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2 \*\*\*\*\*Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5,  
3 4562.7 and 4591.1, Public Resources Code.

4 Reference: Sections 4512, 4513, 4525.5, 4525.7, 4526, 4528, 4551, 4551.5, 4561, 4561.6,  
5 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public  
6 Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.  
7 Code of Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and  
8 *Joy Road Area Forest and Watershed Association, v. California Department of Forestry & Fire*  
9 *Protection*, Sonoma County Superior Court No. SCV 229850. \*\*\*\*\*

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11 **1038**

12 \*\*\*\*\*(c) The cutting or removal of trees in compliance with PRCsections §§ 4290 and 4291  
13 which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree  
14 crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce  
15 fire spread, duration and intensity.

16 (1) Only trees within one-hundred-fifty (150) feet from any point of an Approved  
17 and Legally Permitted Structure that complies with the California Building Code may be  
18 harvested, except as specified in 14 CCR § 1038(c)(6).

19 (2) The following silvicultural methods may not be used: clearcutting, seed tree  
20 removal step, shelterwood removal step.

21 (3) All surface fuels created by timber operations, within 150 ft of an Approved  
22 and Legally Permitted Structure, under the exemption which that could promote the spread of  
23 wildfire, including logging slash and debris, deadwood, branches exceeding one (1) inch in  
24 diameter, and brush, shall be chipped, burned, or removed within forty-five (45) days from the  
25 start of timber operations. This paragraph does not apply to surface fuels created beyond 150 ft

1 pursuant to 14 CCR § 1038 (c)(6).

2 (4) In addition to the slash treatment described in 14 CCR § 1038(c)(3), the  
3 areas of timber operations must meet the vegetation treatment standards in PRC § 4584(j)(1) to  
4 (2)(A) illustrated in Technical Rule Addendum No.4 within one year from the receipt of issuance  
5 of Notice of Acceptance. The requirements of this subsection shall not supersede the  
6 requirements of PRC § 4291. This paragraph does not apply to 14 CCR § 1038 (c)(6).

7 (5) In addition to the limitations listed in 14 CCR § 1038(b)(1)-(10), the following  
8 apply:

9 (A) The timber operator, or if applicable the Registered Professional  
10 Forester (RPF), shall provide the Director the tentative commencement date of timber  
11 operations on the notice required in 14 CCR § 1038.2. Within a fifteen (15) day period before  
12 beginning timber operations, the timber operator shall notify CDF the Department of the actual  
13 commencement date for the start of operations. The starting date shall be directed to the  
14 designated personnel at the appropriate CDF Ranger Department Unit Headquarters by  
15 telephone, email, or by mail.

16 (B) Timber operations conducted under this subsection shall conform to  
17 applicable city or county general plans, city or county implementing ordinances, and city or  
18 county zoning ordinances within which the exemption is located. The timber operator, or  
19 timberland owner, or if applicable the RPF, shall certify that the city or county has been  
20 contacted and the exemption conforms with all city or county regulatory requirements.

21 (C) Timber operations may not be conducted without a copy of the  
22 Director's notice of acceptance of the exemption at the operating site, except where the Director  
23 has failed to act within the 5 working-day review period.

24 (6) Trees that are located from one-hundred-fifty (150) feet up to three-hundred  
25 (300) feet from any point of an Approved and Legally Permitted Habitable Structure that

1 complies with the California Building Code may also be cut and removed for the purpose of  
2 reducing flammable materials and maintaining a fuelbreak provided the following conditions are  
3 met:

4 (A) The post-harvest stand shall be comprised of healthy and vigorous  
5 dominant and codominant trees well distributed throughout the treated area and meet the  
6 stocking standards consistent with 14 CCR § 913.2 [933.2, 953.2].

7 (B) The quadratic mean diameter of trees greater than 8 inches dbh in the  
8 pre-harvest project area shall be increased in the post-harvest stand.

9 (C) All logging slash created by the timber operations shall be lopped, removed, chipped, piled  
10 and burned, or otherwise treated to achieve a maximum post-harvest depth of 18 inches above  
11 the ground within forty-five (45) days from the start of timber operations except for the burning of  
12 piles, which shall be accomplished not later than April 1 of the year following their creation, or  
13 for piles created on or after September 1, not later than April 1 of the second year following  
14 creation. Treatment of surface fuels by burning shall be exempt from the one year time  
15 limitations described under 14 CCR § 1038.1.

16 (D) The Notice of Exemption, pursuant to 14 CCR § 1038.2, shall be  
17 prepared, signed, and submitted to the Department by a RPF.

18 (E) The Notice of Exemption shall include site class, an estimate of pre  
19 and post-harvest QMD and certification by the RPF that, in their professional judgement, post-  
20 harvest slash treatment and stand conditions will lead to more moderate fire behavior.

21 (F) 14 CCR § 1038(c)(6) shall expire on January 1, 2019.

22 (G) The Department shall evaluate the effects of the exemption allowed  
23 under 14 CCR § 1038(c)(6) including frequency and state-wide distribution of use, acres  
24 treated, compliance, professional judgment regarding post-treatment stand conditions observed  
25 relative to moderating fire behavior, and actual performance in the event of a wildfire. The

1 Department shall, annually, report its findings, based on this evaluation, to the Board.

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3 \*\*\*\*\*Note: Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code.

4 Reference: Sections 4516, 4527, and 4584, and 4584.1, Public Resources Code; and *EPIC v.*

5 *California Department of Forestry and Fire Protection and Board of Forestry* (1996) 43 Cal.

6 App.4th 1011. \*\*\*\*\*

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8 **1038.2**

9 \*\*\*\*\*(f) In addition to (a) through (ed) above, the following shall be included for exemptions

10 conducted under 14 CCR § 1038(i), and (j) and (c)(6).\*\*\*\*\*

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12 A person submitting an exemption under 14 CCR § 1038 shall submit to the Director a notice of  
13 proposed timber operations, prior to commencement of timber operations, on a form provided  
14 by the Department. The form shall contain the following information:

15 (a) Type of operation to be conducted.

16 (b) Names, address, and telephone numbers of the timber owner, timberland owners, and  
17 timber operator.

18 (c) Legal description of the location of the timber operation.

19 (d) A 7 1/2 minute quadrangle map or its equivalent showing the location of the timber  
20 operation.

21 (e) In addition to (a) through (d) above, the following shall be included for exemptions conducted  
22 under 14 CCR § 1038(c);

23 (1) The tentative commencement date of timber operations.

24 (2) A certification by the timber operator, or timberland owner, or if applicable the

25 Registered Professional Forester (RPF), that the city or county within which the exemption is

1 located has been contacted and the exemption is in conformance with all city or county  
2 regulatory requirements.

3 (3) A notification to the landowner stating the fuel treatment requirements and  
4 enforcement procedures under this exemption.

5 (4) A signature of the landowner certifying that they are the landowner and have read and  
6 understand the information on the exemption form.

7 (5) A larger scale map such as an assessor parcel map showing the location of the timber  
8 operation.

9 (f) In addition to (a) through (e) above, the following shall be included for exemptions conducted  
10 under 14 CCR § 1038(c)(6):

11 (1) Name, address, telephone and license number of the RPF that prepared and  
12 submitted the exemption notice.

13 (2) The site class, an estimate of pre and post-harvest QMD, and a description of the  
14 post-harvest stocking standards consistent with 14 CCR § 913.2 [933.2, 953.2].

15 (3) A certification by a RPF that the post-harvest slash treatment and stand conditions will  
16 lead to more moderate fire behavior.

17 (4) A certification that the exemption notice has been prepared and submitted by a RPF.

18 (fg) In addition to (a) through (c) above, the following shall be included for exemptions  
19 conducted under 14 CCR § 1038(i) and (j):

20 (1) Name, address, telephone and license number of the registered professional forester  
21 RPF that prepared and submitted the exemption notice.

22 (2) A description of the pre-harvest stand structure and a statement of the post-harvest  
23 stand stocking levels.

24 (3) A description of the selection criteria for the trees to be removed or the trees to be  
25 retained. The selection criteria shall specify how the trees to be removed, or how the trees to be

1 retained, will be designated.

2 (4) A certification that the exemption notice has been prepared and submitted by a  
3 ~~registered professional forester~~ RPF.

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5 Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code. Reference:  
6 Sections 4527 and 4584, Public Resources Code.

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