operations conducted under any notice of exemption described herein
20 shall be limited to one (1) year from the date of receipt by the Director, or until the
21 submitter notifies the Director of the termination of operations, whichever occurs sooner
22 and shall comply with all operational provisions of the FPA and District Forest Practices
23 Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR §
24 895.1. This exemption shall be known as the Forest ~~Fire Prevention~~ Resilience
25 Exemption. Preparation and submittal of notices of exemption under this section, or

1 Timber Operations conducted thereunder, shall comply with the following conditions,
2 exceptions, or requirements as described. Exemption Notices authorized by this
3 section shall not have a harvest area that geographically overlaps with the harvest area
4 of another non-expired Notice or Plan with the exception of an approved NTMP or
5 WFMP.

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

8 **(b)** This exemption shall only be used on Timberlands that are within the most recent
9 version of the Department's Fire Hazard Severity Zone Map, which can be found on
10 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/)
11 [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/)
12 [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
13 moderate, high, or very high fire hazard severity zones. ~~threat areas.~~

14 **(c)** The Harvest Area shall not exceed ~~three~~ five hundred (~~300~~500) acres.

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

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

1 wildfire, shall be chipped, burned, or removed within forty-five (45) days from the
2 start of Timber Operations within the 150-foot zone.

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

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

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

21 ~~(4)~~**(6)** The requirements of this subsection shall not supersede the requirements of
22 PRC § 4291.

23 **(e)** The construction or reconstruction of roads, other than Temporary Roads, is
24 prohibited. The construction or reconstruction of Temporary Roads on slopes greater
25 than thirty (30) percent is prohibited. The construction or reconstruction of Temporary

1 Roads on slopes of thirty (30) percent or less shall be allowed if all of the following
2 conditions are met:

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

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

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

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

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

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

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

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

21 **(5)** Temporary Road construction or reconstruction, shall be limited to no more than
22 two (2) miles of road per ownership within a single Planning Watershed (CALWATER
23 2.2) per any five (5) year period.

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

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

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

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

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

16 **(F)** No tree larger than thirty six (36) inches in diameter at ~~stump~~ breast height,
17 ~~measured eight (8) inches above ground level,~~ shall be removed for the
18 purposes of Temporary Road construction or reconstruction as it applies to this
19 exemption. ~~Trees between thirty (30) and thirty six (36) inches in diameter at~~
20 ~~stump height, measured eight (8) inches above ground level, may be removed~~
21 ~~for the purposes of Temporary Road construction or reconstruction when no~~
22 ~~other feasible option exists for Temporary Road construction activities.~~

23 **(f)** The RPF responsible for submission of the notice of exemption shall designate
24 Temporary Road locations, Landing locations, Tractor Road crossings of Class III

1 Watercourses, Unstable Areas, or Connected Headwall Swales on the ground prior to
2 submission of the notice of exemption.

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

6 **(h)** ~~Except within constructed or reconstructed Temporary Road prisms, o~~Only trees less
7 than thirty (30) inches in ~~stump diameter~~dbh, measured eight (8) inches above ground
8 level, may be removed.

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

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

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

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

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

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

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

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

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

19 (m) The postharvest composition of tree species shall be representative of the preharvest
20 stand condition and demonstrate progression towards climax forest conditions, unless the
21 Registered Professional Forester provides information explaining how modification of
22 species diversity will benefit forest health and resiliency.

23 ~~(kn) The minimum post treatment Canopy closure of Dominant and Codominant trees~~
24 ~~shall be 30% for all forest types on approximately (80) percent of the Harvest Area. The~~
25 following standards for post-harvest canopy cover shall be met by Dominant and

1 Codominant trees canopy, retention, and spacing standards shall be achieved on at least
2 eighty (80) percent of the Harvest area: on at least 80% of the Harvest Area:

3 (1) ~~Minimum post treatment Canopy cover of Dominant and Codominant trees shall be~~
4 ~~30% for east side pine forest types and 40% for coastal redwood forest, Douglas fir~~
5 ~~forest, mixed conifer forest and all other forest types.~~40% for coast redwood forest
6 types.

7 (2) ~~Post treatment stand shall contain no more than two hundred (200) trees per acre~~
8 ~~over three (3) inches in dbh.~~30% for all other forest types.

9 (3) ~~Vertical spacing shall be achieved by treating dead fuels, excluding dead branches~~
10 ~~on the trees retained for Stocking, to a minimum clearance distance of eight (8) feet~~
11 ~~measured from the base of the live crown of the post harvest Dominants and~~
12 ~~Codominants to the top of the dead surface or ladder fuels, whichever is taller.~~No
13 canopy cover standard is required if the preharvest crown canopy of Dominant and
14 Codominant is occupied by trees 14 inches dbh or less.

15 ~~(io)~~ Helicopter Yarding shall be prohibited.

16 ~~(mp)~~ The RPF shall comply with 14 CCR § 1035.2, relating to interaction between the
17 LTO and the RPF.

18 ~~(ng)~~ All Timber Operations conducted in the Lake Tahoe Region, if applicable, ~~must~~ shall
19 have a valid Tahoe Basin Tree Removal Permit (as defined by the TRPA) or shall be
20 conducted under a valid TRPA Memorandum of Understanding, when such a permit is
21 required by TRPA.

22 ~~(or)~~ Upon submission of the notice of exemption, a Confidential Archaeological Letter
23 pursuant to 14 CCR § 929.1 [949.1; 969.1] (c)(2) and (7)-(11) and site records if required
24 pursuant to 14 § 929.1 [949.1; 969.1] (g) or pursuant to 14 CCR § 929.5 must be provided

1 to the Director. ~~and the RPF shall send a copy of the notice of exemption to Native~~
2 ~~Americans as defined in 14 CCR § 895.1.~~

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

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

11 **(fu)** Subsequent to the completion of Timber Operations operating under this section, the
12 Department shall conduct an onsite inspection to determine compliance with this section.
13 The Department shall notify the appropriate RWQCB, the CDFW, and the CGS seven (7)
14 days prior to conducting the onsite inspection.

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

18 **(tw)** The notice of exemption shall be submitted to the Director, on a form provided by the
19 Department, prior to the commencement of Timber Operations. The form shall contain the
20 following information:

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

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

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

- 1 **(4)** The tentative date of commencement of Timber Operations;
- 2 **(5)** A signature of the landowner certifying that they are the landowner and have read
- 3 and understand the information contained within the notice of exemption;
- 4 **(6)** A description of preharvest stand structure; and
- 5 **(7)** An estimate of pre and post-harvest QMD and certification by the RPF that, in
- 6 their professional judgment, post-harvest slash treatment and stand conditions will
- 7 lead to more moderate fire behavior.

8 ~~(4x)~~ The RPF shall, upon submission of the notice of exemption:

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

14 **(A)** In no case shall Stocking be reduced below the standards found within

15 14 CCR § 913.3 [933.3, 953.3](a)(1)(A)(1)-(4) Commercial Thinning

16 stocking standards or 14 CCR § 913.2 [933.2, 953.2](a)(2)(A)(1)-(4)

17 Selection stocking standards.

18 **(B)** The RPF responsible for preparing the notice of exemption shall

19 identify the designated postharvest stocking within the notice of

20 exemption. The selected stocking shall be applicable to, and consistent

21 with, silviculture that would apply to the preharvest stand condition

22 provided pursuant to subparagraph (x)(1).

23 **(C)** Additional information on preharvest stand conditions, including, but

24 not limited to, stand ages, stand structure, past management activities,

25 and landowner goals and objectives shall also be provided by the RPF

1 preparing and submitting the exemption that substantiates the selection of
2 postharvest stocking.

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

7 **(3)** Provide the selection criteria for the trees to be removed or the trees to be
8 retained. In the development of these criteria, and the fuel reduction prescriptions,
9 the RPF should consider retaining habitat elements, where feasible, including, but
10 not limited to, ground level cover necessary for the long-term management of
11 local wildlife populations. The selection criteria shall specify how the trees to be
12 removed, or how the trees to be retained, will be designated.

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

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

4 **(wz)** Before beginning Timber Operations, the RPF responsible for submittal of the notice
5 of exemption shall notify the Department, the appropriate RWQCB, the CDFW, and the
6 CGS of the actual commencement date of operations. The notification, by telephone,
7 mail, or email, shall be directed to the appropriate agency personnel and contact
8 information for the appropriate agency personnel shall be provided by the Department on
9 the notice of exemption form. If the notification is provided by mail, Timber Operations
10 may not commence for three (3) days after the postmark date of notification.

11 **(xaa)** This section will expire on January 1, ~~2026~~2031.

12 **(bb)** No later than 24 months after the effective date of the permanent rulemaking, and bi-
13 annually thereafter, the Board shall review data from CAL FIRE Unit Foresters to assess
14 the implementation of the Forest Resilience Exemption. The Board will use this data to
15 evaluate whether implementation is achieving the desired forest resilience goals as
16 pertains to fire, pest and disease resilience; environmental protection; and forest health.
17 The summary shall include recommendations for actions that could improve outcomes for
18 these forest resilience goals.

19
20 NOTE: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code.

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

22
23 **§ 1038.4. Mapping Standards for the Forest Fire ~~Prevention~~Resilience Exemption**

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

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

7 (a) Boundaries of the Logging Area.

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

9 (c) Location of all roads to be used for, or potentially impacted by, Timber Operations.

10 This shall include:

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

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

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

17 (4) Public Roads within one-quarter ($\frac{1}{4}$) mile of the Harvest Area.

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

20 (d) For all constructed and reconstructed Temporary Roads and Landings, the following
21 shall be mapped:

22 (1) Location of Temporary Road grades greater than fifteen (15) percent for over
23 two-hundred (200) continuous feet or Logging Road grades exceeding twenty

24 (20) percent.

25 (2) Location of Road Failures on existing Temporary Roads to be Reconstructed.

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

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

5 (e) Location of all Tractor Road Watercourse crossings of classified Watercourses.

6 (f) Location of Erosion Hazard Ratings, if more than one rating exists.

7 (g) Location of Watercourses and Lakes with Class I, II, III, or IV waters.

8 (h) Location of known Unstable Areas.

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

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

15 (k) Location of any Special Treatment Areas.

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

18
19 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code.

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

21
22 **§ 1052.1. Emergency Conditions.**

23 *****

24 (b) The following are conditions that constitute a financial Emergency as defined in 14

25 CCR § 895.1:

1 (1) Potential financial loss of timber previously inoperable or unmerchantable due to
2 one or more of the following factors: access, location, condition, or timber volume that
3 has unexpectedly become Feasible to harvest provided that the harvest opportunity
4 will not be economically Feasible for more than 1 year and provided that such
5 operations meet the conditions specified in 14 CCR §§ 1038.1(c)(5)-(14) and
6 1038.3(~~ps~~) and meet minimum Stocking requirements at the completion of Timber
7 Operations.

8
9 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:
10 Sections 4592, 4750, 4750.3 and 4750.4, Public Resources Code.

11
12 **§ 1052.4. Emergency Notice for Fuel Hazard Reduction.**

13 *****

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

16 *****

17
18 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553 and 4592, Public Resources
19 Code. Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 21001(f) and
20 21080(b)(4), Public Resources Code.