

**State of California
Office of Administrative Law**

In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Amend section: 913.8

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-0422-08

OAL Matter Type: Regular (S)

This action clarifies the applicability of the Substantially Damaged Timberlands regulations in CCR, title 14, division 1.5, chapter 4, subchapter 7, article 6 to the Southern Subdistrict of the Coast Forest District.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023 pursuant to section 4554.5(a) of the Public Resources Code.

Date: June 6, 2022



Eric Partington
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Matt Dias, Executive Officer
Copy: Eric Hedge

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2 **Board of Forestry and Fire Protection**
3 **Substantially Damaged Consistency Amendments**

4 **Title 14 of the California Code of Regulations**

5 **Division 1.5, Chapter 4,**

6 **Subchapter 4, Article 3,**

7
8 **§ 913.8. Special Harvesting Methods for Southern Subdistrict.**

9 (a) Only the following Regeneration Methods and Stocking requirements, and those
10 described in Article 6 of Subchapter 7 of this Chapter, shall apply in the Southern
11 Subdistrict of the Coast Forest District. Timber Operations shall be conducted in
12 accordance with paragraphs (1), (2), or (3) below. If the provisions of more than one
13 subsection will be used within any individual timber operation or Logging Area, a line
14 separating the areas to be cut under provisions of each shall be shown in the Plan and
15 clearly defined on the ground by paint or other means prior to filing the Plan and so as
16 to be readily identifiable during and after completion of logging.

17 (1) Leave uncut a well-distributed timber stand after Timber Operations have been
18 completed on the Logging Area that is at least forty (40) percent by number of those
19 trees eighteen (18) inches and more d.b.h. present prior to commencement of current
20 Timber Operations. Leave trees shall be thrifty coniferous trees which were dominant or
21 co-dominant in crown class prior to timber harvesting or which have crowns typical of
22 such dominant or co-dominant trees. They shall be free from significant damage caused
23 by the Timber Operations. No conifer shall be cut which is more than seventy-five (75)
24 feet from the nearest leave tree twelve (12) inches d.b.h. or larger located within the

1 Logging Area. No area may be cut in excess of the leave tree standards of this rule in
2 any ten (10) year period. Upon completion of Timber Operations one of the following
3 Stocking Standards for coniferous trees shall be met:

4 (A) Basal Area. The average residual basal area, measured in stems one (1) inch or
5 larger in Diameter at least one hundred twenty (120) square feet per acre on Site I
6 lands, and at least one hundred (100) square feet per acre on Site II lands, and
7 seventy-five (75) square feet per acre on Site III lands, and fifty (50) square feet per
8 acre on Sites IV and V lands.

9 (B) Countable Trees. The area contains a well-distributed stand of trees with an
10 average Countable Tree point count of at least two hundred (200) per acre on Site I and
11 II lands, one hundred twenty-five (125) per acre on Site III lands, or one hundred (100)
12 per acre on Site IV and V lands. The point count to be computed as follows:

13 1. Each Countable Tree which is not more than four (4) inches d.b.h. counts one (1)
14 point.

15 2. Each Countable Tree over four (4) inches and not more than twelve (12) inches d.b.h.
16 counts two (2) points.

17 3. Each Countable Tree over twelve (12) inches d.b.h. counts as four (4) points.

18 4. Redwood root crown sprouts over one (1) foot in height will be counted using the
19 average stump diameter one (1) foot above average ground level of the original stump
20 from which the redwood root crown sprouts originate counting one (1) sprout for each
21 one (1) foot of stump diameter to a maximum of six (6) per stump. Any countable
22 redwood root crown sprout over one (1) foot in height but less than four (4) inches d.b.h.
23 shall count as one (1) toward meeting Stocking requirements.

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

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

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

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

19 (D) A Plan agreed upon between the RPF and the Director is prepared which gives
20 timber stand information concerning Stocking levels, cutting goals, timber stand growth
21 and future harvest timing expectations.

22 (E) The Timber Operator is responsible for carrying out Timber Operations as described
23 in the Plan. The Plan submitter is responsible for retaining an RPF to provide
24 professional advice to the Timber Operator and Timberlands owner on a continuing

1 basis throughout the Timber Operations. The RPF or the designee of the RPF works
2 closely with the Timber Operator to help assure compliance with the approved
3 Alternative Prescription and the terms and specifications of the approved Plan. The RPF
4 or the designee of the RPF is present on the Harvest Area sufficient hours each week to
5 know the operations' progress and advise the Timber Operator. The RPF informs the
6 Timber Operator of potential environmental impacts and the mitigation measures to be
7 taken to minimize such impacts. The Timber Operator shall sign the Plan and major
8 amendments thereto, or shall sign and file with the Director a facsimile thereof, prior to
9 commencement or continuation of operation thereunder agreeing to abide by the terms
10 and specifications of the Plan. An RPF may be responsible for the conduct of Timber
11 Operations under contractual arrangements with the Timber Owner.

12 (F) The Logging Area shall meet the Stocking Standards described in 14 CCR §
13 913.8(a)(1) within five (5) years following completion of Timber Operations.

14 (G) Group B species designated for management may be counted for Stocking,
15 consistent with 14 CCR § 912.7(d).

16 (3) The harvest of dead, Dying or deteriorating trees resulting from fire, wind, insect,
17 disease, flood, or other injurious agents as provided in 14 CCR § 913.3(b) shall be
18 exempt from 14 CCR § 913.8(a)(1) and (2) except for Stocking under 14 CCR §
19 913.8(a)(2) provided there has been a preharvest inspection and a Plan has been
20 approved.

21 Note: Authority cited: Sections 4551, 4553, 4561.1 and 4562.5, Public Resources Code
22 Reference: Sections 4551.5, 4561, 4561.1, 4562.5 and 4562.7, Public Resources Code