

1 AB 1515, Forest Fire Prevention Exemption, 2007

2 45 Day Notice Published on August 17, 2007

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4 **Amend 14 CCR § 1038(i) - Exemption**

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

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

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

14 (3) The Notice of Exemption, Form RM-73(1038i)(1/01/06), is
15 prepared, signed and submitted by an RPF to the Director. The RPF
16 shall provide current address and telephone number on the form.

17 (4) The RPF preparing the Notice of Exemption shall, upon
18 submission of the Notice of Exemption, provide a map of the area of
19 timber operations that complies with 14 CCR § 1034(x)(1),(3), (4),
20 (7), (8),(9), (10), (11), (12)and (14). This map shall be submitted
21 in place of the map required by 14 CCR § 1038.2(d).

22 (5) The RPF shall, upon submission of the Notice of Exemption,
23 include a description of the preharvest stand structure and a
24 statement of the postharvest stand stocking levels. The level of
25 residual stocking shall be consistent with maximum sustained
26 production of high quality timber products. The residual stand shall
27 consist primarily of healthy and vigorous dominant and codominant
28 trees from the preharvest stand. Trees retained to meet the basal
29 area stocking standards shall be selected from the largest trees
30 available on the project area prior to harvest. In no case shall
31 stocking be reduced below the following standards:

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

34 **[Coast]:**

35 1. On Site I lands at least 125 sq. ft. per acre of
36 basal area shall be left.

37 2. On Site II and III lands at least 100 sq. ft. per
38 acre of basal area shall be left.

39 3. On Site IV lands at least 75 sq. ft. per acre of
40 basal area shall be left.

41 4. On Site V lands, at least 50 sq. ft. per acre of
42 basal area shall be left.

43 **[Northern, Southern]:**

44 1. On Site I mixed conifer lands at least 125 sq. ft.
45 per acre of basal area shall be left, and on Site I land where greater

1 than 50% of the basal area is pine, at least 100 sq. ft. per acre of
2 basal area shall be left.

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

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

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

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

20 (6) The RPF shall, upon submission of the Notice of Exemption,
21 provide the selection criteria for the trees to be removed or the
22 trees to be retained. In the development this criteria, and the fuel
23 reduction prescriptions, the RPF should consider retaining habitat
24 elements, where feasible, including, but not limited to, ground level
25 cover necessary for the long-term management of local wildlife
populations. The selection criteria shall specify how the trees to be
removed, or how the trees to be retained, will be designated. All
trees to be harvested or all trees to be retained shall be marked or
sample marked by, or under the supervision of, an RPF prior to felling
operations. Sample marking shall be limited to homogeneous forest stand
conditions typical of plantations. When trees are sample marked, the
designation prescription for unmarked areas shall be in writing and the
sample mark area shall include at least 10% of the harvest area to a maximum
of 20 acres per stand type which is representative of the range of conditions
present in the area.

1 (7) The RPF shall, upon submission of the Notice of
2 Exemption, provide a Confidential Archaeological Letter which contains
3 all the information required for plans and Emergency Notices in 14 CCR
4 § 929.1(c)(2), (7), (8), (9), (10) and (11),
5 [949.1(c)(2), (7), (8), (9), (10) and (11), 969.1(c)(2), (7), (8), (9), (10)
6 and (11)] including site records as required pursuant to 14 CCR §§
7 929.1 (g) [949.1(g), 969.1(g)] and 929.5 [949.5 and 969.5]. The
8 Director shall submit a complete copy of the Confidential
9 Archaeological Letter, and two copies of any required archaeological
10 or historical site records, to the appropriate Information Center of
11 the California Historical Resource Information System, within 30 days
12 from the date of Notice of Exemption submittal to the Director.
13 Before submitting the Notice of Exemption to the Director, the RPF
14 shall send a copy of the Notice of Exemption to Native Americans
15 defined in 14 CCR § 895.1.

16 (8) Only trees less than 18 inches outside bark stump diameter,
17 measured at eight inches above ground level, may be removed except as
18 follows:

19 (A) Within 500 feet of a legally permitted structure that
20 complies with the California Building Code, or in an area prioritized
21 as a shaded fuel break in a community wildfire protection plan
22 approved by a public fire agency, if the goal of fuel reduction cannot
23 be achieved by removing trees less than 18 inches outside bark stump
24 diameter, trees less than 24 inches outside bark stump diameter may be
25 removed if that removal complies with this section.

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

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

(B) Minimum post treatment canopy closure of dominant and codominant trees shall be 50 percent for coastal redwood and Douglas-fir forest types within ¼ mile from approved and legally permitted structures that comply with the California Building Code (legal structure). Such legal structures shall be within or adjacent to a community listed in the "California Fire Alliance list of Communities at Risk" (copyright date 2003 on file in the official rulemaking file and incorporated by reference) and have densities greater than 1 structure per 20 acres;

(C) Minimum post treatment canopy closure of dominant and codominant trees shall be 50 percent for coastal redwood and Douglas-fir forest types within 500 feet of a legal structures outside the area referenced in 14 CCR § 1038 (i)(9)(B);

(D) Minimum post treatment canopy closure of dominant and codominant trees shall be 60 percent for coastal redwood and Douglas-

1 fir forest types outside areas referenced in 14 CCR § 1038 (i)(9)(B)
and (C);

2 (E) Minimum post treatment canopy closure of dominant and
3 codominant trees shall be 50 percent for mixed conifer and all other
4 forest types.

5 (10) ~~Ladder and surface fuels shall be removed to achieve a~~
6 ~~minimum clearance distance of eight feet, measured from the base of~~
7 ~~the live crown of the postharvest dominant and codominant trees to the~~
8 ~~top of the surface fuels.~~ (A) This subsection applies to areas
9 described in subsection (8)(A) above. Notwithstanding wildlife
10 habitat requirements of 14 CCR § 1038(i)(6), or requirements of Public
11 Resources Code 4291, or other requirements for dominant and codominant
12 trees under subsection 14 § CCR 1038(i)(9), surface and ladder fuels
13 in the harvest area, including logging slash and debris, brush, small
14 trees, and deadwood, that could promote the spread of wildfire, shall
15 be treated to achieve standards for vertical spacing between fuels,
16 horizontal spacing between fuels, maximum depth of dead ground surface
17 fuels, and treatment of standing dead fuels, as follows:

18 (i) Ladder and surface fuels, excluding residual stand
19 dominant and codominant trees, shall be spaced to achieve a vertical
20 clearance distance of eight feet or three times the height of the post
21 harvest fuels, whichever is the greater distance, measured from the
22 base of the live crown of the post harvest dominant and codominant
23 trees to the top of the surface fuels.

24 (ii) Ladder and surface fuels, excluding residual
25 stand dominant and codominant trees, shall be spaced to achieve
horizontal clearance distance of two to six times the height of the
post harvest fuels measured from the outside branch edges of the
fuels. On ground slopes of zero percent to 20 percent horizontal

1 clearance distance shall be two times the height of post harvest
2 fuels; on ground slopes of greater than 20 percent to 40 percent
3 horizontal clearance distance shall be four times the height of post
4 harvest fuels; on ground slopes of greater than 40 percent horizontal
5 clearance distance shall be six times the height of post harvest
6 fuels.

7 (iii) Dead surface fuel depth shall be less than 9
8 inches.

9 (iv) Standing dead or dying trees and brush, shall
10 generally be removed. Such material, along with live vegetation
11 associated with the dead vegetation, may be retained for wildlife
12 habitat when isolated from other vegetation.

13 (B) This subsection applies to all other areas outside those
14 in subsection (8)(A) above.

15 (i) Post treatment stand shall contain no more than
16 200 trees per acre over 3 inches in diameter, notwithstanding
17 subsection (9)(A)-(E) above.

18 (ii) Vertical spacing shall be achieved by treating
19 dead fuels to a minimum clearance distance of 8 feet measured from the
20 base of the live crown of the post harvest dominant and codominant
21 trees to the top of the dead surface fuels.

22 (iii) All logging slash created by the timber
23 operations shall be treated to achieve a maximum post harvest depth of
24 9 inches above the ground.

25 ~~(11) Surface fuels in the harvest area, including logging slash~~
~~and debris, low brush, and deadwood, that could promote the spread of~~

1 ~~wildfire, shall be treated to achieve the goal of an average of four~~
2 ~~foot maximum flame length under average severe fire weather~~
3 ~~conditions.~~ Treatments for fuels shall include chipping, removing,
4 piling, burning or other methods necessary to achieve the
5 goal standards. Treatments for any portion of the exemption area where
6 timber operations have occurred, except for burning operations, shall
7 be done within 120 days from the start of timber operations on that
8 portion of the exemption area. Burning operations shall be completed
9 by April 1 of the year following surface fuel creation. Treatment of
10 surface fuels by burning shall be exempt from the one year time
11 limitations described under 14 CCR § 1038.1

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

15 (13) Timber operations shall comply with the limits
16 established in 14 CCR § 1038, subsections (b) (1) through (10). Timber
17 operations in the Lake Tahoe Region shall comply with the requirements
18 of paragraphs (1) to (16), inclusive of subdivision (f) of Section
19 1038 of Title 14 of the California Code of Regulations.

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

22 (15) 14 CCR § 1038(i) shall expire on January 1, 200813.

23
24 Note: Authority cited: Sections 4551, 4553, 4584 Public Resources
25 Code. Reference: Sections 4527, 4584, Public Resources Code. EPIC v

1 California Department of Forestry and Fire Protection and Board of
2 Forestry (1996) 43 Cal. App.4th 1011.

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4 File: 1038(i) plead 8_3_07 cz

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