

1 **Board of Forestry and Fire Protection**

2 **Title 14 California Code of Regulations**

3 **Various Provisions Related to Timber Operations within WLPZ, ELZ, and EEZ**

4 **Pursuant to Less Than 3-Acre Conversion Exemptions.**

5 Note: The use of asterisks denotes the omission of provisions for the sake of
6 reasonable publication.

7 **§ 1104.1. Conversion Exemptions.**

8 Timber Operations conducted under this subsection shall be exempt from Conversion
9 Permit and timber harvesting Plan requirements of this article except no tree that
10 existed before 1800 A.D. and is greater than sixty (60) inches in Diameter at stump
11 height for Sierra or Coastal Redwoods, and forty-eight (48) inches in Diameter at stump
12 height for all other tree Species shall be harvested unless done so under the conditions
13 or criteria set forth in subsection 1104.1(i). Timber Operations shall comply with all other
14 applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board
15 and currently effective provisions of county general plans, zoning ordinances and any
16 implementing ordinances. The Notice of Conversion Exemption Timber Operations shall
17 be considered synonymous with the term "Plan" as defined in 14 CCR § 895.1 when
18 applying the operational Rules and regulations of the Board.

19 (a) This conversion exemption is applicable to a conversion of Timberland to a non-
20 timber use only, of less than three acres in one contiguous ownership, whether or not it
21 is a portion of a larger land parcel and shall not be part of a THP. This conversion
22 exemption may only be used once per contiguous land ownership. If all or a portion of

1 the contiguous land ownership has been subject to prior, unpermitted timberland
2 conversion, a conversion exemption hereunder shall not be accepted unless the
3 Director determines that it would be consistent with the purposes of the Act. No Person,
4 whether acting as an individual, acting as a member of a partnership, or acting as an
5 officer or employee of a corporation or other legal entity, may obtain more than one
6 exemption pursuant to this section in a five-year period. If a partnership has as a
7 member, or if a corporation or any other legal entity has as an officer or employee, a
8 Person who has received this exemption within the past five years, whether as an
9 individual or as a member of a partnership, or as an officer or employee of a corporation
10 or other legal entity, then that partnership, corporation, or other legal entity is not eligible
11 for this exemption. "Person," for purposes of this section, means an individual,
12 partnership, corporation, or any other legal entity.

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14 (2) The following conditions apply to conversion exemption Timber Operations:

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16 (F) No Timber Operations within a WLPZ unless specifically approved by
17 local permit (e.g. County, City).

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19 **§ 916.9 [936.9, 956.9]. Protection and Restoration of the Beneficial Functions of**
20 **the Riparian Zone in Watersheds with Listed Anadromous Salmonids.**

1 In addition to all other Rules, the following requirements shall apply in any watershed
2 with listed anadromous salmonids. Requirements of 14 CCR § 916.9 precede other
3 sections of the FPRs.

4 Geographic scope - Requirements for Watersheds with Listed Anadromous Salmonids
5 differ depending on the geographic location of the watershed and geomorphic
6 characteristics of the Watercourse. Unique requirements for Watersheds with Listed
7 Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone
8 with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration
9 Zones, and 3) Watercourses with Confined Channels located outside the coastal
10 anadromy zone.

11 Watersheds which do not meet the definition of “Watersheds with Listed Anadromous
12 Salmonids” are not subject to this section except as follows: The provisions of 14 CCR §
13 916.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of,
14 and contiguous to, any watershed with listed anadromous salmonids for purposes of
15 reducing significant adverse impacts from transported fine sediment. Projects in other
16 watersheds further upstream that flow into Watersheds with Listed Anadromous
17 Salmonids, not otherwise designated above, may be subject to these provisions based
18 on an assessment consistent with Cumulative Impacts assessment requirements in 14
19 CCR §§ 898 and 912.9 and Board Technical Rule Addendum No. 2, Cumulative
20 Impacts Assessment. These requirements do not apply to upstream watersheds where
21 permanent dams attenuate the transport of fine sediment to downstream Watercourses
22 with listed anadromous salmonids.

1 (s) Exemption notices - No Timber Operations are allowed in a WLPZ, or within any ELZ
2 or EEZ designated for Watercourse or Lake protection, under exemption notices except
3 for:

4 (1) Hauling on existing roads.

5 (2) Road Maintenance.

6 (3) Operations conducted for public safety.

7 (4) Construction or reconstruction of approved Watercourse crossings.

8 (5) Temporary crossings of dry Class III Watercourses that do not require
9 notification under the Fish and Game Code §1600 et seq.

10 (6) Harvesting recommended in writing by CDFW to address specifically
11 identified forest conditions.

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13 **§ 1299.03. Requirements.**

14 Defensible space is required to be maintained at all times, whenever flammable
15 vegetative conditions exist. One hundred feet (100 ft.) of defensible space clearance
16 shall be maintained in two distinct "Zones" as follows: "Zone 1" extends thirty feet (30 ft.)
17 out from each "Building or Structure," or to the property line, whichever comes first;
18 "Zone 2" extends from thirty feet (30 ft.) to one hundred feet (100 ft.) from each "Building
19 or Structure," but not beyond the property line. The vegetation treatment requirements
20 for Zone 1 are more restrictive than for Zone 2, as provided in (a) and (b) below. The
21 Department of Forestry and Fire Protection's "Property Inspection Guide, 2000 version,

1 April 2000,” provides additional guidance on vegetation treatment within Zone 1 and
2 Zone 2, but is not mandatory and is not intended as a substitute for these regulations.

3 (a) Zone 1 Requirements:

4 (1) Remove all dead or dying grass, plants, shrubs, trees, branches, leaves,
5 weeds, and pine needles from the Zone whether such vegetation occurs in yard
6 areas around the “Building or Structure,” on the roof or rain gutters of the
7 “Building or Structure,” or any other location within the Zone.

8 (2) Remove dead tree or shrub branches that overhang roofs, below or adjacent
9 to windows, or which are adjacent to wall surfaces, and keep all branches a
10 minimum of ten feet (10 ft.) away from chimney and stovepipe outlets.

11 (3) Relocate exposed firewood piles outside of Zone 1 unless they are
12 completely covered in a fire resistant material.

13 (4) Remove flammable vegetation and items that could catch fire which are
14 adjacent to or under combustible decks, balconies and stairs.

15 (b) Zone 2 Requirements:

16 (1) In this zone create horizontal and vertical spacing among shrubs and trees
17 using the “Fuel Separation” method, the “Continuous Tree Canopy” method or a
18 combination of both to achieve defensible space clearance requirements. Further
19 guidance regarding these methods is contained in the State Board of Forestry
20 and Fire Protection's, “General Guidelines for Creating Defensible Space,
21 February 8, 2006,” incorporated herein by reference, and the “Property
22 Inspection Guide” referenced elsewhere in this regulation.