

Logging conducted under exemptions intended to reduce the fire hazard to structures seems to have become a way to circumvent forest practice logging rules in some cases. This logging can be pursued aggressively tree services. Nevertheless logging done under fire exemptions must be conducted in accordance with state regulations which are intended to both protect property and our forests. These regulations are shown here along with links to them on the CalFire website.

Individuals concerned that logging in their neighborhood or elsewhere conducted under fire exemptions is not actually being performed in accordance with the regulations should familiarize themselves with the regulations. This logging is a permitted process and each such operation requires a completed and approved CalFire permit. Unfortunately the completed permits are NOT online so the CalFire office must be visited in order to inspect the permit.

A few of the highlights in the regulation are:

- 1. Application must be correctly completed and is valid for one year only**
- 2. The fire hazard exemption applies only to trees within 150 feet of a properly permitted human dwelling, barn, stable or fuel storage structure.**
- 3. Limits on equipment use on steep slopes or slides.**
- 4. Clearcutting, seed tree removal step or shelterwood removal step are not allowed.**
- 5. All surface fuels created by timber operations under this exemption, which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding one inch in diameter, and brush (killed by the timber operation), shall be chipped, burned, or removed within 45 days of the start of logging.**
- 6. A timber operator with a valid state license must be designated upon submission of this notice.**

The following is the complete information is required in the permit application for this exemption. The regulations which may be most likely to be ignored are underlined. The link to the CalFire permit application which contains the rules is:

[http://www.fire.ca.gov/resource\\_mgt/downloads/RemovalOfFireHazardTreesWithin150FeetOfStructureExemption\\_12\\_2008.pdf](http://www.fire.ca.gov/resource_mgt/downloads/RemovalOfFireHazardTreesWithin150FeetOfStructureExemption_12_2008.pdf)

These rules apply for any commercial purpose including trading the timber logged for their removal or using it for firewood. The only possible cases where they do not apply are totally non-commercial uses such as hauling the wood to the dump or leaving it to decay in place.

**Removal of Fire Hazard Trees withing 150 Feet of a Structure**

1. Timber owners of Record

A. An estimate of the total amount to be logged in mbf (thousands of board feet) must be provided.

B. An estimate of the percentages to be logged per-species must be provided

2. Timberland Owners of Record

3. Licensed Timber Operator

4. Expected Date Timber Operations will Commence

5. Legal Land Description of the Location of Logging Operations

Limitations and Requirements for Removal of Fire Hazard Trees withing 150 Feet of a Structure

1. Timber operations may not commence until five days after the date of receipt of this notice by the appropriate CAL FIRE office as listed below. If CAL FIRE acts within five days of receipt of the notice, timber operations cannot be conducted unless a copy of CAL FIRE's notice of acceptance of the exemption is on hand at the operating site. The timber operator must notify the appropriate CAL FIRE Unit, by phone or mail, of the actual commencement date within a 15-day period before timber operations begin.
2. 14 CCR § 1038(b)(1-10) places certain limits on the harvesting of trees under this exemption. These limits need to be examined for compliance. The 14 CCR § 1038(b)(1-10) regulations are found at:

[http://www.fire.ca.gov/resource\\_mgt/downloads/Forest%20Fire%20Prevention%20Exemption%20Checklist.doc](http://www.fire.ca.gov/resource_mgt/downloads/Forest%20Fire%20Prevention%20Exemption%20Checklist.doc)

and are:

- (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(b) [936.4(b), 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 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.

3. Only trees within 150 feet of an approved and legally permitted structure that complies with the California Building Code (includes only structures designed for human occupancy, garages, barns, stables and structures used to enclose fuel tanks) may be harvested under this Notice of Exemption. **Clearcutting, seed tree removal step or shelterwood removal step are not allowed under this Notice of Exemption.**
4. 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 Harvesting Plan," "THP," and "plan." Timber operations must 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 requirements to submit a completion and stocking report do not normally apply.
5. There are special requirements for timber operations conducted in Coastal Commission Special Treatment Areas, the Tahoe Regional Planning Agency area, 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.
6. All surface fuels created by timber operations under this exemption, which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding one inch in diameter, and brush (killed by the timber operation), shall be chipped, burned, or removed within 45 days of the start of timber operations.
7. In addition to the treatment described in Item 6 above, the areas of timber operations must meet the vegetation treatment standards in PRC § 4584(j)(1)-(2)(A) as illustrated in *Board of Forestry Technical Rule Addendum No. 4* within one year from receipt of the Notice of Acceptance issued by CAL FIRE.
8. A timber operator with a valid state license must be designated upon submission of this notice.