

BOARD OF FORESTRY AND FIRE PROTECTION

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**Staff Memo:****Recommendations on Staff Assignments from November 27, 2018
Exemption Workshop****Joint FPC/MGMT Committee Meeting****December 4, 2018****Notifications - PRC § 4584.1 (j) and (k) (see bottom of pages 16 of 21 in Revised PRC handout).**

Staff Recommendation to meet the intent of 4584.1(j) and (k) (see pages 16 and 17 of 21):
To use the 2018 Adopted Text from 1038.1(a)(3) with potential to add CGS, DFW and Water Boards as notified agencies, in additional to CAL FIRE:

Before beginning Timber Operations, the Timber Operator shall notify the Department of the actual commencement date of operations. The notification, by telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector or other designated personnel. If the notification is provided by mail, Timber Operations may not commence until three (3) days after the postmark date of notification.

The Director shall notify the submitter of the date of the Director's receipt of the Notice of Exemption. Timber Operations pursuant to the Notice of Exemption may not commence for five (5) working days from the date of the Director's receipt of the Notice of Exemption unless this delay is waived by the Director. If the Notice of Exemption is not complete and accurate, the Director shall notify the submitter within five (5) working days from the date of the Director's receipt, and the Timber Operations may not commence. The Director shall determine whether the Notice of Exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter; provided, however, if the Director does not act within five (5) working days of receipt of the Notice of Exemption, Timber Operations may commence.

Notifications - PRC § 4584.2 (j) and (k) (see bottom of page 20 of 21 in Revised PRC handout).

Before beginning Timber Operations, the Timber Operator shall notify the Department of the actual commencement date of operations. The notification, by telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector or other designated personnel. If the notification is provided by mail, Timber Operations may not commence until three (3) days after the postmark date of notification.

The Director shall notify the submitter of the date of the Director's receipt of the Notice of Exemption. Timber Operations pursuant to the Notice of Exemption may not commence for ten (10) working days from the date of the Director's receipt of the Notice of Exemption unless this delay is waived by the Director. If the Notice of Exemption is not complete and accurate, the Director shall notify the submitter within ten (10) working days from the date of the Director's receipt, and the Timber Operations may not commence. The Director shall determine whether the Notice of Exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter; provided, however, if the Director does not act within ten (10) working days of receipt of the Notice of Exemption, Timber Operations may commence.

Consolidation –

- 14 CCR § 1038 (b) and 1038(g) –

Harvesting dead, dying or diseased trees of any size, fuelwood or split products in amounts less than 10 percent of the average volume per acre, or the removal of woody debris and slash that is not located within a WLPZ.

Slash, pursuant to PRC § 4525.7, means branches or limbs less than four inches in diameter, and bark and split products debris left on the ground as a result of timber operations.

Woody debris means woody material four inches and greater in diameter and no less than two feet long left on the ground as the result of timber operations.

NOTE: Review existing regulatory provisions of 1038 (g) to review provisions not included in above consolidation language.

- 14 CCR § 1038 (d) and 1038(k) –

Harvesting dead, dying or diseased trees, fuel wood, or split products in response to drought related stress or dead trees which are unmerchantable as sawlog-sized timber and located upon Substantially Damaged Timberland.

Substantially Damaged Timberlands means areas of timberland where wildfire, insects, disease, wind, flood, or other blight caused by an act of God occurs after January 1, 1976 and the damage reduced stocking below the requirements of PRC 4561 or other higher minimum stocking requirements that may be applicable under Articles 3 and 11 of Subchapter 4, Article 3 of Subchapter 5, and Articles 3 and 11 of Subchapter 6.

NOTE: Review existing regulatory provisions of 1038 (d) and (k) to review provisions not included in above consolidation language.