

1 **Board of Forestry and Fire Protection**
2 **November 27, 2018 Regulations Workshop**

3 **SB 901**

4 **Revised PRC §§ 4584, 4584.1, 4584.2**

5 **4584.** Upon determining that this exemption is consistent with the purposes of this chapter, the board may
6 exempt from this chapter, or portions of this chapter, a person engaged in forest management whose
7 activities are limited to any of the following:

8 (a) The cutting or removal of trees for the purpose of constructing or maintaining a right-of-way for
9 utility lines.

10 (b) The planting, growing, nurturing, shaping, shearing, removal, or harvest of immature trees for
11 Christmas trees or other ornamental purposes or minor forest products, including fuelwood.

12 (c) The cutting or removal of dead, dying, or diseased trees of any size.

13 (d) Site preparation.

14 (e) Maintenance of drainage facilities and soil stabilization treatments.

15 (f) Timber operations on land managed by the Department of Parks and Recreation.

16 (g) (1) The one-time conversion of less than three acres to a nontimber use. A person, whether acting
17 as an individual, as a member of a partnership, or as an officer or employee of a corporation or
18 other legal entity, shall not obtain more than one exemption pursuant to this subdivision in a five-
19 year period. If a partnership has as a member, or if a corporation or other legal entity has as an
20 officer or employee, a person who has received this exemption within the past five years, whether
21 as an individual, as a member of a partnership, or as an officer or employee of a corporation or
22 other legal entity, then that partnership, corporation, or other legal entity is not eligible for this
23 exemption. "Person," for purposes of this subdivision, means an individual, partnership,
24 corporation, or other legal entity.
25

1 (2) (A) Notwithstanding Section 4554.5, the board shall adopt regulations that do all of the
2 following:

3 (i) Identify the required documentation of a bona fide intent to complete the conversion
4 that an applicant will need to submit in order to be eligible for the exemption in paragraph
5 (1).

6 (ii) Authorize the department to inspect the sites approved in conversion applications that
7 have been approved on or after January 1, 2002, in order to determine that the
8 conversion was completed within the two-year period described in subparagraph (B) of
9 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of the California Code of
10 Regulations.

11 (iii) Require the exemption pursuant to this subdivision to expire if there is a change in
12 timberland ownership. The person who originally submitted an application for an
13 exemption pursuant to this subdivision shall notify the department of a change in
14 timberland ownership on or before five calendar days after a change in ownership.

15 (iv) The board may adopt regulations allowing a waiver of the five-year limitation
16 described in paragraph (1) upon finding that the imposition of the five-year limitation
17 would impose an undue hardship on the applicant for the exemption. The board may
18 adopt a process for an appeal of a denial of a waiver.

19 (B) The application form for the exemption pursuant to paragraph (1) shall prominently advise
20 the public that a violation of the conversion exemption, including a conversion applied for in
21 the name of someone other than the person or entity implementing the conversion in bona
22 fide good faith, is a violation of this chapter and penalties may accrue up to ten thousand
23 dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).
24
25

1 (h) An easement granted by a right-of-way construction agreement administered by the federal
2 government if timber sales and operations within or affecting the area are reviewed and conducted
3 pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

4 (i) (1) The cutting or removal of trees in compliance with Sections 4290 and 4291 that eliminates the
5 vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose
6 of reducing flammable materials and maintaining a fuel break for a distance of not more than 150
7 feet on each side from an approved and legally permitted structure that complies with the
8 California Building Standards Code, when that cutting or removal is conducted in compliance with
9 this subdivision. For purposes of this subdivision, an “approved and legally permitted structure”
10 includes only structures that are designed for human occupancy, garages, barns, stables, and
11 structures used to enclose fuel tanks.

12 (2) (A) The cutting or removal of trees pursuant to this subdivision is limited to cutting or removal
13 that will result in a reduction in the rate of fire spread, fire duration and intensity, fuel
14 ignitability, or ignition of the tree crowns and shall be in accordance with any regulations
15 adopted by the board pursuant to this section.

16 (B) Trees shall not be cut or removed pursuant to this subdivision by the clearcutting
17 regeneration method, by the seed tree removal step of the seed tree regeneration method, or
18 by the shelterwood removal step of the shelterwood regeneration method.

19 (3) (A) All fuel treatments conducted pursuant to this subdivision that do not comply with board
20 rules and regulations may be determined to be a nuisance and subject to abatement by the
21 department or the city or county having jurisdiction.

22 (B) The costs incurred by the department, city, or county, as the case may be, to abate the
23 nuisance upon a parcel of land subject to the timber operations, including, but not limited to,
24 investigation, boundary determination, measurement, and other related costs, may be
25 recovered by special assessment and lien against the parcel of land by the department, city,

1 or county. The assessment may be collected at the same time and in the same manner as
2 ordinary ad valorem taxes, and shall be subject to the same penalties and the same
3 procedure and sale in case of delinquency as is provided for ad valorem taxes.

4 (4) All timber operations conducted pursuant to this subdivision shall conform to applicable city or
5 county general plans, city or county implementing ordinances, and city or county zoning
6 ordinances. This paragraph does not authorize the cutting, removal, or sale of timber or other
7 solid wood forest products within an area where timber harvesting is prohibited or otherwise
8 restricted pursuant to the rules or regulations adopted by the board.

9 (5) (A) The board shall adopt regulations, initially as emergency regulations in accordance with
10 subparagraph (B), that the board considers necessary to implement and to obtain compliance
11 with this subdivision.

12 (B) The emergency regulations adopted pursuant to subparagraph (A) shall be adopted in
13 accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section
14 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of emergency
15 regulations shall be deemed to be an emergency and necessary for the immediate
16 preservation of the public peace, health, and safety, or general welfare.

17 (j) (1) The cutting or removal of trees on the person's property that eliminates the vertical continuity of
18 vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing
19 flammable materials and maintaining a fuel break. An exemption pursuant to this subdivision shall
20 be known as the Small Timberland Owner Exemption. The cutting or removal of trees in
21 compliance with this subdivision shall be subject to all of the following conditions:

22 (A) The notice of exemption is prepared, signed, and submitted by a registered professional
23 forester to the department.
24
25

1 (B) The residual stocking standards are consistent with the following standards and shall be
2 achieved through uneven-aged management, as defined in Section 895.1 of Title 14 of the
3 California Code of Regulations excluding group selection:

4 (i) On Site I lands at least 150 square feet of basal area shall be retained within the coast
5 forest district, as defined in Section 907 of Title 14 of the California Code of Regulations,
6 while at least 100 square feet of basal area shall be retained within the northern and
7 southern districts, as defined in Section 908 or 909, respectively, of Title 14 of the
8 California Code of Regulations.

9 (ii) On Site II lands at least 100 square feet of basal area shall be retained within the
10 coast district, while at least 75 square feet of basal area shall be retained within the
11 northern and southern districts.

12 (iii) On Site III lands at least 75 square feet of basal area shall be retained.

13 (C) (i) Forest management activities will increase the quadratic mean diameter of the stand.

14 (ii) Increases in quadratic mean diameter shall only consider trees greater than eight
15 inches in diameter at breast height. The registered professional forester responsible for
16 preparation of the notice of exemption shall report the expected postharvest increase in
17 quadratic mean diameter.

18 (D) (i) The residual stand consists primarily of healthy and vigorous dominant and
19 codominant trees from the preharvest stand, well distributed through the harvested area.

20 (ii) No trees of the genus quercus that are greater than 26 inches diameter at stump
21 height, measured 8 inches above ground level, shall be harvested under a notice of
22 exemption submitted pursuant to this subdivision.

23 (iii) No trees greater than 32 inches diameter at stump height, measured 8 inches above
24 ground level, shall be harvested under a notice of exemption submitted pursuant to this
25 subdivision.

1 (iv) The six largest trees per acre within the boundaries of a notice of exemption
2 submitted pursuant to this subdivision shall not be harvested.

3 (v) The postharvest composition of tree species shall be representative of the preharvest
4 stand condition and demonstrate progression towards climax forest conditions, unless the
5 registered professional forester provides justification explaining how modification of
6 species diversity will benefit forest health and resiliency.

7 (E) The submitted notice of exemption shall include a description of the preharvest stand
8 structure and a statement of the minimum expected postharvest stocking.

9 (F) All trees that are harvested or all trees that are retained shall be marked by, or under the
10 supervision of, a registered professional forester before felling operations begin.

11 (G) The board shall adopt regulations for the treatment of understory vegetation and standing
12 dead fuels, canopy closure, clearance to base of live crown, or ladder fuels, that could
13 promote the spread of wildfire. A fuel reduction effort conducted under a submitted notice of
14 exemption pursuant to this subdivision shall comply with the canopy closure regulations
15 adopted by the board on June 10, 2004, and as those regulations may be amended.

16 (H) A notice of exemption submitted to the department that is within the coast forest district is
17 submitted for a small forestland owner who owns 60 acres or less of timberland within a
18 single planning watershed.

19 (I) A notice of exemption submitted to the department that is within the northern forest district
20 or the southern forest district is submitted for a small forestland owner who owns 100 acres
21 or less of timberland within a single planning watershed.

22 (2) (A) All timber operations conducted pursuant to this subdivision may only occur once on any
23 given acre per any 10-year period of time. The department shall only grant a maximum of
24 three exemptions under the Small Timberland Owner Exemption per landowner.
25

1 (B) Except for the harvesting of dead, diseased, or dying trees, during this 10-year period the
2 department shall not approve a plan, as defined in Section 895.1 of Title 14 of the California
3 Code of Regulations, that allows even-aged silviculture prescriptions. During this 10-year
4 period of time a registered professional forester shall not submit a notice of exemption
5 pursuant to subdivision (k) on portions of the property subject to an exemption pursuant to
6 this subdivision.

7 (3) The department may conduct an onsite inspection to determine compliance with this
8 subdivision. The department may notify the Regional Water Quality Control Board, the
9 Department of Fish and Wildlife, and the California Geologic Survey prior to conducting the onsite
10 inspection. The Regional Water Quality Control Board, the Department of Fish and Wildlife, and
11 the California Geologic Survey may conduct an inspection with the department.

12 (4) (A) This subdivision shall be operative for a period of five years after the effective date of
13 emergency regulations as adopted by the board and as of that date is inoperative.

14 (B) The board shall notify the Secretary of State when emergency regulations have been
15 adopted.

16 (k) (1) The harvesting of trees, limited to those trees that eliminate the vertical continuity of vegetative
17 fuels and the horizontal continuity of tree crowns, for the purpose of reducing the rate of fire
18 spread, duration and intensity, fuel ignitability, or ignition of tree crowns. An exemption pursuant
19 to this paragraph shall be known as the Forest Fire Prevention Exemption.

20 (2) The board may authorize an exemption pursuant to paragraph (1) only if the tree harvesting
21 will decrease fuel continuity and increase the quadratic mean diameter of the stand, and the tree
22 harvesting area will not exceed 300 acres. Increases in quadratic mean diameter shall only
23 consider trees greater than eight inches in diameter at breast height. The notice of exemption
24 may be authorized only if all of the conditions specified in paragraphs (3) to (9), inclusive, are
25 met.

1 (3) A registered professional forester shall prepare the notice of exemption and submit it to the
2 director.

3 (4) (A) The submitted notice of exemption shall include a description of the preharvest stand
4 structure and a statement of the postharvest stand stocking levels and the expected
5 postharvest increase in quadratic mean diameter.

6 (B) The level of residual stocking shall be consistent with maximum sustained production of
7 high-quality timber products. The residual stand shall consist primarily of healthy and
8 vigorous dominant and codominant trees from the preharvest stand. Stocking shall not be
9 reduced below the standards required by the following provisions that apply to the exemption
10 at issue:

11 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph (1) of subdivision (a) of
12 Sections 913.3, 933.3, and 953.3 of Title 14 of the California Code of Regulations, where
13 appropriate.

14 (C) If the preharvest dominant and codominant crown canopy is occupied by trees less than
15 14 inches in diameter at breast height, a minimum of 100 trees over four inches in diameter
16 at breast height shall be retained per acre for Site I, II, and III lands, and a minimum of 75
17 trees over four inches in diameter at breast height shall be retained per acre for Site IV and V
18 lands.

19 (D) All trees that are harvested or all trees that are retained shall be marked or sample
20 marked by, or under the supervision of, a registered professional forester before felling
21 operations begin. The board shall adopt regulations for sample marking for this section in
22 Title 14 of the California Code of Regulations. Sample marking shall be limited to
23 homogenous forest stand conditions typical of plantations.

24 (5) (A) The board shall adopt regulations for the treatment of understory vegetation and standing
25 dead fuels, canopy closure, clearance to base of live crown, or ladder fuels, that could

1 promote the spread of wildlife. A fuel reduction effort conducted under a submitted notice of
2 exemption pursuant to this subdivision shall comply with the canopy closure regulations
3 adopted by the board on June 10, 2004, and as those regulations may be amended.

4 (B) The postharvest stand shall not contain more than 200 trees over three inches in
5 diameter per acre.

6 (C) Vertical spacing shall be achieved by treating dead fuels to a minimum clearance
7 distance of eight feet measured from the base of the live crown of the postharvest dominant
8 and codominant trees to the top of the dead surface fuels.

9 (D) The standards required by subparagraphs (A) to (C), inclusive, shall be achieved on
10 approximately 80 percent of the treated area.

11 (6) Prior to submission of a notice of exemption to the department, the registered professional
12 forester responsible for submitting the notice shall designate temporary road locations, landing
13 locations, tractor road crossings of class III watercourses, unstable areas, or connected headwall
14 swales on the ground and map their locations.

15 (7) The construction or reconstruction of temporary roads on slopes of 30 percent or less shall be
16 allowed if all of the following conditions are met:

17 (A) Temporary roads or landings shall not be located on unstable areas, as defined in Section
18 895.1 of Title 14 of the California Code of Regulations.

19 (B) Temporary roads shall be single-lane in width.

20 (C) Temporary roads shall not be located across a connected headwall swale, as defined in
21 Section 895.1 of Title 14 of the California Code of Regulations.

22 (D) Construction or reconstruction of temporary roads, landings, or watercourse crossings
23 shall not occur during the winter operating period. Pursuant to subdivision (g) of Sections
24 923.6, 943.6, and 963.6, as applicable, of Title 14 of the California Code of Regulations,
25 roads and landings used for log hauling or other heavy equipment uses during the winter

1 period shall occur on a stable operating surface and, where necessary, be surfaced with rock
2 to a depth and quantity sufficient to maintain the stable operating surface. Use shall be
3 prohibited on roads that are not hydrologically disconnected and exhibit saturated soil
4 conditions. Timber operations during the winter period shall comply with paragraphs (1) and
5 (2) of subdivision (c) of Sections 914.7, 934.7, and 954.7, as applicable, of Title 14 of the
6 California Code of Regulations.

7 (E) Use of temporary roads shall comply with the operational provisions of Article 12
8 (commencing with Section 923) of Title 14 of the California Code of Regulations, and
9 recognize guidance on hydrologic disconnection in Technical Rule Addendum Number 5.

10 (F) No logging road or landings construction or reconstruction activities of any kind shall
11 occur within 200 feet of class I and class II watercourses or within 50 feet of a class III
12 watercourses.

13 (G) The landowner shall retain a registered professional forester who is available to provide
14 professional advice to the licensed timber operator and timberland owner throughout the
15 active timber operations. The name, address, telephone number, and registration number of
16 the retained registered professional forester shall be provided on the submitted notice of
17 exemption. This professional advice shall include overseeing the construction or
18 reconstruction of any temporary roads or landings and advising on necessary mitigation to
19 avoid potential impacts to associated watershed and forest resources. The registered
20 professional forester shall also comply with Section 1035.2 of Title 14 of the California Code
21 of Regulations, relating to interaction between the licensed timber operator and the registered
22 professional forester.

23 (H) The registered professional forester responsible for submitting the notice of exemption
24 shall affirm that the construction or reconstruction of each temporary road is necessary to
25 provide access to harvest areas where no feasible alternative exists. The submitted notice of

1 exemption shall include the number and cumulative length of temporary roads that will be
2 constructed or reconstructed.

3 (l) (i) Temporary road construction or reconstruction, shall be limited to no more than two
4 miles of road per ownership in a planning watershed per any five-year period.

5 (ii) For each exemption affecting less than 40 acres, all temporary roads constructed or
6 reconstructed under this exemption shall not exceed a cumulative length of 300 feet.

7 (iii) For each exemption affecting between 40 and 80 acres, all temporary roads
8 constructed or reconstructed under this exemption shall not exceed a cumulative length
9 of between 300 and 600 feet, as determined on a pro rata basis by the total acreage
10 affected by the exemption.

11 (iv) For each exemption affecting over 80 acres, all temporary roads constructed or
12 reconstructed under the exemption shall not exceed a cumulative length of 600 feet. The
13 submitted notice of exemption shall list the number of acres affected and the cumulative
14 length of the road in feet.

15 (v) Temporary roads constructed or reconstructed under this exemption shall not be
16 connected to other temporary roads constructed under previous or subsequent
17 exemptions filed under this paragraph.

18 (vi) All temporary roads shall be abandoned using proactive measures that have been
19 applied to effectively remove them from the permanent road network, in accordance with
20 the definition of abandoned road as defined in Section 895.1 of Title 14 of the California
21 Code of Regulations.

22 (vii) This paragraph shall not be interpreted to permit road construction or reconstruction
23 except as authorized under the Forest Fire Prevention Exemption, pursuant to this
24 paragraph.
25

1 (viii) No trees larger than 36 inches in diameter at stump height, measured 8 inches
2 above ground level, shall be removed for the purposes of road construction or
3 reconstruction under a notice of exemption submitted pursuant to this subdivision. A tree
4 that is between 30 and 36 inches in diameter at stump height, measured 8 inches above
5 ground level, may be removed for the purposes of road construction or reconstruction
6 under a notice of exemption submitted pursuant to this subdivision only if there are no
7 feasible alternatives for the road placement.

8 (8) Except within constructed or reconstructed temporary road prisms, only trees less than 30
9 inches in stump diameter, measured at eight inches above ground level, may be removed.

10 (9) All timber operations conducted pursuant to this subdivision shall only occur within the most
11 recent version of the department's Fire Hazard Severity Zone Map in the moderate, high, and
12 very high fire threat zones.

13 (10) If pesticides or herbicides will be used within the boundaries of an area covered by a notice
14 of exemption pursuant to this paragraph within one year of director acceptance, the timberland
15 owner shall notify the appropriate regional water quality control board 10 days prior to application
16 of any pesticides or herbicides.

17 (11) After the timber operations are complete, the department shall conduct an onsite inspection
18 to determine compliance with this subdivision and whether appropriate enforcement action should
19 be initiated. The department shall notify the appropriate Regional Water Quality Control Board,
20 the Department of Fish and Wildlife, and the California Geologic Survey seven days prior to
21 conducting the onsite inspection. The Regional Water Quality Control Board, the Department of
22 Fish and Wildlife, and the California Geologic Survey may conduct an inspection with the
23 department.

24 (12) (A) This subdivision shall be operative for a period of five years after the effective date of
25 emergency regulations as adopted by the board and as of that date is inoperative.

1 (B) The board shall notify the Secretary of State when emergency regulations have been
2 adopted.

3 (l) The cutting or removal of trees to restore and conserve California black or Oregon white oak
4 woodlands and associated grasslands, if all of the following requirements are met:

5 (1) A registered professional forester shall prepare the notice of exemption and submit it to the
6 director. The notice shall include all of the following:

7 (A) A certification signed by the registered professional forester that a minimum of 35 square
8 feet of basal area per acre of California black or Oregon white oak, or both, occupy the
9 proposed treatment area at the time the notice is prepared and the timber operation is
10 designed to restore and conserve California black and Oregon white oak woodlands and
11 associated grasslands.

12 (B) A description of the preharvest stand structure and a statement of the postharvest stand
13 stocking levels.

14 (2) No tree larger than 26 inches in diameter at stump height shall be harvested for commercial
15 purposes, which includes use for saw logs, posts and poles, fuel wood, biomass, or other forest
16 products.

17 (3) Only conifers within 300 feet of a California black or Oregon white oak that are at minimum
18 four inches in diameter at breast height may be harvested.

19 (4) The total area exempted pursuant to this subdivision shall not exceed 300 acres per property
20 per five-year period.

21 (5) Conifer shall be reduced to less than 25 percent of the combined hardwood and conifer
22 postharvest stand stocking levels.

23 (6) No more than 20 percent of the total basal area of preexisting oak stock shall be cut or
24 removed during harvest and a minimum of 35 square feet of basal area per acre of California
25 black or Oregon white oak, or both, shall be maintained postharvest.

1 (7) Slash shall be configured so as to minimize the risk of fire mortality to the remaining oak trees.

2 (8) The board shall adopt regulations to implement this subdivision.

3 (9) This subdivision shall not apply to the Southern Subdistrict of the Coast Forest District, as
4 defined in Section 895.1 of Title 14 of the California Code of Regulations, or the Southern Forest
5 District, as defined in Section 909 of Title 14 of the California Code of Regulations.

6 (m) (1) The board may exempt from this chapter, or portions of this chapter, a person engaged in
7 forest management whose activities are limited to the cutting or removal of trees on the person's
8 property in compliance with Sections 4290 and 4291 that eliminates the vertical continuity of
9 vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing
10 flammable materials and maintaining a fuelbreak for a distance of not more than 300 feet on each
11 side from an approved and legally permitted habitable structure, when that cutting or removal is
12 conducted in compliance with this subdivision and all of the following conditions are met:

13 (A) The notice of exemption is prepared, signed, and submitted by a registered professional
14 forester to the department.

15 (B) For the areas between 150 and 300 feet from the habitable structure, the operations meet
16 all of the following provisions:

17 (i) The residual stocking standards are consistent with Sections 913.2, 933.2, and 953.2
18 of Title 14 of the California Code of Regulations, as appropriate.

19 (ii) Activities within this area will increase the quadratic mean diameter of the stand.

20 (iii) The residual stand consists primarily of healthy and vigorous dominant and
21 codominant trees from the preharvest stand, well distributed throughout the harvested
22 area.

23 (iv) Postharvest slash treatment and stand conditions will lead to more moderate fire
24 behavior in the professional judgment of the registered professional forester who submits
25 the notice of exemption.

1 (v) Any additional guidance for slash treatment and postharvest stand conditions and any
2 other issues deemed necessary that are consistent with this section, as established by
3 the board.

4 (2) For purposes of this subdivision, "habitable structure" means a building that contains one or
5 more dwelling units or that can be occupied for residential use. Buildings occupied for residential
6 use include single family homes, multidwelling structures, mobile and manufactured homes, and
7 condominiums. For purposes of this subdivision, "habitable structure" does not include
8 commercial, industrial, or incidental buildings such as detached garages, barns, outdoor
9 sanitation facilities, and sheds.

10 (3) This subdivision shall become inoperative on January 1, 2022.

11 *****

12 **4584.1.** Rules and regulations adopted by the board pursuant to Section 4584, except subdivision (k) of
13 Section 4584, shall comply with the following standards, as determined appropriate and necessary by the
14 board:

15 (a) Notices of exemption that are prepared and submitted to the director shall include a map of the
16 area of operations that complies with the requirements of paragraphs (1), (3), and (4), subparagraphs
17 (A), (B), (D), and (E) of paragraph (5), paragraphs (7) to (12), inclusive, and paragraph (14) of
18 subdivision (x) of Section 1034 of Title 14 of the California Code of Regulations.

19 (b) Notices of exemption that are prepared and submitted to the director shall provide a confidential
20 archaeological letter that includes all the information required by paragraphs (2) and (7) to (11),
21 inclusive, of subdivision (c) of Sections 929.1, 949.1 and 969.1, as applicable, of Title 14 of the
22 California Code of Regulations, and site records if required pursuant to subdivision (g) of that section
23 or pursuant to Section 929.5 of Title 14 of the California Code of Regulations. This subdivision shall
24 not apply to activities described in subdivision (i) or (m) of Section 4584.

1 (c) All fuel treatments required by the board shall be completed within one year from the date the
2 director receives the notice, with the exception of burning. This shall include treatment of surface
3 fuels, wood debris, and slash, which shall be lopped, removed, chipped, piled for burning, or
4 otherwise treated. Burning shall be completed within two years from the date the director receives the
5 notice of exemption.

6 (d) Slash and woody debris shall be treated to achieve a maximum post harvest depth of 18 inches
7 above the ground except within 150 feet from any point of an approved and legally permitted structure
8 that complies with the California Building Code. Surface fuels, slash, and woody debris within 150
9 feet from any point of an approved and legally permitted structure that complies with the California
10 Building Code shall be chipped, piled and burned, or removed.

11 (e) Timber operations shall comply with the requirements of paragraphs (1) to (10), inclusive, of
12 subdivision (b) of Section 1038 of Title 14 of the California Code of Regulations.

13 (f) All timber operations conducted in Lake Tahoe Region must have a valid Tahoe Basin Tree
14 Removal Permit, as defined by the Tahoe Regional Planning Agency (TRPA), or shall be conducted
15 under a valid TRPA Memorandum of Understanding, when such a permit is required by TRPA.

16 (g) The submitted notice of exemption shall include selection criteria for the trees to be harvested or
17 the trees to be retained.

18 (h) The department shall provide the appropriate regional water quality control board, the Department
19 of Fish and Wildlife, and the California Geologic Survey with copies of notices of exemption when
20 they are submitted.

21 (i) The submitted notice of exemption shall include the tentative commencement date of timber
22 operations.

23 (j) Within a 15-day period, the registered professional forester or person responsible for the submittal
24 of the notice of exemption shall notify the department, the Department of Fish and Game, the
25

1 appropriate regional water quality control board, and the California Geologic Survey of the actual date
2 of commencement of timber operations.

3 (k) Timber operations pursuant to an exemption may not commence for 10 working days from the
4 date of the director's receipt of the notice of exemption unless this delay is waived by the director.

5 The director shall determine whether the notice of exemption is complete, and if so, shall send a copy
6 of a notice of acceptance to the submitter. If the notice of exemption is not complete and accurate, it
7 shall be returned to the submitter and the timber operator may not proceed. If the director does not
8 act within 10 days of receipt of the notice of exemption, timber operations may commence.

9 (l) (1) No large old trees, defined as a tree that existed before 1800 AD or is greater than 60 inches in
10 diameter at stump height for Sierra or Coast Redwoods, and 48 inches in diameter at stump
11 height for all other tree species or Decadent and Deformed Trees with Value to Wildlife, as
12 defined in Section 895.1 of Title 14 of the California Code of Regulations, shall be harvested
13 unless the following apply:

14 (A) The tree is not critical for the maintenance of a Late Successional Stand.

15 (B) A registered professional forester attached to the submitted notice of exemption a written
16 explanation and justification for the harvest of the tree based on the registered professional
17 forester's finding of any of the following:

18 (i) The tree is a hazard to safety or property.

19 (ii) The removal of the tree is necessary for the construction of a building as approved by
20 the appropriate local jurisdiction and shown on the county or city approved site plan,
21 which shall be attached to the submitted notice of exemption.

22 (iii) The tree is dead or likely to die within one year of the date of the proposed removal,
23 as determined by a registered professional forester.

24 (2) A registered professional forester-written explanation or justification need not be attached to
25 the submitted notice of exemption if an approved Habitat Conservation Plan, Sustained Yield

1 Plan, or plan, as that term is as defined in Section 895.1 of Title 14 of the California Code of
2 Regulations addresses large old tree retention for the area in which the large old tree is proposed
3 for removal and the removal is in compliance with the retention standards of that document.

4 (3) Any tree harvested pursuant to this subdivision shall be shown on a map provided with the
5 submitted notice of exemption to the department.

6 (4) This subdivision shall not apply to or be used in conjunction with either the Small Timberland
7 Owner Exemption created pursuant to subdivision (j) of Section 4584 or with the Forest Fires
8 Prevention Exemption created pursuant to subdivision (k) of Section 4584.

9 (m) Helicopter yarding shall be prohibited.

10 (n) All applicable provisions of the Professional Foresters Law, including, but not limited to, Sections
11 775 to 779, inclusive, of this code, as well as all applicable provisions of Registration of Professional
12 Forester Rules, including, but not limited to, Sections 1612 to 1614, inclusive, of Title 14 of the
13 California Code of Regulations, shall apply to the practice of professional forestry as it relates to this
14 section.

15 *****

16 **4584.2.** Rules and regulations adopted by the board pursuant to subdivision (k) of Section 4584, shall
17 comply with the following standards:

18 (a) Notices of exemption that are prepared and submitted to the director shall include a map of the
19 area of operations that complies with the requirements of paragraphs (1), (3), and (4), subparagraphs
20 (A), (B), (D), and (E) of paragraph (5), paragraphs (7) to (12), inclusive, and paragraph (14) of
21 subdivision (x) of Section 1034 of Title 14 of the California Code of Regulations.

22 (b) Notices of exemption that are prepared and submitted to the director shall provide a confidential
23 archaeological letter that includes all the information required by paragraphs (2) and (7) to (11),
24 inclusive, of subdivision (c) of Sections 929.1, 949.1 and 969.1, as applicable, of Title 14 of the
25

1 California Code of Regulations, and site records if required pursuant to subdivision (g) of that section
2 or pursuant to Section 929.5 of Title 14 of the California Code of Regulations.

3 (c) All fuel treatments required by the board shall be completed within one year from the date the
4 director receives the notice, with the exception of burning. This shall include treatment of surface
5 fuels, wood debris, and slash, which shall be lopped, removed, chipped, piled for burning, or
6 otherwise treated. Burning shall be completed within two years from the date the director receives the
7 notice of exemption.

8 (d) Slash and woody debris shall be treated to achieve a maximum post harvest depth of 18 inches
9 above the ground except within 150 feet from any point of an approved and legally permitted structure
10 that complies with the California Building Code. Surface fuels, slash, and woody debris within 150
11 feet from any point of an approved and legally permitted structure that complies with the California
12 Building Code shall be chipped, burned, or removed.

13 (e) Timber operations shall comply with the requirements of paragraphs (1) to (4), inclusive, and (6) to
14 (10), inclusive, of subdivision (b) of Section 1038 of Title 14 of the California Code of Regulations.

15 (f) All timber operations conducted in Lake Tahoe Region must have a valid Tahoe Basin Tree
16 Removal Permit, as defined by the Tahoe Regional Planning Agency (TRPA), or shall be conducted
17 under a valid TRPA Memorandum of Understanding, when such a permit is required by TRPA.

18 (g) The submitted notice of exemption shall include selection criteria for the trees to be harvested or
19 the trees to be retained.

20 (h) The department shall provide the appropriate regional water quality control board, the Department
21 of Fish and Wildlife, and the California Geologic Survey with copies of notices of exemption when
22 they are submitted.

23 (i) The submitted notice of exemption shall include the tentative commencement date of timber
24 operations.

1 (j) Within a 15-day period, the registered professional forester responsible for the submittal of the
2 notice of exemption shall notify the department, the Department of Fish and Game, the appropriate
3 regional water quality control board, and the California Geologic Survey of the actual date of
4 commencement of timber operations.

5 (k) Operations pursuant to an exemption may not commence for 10 working days from the date of the
6 director's receipt of the notice of exemption unless this delay is waived by the director. The director
7 shall determine whether the notice of exemption is complete, and if so, shall send a copy of a notice
8 of acceptance to the submitter. If the notice of exemption is not complete and accurate, it shall be
9 returned to the submitter and the timber operator may not proceed. If the director does not act within
10 five days of receipt of the notice of exemption, timber operations may commence.

11 (l) (1) No Decadent and Deformed Trees with Value to Wildlife, as defined in Section 895.1 of Title
12 14 of the California Code of Regulations, shall be harvested unless all the following apply:

13 (A) The tree is not critical for the maintenance of a Late Successional Stand.

14 (B) A registered professional forester attached to the submitted notice of exemption a written
15 explanation and justification for the harvest of the tree based on the registered professional
16 forester's finding of any of the following:

17 (i) The tree is a hazard to safety or property.

18 (ii) The removal of the tree is necessary for the construction of a building as approved by
19 the appropriate local jurisdiction and shown on the county or city approved site plan
20 which shall be attached to the submitted notice of exemption.

21 (iii) The tree is dead or likely to die within one year of the date of the proposed removal,
22 as determined by a registered professional forester.

23 (2) A registered professional forester's written explanation or justification need not be attached to
24 the submitted notice of exemption if an approved Habitat Conservation Plan, Sustained Yield
25 Plan, or plan as that term is defined in Section 895.1 of Title 14 of the California Code of

1 Regulations addresses large old tree retention for the area in which the large old tree is proposed
2 for removal and the removal is in compliance with the retention standards of that document.

3 (3) Any tree harvested pursuant to this subdivision shall be shown on a map provided with the
4 submitted notice of exemption to the department.

5 (4) This subdivision shall not apply to or be used in conjunction with either the Small Timberland
6 Owner Exemption created pursuant to subdivision (j) of Section 4584 or with the Forest Fires
7 Prevention Exemption created pursuant to subdivision (k) of Section 4584.

8 (m) Helicopter yarding shall be prohibited.

9 (n) All applicable provisions of the Professional Foresters Law, including, but not limited to, Sections
10 775 to 779, inclusive, of this code, as well as all applicable provisions of Registration of Professional
11 Forester Rules, including, but not limited to, Sections 1612 to 1614, inclusive, of Title 14 of the
12 California Code of Regulations apply to the practice of professional forestry as it relates to this
13 section.

14 *****