

1 TITLE 14 – DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2 Forest Fire Prevention Exemption Pilot Project 2014

3
4 **ADOPT:**

5 **New Sections 1038(i)**

6
7 **§ 1038**

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

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

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

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

19 (4) The RPF preparing the Notice of Exemption shall, upon submission of the Notice of
20 Exemption, provide a map of the area of timber operations that complies with 14 CCR §
21 1034(x)(1), (3), (4), (7), and (12). This map shall be submitted in place of the map required by
22 14 CCR § 1038.2(d).

23 (5) The RPF shall, upon submission of the Notice of Exemption, include a description of
24 the preharvest stand structure and a statement of the postharvest stand stocking levels. The
25 level of residual stocking shall be consistent with maximum sustained production of high quality

1 timber products. The residual stand shall consist primarily of healthy and vigorous dominant and
2 codominant trees from the preharvest stand. Trees retained to meet the basal area stocking
3 standards shall be selected from the largest trees available on the project area prior to harvest.

4 In no case shall stocking be reduced below the following standards:

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

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

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

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

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

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

22 (6) The RPF shall, upon submission of the Notice of Exemption, provide the selection
23 criteria for the trees to be removed or the trees to be retained. In the development of these
24 criteria, and the fuel reduction prescriptions, the RPF should consider retaining habitat
25 elements, where feasible, including, but not limited to, ground level cover necessary for the

1 long-term management of local wildlife populations. The selection criteria shall specify how the
2 trees to be removed, or how the trees to be retained, will be designated. All trees to be
3 harvested or all trees to be retained shall be marked or sample marked by, or under the
4 supervision of, an RPF prior to felling operations. Sample marking shall be limited to
5 homogeneous forest stand conditions typical of plantations. When trees are sample marked, the
6 designation prescription for unmarked areas shall be in writing and the sample mark area shall
7 include at least 10% of the harvest area to a maximum of 20 acres per stand type which is
8 representative of the range of conditions present in the area.

9 (7) The RPF shall, upon submission of the Notice of Exemption, provide a Confidential
10 Archaeological Letter which contains all the information required for plans and Emergency
11 Notices in 14 CCR § 929.1(c)(2), (7), (8), (9), (10) and (11), [949.1(c)(2), (7), (8), (9), (10) and
12 (11), 969.1(c)(2), (7), (8), (9), (10) and (11)] including site records as required pursuant to 14
13 CCR §§ 929.1 (g) [949.1(g), 969.1(g)] and 929.5 [949.5 and 969.5]. The Director shall submit a
14 complete copy of the Confidential Archaeological Letter, and two copies of any required
15 archaeological or historical site records, to the appropriate Information Center of the California
16 Historical Resource Information System, within 30 days from the date of Notice of Exemption
17 submittal to the Director. Before submitting the Notice of Exemption to the Director, the RPF
18 shall send a copy of the Notice of Exemption to Native Americans defined in 14 CCR § 895.1.

19 (8) Only trees less than 24 inches outside bark stump diameter, measured at eight
20 inches above ground level, may be removed.

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

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

25 (B) Minimum post treatment canopy closure of dominant and codominant trees

1 shall be 50 percent for mixed conifer and all other forest types.

2 (10)

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

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

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

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

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

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

22 (13) Timber operations shall comply with the limits established in 14 CCR § 1038,
23 subsections (b)(1) through (10).

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

1 (15) This exemption can be used in the following geographic locations: the counties of
2 Modoc, Siskiyou, Trinity, and the Sierra Nevada Region. Sierra Nevada Region means the area
3 lying within the Counties of Alpine, Amador, Butte, Calaveras, El Dorado, Fresno, Inyo, Kern,
4 Lassen, Madera, Mariposa, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Tehama,
5 Tulare, Tuolumne, and Yuba, described as the area bounded as follows:
6 On the east by the eastern boundary of the State of California; the crest of the White/Inyo
7 ranges; and State Routes 395 and 14 south of Olancho; on the south by State Route 58,
8 Tehachapi Creek, and Caliente Creek; on the west by the line of 1,250 feet above sea level
9 from Caliente Creek to the Kern/Tulare County line; the lower level of the western slope's blue
10 oak woodland, from the Kern/Tulare County line to the Sacramento River near the mouth of
11 Seven-Mile Creek north of Red Bluff; the Sacramento River from Seven-Mile Creek north to
12 Cow Creek below Redding; Cow Creek, Little Cow Creek, Dry Creek, and the Shasta National
13 Forest portion of Bear Mountain Road, between the Sacramento River and Shasta Lake; the Pit
14 River Arm of Shasta Lake; the northerly boundary of the Pit River watershed; the southerly and
15 easterly boundaries of Siskiyou County; and within Modoc County, the easterly boundary of the
16 Klamath River watershed; and on the north by the northern boundary of the State of California;
17 excluding the following the Lake Tahoe Region. Lake Tahoe Region means: That part of Lake
18 Tahoe within the jurisdiction of the State of California, the adjacent parts of the Counties of El
19 Dorado and Placer lying within the Tahoe Basin in the State of California, and that additional
20 and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California
21 which lies southward and eastward of a line starting at the intersection of the basin crestline and
22 the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south
23 to the intersection of the basin crestline and the west boundary of Section 10; all sections
24 referring to Township 15 North, Range 16 East, MDB&M. The Lake Tahoe region is defined on
25 the official maps of the Tahoe Conservancy.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25