

FOREST FIRE PREVENTION

STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT
FROM TIMBER HARVESTING PLAN REQUIREMENTS RM-73 (1038.3) (03/2019)

FOR ADMIN. USE ONLY

EX. # _____

Date of Receipt _____

Date Validated by CAL FIRE _____

Date Expires _____

VALID FOR ONE YEAR FROM DATE OF RECEIPT BY CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of 14 CCR § 1038.3 for the purpose of cutting and removing of trees to eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials to reduce fire spread, duration, and intensity, fuel ignitability, or ignition of tree crowns.

- NOTE:**
- Notice of Exemption SHALL only be used on Timberlands that are within the most recent version of the Departments Fire Hazard Severity Zone Map, located at the Departments website at: <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/> that shows the exemption will occur in areas determined to be moderate, high, or very high fire threat. 14 CCR § 1038.3(b)
 - Harvest Area shall not exceed three-hundred (300) acres. 14 CCR § 1038.3(c)
 - Only trees less than 30 inches outside bark stump diameter 8 inches above ground level may be harvested. 14 CCR § 1038.3(h)
 - Road Construction and Reconstruction:
 - No tree larger than 36 inches in diameter at stump height, measured 8 inches above ground level, may be removed for the purpose of road construction or reconstruction. 14 CCR § 1038.3(e)(5)(F)
 - Trees between 30 and 36 inches in stump diameter at stump height, measured 8 inches above the ground may be removed for the purpose of road construction and reconstruction, WHEN NO OTHER FEASIBLE OPTION EXISTS FOR ROAD ACTIVITIES. 14 CCR § 1038.3(e)(5)(F)

Timber Operations pursuant to the notice of exemption may not commence for ten (10) working days from the date of the Directors receipt of the notice unless this delay is waived by the director. If the Director does not act within ten (10) working days of receipt of the notice of exemption, Timber Operations may commence. 14 CCR § 1038.3(s)(4)

REGISTERED PROFESSIONAL FORESTER (RPF) CERTIFICATION:

- In the professional judgement of the RPF the post-harvest slash treatment and stand conditions will lead to more moderate fire behavior. 14 CCR § 1038.3(s)(2)(B)
- RPF is certifying that the level of residual stocking SHALL be consistent with maximum sustained production of high-quality timber products. 14 CCR § 1038.3(s)(3)(A)
- RPF affirms that the construction or reconstruction of Temporary Roads is necessary to provide access to Harvest Areas when no other feasible alternatives exist. 14 CCR § 1038.3(s)(3)(B)

The Notice of Exemption SHALL be prepared, signed and submitted by a RPF. The RPF SHALL be retained to oversee all construction of Roads and Landings, and provide for necessary mitigation to avoid potential impacts. 14 CCR § 1038.3(s)

1. REGISTERED PROFESSIONAL FORESTER: Name: _____ RPF #: _____

Address _____

City _____ State _____ Zip _____ Phone _____

Signature: _____ Date: _____

EMAIL:
(optional) _____

Per 14 CCR 1038.3(f) The RPF responsible for submission of the Notice of Exemption shall designate Temporary Road locations, Landing locations, Tractor Road crossings of Class III Watercourses, Unstable Areas, or Connected Headwall Swales on the ground prior to submission of the notice of exemption.

Per 14 CCR 1038.3(m) the RPF shall comply with 14 CCR 1035.2 relating to the interaction between LTO and RPF. After approval of the Plan preparation process but before commencement of Timber Operations by each LTO assigned to the Plan, the responsible RPF or Supervised Designee, shall meet with either the LTO, or their representative, who will be on the ground and directly responsible for Timber Operation. The purpose of the meeting shall be for the RPF to familiarize the LTO with the Plan, the Plan area, and specific applicable requirements of the Plan. The meeting shall be on-site if requested by either the RPF or LTO. An on-site meeting is required between the RPF or supervised designee familiar with on-site conditions and LTO to discuss protection of any archaeological or historical sites requiring protection if any such sites exist within the Site Survey Area pursuant to Section 929.2[949.2,969.2](b).

2. LICENSED TIMBER OPERATOR(S): Name: _____ Lic #: _____

Address _____

City _____ State _____ Zip _____ Phone _____

EMAIL: (optional) _____

3. TIMBERLAND OWNER(S) OF RECORD: Name: _____

Address _____

City _____ State _____ Zip _____ Phone _____

EMAIL: (optional) _____

I certify, under penalty of perjury, that I have read and understand the information on this form and that I am the Timberland Owner of record.

Signature: _____ Date: _____

4. TIMBER OWNER(S) OF RECORD: Name _____

Address _____

City _____ State _____ Zip _____ Phone _____

EMAIL: (optional) _____

TIMBER TAX NOTICE: The TIMBER OWNER is responsible for payment of a yield tax.

For timber yield tax information or for assistance with these questions call 1-800-400-7115, or write: Timber Tax Section, MIC: 60, California Department of Tax and Fee Administration, P.O. Box 942879, Sacramento, CA 94279-0060; or see the CDTFA Web Page on the Internet <http://www.cdtfa.ca.gov>.

TIMBER TAX INFORMATION: Some small or low value harvests may be exempt from the timber yield tax (Revenue and Taxation Code sec. 38116)

Timber Owners may be considered exempt if the value of the harvesting operations does not exceed \$3,000 dollars within a quarter, according to CDTFA Harvest Value Schedules, Rule 1024.

IF THE TIMBER OWNER BELIEVES HARVESTING MAY BE EXEMPT (see timber tax exemption language above for low value harvests) PLEASE CHECK BELOW:

FINAL DETERMINATION of tax exempt status will be made by the Timber Tax Section of the California Department of Tax and Fees Administration. If you think you are exempt based on the directions above please complete the below information so the Timber Tax Section can make the final determination.

IF YOU WOULD LIKE CDTFA TIMBER TAX SECTION TO CONSIDER A TAX EXEMPTION BASED ON PROJECTED HARVEST PLEASE COMPLETE THE INFORMATION BELOW.

A. Circle/Check the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest: (percentages provided should equal 100%)

	%		%		%		%
Redwood	_____	Ponderosa/Sugar Pine	_____	Douglas-Fir	_____	Fir	_____
Cedar	_____	Port-Orford Cedar	_____	Other Conifer	_____	Other Hardwoods	_____

C. Fuelwood over 150 cords? Yes No D. Christmas trees over 3,000 lineal feet? Yes No

5. 14 CCR § 1038.1(c)(12) NO timber harvesting is permitted within the standard width of a Watercourse or Lake Protection Zone (WLPZ) per 14 CCR § 916.4 [936.4, 956.4](b) (exceptions apply - see below) or within a WLPZ in a watershed identified as Anadromous Salmonids Planning watersheds (ASP) per 14 CCR § 916.9 [936.9, 956.9](s), unless the harvesting in an ASP WLPZ is recommended in writing by CDFW to address specifically identified forest conditions, 14 CCR § 916.9(s)(6) (optional)

Two exceptions permitted in WLPZs outside of an ASP watershed:

(Please indicate below if trees meeting the exception identified below are anticipated to be harvested. (If not, then leave blank)

- SANITATION-SALVAGE harvesting per 14 CCR § 913.3 [933.3, 953.3] or
- for the removal of DEAD or DYING trees per 14 CCR § 916.4 [936.4, 956.4](b)

Exception in WLPZ of ASP Watersheds

- Will harvesting occur within a WLPZ of an ASP watershed based on written recommendation from CDFW? Yes No

If YES then provide a copy of the written recommendation from CDFW identifying the specific reason for the recommended harvesting.

NOTE: Trees to be harvested shall be marked by a RPF or a supervised designee of the RPF, PRIOR TO TIMBER OPERATIONS.

6. 14 CCR § 1038.3(p) No Timber Operations on any site that satisfies the criteria listed in 14 CCR § 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):

Per 14 CCR § 1038.3(o) upon submission of the Notice of Exemption, a Confidential Archaeological Letter pursuant to 14 CCR § 929.1[949.1, 969.1] must be provided to the Director.

Per 14 CCR § 1038.3(o) upon submission of the Notice of Exemption the RPF shall send a copy of the Notice of Exemption to the current list of Native Americans as defined in 14 CCR § 895.1.

Has the RPF sent a copy of the Notice of Exemption to the Native Americans on the current Contact List as defined in 14 CCR § 895.1? (required)

YES NO

DATE Notice of Exemption was mailed: _____

If 'NO' Do not submit Notice of Exemption until the notice has been sent to the appropriate Native Americans

PRE-HARVEST STAND STRUCTURE: (required)

7. Description of the preharvest stand structure: (14 CCR § 1038.3(s)(2)(A): (consider in your description species, basal area, and diameter distributions)

Preharvest stand structure estimates:

DESCRIPTION: (if description will exceed the space provided, please send as attachment)		
Species	Basal Area	Description of Diameter Distribution

PRE & POST-HARVEST Quadratic Mean Diameter (QMD): (required)

8. QMD of trees 8 inches dbh or greater in the pre-harvest stand SHALL be increased in the post-harvest stand. The submitted notice of exemption SHALL report the expected post-harvest increase in QMD: 14 CCR § 1038.3(g)

Pre-harvest QMD: _____ Post-harvest QMD: _____ 14 CCR § 1038.3(s)(2)(B)

Expected Post-harvest QMD Increase: _____

9. TIMBER MARKING: 14 CCR § 1038.3(i) All trees that are harvested or all trees that are retained SHALL be marked or sample marked by, or under the supervision of a RPF before felling operations.

Completed by RPF Supervised Designee Both

Trees marked: Leave trees Harvest trees Both

Harvest area marked: Entire area

Sample area 10% up to 20 acres per stand type Both

NOTE: Sample marking shall be limited to homogeneous forest stand conditions typical of plantations.

When trees are sample-marked, the prescription for unmarked areas SHALL be in writing. 14 CCR 1038.3(i) RPF shall provide written prescription describing how trees will be designated in the unmarked areas: (required)

RPF Prescription for unmarked areas:	
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(if prescription will exceed the space provided, please send as attachment)

TREE SELECTION CRITERIA: 14 CCR § 1038.3(s)(3)(C) (required)

10. Provide the selection criteria for the trees to be removed or the trees to be retained. The RPF SHALL consider retaining elements, where feasible, including, but not limited to ground level cover necessary for the long-term management of local wildlife populations. Selection criteria shall specify how the trees to be removed, or how the trees to be retained, will be designated.

Describe how trees will be designated: (for removal or retention)	
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(if description will exceed the space provided, please send as attachment)

POST-HARVEST CANOPY STOCKING LEVELS: 14 CCR § 1038.3(s)(3)(A) (required)

The residual stand shall consist primarily of healthy and vigorous Dominants and Codominants from the preharvest stand. Trees retained to meet the Basal Area stocking standards shall be selected from the largest trees available on the project area prior to harvest. In no case, shall stocking be reduced below the standards found within 14 CCR § 913.3 [933.3, 953.3] (a).

11. Will stocking be met where the pre-harvest dominant and codominant crown canopy is occupied primarily by trees? (optional)
Specify the dominant and codominant crown canopy which will be occupied by the following tree sizes:
- Greater than 14 inches dbh Less than 14 inches dbh
- Coastal Forest District Northern Forest District Southern Forest District
12. Site Classification: Site I Site II Site III Site IV Site V (optional)
13. Forest Type: Mixed Conifer Pine East Side Pine Conifer Coast Redwood Douglas Fir (optional)

NOTE: Basal area stocking standard requirements may change based on Forest District Site Classification, and Forest Type per 14 CCR § 913.3 [933.3, 953.3] (a).

POST-HARVEST CANOPY CLOSURE REQUIREMENTS:

14. 14 CCR § 1038.3(j): if the preharvest crown canopy of Dominants and Codominants is occupied by trees less than 14 inches in dbh, a minimum of 100 trees over 4 inches in dbh shall be retained per acre for Site I, II, and III lands and a minimum of 75 trees over 4 inches in dbh shall be retained per acre for Site IV and V lands. 14 CCR § 1038.3(j)

Please select below:

- Trees less than 14 inches dbh for Site I, II, and III lands (100 trees per acre)
- Trees less than 14 inches dbh for site IV and V lands (75 trees per acre)

14 CCR § 1038.3(k)(1-2) reference 14 CCR § 1052.4(d)(3)(A) Minimum post treatment canopy closure of dominant and codominant trees shall be:

- 40% east side pine forest types.
- 50% for Coastal Redwood and Douglas-fir forest types in or adjacent to communities and legal structures per 14 CCR 1052.4(c)(1-2)
- 60% for Coastal Redwood and Douglas-fit types outside of communities and legal structures per 1052.4(c)(1-2)
- 50% for mixed conifer and all forest types.

15. Will operations within Coastal Redwood and Douglas-fir forest types occur within ¼ mile or 500 feet of an approved and legally permitted structure defined by the California Building Code? YES NO
16. Is the legally permitted structure within or adjacent to a “Community at Risk” defined by the “California Fire Alliance List of Communities at Risk”.
- YES NO
- If yes, Identify the name of the Community at Risk: _____
17. Is structure density greater than 1 structure per 20 acres? YES NO

NOTE:

- **Canopy closure requirements change based on forest type and proximity to legally permitted structures within or adjacent to communities at risk identified by the “California Fire Alliance List of Communities at Risk.”**
- **Post-harvest treatment stand shall contain no more than 200 trees per acre over 3 inches in dbh. 14 CCR § 1038.3(k)(2)**
- **Vertical spacing shall be achieved by treating dead fuels excluding dead branches on the tree retained for stocking, to a minimum clearance distance of 8 feet measured from the base of the live crown of the post-harvest Dominants and Codominants to the top of the dead surface or ladder fuels, whichever is taller. 14 CCR § 1038.3(k)(3)**

FUEL TREATMENT: 14 CCR § 1038.3(d)(1-4)

- All logging slash created by the timber operations shall be treated to achieve a maximum post-harvest depth of **18” inches** above the ground except within 150 feet from any point of a legally permitted structure that complies with the California Standards Building Code. 14 CCR § 1038.3(d)(1)
- All surface fuels within 150 feet of an Approved and Legally Permitted Structure, which could promote the spread of wildfire, SHALL be chipped, burned, or removed within 45 days from the start of Timber Operations. 14 CCR § 1038.3(d)(2)
- All fuel treatments SHALL be completed within 1 year from the date the Director receives the Notice. This does not apply to burning, which instead shall be completed within 2 years from the date the Director receives the notice. 14 CCR § 1038.3(d)(3)
- The requirements of this subsection shall not supersede the requirements of PRC § 4291

18. Will any timber operations be within 150 feet of an Approved and Legally Permitted Structure? YES NO

Fuel Treatment Method: Chipping Removing Burning Other

OTHER:

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CONSTRUCTION or RECONSTRUCTION OF TEMPORARY ROADS ON SLOPES OF 30% OR LESS: 14 CCR § 1038.3(e)

14 CCR § 1038.3(e) The construction or reconstruction of temporary roads on slopes of 30% or less shall be allowed if ALL of the following conditions are met.

- Temporary Roads or Landings SHALL NOT be located on unstable areas. 14 CCR § 1038.3(e)(1)
- Temporary Roads SHALL BE single lane in width. 14 CCR § 1038.3(e)(2)
- Temporary Roads SHALL NOT be located across a Connected Headwall Swale. 14 CCR § 1038.3(e)(3)
- Construction or reconstruction of Temporary Roads, Landings or Watercourse crossings SHALL NOT occur during the winter period. 14 CCR § 1038.3(e)(4)
- NO operations SHALL BE permitted on roads that are not subject to Hydrological Disconnection, or exhibit Saturated Soil Conditions. 14 CCR § 1038.3(e)(4)(A)
- NO Logging Road or Landing construction, or re-construction, activities shall occur within 200 feet of a Class I and II watercourse. 14 CCR § 1038.3(e)(4)(D)
- NO Logging Road or Landing Construction, or re-construction, activities shall occur within 50 feet of a Class III watercourse. 14 CCR § 1038.3(e)(4)(D)

14 CCR § 1038.3(e)(5) Temporary Road construction or re-construction, shall be limited to no more than two (2) miles of road per ownership within a single Planning Watershed (CALWATER 2.2) per any five (5) year period.

- Has temporary road construction or reconstruction within the planning watershed occurred within the last 5 years under a Forest Fire Prevention Exemption?

YES NO

If YES indicate how many feet/miles: _____

NOTE: If total is greater than 2 miles, within the previous 5 years no additional road construction may occur.

20. Temporary road construction and/or reconstruction shall not exceed:

(please select which criteria below will be applied to this Exemption and list the total length of temporary road(s) to be constructed or reconstructed)

14 CCR § 1038.3(e)(5)(A-C)		✓	Feet/ Miles
Exemptions Less than 40 acres	Cumulative length of 300 feet		
Exemptions between 40 and 80 acres	NOT to exceed 300 to 600 feet determined on a pro rata basis by total acreage affected by exemption.		
Exemptions over 80 acres	Shall not exceed 600 feet		

Will any temporary roads constructed or reconstructed be connected to other temporary roads construction under previous or subsequent exemptions filed pursuant of this section 14 CCR § 1038.3(e)(5)(D)?

YES NO

If YES then no additional road construction may occur

- NOTE:**
- Prior to the completion of Timber Operations, all Temporary Roads constructed or reconstructed under this section shall undergo Abandonment in a manner which uses protective measures that will effectively remove them from the Permanent Road Network, as defined in 14 CCR § 895.1. 14 CCR § 1038.3(e)(5)(E)
 - The RPF responsible for submission of the Notice of Exemption shall designate Temporary Road locations, Landing locations, Tractor Road crossings of Class III Watercourses, Unstable Areas, or Connected Headwall Swales on the ground prior to submission of the Notice of Exemption. 14 CCR § 1038.3(f)

21. TENTATIVE COMMENCEMENT DATE OF TIMBER OPERATIONS: (required) _____ 14 CCR § 1038.3(s)(D)

Before beginning Timber Operations, the RPF responsible for submittal of the Notice of Exemption shall notify the Department, the appropriate RWQCB, the CDFW, and the CGS of the actual commencement date of operations. The notification, by telephone, mail, or email, shall be directed to the appropriate agency personnel and contact information for the appropriate agency personnel shall be provided by the Department on the notice of exemption form (see Below) If the notification is provided by mail, Timber Operations may not commence for three (3) days after the postmark date of notification.

Region	Email	Region	Email	Region	Email
CDFW		CRWQB		CGS	
1 – Inland	r1inland.timber@wildlife.ca.gov	1	RB1-Timber@waterboards.ca.gov	Sacramento	CGSTHP.Sacramento@conservation.ca.gov
1 – Coast	ctp@wildlife.ca.gov	5	RB5R-Timber@waterboards.ca.gov	Eureka	CGSTHP.Eureka@conservation.ca.gov
2	R2Timber@wildlife.ca.gov	6	RB6-Timber@waterboards.ca.gov	Redding	CGSTHP.Redding@conservation.ca.gov
3	R3Timber@wildlife.ca.gov			Santa Rosa	CGSTHP.SantaRosa@conservation.ca.gov
4	R4Timber@wildlife.ca.gov				

22. 14 CCR 1038.2 - The submitted Notice of Exemption shall indicate if more than one Yarding system is to be used and identify the systems.

CHECK each Yarding method to be utilized: **If more than one type of method is selected, these methods must be identified on the accompanying maps.** (required)

- | | | |
|---|---|-------------------------------------|
| <input type="checkbox"/> Tractor, including end/long lining | <input type="checkbox"/> Cable, ground lead | <input type="checkbox"/> Helicopter |
| <input type="checkbox"/> Rubber tired skidder, Forwarder | <input type="checkbox"/> Cable, High lead | <input type="checkbox"/> Other |
| <input type="checkbox"/> Feller buncher | <input type="checkbox"/> Cable, Skyline | |
| <input type="checkbox"/> Shovel yarding | | |

23. 14 CCR § 1038.3(s)(C) - Designate the legal land description of the location of the Timber Operation. 14 CCR § 1038.4 attach a USGS 7.5-minute quadrangle map or equivalent map showing the location of:

- Boundaries of logging areas 14 CCR § 1038.4(a)
- Boundaries of Yarding (logging) systems, if more than one system is used. 14 CCR § 1038.4(b)
- Location of all roads to be used for, or potentially impacted by, Timber Operations. 14 CCR § 1038.4(c)
 - Classification of ALL roads as Proposed, Permanent, Seasonal, Temporary, Deactivated, or Proposed. 14 CCR § 1038.4(c)(1)
 - Roads and Landings located in Watercourses, Lakes, WLPZs, Marshes, Wet Meadows and other Wet Areas, other than at road Watercourse crossings. 14 CCR § 1038.4(c)(2)
 - Logging Roads that provide access to rock pits and water drafting sites, and the location of water drafting sites. 14 CCR § 1038.4(c)(3)
 - Public Roads within one-quarter (1/4) mile of the Harvest Area. 14 CCR § 1038.4(c)(4)
 - The location of Significant or Existing Potential Erosion Sites on all Roads and Landings pursuant to 14 CCR § 923.1 (e). 14 CCR § 1038.4(c)(5)
- For all constructed and reconstructed Logging Roads and Landings, the following shall be mapped: 14 CCR § 1038.4(d)
 - Location of Logging Road grades greater than fifteen (15) percent for over two-hundred (200) continuous feet or Logging Roads grades exceeding twenty (20) percent. 14 CCR § 1038.4(d)(1)
 - Location of Road Failures on existing Logging Roads to be Reconstructed. 14 CCR § 1038.4(d)(2)
 - Location of Landings, specifying those that require substantial excavation and those in excess of one-quarter acre in size. 14 CCR § 1038.4(d)(3)
 - Location of excess material disposal sites on slopes greater than forty (40) percent or on active Unstable Areas. 14 CCR § 1038.4(d)(4)
- Location of all Tractor Road Watercourse crossings of classified Watercourses. 14 CCR § 1038.4(e)
 - Location of Erosion Hazard Ratings, if more than one rating exists. 14 CCR § 1038.4(f)
 - Location of Watercourses and Lakes with Class I, II, III, or IV waters. 14 CCR § 1038.4(g)
 - Location of known Unstable Areas. 14 CCR § 1038.4(h)
 - Location of understocked areas prior to Timber Operations, and other areas not normally bearing timber to at least a 20-acre minimum, or as specified in the district rules. 14 CCR § 1038.4(i)
 - Location of boundaries of timber-site classes needed for determination of Stocking Standards to be applied, down to at least a twenty (20) acre minimum, or as specified in the Forest Practice District Rules. 14 CCR § 1038.4(j)
 - Location of any Special Treatment Areas. 14 CCR § 1038.4(k)
- Appurtenant Roads may be shown on a separate map which may be planimetric with a scale as small as one-half inch equals one mile. Color coding may not be used. 14 CCR § 1038.4

Additional maps, which may be topographic or planimetric, may be used to provide additional information, to show details, and improve map clarity. **A legend shall be included indicating the meaning of the symbols used.** It will be helpful to describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas. (required)

Base Meridian	Township	Range	Section	County	Acreage (estimated)	Assessors Parcel # (optional)

PLANNING WATERSHED - CALWATER V2.2		
Name	Watershed Identification Number	CALWATER Version

The following are limitations or requirements for timber operations conducted under a Notice of Exemption for the cutting and removing of

trees to eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials to reduce fire spread, duration, intensity, fuel ignitability, or ignition of tree crowns:

1. This Notice of Exemption SHALL be prepared, signed, and submitted to the Department by a Registered Professional Forester (RPF) 14 CCR § 1038.3(s) and received by CAL FIRE at the appropriate office listed below prior to the commencement of timber operations.
 - **Coastal Special Treatment Areas and Marin County** the Director shall have ten calendar days from date of receipt to accept or reject the Notice of Timber Operations.
2. 14 CCR § 1038.3(a-t) places certain limits on the harvesting. These limits need to be reviewed to assure compliance.
3. 14 CCR § 1038.3 Timber operations conducted under this notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvest Plan," "THP," and "plan." The requirements to submit a completion and stocking report normally do not apply. **However, Completion and Stocking reports are required for areas when operations occur within COASTAL SPECIAL TREATMENT AREAS and / or MARIN COUNTY.** The landowner shall submit to CAL FIRE a RM-71 Completion and Stocking report, per PRC 4585 and PRC 4587. The requirements for environmental review under the California Environmental Quality Act (See 14 CCR § 15300.1) do not apply.
4. There are special requirements for timber operations conducted in Coastal Commission Special Treatment Areas and in counties with special rules adopted by the Board of Forestry and Fire Protection. These rules should be reviewed prior to submitting this notice to CAL FIRE. 14 CCR § 1038.1(c)(6)
5. All timber operations conducted in the Lake Tahoe Region must have a valid Tahoe Basin Tree Removal Permit, as defined by the Tahoe Regional Planning Agency (TRPA), or shall be conducted under a valid TRPA Memorandum of Understanding, when such a permit is required by TRPA, 14 CCR § 1038.3(n)
6. Harvesting under this Notice of Exemption is 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 intensity, fuel ignitability, or ignition of tree crowns. 14 CCR § 1038.3
7. The logging area shall not exceed 300 acres in size. 14 CCR § 1038.3(c) and tree harvesting shall decrease fuel continuity and increase the quadratic mean diameter (QMD) of the stand. 14 CCR § 1038(j)(1)
8. No trees larger than thirty (30) inches outside bark stump diameter, measured eight (8) inches above ground level may be removed for commercial purposes. 14 CCR § 1038.3(h)
9. 14 CCR § 1038.3(s)(3)(A) The residual stand shall consist primarily of healthy and vigorous Dominants and Codominants from the preharvest stand. Trees retained to meet the Basal Area stocking standards shall be selected from the largest trees available on the project area prior to harvest. In no case shall stocking be reduced below the standards found within 14 CCR § 913.3 [933.3, 953.3] (a).
10. Road Construction and Reconstruction:
 - No tree larger than 36 inches in diameter at stump height, measured 8 inches above ground level, may be removed for the purpose of road construction or reconstruction. 14 CCR § 1038.3(e)(5)(F)
 - Trees between 30 and 36 inches in stump diameter at stump height, measured 8 inches above the ground may be removed for the purpose of road construction and reconstruction, WHEN NO OTHER FEASIBLE OPTION EXISTS FOR ROAD ACTIVITIES. 14 CCR § 1038.3(e)(5)(F)
11. Timber Operations conducted during the Winter Period shall comply with the applicable Rule sections under 14 CCR § 923 [943, 963] et seq. 14 CCR § 1038.3(e)(4)(B)
12. Use of Temporary Roads shall comply with the operational provisions of 14 CCR § 923 [943, 963] et seq. 14 CCR § 1038.3(e)(4)(C)
13. Per 14 CCR 1038.3(f) The RPF responsible for submission of the Notice of Exemption shall designate Temporary Road locations, Landing locations, Tractor Road crossings of Class III Watercourses, Unstable Areas, or Connected Headwall Swales on the ground prior to submission of the nNotice of Exemption.
14. No helicopter yarding shall be allowed 14 CCR § 1038.3(l)
15. 14 CCR § 1038.3(d)(1-3) Slash and Woody Debris shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground except within one-hundred-fifty (150) feet from any point of an approved and legally permitted structure that complies with the California Standards Building Code.
 - All surface fuels within one-hundred-fifty (150) feet of an Approved and Legally Permitted Structure, which could promote the spread of wildfire, shall be chipped, burned, or removed within forty-five (45) days from the start of Timber Operations.
 - All fuel treatments shall be completed within one (1) year from the date the Director receives the notice. This requirement does not apply to burning, which instead shall be completed within two (2) years from the date the Director receives the notice.

16. No tractor or heavy equipment operations on slopes greater than 50%. 14 CCR § 1038.1(c)(5)
17. No construction of new tractor roads on slopes greater than 40%. 14 CCR § 1038.1(c)(5)
18. No tractor or heavy equipment operations on known Unstable Areas. 14 CCR § 1038.1(c)(7)
19. **No timber harvesting within the standard width of a watercourse or lake protection zone**, as defined in 14 CCR § 916.4 [936.4, 956.4](b), except Sanitation-Salvage harvesting, as defined in 14 CCR § 913.3 [933.3,953.3], where immediately after completion of operations, the area shall meet 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 within a WLPZ shall be marked by, or under the supervision of, a RPF prior to timber operations.** 14 CCR § 1038.1(c)(12)
20. **ASP watersheds** – No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except **(1)** Hauling on existing roads **(2)** Road maintenance **(3)** Operations conducted for public safety **(4)** Construction or reconstruction of approved watercourse crossings **(5)** Temporary crossings of dry Class III watercourses that do not require notification under Fish and Game Code §1600 et seq. **(6) Harvesting recommended in writing by CDFW to address specifically identified forest conditions.**
21. If a Notice of Exemption has been accepted by the Director and will use pesticides or herbicides on the Harvest Area within one (1) calendar year of the date of acceptance, the timberland owner shall notify the appropriate Regional Water Quality Control Board within ten (10) days prior to application of pesticides or herbicides.
22. Subsequent to the completion of Timber Operations operating under this section, the Department shall conduct an onsite inspection to determine compliance with this section. The Department shall notify the appropriate RWQCB, the CDFW, and the CGS seven (7) days prior to conducting the onsite inspection
23. Operations conducted under a Notice of Exemption are NOT permitted in known sites of rare, candidate, threatened or endangered plants and animals if the sites will be disturbed or damaged. NO timber operations may occur within a buffer zone of a listed, or sensitive species defined by 14 CCR § 895.1. 14 CCR § 1038.1(c)(10-11)
24. If any activities related to timber operations, as defined by PRC 4527, are to include any of the following activities in any river, stream or lake, including episodic and perennial waterways, a notification to the California Department Fish and Wildlife is required pursuant to Fish and Game Code §1602: 1) A substantial alteration of the bed, bank, or channel; 2) A substantial diversion (i.e. water drafting) or obstruction of the natural flow; or 3) use of material from or deposit of material into the watercourse. Information on the Lake and Streambed Alteration Program, as well as notification forms, may be found at the following link:
<https://www.wildlife.ca.gov/conservation/lisa>.
25. All activities conducted pursuant to this Notice of Exemption occur within the most recent version of the Department's "Fire Hazard Severity Zone Map in moderate, high, and very high fire threat zones. 14 CCR § 1038.3(b)
26. The requirements to submit a completion and stocking report do not normally apply. **However, Completion and Stocking reports are required for areas when operations occur within COAST, SPECIAL TREATMENT AREAS and / or MARIN COUNTY.** The landowner shall submit to CAL FIRE form RM-71 Completion and Stocking report. Per PRC 4585 and PRC 4587.
27. A Licensed Timber Operator must be designated upon submission of this notice.
28. RPF shall include a Confidential Archaeological Letter (CAL) with the exemption notice submitted to the Director. The CAL shall include all information required by 14 CCR § 929.1 [949.1, 969.1](c)(2), (7), (8), (9), (10) and (11), including site records, if required pursuant to 14 CCR §§ 929.1 [949.1, 969.1](g) and 929.5. The discovery of human remains requires immediate notification to appropriate agencies. 14 CCR § 929.3 [949.3, 969.3] requires notification to CAL FIRE. The area must not be further disturbed, and any area reasonably suspected to overlie adjacent human remains, until an evaluation is completed by the County Coroner pursuant to Health and Safety Code § 7050.5. If the human remains are determined to be Native American, the Native American Heritage Commission must also be notified pursuant to Public Resources Code § 5097.98. 14 CCR § 1038(j)(11)

The following suggestions may help ensure your compliance with the Forest Practice Rules:

1. Timber Owners, Timberland owners and Timber Operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Emergency. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. Box 2006, San Francisco, CA 94126, CAL FIRE, Forest Practice, P.O. Box 944246, Sacramento, CA 94244-2460; or CAL FIRE's Web Page at <http://www.fire.ca.gov>.
2. Contact the CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.

Forest Practice Program Manager
CAL FIRE
135 Ridgway Avenue
Santa Rosa, CA 95401

Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.

Forest Practice Program Manager
CAL FIRE
6105 Airport Road
Redding, CA 96002

Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.

Forest Practice Program Manager
CAL FIRE
1234 East Shaw Avenue
Fresno, CA 93710