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**Board of Forestry and Fire Protection**

DRAFT Document

“Southern Subdistrict and Marin Co. Point Count Amendments”

Title 14, California Code of Regulations

Division 1.5, Chapter 4,

Subchapter 4, Articles 3 & 13,

**Amend:** **§§ 913.8, 926.1, 926.8, 926.25, 927.9 & 927.16**

**Repeal: § 927.10**

# § 913.8. Special Harvesting Methods for Southern Subdistrict.

(a) Only the following Regeneration Methods and Stocking requirements shall apply in the Southern Subdistrict of the Coast Forest District. Timber Operations shall be conducted in accordance with paragraphs~~subsections~~ (1~~a~~), (2~~b~~), (3~~c~~), or (4~~d~~) below. If the provisions of more than one subsection will be used within any individual timber operation or Logging Area, a line separating the areas to be cut under provisions of each shall be shown in the Plan and clearly defined on the ground by paint or other means prior to filing the Plan and so as to be readily identifiable during and after completion of logging.

(1~~a~~) Leave uncut a well-distributed timber stand after Timber Operations have been completed on the Logging Area that is at least forty (40) percent~~%~~ by number of those trees ~~45.7 cm (~~eighteen (18) inches~~)~~ and more d.b.h. present prior to commencement of current Timber Operations ~~and at least 50% by number of those trees over 30.5 cm (12 inches) dbh, but less than 45.7 cm (18 inches) dbh~~. Leave trees shall be thrifty coniferous trees which were dominant or co-dominant in crown class prior to timber harvesting or which have crowns typical of such dominant or co-dominant trees. They shall be free from significant damage caused by the Timber Operations. No conifer shall be cut which is more than ~~22.9 m~~seventy-five (75) feet~~)~~ from ~~a~~the nearest leave tree ~~30.5 cm~~twelve (12) inches~~)~~ d.b.h. or larger located within the Logging Area. ~~Average top stump Diameter, outside bark, shall be considered 2.5 cm (1 inch) greater than dbh.~~ No area may be cut in excess of the leave tree standards of this rule in any ten year (10-year) period. Upon completion of Timber Operations one of the following Stocking Standards for coniferous trees shall be met:

(A~~1~~) Basal Area. The average residual basal area, measured in stems ~~2.5 cm~~one (1) inch~~)~~ or larger in Diameter at least ~~27.6 m~~~~2~~~~/ha (~~one hundred twenty (120) square feet per acre~~)~~ on Site I lands, and at least ~~22.7 m~~~~2~~~~/ha~~one hundred (100) square feet per acre~~)~~ on Site II lands, and ~~17.22 m~~~~2~~~~/ha~~seventy-five (75) square feet per acre~~)~~ on Site III lands, and ~~11.48 m~~~~2~~~~/ha~~fifty (50) square feet per acre~~)~~ on Sites IV and V lands.

(B~~2~~) Countable Trees. The area contains a well-distributed stand of trees with an average Countable Tree point count of at least two hundred (200) per acre on Site I and II lands, one hundred twenty-five (125) per acre on Site III lands, or one hundred (100) per acre on site IV and V lands. The point count to be computed as follows~~1112 Countable Trees per ha (450 point count per acre) as determined by using the following Countable Tree equivalents~~:

~~(~~1.~~A)~~ Each Countable Tree which is not more than four (4) inches d.b.h. counts one (1) point~~1112 Countable Trees per ha (450 Countable Trees per acre) not more than 10.2 cm (4 inches) dbh; each tree to count as one toward meeting Stocking requirements~~.

~~(~~2.~~B)~~ Each Countable Tree over four (4) inches and not more than twelve (12) inches d.b.h. counts two (2) points~~371 Countable Trees per ha (150 Countable Trees per acre) over 10.2 cm (4 inches) dbh and not more than 30.5 cm (12 inches) dbh; each tree to count as 3 toward meeting Stocking requirements~~.

~~(~~3.~~C)~~ Each Countable Tree over twelve (12) inches d.b.h. counts as four (4) points~~185 Countable Trees per ha (75 Countable Trees per acre) over 30.5 cm (12 inches) dbh and not more than 45.7 cm (18 inches) dbh; each tree to count as 6 toward meeting Stocking requirements~~.

~~(D) 124 Countable Trees per ha (50 Countable Trees per acre) over 45.7 cm (18 inches) dbh; and not more than 61 cm (24 inches) dbh; each tree to count as 9 toward meeting Stocking requirements.~~

~~(E) 74 Countable Trees per ha (30 Countable Trees per acre) over 61 cm (24 inches) dbh; each tree to count as 15 toward meeting Stocking requirements.~~

~~(~~4.~~F)~~ Redwood root crown sprouts over ~~.3 m~~ one (1) foot~~)~~ in height will be counted using the average stump diameter ~~.3 m~~ one (1) foot~~)~~ above average ground level of the original stump from which the redwood root crown sprouts originate counting one (1) sprout for each ~~.3 m~~ one (1) foot~~)~~ of stump diameter to a maximum of six (6) per stump. Any countable redwood root crown sprout over ~~.3 m~~ one (1) foot~~)~~ in height but less than ~~10.2 cm~~four (4) inches~~)~~ dbh shall count as one (1) toward meeting Stocking requirements.

(2~~b~~) An alternative Regeneration Method may be approved only if all of the following are met:

(A~~1~~) The Regeneration Method described in subsection (a) above is not silviculturally appropriate or Feasible in the professional judgment of the Director and the RPF who prepared the Plan.

(B~~2~~) Cutting Methods prescribed under the provisions of this section must maintain a well-distributed tree crown cover of at least fifty (50)~~%~~ percent of the pre-existing tree crown Canopy. At no time shall the crown cover be reduced to a level where the productivity of the land is jeopardized or to a level which would create a threat to soil and/or water resources. Provided the required crown cover can be maintained, the removal of all trees in Small Groups not exceeding ~~.202 ha (~~one-half (0.5) acre~~)~~ in size may be approved as part of the overall cutting prescription.

(C~~3~~) The alternative method shall provide overall protection at least equal to that of the standard provided by subsection (a) for watershed, wildlife, soil, and aesthetic resources considering the Silvicultural Method, conditions necessary for regeneration, tree growth rate, annual rainfall, summer temperature and length of dry season, critical problems of erodible soils, Unstable Areas, need for high water quality, increased fire potential, and exposure to more intensive use.

(D~~4~~) A Plan agreed upon between the RPF and the Director is prepared which gives timber stand information concerning Stocking levels, cutting goals, timber stand growth and future harvest timing expectations. The Plan must also include information on site location and preparation for planting required under (~~6~~F) below.

(E~~5~~) The Timber Operator is responsible for carrying out Timber Operations as described in the Plan. The Plan submitter is responsible for retaining an RPF to provide professional advice to the Timber Operator and Timberlands owner on a continuing basis throughout the Timber Operations. The RPF or the designee of the RPF works closely with the Timber Operator to help assure compliance with the approved Alternative Prescription and the terms and specifications of the approved Plan. The RPF or the designee of the RPF is present on the Harvest Area sufficient hours each week to know the operations' progress and advise the Timber Operator. The RPF informs the Timber Operator of potential environmental impacts and the mitigation measures to be taken to minimize such impacts. The Timber Operator shall sign the Plan and major amendments thereto, or shall sign and file with the Director a facsimile thereof, prior to commencement or continuation of operation thereunder agreeing to abide by the terms and specifications of the Plan. An RPF may be responsible for the conduct of Timber Operations under contractual arrangements with the Timber Owner.

(F~~6~~) The Logging Area shall meet the Stocking Standards described in 14 CCR § 913.8(a)(1) within five years following completion of Timber Operations.

(G)~~Hardwoods, as per 14 CCR § 912 “Commercial Species,”~~ Group B species designated for management may be counted for Stocking, consistent with 14 CCR § 912.7(d). ~~If such hardwoods are counted to meet Stocking requirements, at least twenty (20)% percent of the total Harvest Area cut under 14 CCR § 913.8(a)(1) shall be planted with conifer trees at the rate of at least two hundred (200)1112 well-distributed trees per acreha (450 trees/acre).~~

(3~~c~~) The harvest of dead, ~~d~~Dying or deteriorating trees resulting from fire, wind, insect, disease, flood, or other injurious agents as provided in 14 CCR § 913.3(a~~b~~)(2) shall be exempt from 14 CCR § 913.8(a)(1) and (2~~b~~) except for Stocking under 14 CCR § 913.8(a~~b~~)(2) provided there has been a preharvest inspection and a Plan has been approved.

~~(d) Eucalyptus stands designated for management as a commercial crop may be harvested under the evenaged Silvicultural System provided the following conditions and limitations are met:~~

~~(1) Except as provided in 14 CCR § 913.1 (a) (2), clearcuts shall be limited to 10 acres in size, and must conform with all other provisions of 14 CCR § 913.1 (a).~~

~~(2) Clearcut areas shall be screened from direct public view by having screening vegetation between the clearcut area and public areas utilized by substantial numbers of viewers. Screening vegetation shall be a minimum of 100 feet in width. Screening shall be retained until vegetative regrowth effectively covers all areas of visible bare soil.~~

~~(3) Regenerated stands may be re-entered for harvest not sooner than ten (10) years after harvest.~~

Note: Authority cited: Sections 4551, 4553, 4561 and 4562.5, Public Resources Code. Reference: Sections 4561, 4561.1, 4562.5 and 4562.7, Public Resources Code.

**Marin Co. Provisions**

# § 927.10. Stocking Requirements.

The Stocking Standards for understocked Timberlands and Substantially Damaged Timberlands as provided for by 14 CCR §§ 1080 through 1081.1 and 1085 through 1085.6 are not applicable in the County. ~~After completion of Timber Operations one of the following Stocking Standards must be met:~~

~~(a) Basal Area. The average residual basal area, measured in stems 1 inch or larger in Diameter shall be at least 125 square feet per acre on Site I lands, at least 100 square feet per acre on Site II and Site III lands and at least 75 square feet per acre on Site IV and V lands, or~~

~~(b) Point Count. The area contains an average point count as specified below:~~

~~(1) On Site I and II lands, the area contains an average point count of 450 per acre to be computed as follows:~~

~~(A) 450 Countable Trees per acre not more than 4 inches dbh; each tree to count as 1 towards meeting Stocking requirements.~~

~~(B) 150 Countable Trees per acre over 4 inches dbh and not more than 12 inches dbh; each tree to count as 3 toward meeting Stocking requirements.~~

~~(C) 75 Countable Trees per acre over 12 inches dbh; each tree to count as 6 toward meeting Stocking requirements.~~

~~(2) On Site III, IV and V lands the area contains an average point count of 300 per acre to be computed as follows:~~

~~(A) 300 Countable Trees per acre not more than 4 inches dbh; each tree to count as 1 toward meeting Stocking requirements.~~

~~(B) 100 Countable Trees per acre over 4 inches dbh and not more than 12 inches dbh; each tree to count as 3 towards meeting Stocking requirements.~~

~~(C) 50 Countable Trees per acre over 12 inches dbh; each tree to count as 6 toward meeting Stocking requirements.~~

~~Redwood root crown sprouts will be counted using the average stump Diameter 1 foot above average ground level of the original stump from which the redwood root crown sprouts originate, counting 1 sprout for each 1 foot of stump Diameter to a maximum of 6 per stump.~~

~~Site Classification shall be determined by the forester (RPF) who prepared the Plan.~~

~~Rock outcroppings, meadows, wet areas, or other areas not normally bearing timber shall not be considered as requiring Stocking and are exempt from such provisions.~~

Note: Authority cited: Section 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

# NONSUBSTANTIVE RE-STRUCTURING AMENDMENTS

## § 926.1. Registered Professional Forester (RPF) Advice.

The provisions of 14 CCR § 913.8(a~~b~~)(2~~5~~)(E) shall apply when Timber Operations are conducted in accordance with 14 CCR § 926.25.

Note: Authority cited: Section 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

## § 926.8. Fuelwood Operations.

Notwithstanding 14 CCR § 1038(b), the harvest of fuelwood in operations where more than three acres are proposed to be harvested, shall be carried out in accordance with the provisions of 14 CCR §§ 1038- 1038.1. In addition, for purposes of 14 CCR § 1038, minimum impact means:

(a) No new road construction;

(b) No road reconstruction that involves substantial change in the original Road Prism;

(c) No Timber Operations on slopes in excess of 60%;

(d) No Timber Operations in special treatment areas;

(e) No Timber Operations within Watercourse and Lake Protection Zones;

(f) No Timber Operations on Unstable Soils;

(g) No Timber Operations within 500 feet on an Active Nesting site of rare or endangered bird Species;

(h) No Timber Operations on areas with high or extreme Erosion Hazard Rating;

(i) The Harvest Area must be immediately stocked; and

(j) Timber Operations are limited to 45 days unless an approved Plan is obtained.

Fuelwood operations that cannot be harvested pursuant to 14 CCR §§ 1038-1038.1 will require a Plan pursuant to 14 CCR § 913.8(a~~b~~)(2).

Note: Authority cited: Section 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

## § 926.25. Special Harvesting Methods.

In addition to 14 CCR § 913.8 subsection (a)(1), the harvesting limitation, re-entry period and leave tree standards shall be modified as follows:

(a) The cutting standards are as follows:

(1) For areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) dbh, the minimum re-entry period shall be 14 years.

(2) For areas where the proposed harvest is 50% or less of the trees greater than 45.7 cm (18 in.) dbh, a 10-year re-entry period shall apply.

(3) Regardless of re-entry period, no more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) dbh shall be harvested.

Note: Authority cited: Section 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

**§ 927.9. Silvicultural Methods and Intermediate Treatments.**

The objective of this section is to prescribe silvicultural methods and treatments that will protect the long-term productivity of soils and Timberlands and protect the natural and scenic qualities of the County. The following silvicultural methods and treatments as prescribed below will be applied in the County. 14 CCR §§ 913 through 913.6 defines these methods and treatments.

(a) Commercial Thinning Intermediate Treatment or the Selection Method. When the commercial thinning treatment or the selection silvicultural method is used, the following standards are required.

(1) Leave a well distributed timber stand after cutting and logging operations have been completed on the cut area. Leave at least 40% by number of those trees 18 inches or more dbh which were present prior to commencement of current Timber Operations and at least 50% by number of those over 12 inches dbh but less than 18 inches or more dbh. Leave trees 18 inches or more dbh shall be Dominant or Co-dominant in crown class prior to timber harvesting or have crowns typical of such Dominant or Co-dominant trees. All leave trees shall be thrifty coniferous trees which are free from substantial damage caused by Timber Operations. No conifer tree shall be cut which is more than 75 feet from ~~a~~the nearest leave tree 12 inches dbh or larger located within the logging area. ~~Average top stump Diameter, outside bark, shall be considered 1 inch greater than dbh.~~

(2) Immediately following completion of Timber Operations, Stocking must meet or exceed Stocking Standards of 14 CCR § ~~927.10~~913.8.

(3) A report of Stocking as described in PRC § 4587 shall be filed within six months following completion of work as described in the Plan.

(b) Sanitation-Salvage Treatment. When the sanitation-salvage treatment is used, the following practices are required:

(1) Restrictions on time periods for subsequent Timber Operations shall not apply to the sanitation-salvage treatment.

(2) An effort shall be made to regenerate any cut area during the first planting season following log removal. Necessary site preparation, planting, or seeding shall be completed within the first planting season following logging, except where unusual or adverse weather conditions require extending site preparation and planting into the following planting season. Deficiencies in Stocking shall be corrected by planting annually at least three times if necessary to meet the Stocking Standards in 14 CCR § ~~927.10~~913.8.

(c) Clearcutting Method. The clearcutting method is not authorized for the County.

(d) Recutting of Logging Areas. Timber Operations for removal of trees may only be repeated on a Logging Area within less than ten years after completion of a previous Timber Operation if minimum standards have been met, the reasons for the operation are justified and explained in the Plan, and the scenic and/or natural qualities of a stand would be enhanced by lighter or more frequent tree removal. In no instance shall Stocking be reduced below the standards provided in 14 CCR § ~~927.10~~913.8 nor shall more than 60% by number~~s~~ of those trees 18 inches and more dbh and no more than 50% by number~~s~~ of those trees over 12 inches dbh but less than 18 inches dbh be removed within any one 10-year period.

(e) On Timber Operations in which cutting has occurred within 10 years preceding the current operations, stumps which are the result of cutting trees within the preceding 10 years shall be counted as trees cut during the current operation in determining percent of trees cut. Timber Operations conducted under the Sanitation-Salvage Treatment, and the harvesting of minor forest products and incidental vegetation are exempt from the above provision of this section.

Note: Authority cited: Section 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

## § 927.16. Registered Professional Forester (RPF) Advice.

The provisions of 14 CCR § 913.8(a~~b~~)(2~~5~~)(E) shall apply when Timber Operations are conducted in Marin County.

Note: Authority cited: Section 4516.5 and 4553, Public Resources Code. Reference: Section 4516.5, Public Resources Code.