

**DRAFT Staff Recommendation of Applicability of SB 901 Amendments to PRC 4584.1 to Existing Exemptions 12/4/18**

<b>New 4584.1 provision</b>	<b>Christmas Trees (1038 a)</b>	<b>Dead, Diseased, Dying, Fuelwood &amp; Split Products (1038 b) &amp; Biomass (1038 g)</b>	<b>Damaged Timberland (1038 d) &amp; Drought Mortality (1038 (k))</b>	<b>Oak Management (1038 (l))</b>	<b>150-300 foot exemption (1038 (c)(6))*</b>	<b>Small Landowner Exemption (new)</b>	<b>Less Than 3-Acre Conversions (1104.1 a)</b>	<b>Right-of-way construction and maintenance by public agency (1104.1 b)</b>	<b>Utility right-of-way exemption (1104.1 c)</b>	<b>0-150 foot exemption (1038 (c))</b>
Notices must be submitted with a map which is compliant with 14 CCR § 1034 (X)(1), (3), (4), (5)(a), (5)(B), (5)(D), (5)(E), (7)-(12), & (14) (4584.1 a)	See additional Mapping Matrix									
Notices must include a Confidential Archaeological Letter pursuant to (14 CCR §§929.1, 949.1, 969.1 (c)(2), & (7)-(11)) (4584.1 b)				X	Not Applicable	X				Not Applicable
All fuel treatments (required by Board) must be complete within 1 year from the date of receipt, except for burning which must be complete in 2 yrs from receipt. (4584.1 c)		X	X	X	Maintain Existing Standards	X	X	X	X	Maintain Existing Standards
Slash and woody debris shall be treated to achieve a maximum depth of 18 inches above the ground except within 150 feet from any point of an approved and legally permitted structure that complies with the California Building Code. Surface fuels, slash, and woody debris within 150 feet from any point of an approved and legally permitted structure that complies with the California Building Code shall be chipped, piled and burned, or removed. (4584.1 d)		X	X	X	Maintain Existing Standards	X	X	X	X	Maintain Existing Standards
Timber operations shall comply with the requirements of paragraphs (1) to (10), inclusive, of subdivision (b) of Section 1038 of Title 14 of the California Code of Regulations. (4584.1 e)		X	X	X	X**	X	X	X	X	X**
All timber operations conducted in Lake Tahoe Region must have a valid Tahoe Basin Tree Removal Permit, as defined by the Tahoe Regional Planning Agency (TRPA), or shall be conducted under a valid TRPA Memorandum of Understanding, when such a permit is required by TRPA (4584.1 (f))	X	X	X	X	X	X	X	X	X	X
The submitted notice of exemption shall include selection criteria for the trees to be harvested or the trees to be retained. (4584.1 (g))										
The department shall provide the appropriate regional water quality control board, the Department of Fish and Wildlife, and the California Geologic Survey with copies of notices of exemption when they are submitted (4584 (h))	X	X	X	X	X	X	X	X	X	X
The submitted notice of exemption shall include the tentative commencement date of timber operations (4584.1 (i))	X	X	X	X	X	X	X	X	X	X
Within a 15-day period, the registered professional forester or person responsible for the submittal of the notice of exemption shall notify the department, the Department of Fish and Game, the appropriate regional water quality control board, and the California Geologic Survey of the actual date of commencement of timber operations (4584.1 (j))†		X****	X	X	X	X	X	X	X	X
Timber operations pursuant to an exemption may not commence for 10 working days from the date of the director's receipt of the notice of exemption unless this delay is waived by the director (4584.1 (k))†		X	X	X	X	X	X	X	X	X
No large trees may be harvested unless the tree is not critical to a Late Successional Stand, OR the Tree is a hazard to safety or property, OR removal is necessary for building construction, OR the tree is dead or dying, OR if an approved HCP, SYP, or Plan addresses old tree retention for the area in which removal is proposed and removal is in compliance with the document (4584.1 l) ††	X	X	X	X	X	Excluded by PRC 4584.1(l) (4)	X	X	X	X
Helicopter yarding is prohibited (4584.1 (m))	X	X	X	X	X	X	X	X	X	X
Requires an RPF (4584.1 n)			X	X	X	X	X	X	X	

\*Board Staff recommends limiting the distance for the exemption authorized by PRC 4584 (m) to 150-300 feet from a structure

\*\*include revised Rasmussen language from 1104.1 (a)(2)(l)

\*\*\*\* Utilize language presented by Board Staff at the October 30 Workshop (recently adopted text)

† Assessment should be made regarding the interaction of elements required by 4584.1 (j)&(k). Please see regulatory language attachment

††Board Staff recommends using existing regulatory language of 1038 (h) (with the inclusion of statutory references to Decadent and Deformed Trees of Value to Wildlife and modifications to qualifying language). Please see regulatory language attachment.