

## Draft AB 744 Regulations

### 1038

(j) The harvesting of trees in compliance with PRC § 4584(j)(11), Forest Fire Prevention Exemption Pilot Project, limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns, for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns, when the following conditions are met:

(1) The logging area does not exceed 300 acres in size.

(2) The tree harvesting will decrease fuel continuity and increase the quadratic mean diameter of the stand.

(3) The Notice of Exemption, Form RM-73(1038i)(1/01/08), is prepared, signed and submitted by an RPF to the Director. The RPF shall provide current address and telephone number on the form.

(4) The RPF preparing the Notice of Exemption shall, upon submission of the Notice of Exemption, provide a map of the area of timber operations that complies with 14 CCR § 1034(x)(1), (3), (4), (7), and (12). This map shall be submitted in place of the map required by 14 CCR § 1038.2(d).

(5) The RPF shall, upon submission of the Notice of Exemption, include a description of the preharvest stand structure and a statement of the postharvest stand stocking levels. The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. The residual stand shall consist primarily of healthy and vigorous dominant and codominant trees from the preharvest stand. Trees retained to meet the basal area stocking standards shall be selected from the largest trees available on the project area prior to harvest. In no case shall stocking be reduced below the following standards:

(A) Where the preharvest dominant and codominant crown canopy is occupied primarily by trees greater than 14 in. dbh:

1. On Site I mixed conifer lands, at least 125 sq. ft. per acre of basal area shall be left, and on Site I land where greater than 50% of the basal area is pine, at least 100 sq. ft. per acre of basal area shall be left.

2. On Site II mixed conifer lands, at least 100 sq. ft. per acre of basal area shall be left, and on Site II lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.

3. On Site III mixed conifer lands, at least 75 sq. ft. per acre of basal area shall be left, and on Site III lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.

4. On Site IV and V mixed conifer lands, at least 50 sq. ft. per acre of basal area shall be left, and on Site IV and V lands where greater than 50% of the basal area is pine, at least 50 sq. ft. per acre of basal area shall be left.

(B) Where the preharvest dominant and codominant crown canopy is occupied by trees less than 14 in. dbh, a minimum of 100 trees per acre over 4 in. dbh shall be retained for site I, II, and III. For site IV and V – 75 trees per acre over 4 in. dbh shall be retained.

(6) The RPF shall, upon submission of the Notice of Exemption, provide the selection criteria for the trees to be removed or the trees to be retained. In the development of these criteria, and the fuel reduction prescriptions, the RPF should consider retaining habitat elements, where feasible, including, but not limited to, ground level cover necessary for the long-term management of local wildlife populations. The selection criteria shall specify how the trees to be removed, or how the trees to be retained, will be designated. All trees to be harvested or all trees to be retained shall be marked or sample marked by, or under the supervision of, an RPF prior to felling operations. Sample marking shall be limited to homogeneous forest stand conditions typical of plantations. When trees are sample marked, the designation prescription for unmarked areas shall be in writing and the sample mark area shall include at least 10% of the harvest area to a maximum of 20 acres per stand type which is representative of the range of conditions present in the area.

(7) The RPF shall, upon submission of the Notice of Exemption, provide a Confidential Archaeological Letter which contains all the information required for plans and Emergency Notices in 14 CCR § 929.1(c)(2), (7), (8), (9), (10) and (11), [949.1(c)(2), (7), (8), (9), (10) and (11), 969.1(c)(2), (7), (8), (9), (10) and (11)] including site records as required pursuant to 14 CCR §§ 929.1 (g) [949.1(g), 969.1(g)] and 929.5 [949.5 and 969.5]. The Director shall submit a complete copy of the Confidential Archaeological Letter, and two copies of any required archaeological or historical site records, to the appropriate Information Center of the California Historical Resource Information System, within 30 days from the date of Notice of Exemption submittal to the Director. Before submitting the Notice of Exemption to the Director, the RPF shall send a copy of the Notice of Exemption to Native Americans defined in 14 CCR § 895.1.

(8) Only trees less than 18 inches outside bark stump diameter, measured at eight inches above ground level, may be removed.

(9) Post harvest stand conditions shall not violate the following canopy closure requirements:

(A) Minimum post treatment canopy closure of dominant and codominant trees shall be 40 percent for east side pine forest types;

(B) Minimum post treatment canopy closure of dominant and codominant trees shall be 50 percent for mixed conifer and all other forest types.

(10)

(A) Post treatment stand shall contain no more than 200 trees per acre over 3 inches in dbh, when consistent with 14 CCR § 1038(j)(9)(A) and (B).

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

(C) All logging slash created by the timber operations shall be treated to achieve a maximum post harvest depth of 9 inches above the ground.

(D) The requirements of this subsection shall not supersede the requirements of PRC § 4291.

(11) Treatments for fuels shall include chipping, removing, piling, burning or other methods necessary to achieve the standards. Treatments for any portion of the exemption area where timber operations have occurred, except for burning operations, shall be done within 120 days from the start of timber operations on that portion of the exemption area. Burning operations shall be completed by April 1 of the year following surface fuel creation. Treatment of surface fuels by burning shall be exempt from the one year time limitations described under 14 CCR § 1038.1.

(12) Fuel treatments conducted under 14 CCR § 1038(j)(8), (9), (10) and (11) shall be achieved on at least 80 percent of the treated area.

(13) Timber operations shall comply with the limits established in 14 CCR § 1038, subsections (b)(1) through (10). Timber operations in the Lake Tahoe Region shall comply with the requirements of paragraphs (1) to (16), inclusive of subdivision (f) of Section 1038 of Title 14 of the California Code of Regulations.

(14) At least one inspection conducted by the Director shall be made after completion of operations.

(15) 14 CCR § 1038(i) shall expire on January 1, 2017.