

1 **Board of Forestry and Fire Protection**

2 **OAK WOODLAND MANAGEMENT AND FOREST FIRE PREVENTION PILOT PROJECT**

3 **EXEMPTION, 2017**

4 **Title 14 of the California Code of Regulations (14 CCR),**

5 **Division 1.5, Chapter 4, Subchapter 1, Article 1 and Subchapter 7, Article 2**

6 **May 9, 2017**

7  
8 **Amend:**

9 **§ 1038 Exemption**

10 Persons who conduct the following types of Timber Operations are exempt from the  
11 plan preparation and submission requirements (PRC § 4581) and from the completion  
12 report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA with the  
13 following exceptions and requirements:

14 (i) no tree that existed before 1800 A.D., and is greater than sixty (60) inches in diameter  
15 at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter  
16 at stump height for all other tree species shall be harvested unless done so under the  
17 conditions or criteria set forth in subsection 1038(h).

18 (ii) all timber operations conducted in the Lake Tahoe Region pursuant to 14 CCR §  
19 1038 must have a valid Tahoe Basin Tree Removal Permit (as defined by the Tahoe  
20 Regional Planning Agency) or shall be conducted under a valid TRPA Memorandum of  
21 Understanding (MOU), when such a permit is required by TRPA.

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24 (l) The cutting or removal of trees to restore and conserve California black (Quercus  
25 kelloggii) or Oregon white (Quercus garryana) oak woodlands and associated

1 grasslands, if all the following requirements are met:

- 2 (1) The Harvest Area does not exceed:
- 3 a. Three-hundred (300) acres under the ownership of the timberland
- 4 owner identified pursuant to 14 CCR § 1038.2(b); or
- 5 b. Cumulatively exceed three-hundred (300) acres of Director accepted
- 6 Notice of Exemptions, pursuant to 14 CCR § 1038(l), during any five
- 7 year period for the timberland owner identified pursuant to 14 CCR §
- 8 1038.2(b).
- 9 (2) An RPF shall prepare the Notice of Exemption and submit it to the

10 Director. Upon submission the Notice of Exemption shall include:

- 11 A. All information required pursuant to 14 CCR § 1038.2 (a) - (c).
- 12 B. A map of the area of timber operations that complies with 14 CCR §
- 13 1034(x)(1), (3), (4), (7), (11) and (14).
- 14 C. A description of the preharvest stand structure and statement of the
- 15 postharvest stand stocking levels.
- 16 D. A certification that states:
- 17 1. that a minimum of thirty-five (35) square feet of basal area per acre of
- 18 California black or Oregon white oak, or both, occupy the Harvest Area
- 19 prior to timber operations occurring; and
- 20 2. that the proposed timber operations are designed to restore and
- 21 conserve California black oak and Oregon white oak and associated
- 22 grasslands.
- 23 E. A Confidential Archaeological Letter which contains all the information
- 24 required for plans and Emergency Notices with the exception that the
- 25 information required in 14 CCR § 929.1(c)(3) [949.1(c)(3), 969.1(c)(3)]

**Commented [A1]:** PRC 4584 (1) (A)

**Commented [A2]:** PRC 4584 (k) (1) (C)

**Commented [A3]:** PRC 4584 (k) (1) (B)

**Commented [DM4]:** Language included from 1038(i). This language conforms to 4584(k)(7).

1 shall not be required. The Director shall submit a complete copy of the  
2 Confidential Archaeological Letter and two copies of any required  
3 archaeological or historical site records, to the appropriate Information  
4 Center of the California Historical Resource Information System, within  
5 30 days from the date of Notice of Exemption submittal to the Director.  
6 Before submitting the Notice of Exemption to the Director, the RPF  
7 shall send a copy of the Notice of Exemption to Native Americans  
8 defined in 14 CCR § 895.1.

9 (3) No trees larger than twenty-six (26) inches outside bark stump  
10 diameter, measured eight (8) inches above ground level may be removed for  
11 commercial purposes.

12 (4) The postharvest stand shall meet, at a minimum, the following  
13 criteria:

14 a. A minimum of twenty (80) percent of the pretreatment basal area of  
15 California black oak or Oregon white oak , or both, shall be retained;

16 and

17 b. A minimum of thirty-five (35) square feet of basal area of California  
18 black oak or Oregon white oak, or both, shall be retained; and

19 c. Conifer stocking shall represent less than twenty five (25) percent of the  
20 total onsite stocking of all trees within the area of operations.

21 d. All harvested conifers shall be within three hundred (300) of a California  
22 black oak or Oregon white oak that is a minimum of four (4) inches  
23 dbh.

24 e. All Slash created by the Timber Operations shall be treated to achieve  
25 a maximum postharvest depth of eighteen (18) inches above the

Commented [A5]: PRC 4584 (k) (2)

Commented [A6]: PRC 4584 (k) (6)

Commented [A7]: PRC 4584 (k) (6)

Commented [A8]: PRC 4584 (k) (5)

Commented [A9]: PRC 4584 (k) (3)

Commented [A10]: PRC 4584 (k) (8)

1 ground within twenty four (24) months of the date that the director  
2 received the submitted notice. Treated Slash shall be configured in a  
3 manner that minimizes risk of fire related mortality to all retained  
4 California black oak or Oregon white oak.

**Commented [A11]:** Option to provide additional clarity or enforceable standard. For examples see:  
923.4(i) page 128 FPRs  
1038(i)(10)(B)(III) page 198 FPRs  
1052.4(d)(5)(B)1. Page 212 FPRs

5 (5) Timber operations shall comply with the limits established in 14  
6 CCR § 1038, subsection (b)(1) –(10).

**Commented [A12]:** PRC 4584 (k) (9)

7 (6) An exemption pursuant to 14 CCR § 1038(l) is not applicable to  
8 timberlands within the Southern Sub-District of the Coast District as defined in 14 CCR  
9 § 895.1. or the Southern District as defined in 14 CCR § 909.

**Commented [A13]:** 4584 (k) (11)

10 (7) 14 CCR § 1038(l) shall become inoperative on January 1, 2024.

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12 Note: Authority cited: Sections 4551, 4553, 4584 and 4584.1, Public Resources Code.  
13 Reference: Sections 4290, 4291, 4516, 4527, 4584 and 4584.1, Public Resources  
14 Code; and *EPIC v. California Department of Forestry and Fire Protection and Board of*  
15 *Forestry* (1996) 43 Cal. App.4th 1011.

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