

STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY & FIRE PROTECTION

APPLICATION FOR LIMITED TIMBER OPERATOR LICENSE

RM-3B (rev. 10/98)

SEE INSTRUCTIONS ON REVERSE

TO: CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION TIMBER OPERATOR LICENSING 1416 NINTH STREET P.O. BOX 944246 SACRAMENTO, CA 94244-2460	FOR ADM. USE ONLY LICENSE NO.: DATE ISSUED:
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1. CHECK KIND OF LICENSE APPLYING FOR:

RENEWALS – Postmarked by December 1

LIMITED TIMBER OPERATOR LICENSE RENEWAL
FEE \$50.00

NEW LICENSE
(Or Renewal if Postmarked After December 1)

LIMITED TIMBER OPERATOR LICENSE
COMPLETED QUESTIONNAIRE REQUIRED
FEE \$60.00

2. NAME TO APPEAR ON TIMBER OPERATOR'S LICENSE: (Name of Individual, firm, corporation, or partnership as it is to appear on license)	PREVIOUS LICENSE NUMBER:
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3. **APPLICANT'S NAME:** (Must be real party-in-interest. See reverse for definition)

4. **DRIVERS LICENSE NUMBER & STATE OF ISSUANCE OR OTHER IDENTIFICATION:**

5. **MAILING ADDRESS:**

CITY, STATE, AND ZIP CODE:

6. **STREET (PHYSICAL) ADDRESS:**

CITY, STATE, AND ZIP CODE:

PHONE NUMBER:

7. **CALIFORNIA RESIDENT AGENT OR OFFICER FOR SERVICE OF DOCUMENTS:** (If needed) (Name, address and phone number.)

8. **IF IN PARTNERSHIP, GIVE NAMES AND ADDRESSES OF ALL PARTNERS:**

NAME/ADDRESS:

NAME/ADDRESS:

NAME/ADDRESS:

9. **IF A CORPORATION, GIVE STATE IN WHICH INCORPORATED:**

HOME OFFICE ADDRESS:

CALIFORNIA OFFICE ADDRESS:

10. Consent is hereby given to the Director, his agents and employees, to inspect timber operations of the applicant. All the above information is accurate and complete and does not misrepresent the facts.

TIMBER OPERATOR ACKNOWLEDGEMENT (See reverse for definition)

I hereby certify in applying for a timber operator license that I am the real party in interest making application for the license. As a licensed timber operator, I shall comply with all provisions on the Z'berg-Nejedly Forest practice Act of 1973, Board of Forestry rules and regulations, the applicable approved Timber Harvesting Plan and any approved amendments to the plan. I am familiar with the Act, rules and regulations and understand it is my responsibility that employees under my direction comply with the provisions of the Act, applicable plans and amendments, rules and regulations contained in Division 1.5 chapter 4 of Title 14, California Code of Regulations.

BY: (Type or print name)	TITLE:
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SIGNATURE OF APPLICANT:	DATE:
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INSTRUCTIONS
(NUMBERS REFER TO CORRESPONDING NUMBERS ON FRONT)

This form must be used to apply for a limited timber operator license. Each applicable question must be fully, accurately and legibly answered. Material misrepresentation or false statement is cause for denial, suspension, or revocation of a license. A license cannot be issued until a complete and properly executed application is received and the proper fee has been paid.

The fee must be enclosed with the application. The fee must be in the form of a check, money order, or bank draft made payable to the CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

1. Check the appropriate box and enter previous years' license number.

NOTE:

- (a) Limited Timber Operator Licenses are good only for minor forest products: Christmas trees, tanbark, fuelwood, root crown burls, posts and split products, but not poles, piling, sawlogs, veneer logs or pulp logs (PRC Section 4572 and 14 CAC Section 10221.1).
 - (b) All license renewal applications must be postmarked on or before December 1st of the year before the license expires to replace a previously issued license of the same type (PRC Section 4572 and 14 CAC Section 1026).
 - (c) Renewal applications are not acceptable if there is a change of the natural persons forming a partnership or changes in license status such as from an individual to a partnership, a partnership to a corporation, etc. The timber operator license is subject to future legislation and is not transferable (PRC Section 4575).
2. The name under which the license is to be issued should be entered here. Print clearly and legibly in ink or use the typewriter.
 3. Applicant must be the real party in interest, which is one of the following:
 - (a) The sole proprietor, principal owner, or principal officer of an entity that is applying for a license or the renewal of a license.
 - (b) The on-site supervisor responsible for the conduct of timber operations, including the authority to hire and fire persons conducting those timber operations.
 4. Every applicant must provide his/her driver's license number and the issuing state or another form of identification that proves the identity of the individual applying for the license.
 5. Every applicant must provide a mailing address. This can be a post office box.
 6. Every applicant must provide an actual street address. This cannot be a post office box.
 7. Every applicant not a California resident (individual, partnership, corporation, etc.) must designate a California resident upon whom process of notice may be served. Enter the name, address, and telephone number of a natural person who is a California resident who is either the agent or principal officer of the applicant for the service of documents.
 8. All members of the partnership and their addresses must be listed.
 9. All corporations are to complete this section.
 10. The signature must be that of the Applicant who is the real party in interest. This could be the owner, principal officer, manager, partner, or company forester who is responsible for license compliance with the Act and rules and has the authority to immediately stop or modify any phase of timber operations in order to comply with the Act.

Mail completed application, fee, and completed questionnaire if required to:
California Department of Forestry and Fire Protection
Timber Operator Licensing
P. O. Box 944246
Sacramento, CA 94244-2460

EXCERPTS FROM STATE LAW

"Any person who willfully violates a provision of this chapter or rule or regulation of the board is guilty of a misdemeanor and shall be punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment. . ." Section 4601, Public Resources Code.

"The licensee shall notify the Director at the Sacramento Office in writing 15 days of any change of address." Section 1080, California Code of Regulations, Title 14.

"Each subsidiary of companies or corporations, and each division thereof that is a separate unit and separately managed which conducts timber operations shall be individually licensed. Partnerships consisting of individual licensees and operating as a copartnership must obtain a license as a partnership. A license is not transferable." Section 1023.1, California Code of Regulations, Title 14.

"Licenses are good only for the calendar years issued. Renewals shall be submitted to the Director on alternating years, with odd-numbered licenses expiring on January 1st of odd-numbered years and even-numbered licenses expiring on January 1st of even-numbered years. An application for renewal shall be submitted to the Department prior to December 1st of the year before the license expires. All licenses for which renewal applications with the required fee are not received by the Department or postmarked by December 1st shall expire and a new license shall be required." Section 1026 California Code of Regulations, Title 14.

(NOTE: The term "natural person" is a legal term referring to an individual person as contrasted with entities such as corporations or partnerships.)



Application for License (Form RM-3 (A), (B), (C) Rev. 10/98)

Any person who engages in timber operations on non-federal timberlands must have a Timber Operator License.

"Timber Operations" means the cutting or removal or both of timber or other solid wood forest products including Christmas Trees from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, stream crossings, landings, skid trails, beds for the falling of trees, and fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as tree marking, surveying or road flagging. Removal or harvest of incidental vegetation from timberlands, such as berries, ferns, greenery, mistletoe, herbs and other products, which action cannot normally be expected to result in a threat to forest, air, water, or soil resources, does not constitute timber operation (Section 4527 PRC).

The application must be submitted on the prescribed form, "Application for Timber Operator License" (Form RM-3, 10/98). It must be completed, printed in ink or typewritten and legible.

FEE SCHEDULE:	New Timber Operator License	\$125.00
	Timber Operator License Renewal	\$100.00
	New Limited Timber Operator License	\$ 60.00
	Limited Timber Operator License Renewal	\$ 50.00

Payment of Fees

An application for a Timber Operator License is not complete until the Department receives the proper fee. The fee must be paid by cashier's check, certified check, money order, postal money order, or personal check. A license will not be valid if checks are dishonored. Cash and postage stamps are not acceptable. The application must be sent with accompanying payment to the California Department of Forestry and Fire Protection, Attention: Timber Operator Licensing, P. O. Box 944246, Sacramento, California 94244-2460.

READ AND FOLLOW THE INSTRUCTIONS ON THE BACK OF THE APPLICATION FORM!!!

Kind of License

Limited Timber Operator License: valid only for harvest of the following minor forest products: Christmas trees, tanbark, fuelwood, root crown burls, posts, and split products, but not poles, piling, pulp logs, sawlogs, veneer logs, and any other forest products.

Timber Operator License: valid for all types of timber operations not covered by a limited timber operator license.

Liability Insurance

Timber Operators must maintain liability insurance, including third party loggers insurance, with a minimum limit of \$1,000,000 per occurrence.

Limited Timber Operators and regular Timber Operators who conduct timber operations only on their lands are exempt from this requirement.

License Renewal

Current licenses may be renewed at the reduced renewal fee for the succeeding two years only if the "application" is postmarked or received by the Department on or before December 1st of the year before the license expires.

New License

Timber Operator License

If you are applying for a license for the first time, the following will be needed: a copy of your certificate of completion of an approved timber operator education program with payment of the full license fee and the application for license which includes work experience and proof of insurance.

Limited Timber Operator

For a limited license, you must attach the completed questionnaire with payment of the full license fee and the application for license.

No timber operator license will be issued without the certificate of completion or the completed questionnaire.

Timber Operator License

Upon receipt of a properly completed application, the Department may issue a Timber Operator License. The Director, can however, deny a license for reasons specified by law. The license is valid only during the calendar years issued. New licenses shall be valid from the date of issuance to January 1st of odd-numbered years for odd-numbered licenses, and January 1st of even-numbered years for even-numbered licenses. The fee for a newly issued license shall be based on a proration of the annual rate.

Renewals shall be submitted to the Director on alternating years, with odd-numbered licenses expiring on January 1st of odd-numbered years, and even-numbered licenses expiring on January 1st of even-numbered years. All licenses for which renewal applications, with the required fee, are not received by the Director, or postmarked, on or before December 1st, shall expire January 1st, and a new license shall be required. Licenses are subject to future legislation and are not transferable.

Timber Operator License Availability

A valid Timber Operator License, or a copy, must be available for inspection at the site of active timber operations.

Harvest Notification Required

The Department must be notified for all timber operations carried out on non-federal California timberlands. A California Registered Professional Forester (RPF) must prepare a "Timber Harvesting Plan" (THP) on Form RM-63, and the Department must find it in conformance with the rules and regulations of the Board of Forestry, before timber operations may begin. Enforcement action may be taken against timber operators for violation of THP provisions or for conducting operations without an approved plan. The review and processing of a THP normally takes 20-30 days. Under certain conditions, instead of a THP, the RPF may prepare an "Emergency Notice - Timber Operations" (RM-65) which allows timber harvest operations to begin immediately, and continue for not more than 60 days. These conditions are specified in Section 1052.1 and 1052.2 of Title 14, California Code of Regulations.

The "Exemption Notice" (Form RM-73 "Notice of Timber Operations that are Exempt from Timber Harvesting Plan Requirements"), in lieu of a THP, must be submitted when timber operations in the following categories are proposed:

- a. Harvesting Christmas trees.
- b. Harvesting dead, dying, or diseased trees of any size, fuelwood or split products in amounts less than 10 percent of the average volume per acre, where timber operations will not exceed the impacts described in 14 CCR 1038(b).
- c. Harvesting of trees as part of a single conversion to a non-timber growing use of timberland of less than three acres. (See 14 CCR 1104.1(a) for a description of the conditions on the conduct of this type of a timber operation and additional information that is required to be submitted.)
- d. Harvesting of trees within 150 feet of a house for the development of a fire safe zone.

General Information

The Department, acting in accordance with policies and regulations adopted by the State Board of Forestry, administers the Forest Practice Act and exercises all powers necessary to accomplish its purposes and intent, including entering and inspecting lands subject to the Act.

Copies of the Forest Practice Act, Board Rules, and forms described in these instructions are available on request from the Director, Department of Forestry and Fire Protection, Sacramento, or principal offices of the California Department of Forestry and Fire Protection throughout the state. Persons who desire a complete set of the Forest Practice Rules and Regulations of the Board of Forestry should contact:

Barclay Law Publishers
P. O. Box 3066
South San Francisco, CA 94083
Phone: (415) 588-1155

You should request Division 1.5, Title 14 of the California Code of Regulations, Forestry Section. The cost of the initial package and supplements will vary. Contact Barclay Law Publishers to determine the actual cost before sending in your order.

A field forest practice rule from the Department of Forestry and Fire Protection will be provided to timber operators.





DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-5305
Website: www.fire.ca.gov



LIMITED TIMBER OPERATOR QUESTIONNAIRE INSTRUCTIONS

1. All information necessary to complete the Limited Timber Operator questionnaire is contained in the Informational Handout.
2. Read the Informational Handout before starting to complete the questionnaire.
3. Complete the questionnaire. You may use the Informational Handout as reference to complete the questionnaire.
4. If you need any help with the questionnaire you may contact any CDF forest practice inspector.
5. Attach your completed questionnaire to the Limited Timber Operator License application and send to the address on the application.

Revised 9/11/02

LIMITED TIMBER OPERATORS Questionnaire Information Handout

The regulation of the cutting and removal of timber, solid wood products including Christmas trees from forestland is regulated by the Z'berg-Nejedly Forest Practice Act of 1973.

Under the Forest Practice Act Public Resources Code (PRC) 4531, the state is divided into three forest districts. These districts are:

- 1) Coast Forest District
- 2) Northern Forest District
- 3) Southern Forest District

The Forest Practice Act requires that the California State Board of Forestry develop rules for each of these districts. These rules are called the Forest Practice Rules (PRC 4551).

In the Forest Practice Act (PRC 4527), timber operations are defined:

Timber operations means the cutting or removal or both of timber or other solid wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning vegetation following timber harvesting.

This definition includes the cutting of firewood, making or split products and the harvesting of Christmas trees. Because these activities are considered timber operations, everyone conducting these types of operations are timber operators.

In the Forest Practice Act (PRC 4526.5) timber operator is defined:

Timber operator means any person who is engaged in timber operations himself or who contracts with others to conduct such operations on his behalf, except a person who is engaged in timber operations as an employee with wages as his sole compensation.

If your sole compensation of wages is as an employee, then you are not a timber operator and do not need a timber operator license.

PRC Section 4571 of the Forest Practice Act states that "No person shall engage in timber operations until he has obtained a license from the Board."

If you conduct timber operations for the removal of fuelwood, split products, or Christmas trees, you must have a Limited Timber Operator License.

Title 14, California Code of Regulations (CCR) (or Forest Practice Rules), Section 1022 designates two kinds of licenses:

- 1) Timber Operator License
- 2) Limited Timber Operator License

If you are unsure of the type of timber operator license you need, CCR Section 1022.1 clearly explains when a Limited Timber Operator License is needed:

1022.1. Limited Timber Operator License The Director may issue a license for commercial cutting and/or removal of minor forest products as here listed: Christmas trees, tanbark, fuelwood, root crown burls, posts and split products, but excluding poles, piling, sawlogs, veneer logs and pulp logs. Said license is designated as "Limited Timber Operator License."

An application with a certificate of completion from an approved timber operator education program or completed questionnaire attached to the application and payment of the proper fee are required before the Director can issue any timber operator license. If you held a prior license and are applying for a renewal, the certificate or questionnaire is not required (CCR 1024(i)).

Licenses are good for up to two years. Renewals must be submitted on or before December 1st of the year before the license expires. License applications not postmarked on or before December 1st shall expire and a new license is required (CCR 1026).

Timber operator licenses are subject to denial, revocation or suspension for failure to comply with the rules and regulations of the Board of Forestry (PRC 4573,4576).

Violations of the Forest Practice Act and forest practice rules and regulations of the Board of Forestry can be misdemeanors. Misdemeanors are punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than six months or by both fine and imprisonment (PRC 4601).

The California Department of Forestry and Fire Protection (CDF) may also issue a Notice of Intent to Take Corrective Action and lien the property to collect costs of correction of violations (PRC 4608).

Inspecting forest officers may issue a written timber operations Stop Order if the timber operations are about to cause a violation or if the operation will result in imminent and substantial harm to soil, water or timber resources or to fish and wildlife habitat (PRC 4602.5).

Your Limited Timber Operator License or a copy of it must be available for inspection at the site of active timber operations (CCR 1029).

If you change your address you must notify the Director of CDF at: P. O. Box 944246, Sacramento, California 94244-2460, within 15 days of any change of address (CCR 1020).

Timber operations conducted under a Limited Timber Operators License are exempt from:

1. Timber harvesting plan preparation and submission requirements (PRC 4581).
2. Completion report and stocking report requirements (PRC 4585, 4587).

Persons conducting timber operations under a Notice of Exempt Operations must comply with all other provisions of the Forest Practice Act and the forest practice rules (CCR 1038.1).

Timber Operations under a Limited Timber Operator License must be conducted only after submission of a valid Notice of Exempt Operations, Form RM-73 (CCR 1038.1).

The Notice of Exempt Operations (RM-73) must be sent to the area office for the county in which the operation is located, as listed on the form, before the start of operations. Failure to complete the RM-73 correctly and completely will cause rejection of the Notice of Exempt Timber Operations and possible misdemeanor actin against the Limited Timber Operator or landowner.

Each licensed timber operator is responsible for the work of his or her employees. . .(CCR 1035.1).

The forest practice rules contained in the California Code of Regulations for the Coast, Northern and Southern Forest Districts are divided into the following articles:

1. Introduction
2. **Ratings and Standards**
3. Silvicultural Methods
4. Harvesting Practices and Erosion Control
5. Site Preparation
6. Watercourse and Lake Protection
7. Hazard Reduction
8. Fire Protection
9. Wildlife Protection Practices
10. Violation of Rules Prior to Change
11. Coastal Commission Special Treatment Areas
(Coast and Southern Districts only)
12. Logging Roads and Landings
13. County Rules
14. Archaeological and Historical Resource Protection

Each section contains specific rules with which you should be familiar. The following is a partial listing of some of the rules contained in the CCR:

914, 934, 954 Purposes

Timber operations including felling, yarding, loading, erosion control, and any activity connected with these timber operations shall be conducted in such a manner as to minimize breakage of merchantable timber and prevent unreasonable damage to residual trees, trees left for wildlife benefits, reproduction, riparian vegetation, and beneficial uses of water, and to maintain site productivity by minimizing soil loss.

914.1, 934.1, 954.1 Felling Practices

(a) To the fullest extent possible and with due consideration given topography, lean of trees, landings, utility lines, local obstructions, and safety factors, trees shall be felled to lead in a direction away from watercourses and lakes.

914.2, 924.2, 954.2 Tractor Yarding

- (d) Tractor yarding equipment shall not be operated on unstable soils or slide areas.
- (e) Slash and debris from timber harvesting operations shall not be bunched adjacent to residual trees (other than poles and saplings) required for silvicultural or wildlife purposes, or placed in locations where they could be discharged into a Class I or II watercourse, or lake.
- (f) Tractor logging shall not be conducted in any of the following:
 - (1) Any slopes over 65 percent.
 - (2) Slopes over 50 percent which lead without flattening to a Class I or II watercourse or lake.
 - (3) Areas having average slopes over 50 percent and the erosion hazard rating is high or extreme.

914.5, 934.5, 954.5 Servicing of Logging Equipment, Disposal of Refuse, Litter, Trash and Debris

- (a) Equipment used in timber operations shall not be serviced in locations where servicing will allow grease, oil, or fuel to pass into lakes or watercourses.
- (b) Non-biodegradable refuse, litter, trash, and debris resulting from timber operations and other activity in connection with the operations shall be disposed of concurrently with the conduct of timber operations.

914.6, 934.6, 954.6 Waterbreaks

- (a) All waterbreaks shall be installed no later than the beginning of the winter period of the current year of timber operations.
- (b) Waterbreaks shall be constructed concurrently with the construction of firebreaks and immediately upon conclusion of use of tractor roads, roads, layouts, and landings which do not have permanent and adequate drainage facilities, or drainage structures.
- (c) Distances between water breaks shall not exceed the following standards:

MAXIMUM DISTANCE BETWEEN WATERBREAKS (IN FEET)

Estimated Hazard Rating	Road or Trail Gradient (in percent)			
	10% or Less	11-25%	26-50%	50% or More
Extreme	100	75	50	50
High	150	100	75	50
Moderate	200	150	100	75
Low	300	200	150	100

The appropriate waterbreak spacing shall be based upon the erosion hazard rating and road or trail gradient.

- (e) Waterbreaks shall be installed at all natural watercourses on tractor roads and firebreaks regardless of the maximum distances specified in this section, except where permanent drainage facilities are provided.
- (f) Waterbreaks shall be located to allow water to be discharged into some form of vegetative cover, duff, slash, rocks, or less erodible material wherever possible, and shall be constructed to provide for unrestricted discharge at the lower end of the waterbreak so that water will be discharged and spread in such a manner that erosion shall be minimized.
- (g) Waterbreaks shall be cut diagonally a minimum of six inches into the firm roadbed, cable road, skid trail or firebreak surface and shall have a continuous firm embankment of at least six inches in height immediately adjacent to the lower edge of the waterbreak cut.

916.2, 936.2, 956.2 Beneficial Uses of Water

(b) The State's waters are grouped into four classes based on key beneficial uses. These classifications shall be used to determine the appropriate protection measures to be applied to the State's waters during the conduct of timber operations.

916.3, 936.3, 956.3 General Limitations Near Watercourses, Lakes, Marshes, Meadows and Other Wet Areas

During timber operations, the timber operator shall not place, discharge, or dispose of in such a manner as to permit to pass into the water of this state, substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to the beneficial uses of water.

- (b) Accidental depositions of soil or other debris in lakes or below the watercourse or lake transition line in waters classed I, II, and IV shall be removed immediately after the deposition.
- (d) Vegetation, other than commercial species, bordering and covering meadows and wet areas shall be retained and protected during timber operations.
- (e) Trees cut within the watercourse and lake protection zone shall be felled away from the watercourse by pulling or other mechanical methods if necessary, in order to protect the residual vegetation in the watercourse and lake protection zone.

916.4, 926.4, 956.4 Watercourse and Lake Protection

- (c)(3) Soil and debris deposited in Class III waters shall be removed or stabilized before the conclusion of timber operations or before November 15, whichever date is earlier. . .
- (d) Heavy equipment shall not be used in timber falling, yarding, or hauling operations within the watercourse and lake protection zone.

916.7, 936.7, 956.7 Reduction of Soil Loss

Within the watercourse and lake protection zone adjacent to Class I and Class II waters. Areas where mineral soil exceeding 900 continuous square feet in size, exposed by timber operations, shall be treated for reduction of soil loss. Treatment shall be done prior to October 15th except that such bare areas created after October 15th shall be so treated within ten days.

917.11, 937.11, 957.11 Locating and Reporting

Timber operators, timber owners and Registered Professional Foresters (RPFs), if any, employed on the operation shall assist the State in determining the location of insect and disease outbreaks, and report such outbreaks to the Director or a representative of the Director.

918.4, 938.4, 958.4 Smoking and Matches

Subject to any law or ordinance prohibiting or otherwise regulating smoking, smoking by persons engaged in timber operation shall be limited to occasions where they are not moving about and are confined to cleared landings and areas of bare soil at least three feet (.914 m) in diameter. Burning material shall be extinguished in such areas of bare soil before discarding. The timber operator shall specify procedures to guide actions of his employees or other persons in his employment consistent with this subsection.

918.5 Lunch and Warming Fires

Subject to any law or ordinance regulating or prohibiting fires, warming fires or other fires used for the comfort or convenience of employees or other persons engaged in timber operations shall be limited to the following conditions:

1. There shall be a clearance of ten feet (3.05 m) or more from the perimeter of such fires and flammable vegetation or other substances conducive to the spread of fire.
2. Warming fires shall be built in a depression in the soil to hold the as created by such fires.

3. The timber operator shall establish procedures to guide actions of his employees or other persons in their employment regarding the setting, maintenance, or use of such fires that are consistent with (a) and (b) of this subsection.

923.4, 943.4, 963.4 Road Maintenance

Logging roads, landings, and associated drainage structures used in a timber operation shall be maintained in a manner which minimizes concentration of runoff, soil erosion, and slope instability and which prevents degradation of the quality and beneficial uses of water during timber operations and throughout the prescribed maintenance period.

- (e) Before the beginning of the winter period, all roadside berms shall be removed from logging roads or breached, except where needed to facilitate erosion control.
- (g) Temporary roads shall be blocked or otherwise closed to normal vehicular traffic before the winter period.

1038 Exemption

Persons who conduct the following types of timber operations are exempt from the plan preparation and submission requirements (PRC 4581) and from the completion report and stocking report requirements (PRC 4585, 4587) of the Act:

- (a) Harvesting Christmas trees;
- (b) Harvesting dead, dying or diseased trees of any size, fuelwood or split products in amounts less than ten percent of the average volume per acre when the following conditions are met:
 - 1) No tractor or heavy equipment operations on slopes greater than 50 percent.
 - 2) No construction of new tractor roads on slopes greater than 40 percent.
 - 3) Timber operations within any Special Treatment Area shall comply with the rules associated with that Special Treatment Area.
 - 4) No tractor or heavy equipment operations on known slides or unstable areas.
 - 5) No new road construction or reconstruction (14 CCR 895.1).
 - 6) No heavy equipment operations within a watercourse or lake protection zone 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 species of special concern (14 CCR 895.1).
 - 9) No timber harvesting in a watercourse or lake protection zone except sanitation-salvage harvesting.
 - 10) No timber operations on legally designated historical or archaeological sites.

The Director may issue exceptions to these conditions if it will not result in significant effect on the environment (14 CCR Section 1038).

(d) The cutting or removal of trees in compliance with sections 4290 and 4291 which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration, and intensity.

- (1) Only trees within one hundred fifty feet from any point of an approved and permitted Group "R" occupancy (residence) as defined in the Uniform Building Code may be harvested.
- (2) The following silvicultural methods may not be used: clearcutting, seed tree removal step, or shelterwood removal step.
- (3) All surface fuels created by timber operations under the exemption which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding 1 inch in diameter, and brush, shall be chipped, burned, or removed with 45 days from the start of timber operations.

(4) In addition to the slash treatment described in CCR 1038(d)(3), the areas of timber operations must meet the vegetation treatment standards in PRC 4584(j)(1) to (2)(A) illustrated in Technical Rule Addendum No. 4 within one year from the receipt of issuance of Notice of Acceptance.

(5) In addition to the limitations listed in 1038(b1)-(10), the following apply:

(A) The timber operator shall provide the Director the tentative commencement date of timber operations on the notice required in 14 CCR 1038.2. Within a 15-day period before beginning timber operations, the timber operator shall notify CDF of the actual commencement date for the start of operations. The starting date shall be directed to the designated personnel at the appropriate CDF Ranger Unit Headquarters by telephone or mail.

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

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

(d) The limit of ten percent of the volume per acre in (b) above does not apply when harvesting dead trees which are unmerchantable as sawlog-size timber from substantially damaged timberlands and the conditions of (b) 1-10 are met.

Operations pursuant to an exemption under subsection (c) and (d), may not commence for five working days from the date of the Director's receipt of the exemption unless this delay is waived by the Director after consultation with other state agencies. The Director shall determine whether the exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter. If the exemption is not complete and accurate, it shall be returned to the submitter and the timber operator may not proceed. If the director does not act within five days of receipt of the exemption, timber operations may commence.

All of the following shall apply to exemptions submitted under subsection (d). The landowner shall notify the Director of the completion of timber operations within 30 days of their cessation. At least one inspection conducted by the Director shall be made after the completion of operations (Section 4604 PRC). The RPF or the Director shall certify that the lands are substantially damaged timberland. The RPF or Director shall also certify that no conditions were identified where operations, conducted in compliance with the rules of the Board, would reasonably result in significant adverse effects.

1038.1 Compliance with Act and Rules

A person conducting timber operations under any exemption as described in 1038, shall be limited to one year from the date of receipt by the Department, and shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvest Plan", "THP", and "plan". A person conducting timber operations under exemptions 1038(a) and 1038(b) shall, upon agreement between the RPF, or submitter, and the Department, be exempt from a rule where it is justified because an alternative is more feasible and equals or lessens impacts on the environment when compared to application of the existing rule.

1038.2 Exemption Form

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

- (a) Type of operation to be conducted.
- (b) Names, addresses, and telephone numbers of the timber owner, timberland owners, and timber operator.
- (c) Legal description of the location of the timber operation.
- (d) a 7 ½ minute quadrangle map or its equivalent showing the location of the timber operation.
- (e) In addition to (a) through (d) above, the following shall be included for exemptions conducted under 14 CCR 1038(d):
 - (1) The tentative commencement date of timber operations.
 - (2) A certification by the timber operator or timberland owner that the city or county within which the exemption is located has been contacted and the exemption is in conformance with all city or county regulatory requirements.
 - (3) A notification to the landowner stating the fuel treatment requirements and enforcement procedures under this exemption.
 - (4) A signature of the landowner certifying that they are the landowner and have read and understand the information on the exemption form.
 - (5) A larger scale map such as an assessor parcel map showing the location of the timber operation.

THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOREST PRACTICE INSPECTORS HAVE THE RESPONSIBILITY TO ENFORCE THE FOREST PRACTICE RULES. THESE INSPECTORS ARE PEACE OFFICERS OR PUBLIC OFFICERS. IF YOU HAVE QUESTIONS ABOUT YOUR OPERATION OR THE APPLICATION OF SPECIFIC RULES, YOU SHOULD CONTACT YOUR NEAREST CDF INSPECTOR. HE OR SHE CAN PROVIDE VALUABLE INFORMATION ABOUT THE FOREST PRACTICE RULES AND REGULATIONS.

LIMITED TIMBER OPERATOR LICENSE QUESTIONNAIRE

1. The regulation of the cutting and removal of timber, solid wood products including Christmas trees from forestland is regulated by the _____ Act of 1973.
2. "Timber operations" means the cutting or removal or both of timber or other solid wood forest products _____, from timberlands for commercial purposes. . .
3. If you conduct timber operations for the removal of fuelwood, split products or Christmas trees, you must have a _____ Timber Operator License.
4. Licenses are good for up to _____. Renewals must be submitted on or before December 1st of the year before the license expires.
5. Your Limited Timber Operator License or a copy of it must be available _____ at the site of your timber operations.
6. Each licensed timber operator _____ for the work of his or her employees.
7. Timber operations under a Limited Timber Operator License must be conducted only after submission of a valid _____.
8. Violations of the Forest Practice Act and forest practice rules and regulations of the Board of Forestry can be _____. Misdemeanors are punishable by a fine or not more than _____ or imprisonment in the county jail for not more than _____ or by both fine and imprisonment.
9. Tractor logging shall not be conducted in any of the following:
 - 1) Any slopes over _____ percent.
 - 2) Slopes over _____ percent which lead without flattening to a Class I or Class II watercourse or lake.
 - 3) Areas having average slopes over _____ percent and the erosion hazard rating is high or extreme.
10. Waterbreaks shall be cut diagonally a minimum of _____ inches into the firm roadbed, cable road, skid trail or firebreak surface and shall have a continuous firm embankment of at least _____ inches in height immediately adjacent to the lower edge of the waterbreak cut.
11. During timber operations, the timber operator shall not place, discharge, or dispose of in such a manner as to _____ into the water of this state, substances or material, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to the beneficial uses of water.

12. Accidental depositions of soil or other debris in lakes or below the watercourse or lake transition line in waters classed I, II, and IV shall be _____.

13. Subject to any law or ordinance prohibiting or otherwise regulating smoking, smoking by persons engaged in timber operations shall be limited to occasions where they are not moving about and are confined to cleared landings and areas of bare soil at least _____ feet in diameter.

14. Warming fires or other fires used for the comfort or convenience of employees or other persons engaged in timber operations shall be limited to the following conditions:

- 1) There shall be a clearance of _____ feet or more from the perimeter of such fires and flammable vegetation or other substances conducive to the spread of fire.
- 2) Warming fires shall be built in a _____ in the soil to hold the ash created by such fires.
- 3) The timber operator shall _____ to guide actions of his employees or other persons in their employment regarding the setting, maintenance, or use of such fires that are consistent with (a) and (b) of this subsection.

15. Temporary roads shall be _____ or otherwise _____ to normal vehicular traffic before the winter period.