

WHAT LANDOWNERS NEED TO KNOW BEFORE REMOVING TREES

Before removing trees in privately owned forested areas to reduce fire hazards, determining which regulations apply to your specific situation can be difficult. Whether you are cutting one dead tree, or thinning a large area, you need to know permitting requirements.

CAL FIRE offers this guide to assist landowners in understanding and complying with permitting regulations, in compliance with California Forest Practice Rules, when harvesting timber on private property for fuel hazard reduction.

BARK BEETLES ARE KILLING TREES

You may have noticed an increase in dead trees on your property or on lands near you. Trees are dying in staggering numbers in rural neighborhoods and forests due to bark beetles and the drought. Not all of California is affected, but the problem is spreading. Drought-stricken trees don't produce enough sap or pitch to fight off bark beetles. The beetles then burrow under bark, eventually killing the tree. Bark beetles are normal residents of the forest ecosystem, but due to favorable conditions brought on by the drought, their numbers are multiplying and they are killing more trees.

The more dead trees there are in rural neighborhoods and forests, the more fuel there is for wildfire. Removing dead trees, and keeping forested areas thinned, becomes even more important in reducing your wildfire risk.



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Go to PrepareforBarkBeetle.org for more detailed information on how to prepare your property for bark beetle and wildfire.

REMOVE YOUR DEAD TREES. REDUCE YOUR WILDFIRE RISK.

**Permitting Options for Landowners
When Harvesting Timber for
Fuel-Hazard Reduction**



PrepareforBarkBeetle.org

MORE YOU NEED TO KNOW



1. This guide provides state permitting or noticing options for landowners conducting timber operations related to fuels treatment under Forest Practice Rules (FPRs). Most options listed do not require submitting a timber harvesting plan required pursuant to PRC § 4581 because restrictions on harvesting operations minimize potentially significant adverse effects on environmental resources (see restrictions listed above).
2. Exemptions are identified in the FPRs under 14 CCR § 1038—Exemptions and under 14 CCR §§ 1052.4, and 1051.3. It is important to remember these exemptions must comply with the most current FPRs.
3. Registered Professional Foresters (RPFs) and landowners are advised to check with the county in which tree removal will occur for any additional area restrictions to harvesting operations, prior to choosing one of the options.
4. Further information, including the current Board of Forestry and Fire Protection 'Forest Practice Rules,' associated forms and information relating to commercial timber harvesting permit options may be found on the CAL FIRE website at www.calfire.ca.gov/ForestPractice.
5. Regional Water Quality Control Boards may require waste discharge permit or compliance with permit waiver conditions. Further information on Regional Board Requirements is located on the State Water Resources Control Board website at: www.swrcb.ca.gov.
6. The permit process within the Tahoe Basin requires a "Tahoe Basin Tree Removal Permit" issued by the Tahoe Regional Planning Agency (TRPA) and located on the TRPA website at www.trpa.org.
7. All timber operations require a Licensed Timber Operator (LTO).

8. PRC § 4527(b)—For purposes of this section, the removal of trees less than 16 inches in diameter at breast height from a firebreak or fuelbreak does not constitute "timber operations" if the removal meets all of the following criteria:

- a. It is located within 500 feet of the boundary of an urban wild land interface community at high risk of wildfire, as defined on page 752, et seq. of Number 3 of Volume 66 (January 4, 2001) of the Federal Register, as that definition may be amended. In this context, "urban wildland interface community at high risk of wildfire" is defined as having one or more structures per every five acres.
- b. It is part of a community wildfire protection plan approved by CAL FIRE, or part of a CAL FIRE fire plan.
- c. Trees to be removed will not be processed into logs or lumber.

- d. Work to be conducted is part of a firebreak or fuelbreak project subjected to a project-based review pursuant to a negative declaration, mitigated negative declaration, or environmental impact report, in compliance with the California Environmental Quality Act (Division 13, commencing with Section 21000). For projects conducted on forested landscapes, as defined in Section 754, the project and the project-based review must be prepared by, or in consultation with, a registered professional forester.
- e. Removal of surface and ladder fuels is consistent with paragraph (9), subdivision (k), of Section 4584.

ADDITIONAL RESTRICTIONS 14 CCR § 1038 (B)(1-10)

- Compliance with Special Treatment Area rule provisions applies
- No tractor operations on slopes >50%
- No construction of new tractor roads on slopes >40%
- No tractor operations on slides or unstable areas
- No new road construction or reconstruction
- No heavy equipment operations in a Watercourse Lake Protection Zone (WLPZ), except for road and drainage structure maintenance
- No disturbance to known sites of rare, threatened, or endangered plants or animals
- No timber operations within the buffer zone of a sensitive species
- No timber operations within the standard width of a WLPZ except for sanitation salvage
- No timber operations on a significant archaeological or historical site



| | EXEMPTIONS | | | | | | | | EMERGENCY | TIMBER HARVEST PLANS | | |
|--------------------------------|---|--|--|---|--|--|--|--|---|--|--|--|
| PERMIT OPTIONS | 150 FOOT FIRE SAFE CLEARANCE EXEMPTION (14 CCR § 1038(c)) | 150–300 FOOT FIRE SAFE CLEARANCE EXEMPTION (14 CCR § 1038(c)(6)) | HARVESTING DEAD, DYING, DISEASED TREES (14 CCR § 1038(b)) | DROUGHT MORTALITY HARVESTING DEAD OR DYING TREES RELATED TO DROUGHT (14 CCR § 1038(k)) | SUBSTANTIALLY DAMAGED TIMBERLAND (14 CCR § 1038(d)) | WOODY DEBRIS & SLASH FOR ENERGY PRODUCTION EXEMPTION (14 CCR § 1038(g)) | FOREST FIRE PREVENTION EXEMPTION (14 CCR § 1038(i)) | FOREST FIRE PREVENTION PILOT PROJECT (14 CCR § 1038(j)) | FUEL HAZARD REDUCTION (14 CCR § 1052.4) | MODIFIED TIMBER HARVEST PLAN FOR FUEL HAZARD REDUCTION (14 CCR §§ 1051.3–1051.7) | FUELBREAK/ DEFENSIBLE SPACE (14 CCR §§ 913.4, 933.4, 953.4(c)) | ANADROMOUS SALMONIDS PLANNING WATERSHEDS (ASP) (14 CCR §§ 916.9, 936.9, 956.9(v)(6)) |
| RPF REQUIRED? | NO | YES | Only for trees harvested in standard WLPZ (14 CCR § 1038(b)(9)) | Only when the cumulative harvest area exceeds 20 acres total contiguous ownership | YES | NO | YES | YES | YES | YES | YES | YES |
| AREA/ACREAGE LIMITATIONS | Only trees within 150 feet of an approved & Legally Permitted Structure | Only trees within 150–300 feet of habitable structures occupied for residential use | NONE | NONE | NONE | NONE | 300 Acres | 300 Acres | Operations only permitted in certain geographical areas. (14 CCR § 1052.(c)(1)–(7)) | Not to exceed 2,500 acres | NONE | NONE |
| SILVICULTURE/ STOCKING | Prohibits clearcutting, seed tree removal and shelterwood | Stocking standards shall be consistent with the standards of (14 CCR §§ 913.2, 933.2, 953.2). | NONE | NONE | No restocking requirements when only dead, down or dying trees harvested | NONE | YES Stocking standards outlined in (14 CCR § 1038(i)(5)(A) & (B)). Post harvest canopy requirements of (14 CCR § 1038(i)(9)(A)–(E)) quadratic mean diameter must increase. | YES Stocking standards outlined in (14 CCR § 1038(j)(5)(A) & (B)). Post harvest canopy requirements of (14 CCR § 1038(j)(9)(A)–(E)) quadratic mean diameter must increase. | Treatments should target understory trees & shall increase the quadratic mean diameter. Stocking standards are consistent with commercial thinning. | No clear cutting methods may be used—commercial thinning, rehabilitation, and fuel break defensible space. (14 CCR § 1051.4(a)(2)) | Selection, intermediate treatments Stocking: (14 CCR §§ 912.7, 932.7, 952.7) | Create fire resilient forests, reduced fire intensities, retain functional habitat after wildfire |
| DIAMETER LIMIT | No tree greater than 60" dbh redwood and 48" dbh other species (14 CCR §§ 1038 & 1038(h)) | No tree greater than 60" dbh redwood and 48" dbh other species (14 CCR §§ 1038 & 1038(h)) | No tree greater than 60" dbh redwood and 48" dbh other species (14 CCR §§ 1038 & 1038(h)) | No tree greater than 60" dbh redwood and 48" dbh other species (14 CCR §§ 1038 & 1038(h)) | Trees harvested must be unmerchantable as saw-log size timber | NO | Less than 18" stump diameter w/exceptions to increase to 24" stump diameter within 500' of structure | Less than 24" diameter. | 24" diameter with the exception to increase to 30" if it is determine fuel reduction measures can not be meet | NONE | NONE | NONE |
| SURFACE/LADDER FUELS TREATMENT | Surface fuels created during harvest exceeding 1" in diameter shall be chipped, burned, or removed in 45 days and be consistent with Technical Addendum #4 within 1 year. | All logging slash created during timber harvesting shall be lopped to less than 18", removed, chipped, piled and burned or otherwise treated within 45 days of creation. | Slash treatment must be consistent with FPR, Article 7—"Hazard Reduction." (14 CCR § 917, 937, 957) | Slash treatment must be consistent with FPR, Article 7—"Hazard Reduction." (14 CCR § 917, 937, 957) | Slash treatment must be consistent with FPR, Article 7—"Hazard Reduction." (14 CCR § 917, 937, 957) | NONE | All logging slash shall be no more than 9" post harvest. (14 CCR § 1038(i)(10)-(12)) Specific treatment requirements around structures (14 CCR § 1038(9)(A)-(E)) | All logging slash shall be no more than 18" post harvest. (14 CCR § 1038(j)(10)-(12)) | All logging slash shall be no more than 9" post harvest. (14 CCR § 1052(d)(5)(A)(3)) Specific treatment requirements around structures (14 CCR § 1052.4(c)(1)-(7)) | RPF shall develop a fuels treatment plan (14 CCR § 1051.5). Post treatment total surface fuel loading will not exceed 25 bone dry tons per acre. | Plan specific vegetation and fuels treatments, including timing (14 CCR §§ 913.4, 933.4, 953.4(c)) | Eliminate vertical continuity & horizontal continuity among fuel layers. Reduce surface & ladder fuels (14 CCR §§ 916.9, 936.9, 956.9(v)(6)) |
| ARCHAEOLOGY REQUIREMENTS | No timber operations in a significant archaeological or historical site. (14 CCR § 1038(b)(10)) | No timber operations in a significant archaeological or historical site. (14 CCR § 1038(b)(10)) | No timber operations in a significant archaeological or historical site. (14 CCR § 1038(b)(10)) | No timber operations in a significant archaeological or historical site. (14 CCR § 1038(b)(10)) | No timber operations in a significant archaeological or historical site. (14 CCR § 1038(b)(10)) | No timber operations in a significant archaeological or historical site. (14 CCR § 1038(b)(10)) | RPF shall submit a confidential archaeological letter (14 CCR § 895.1) & (14 CCR § 1038(i)(7)). | RPF shall submit a confidential archaeological letter (14 CCR § 895.1) & (14 CCR § 1038(j)(7)). | RPF shall submit a confidential archaeological letter (14 CCR § 1052(a)(10)). | YES ARTICLE 14 of FPRs (14 CCR §§ 929.1, 949.1, & 960.1(a)-(e)) | YES ARTICLE 14 of FPRs (14 CCR §§ 929.1, 949.1, & 960.1(a)-(e)) | YES ARTICLE 14 of FPRs (14 CCR §§ 929.1, 949.1, & 960.1(a)-(e)) |
| APPROVAL TIME | 5 working days from receipt—Operations may occur once LTO has a copy of exemption on site. (14 CCR § 1038(e)) | 5 working days from receipt—Operations may occur once LTO has a copy of exemption on site. (14 CCR § 1038(e)) | Submission of exemption—Operations may occur once LTO has a copy of exemption on site. | 5 working days from receipt—Operations may occur once LTO has a copy of exemption on site. (14 CCR § 1038(e)) | 5 working days from receipt—Operations may occur once LTO has a copy of exemption on site. (14 CCR § 1038(e)) | Submission of exemption—Operations may occur once LTO has a copy of exemption on site. | 5 working days from receipt—Operations may occur once LTO has a copy of exemption on site. (14 CCR § 1038(e)) | 5 working days from receipt—Operations may occur once LTO has a copy of exemption on site. (14 CCR § 1038(e)) | 16 working days—Operations may occur once LTO has a copy on site. (14 CCR § 1052(d)) | 16–45 working days—Could be longer if environmental concerns are identified | 16–45 working days—Could be longer if environmental concerns are identified | 16–45 working days—Could be longer if environmental concerns are identified |
| EFFECTIVE PERIOD | 1 year | 1 year | 1 year | 1 year | 1 year | 1 year | 1 year. Slash treatment, except by burning, is to be completed within 120 days from the start of operations. Burning may be done by April 1 the following year. (14 CCR § 1038.1) | 1 year. Slash treatment, except by burning, is to be completed within 120 days from the start of operations. Burning may be done by April 1 the following year. (14 CCR § 1038.1) | 1 year slash treatment, except by burning, is to be completed within 120 days from the start of operations. Burning may be done by April 1 the following year. (14 CCR § 1052.4(d)(6)) | 5 years from the approval of the THP (PRC § 4590) | 5 years from the approval of the THP (PRC § 4590) | 5 years from the approval of the THP (PRC § 4590) |
| § 1038(b)(1-10) RESTRICTIONS* | YES | YES | YES | YES | YES | 14 CCR § 1038(b)(3), (4), (6), (7), (8), & (10) | YES | YES | YES | NO | NO | NO |
| OTHER INFORMATION | Tahoe region restriction (14 CCR § 1038(f)(3)-(16)) | Quadratic Mean Diameter (QMD) of trees greater than 8 inch dbh shall be increased in the post-harvest stand. | Harvest limited to less than 10% of the volume per acre. Tahoe region restriction (14 CCR § 1038(f)(3)-(16)) | Harvest limited to only dead or dying trees due to mortality. Tahoe region restriction (14 CCR § 1038(f)(3)-(16)) | RPF to certify substantially damaged & project will not result in significant adverse effects. | Woody debris and slash must be out of the WLPZ; within reach of loading equipment; developed during timber operations and delivered as combustion fuel for energy. | CAL FIRE provides a checklist for this exemption Tahoe region restriction. (14 CCR § 1038(f)(3)-(16)) | CAL FIRE provides a checklist for this exemption. Exemption may expire January 2018. | Tahoe region restriction (14 CCR § 1038(f)(1)-(14)) PER (14 CCR § 1052.4(b)) | Rehabilitation may be used up to 250 acres total not to exceed 10% of the harvest acreage. Refer to section (14 CCR 1051.4(a)(5)-(9)) for operations within WLPZs. | Shall meet the objectives of the Community Fuelbreak area (14 CCR § 913.4(c)) | NONE |

ABBREVIATIONS

PRC PUBLIC RESOURCES CODE **RPF** REGISTERED PROFESSIONAL FORESTER **WLPZ** WATERCOURSE LAKE PROTECTION ZONE
CCR CALIFORNIA CODE OF REGULATIONS **LTO** LICENSED TIMBER OPERATOR **ASP** ANADROMOUS SALMONID PROTECTION
FPR FOREST PRACTICE RULES **DBH** DIAMETER AT BREST HEIGHT **ARCH** ARCHAEOLOGICAL

*SEE "ADDITIONAL RESTRICTIONS" ON REVERSE SIDE OF BROCHURE.