

**FOREST FIRE PREVENTION EXEMPTION
DOCUMENTATION and DESCRIPTION CHECKLIST**
[ref: 14 CCR § 1038(i)]

This checklist may be used to assist an RPF preparing a Notice of Exemption for Forest Fire Prevention per 14 CCR § 1038(i):

Purpose

The harvesting of trees in compliance with PRC § 4584(k), Forest Fire Prevention Exemption, shall be limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns, for the purpose of reducing the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns. (§ 1038(i))

Project Size

The logging area does not exceed 300 acres in size. (§ 1038(i)(1))

Logging area size: _____

Geographic scope

Check only if applicable:

Operations will occur within 500 feet of a legally permitted structure that complies with the California Building Code. (§§ 1038(i)(8) and 1038(i)(9)(C))

Operations will occur within ¼ mile of approved and legally permitted structure and within or adjacent to "...Communities at Risk" and have densities greater than 1 structure per 20 acres. (§ 1038(i)(9)(B))

Community at Risk name: _____

Operations will occur within an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency. (§ 1038(i)(8)(A))

Community name: _____

Community wildfire protection plan name: _____

Public fire agency name: _____

Fuels treatments will occur in locations other than those listed above.

Map

The RPF preparing the Notice of Exemption shall provide a map of the area of timber operations that complies with 14 CCR §

Pre-harvest stand structure

The RPF shall include a description of the pre-harvest stand structure. (§ 1038(i)(5))

Description of pre-harvest stand structure: _____

Tree selection criteria

Criteria for trees to be harvested or retained: _____

The RPF has considered retaining habitat elements, where feasible, including, but not limited to, ground level cover necessary for the long-term management of local wildlife populations in developing the tree selection criteria.

Method of designation:

Leave tree mark Harvest tree mark Leave or harvest trees shall be marked by, or under supervision, of an RPF

Leave or harvest trees will be sample marked, and the sample mark area shall include at least 10% of the harvest area to a maximum of 20 acres per stand type that is representative of the range of conditions present in the area. When sample making is used, the RPF shall include a written prescription describing how trees will be designated in the unmarked areas (§ 1038(i)(6)):

Fuel treatments

Only trees less than 18 inches outside stump diameter, measured at eight inches above ground level, may be removed. (§ 1038(i)(8))

Trees less than 24 inches outside stump diameter, measured at eight inches above ground level, may be removed within 500 feet of a legally permitted structure that complies with the California Building Code, because the goal of fuel reduction cannot be achieved by removing trees less than 18 inches outside stump diameter. This removal complies with 14 CCR § 1038(i). (§ 1038(i)(8)(A))

Trees less than 24 inches outside stump diameter, measured at eight inches above ground level, may be removed in an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency, because the goal of fuel reduction cannot be achieved by removing trees less than 18 inches outside stump diameter. This removal complies with 14 CCR § 1038(i). (§ 1038(i)(8)(A))

Reason why fuel reduction cannot be achieved by removing trees less than 18 inches outside stump diameter: _____

- The tree harvesting shall decrease fuel continuity and increase the quadratic mean diameter of the stand. (§ 1038(i)(2))
- The level of residual stocking shall be consistent with maximum sustained production of high quality timber products. (§ 1038(i)(5))
- The residual stand shall consist primarily of healthy and vigorous dominant and co-dominant trees from the pre-harvest stand. (§ 1038(i)(5))
- Trees retained to meet the basal area stocking standards shall be selected from the largest trees available on the project area prior to harvest. (§ 1038(i)(5))

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

Where the pre-harvest dominant and co-dominant crown canopy is occupied primarily by trees greater than 14 in. dbh:

Coast:

- On Site I lands at least 125 sq. ft. per acre of basal area shall be left.
- On Site II and III lands at least 100 sq. ft. per acre of basal area shall be left.
- On Site IV lands at least 75 sq. ft. per acre of basal area shall be left.
- On Site V lands, at least 50 sq. ft. per acre of basal area shall be left.

Northern, Southern:

- On Site I mixed conifer lands at least 125 sq. ft. per acre of basal area shall be left, and on Site I land where greater than 50% of the basal area is pine, at least 100 sq. ft. per acre of basal area shall be left.
- On Site II mixed conifer lands at least 100 sq.ft. per acre of basal area shall be left, and on Site II lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.
- On Site III mixed conifer lands at least 75 sq. ft. per acre of basal area shall be left, and on Site III lands where greater than 50% of the basal area is pine, at least 75 sq. ft. per acre of basal area shall be left.
- On Site IV and V mixed conifer lands, at least 50 sq. ft. per acre of basal area shall be left, and on Site IV and V lands where greater than 50% of the basal area is pine at least 50 sq. ft. per acre of basal area shall be left. (§ 1038(i)(5)(A)(1)-(4))

Where the pre-harvest dominant and co-dominant crown canopy is occupied by trees less than 14 in. dbh:

- A minimum of 100 trees per acre over 4 in. dbh shall be retained for site I, II, and III. For site IV and V – 75 trees per acre over 4 in. dbh shall be retained. (§ 1038(i)(5)(B))
- Minimum post treatment canopy closure of dominant and co-dominant trees shall be 40 percent for east side pine forest types. (§ 1038(i)(9)(A))
- Minimum post treatment canopy closure of dominant and co-dominant 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. (§ 1038(i)(9)(B))
- Minimum post treatment canopy closure of dominant and co-dominant trees shall be 50 percent for coastal redwood and Douglas–fir forest types within 500 feet of a legal structures outside 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). (§ 1038(i)(9)(C))
- Minimum post treatment canopy closure of dominant and co-dominant trees shall be 60 percent for coastal redwood and Douglas–fir forest types outside areas referenced in 14 CCR § 1038 (i)(9)(B) and (C). (§ 1038(i)(9)(D))
- Minimum post treatment canopy closure of dominant and co-dominant trees shall be 50 percent for mixed conifer and all other forest types. (§ 1038(i)(9)(E))

Fuels treatments will occur within 500 feet of a legally permitted structure that complies with the California Building Code, or in an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency, and shall conform to the following standards:

1. Ladder and surface fuels, excluding residual stand dominant and co-dominant trees, shall be spaced to achieve a vertical clearance distance of eight feet or three times the height of the post harvest fuels, whichever is the greater distance, measured from the base of the live crown of the post harvest dominant and co-dominant trees to the top of the ladder or surface fuels, whichever is taller.
2. Ladder fuels, excluding residual stand dominant and co-dominant 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 clearance distance shall be two times the height of post harvest fuels; on ground slopes of greater than 20 percent to 40 percent horizontal clearance distance shall be four times the height of post harvest fuels; on ground slopes of greater than 40 percent horizontal clearance distance shall be six times the height of post harvest fuels.
3. Dead surface fuel depth shall be less than 9 inches.
4. Standing dead or dying trees and brush shall generally be removed. Such material, along with live vegetation associated with the dead vegetation, may be retained for wildlife habitat when isolated from other vegetation. (§ 1038(i)(10)(A))

Fuels treatments will occur in locations other than within 500 feet of a legally permitted structure that complies with the California Building Code, or in an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency, and shall conform to the following standards:

1. Post treatment stand shall contain no more than 200 trees per acre over 3 inches in dbh, when consistent with 14 CCR § 1038(i)(9)(A)-(E).
2. Dead fuels, excluding dead branches on trees retained for stocking, shall be treated to achieve a minimum clearance distance of 8 feet measured from the base of the live crown of the post harvest dominant and co-dominant trees to the top of the dead surface or ladder fuels, whichever is taller.
3. All logging slash created by the timber operations shall be treated to achieve a maximum post harvest depth of 9 inches above the ground. (§ 1038(i)(10)(B))

NOTE: The fuel treatment requirements of 14 CCR § 1038(i)(10)(A)-(B) shall not supersede the requirements of PRC § 4291.

Treatments shall include:

Chipping Removing Piling Burning Other methods necessary to achieve the applicable

fuel treatment standards: _____

(§ 1038(i)(11))

Treatments for any portion of the exemption area where timber operations have occurred, except for burning operations, shall be done within 120 days from the start of timber operations on that portion of the exemption area. (§ 1038(i)(11))

Burning operations shall be completed by April 1 of the year following surface fuel creation. Treatment of surface fuels by burning shall be exempt from the one year time limitations described under 14 CCR § 1038.1. (§ 1038(i)(11))

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

[] The following restrictions apply to timber operations outside of the Lake Tahoe Region (14 CCR §§ 1038(b)(1)-(10)) (§ 1038(i)(13)):

- (1) No tractor or heavy equipment operations on slopes greater than 50%.
- (2) No construction of new tractor roads on slopes greater than 40%.
- (3) Timber operations within any Special Treatment Area (STA), as defined in 14 CCR § 895.1, comply with rules associated with that STA.
- (4) No tractor or heavy equipment operations on known slides or unstable areas.
- (5) No new road construction or reconstruction, as defined in 14 CCR § 895.1.
- (6) No heavy equipment operations within the standard width of a WLPZ except for maintenance of roads and drainage facilities or structures.
- (7) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.
- (8) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR § 895.1.
- (9) No timber harvesting within the standard width of a WLPZ except sanitation-salvage where immediately after completion of operations the area meets the stocking standards of 14 CCR § 912.7 [932.7, 952.7](b)(2) or except the removal of dead or dying trees where consistent with 14 CCR § 916.4 [936.4, 956.4] (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.
- (10) No timber operations on any site that satisfies the criteria listed in § 895.1 for a significant archaeological or historical site. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

[] The following restrictions apply to timber operations in the Lake Tahoe Basin (14 CCR §§ 1038(f)(1)-(14)) (§1038(i)(13)):

- (1) Tree removal on high erosion hazard lands (Bailey's Land Capability Districts 1a, 1c, or 2 per Land Capability Classification of the Lake Tahoe Basin, California-Nevada: A Guide for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be conducted using the following methods: helicopter, over snow where no soil disturbance occurs, hand carry, and use of existing roads.
- (2) Tree removal in Stream Environment Zones ("SEZs", Bailey's Land Capability District 1b) and within the standard width of a WLPZ, shall be permitted as in the preceding section (f)(1). End-lining may also be used provided that soils are dry, all heavy equipment remains outside the SEZ or WLPZ, and site conditions are such that soils or vegetation will not be adversely affected and a discharge of earthen materials to surface waters, SEZs, or 100-year floodplains will not occur. Other low-impact tree removal methods may be used in SEZs and WLPZs if approved by the Lahontan Regional Water Quality Control Board (RWQCB) and when a Tahoe Basin Tree Removal Permit is issued prior to submittal of the exemption notice to the Department. Certification of approval by the RWQCB and TRPA shall be provided with the exemption notice to the Department. Low-impact tree removal methods means the use of techniques for vegetation management (including tree removal) and harvesting that are designed so as to minimize impacts to the soils and vegetation. Such techniques should be able to operate in a manner that minimizes disruption of the soil surface (soil detachment), soil compaction, and damage to vegetation. Depending on the specific site conditions (e.g. soil type, soil conditions, slopes) and the method of operation, the use of low-ground pressure logging equipment, including but not limited to, certain harvesters and forwarders, may qualify.
- (3) No tractor or heavy equipment (ground-based) operations on slopes greater than 30% except during over-snow operations that result in no soil disturbance.
- (4) No heavy equipment operations during the winter period, or within a SEZ or the standard width of a watercourse or lake protection zone (WLPZ), as defined in 14 CCR § 956.4(b), except for over-snow operations that result in no soil disturbance, use or maintenance of existing roads, maintenance of drainage facilities or structures, use of low-impact tree removal methods approved pursuant to (f)(2) above, or use of skid crossings approved pursuant to (f)(9) below.
- (5) No new road construction or reconstruction, as defined in 14 CCR § 895.1.
- (6) No tractor or heavy equipment operations on known slides or unstable areas.

(7) All cutting or removal of live trees or other live vegetation from within the standard width of a WLPZ shall meet the WLPZ standards of the Forest Practice Act and District Forest Practice Rules applicable to Timber Harvesting Plans. Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations. Any cutting or removal of live trees or other live vegetation from within SEZs or WLPZs shall require a Tahoe Basin Tree Removal Permit and be certified in writing by staff of the RWQCB as complying with the soil protection and vegetation retention requirements of the RWQCB's Basin Plan prior to submittal of the exemption notice to the Department.

(8) All Class III watercourses shall have at least 25-foot WLPZ.

(9) No watercourse crossings of Class I or Class II watercourses except on existing bridges or existing culvert crossings. Any and all crossings proposed for Class III or Class IV watercourses shall be approved by staff of the RWQCB and TRPA prior to operations.

(10) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(11) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR § 895.1.

(12) No timber operations on significant historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(13) The landowner shall allow access to the property for inspections by staff of the RWQCB and TRPA.

(14) A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan," "THP," and "plan."

Confidential archaeological letter

[] The RPF shall provide a Confidential Archaeological Letter, which contains all the information required for plans and Emergency Notices in 14 CCR § 929.1(c)(2), (7), (8), (9), (10) and (11), [949.1(c)(2),(7),(8),(9),(10) and (11), 969.1(c)(2),(7),(8), (9), (10) and (11)], including site records as required pursuant to 14 CCR §§ 929.1(g) [949.1(g), 969.1(g)] and 929.5 [949.5 and 969.5]. Before submitting the Notice of Exemption to the Director, the RPF shall send a copy of the Notice of Exemption to Native Americans defined in 14 CCR § 895.1. (§ 1038(i)(7))

RPF Signature: _____ **RPF No.** _____ **Date:** _____