



# POLICY and PROCEDURE

|                     |            |
|---------------------|------------|
| P & P #             | 26         |
| Page #              | 1 of 2     |
| Board Approval Date | 10/28/2017 |
| Original P&P Date   | 10/17/2004 |

## CC&R - TREE REMOVAL

### PURPOSE

To establish the policy and procedures for compliance with Pinebrook CC&R's and California Department of Forestry tree removal requirements

### POLICY

Tree removal and timberland conversion process will be complied with in accordance with the procedures in this document

### REFERENCE

- A. CC&R's Article II, Section 10, Removal of Trees
- B. 26-1 Attachment - Tree Removal Information – Cal Fire

### FORMS

19-1 CC&R Request or Report

### BACKGROUND

This document outlines the procedures and provides background information for removing trees on lot(s) within Pinebrook. Both Pinebrook and the California Department of Forestry (CAL FIRE) have requirements depending on where, when, and how you plan trees will be removed. Lots or parcels 3 acres or larger, are not covered in this document and will require that you contact CAL FIRE. Refer to the referenced document to get process and permit information.

### TREE REMOVAL CONSIDERATIONS

1. Read the provided information and then discuss your situation with experienced Pinebrook lot owners to get ideas on how to proceed with your unique situation. There are many options, including local practices that you need to consider.
2. Whom you select as a Registered Professional Forester (RPF) and / or a Licensed Timber Operator (LTO) is critical if your situation either requires one or if you want a licensed professional to remove your tree(s) vs. removing them yourself or hiring an unlicensed tree cutter. An incomplete list of licensed professionals is provided in the referenced document.
3. Considerations if you determine you need a one-time forest land CAL FIRE conversion permit:
  - A. Since this is a one-time permit, plan to specify and remove all CAL FIRE applicable trees on your lot. Consider not only your house, garage, barn, sheds, septic system, driveway, patio areas, but also consider needed garden areas, meadow areas, sun-blockers, etc. Possibly after 5 years you could apply for another "one-time" permit - but, even if allowed, repeating the process can be expensive as both a RPF and LTO must be used. This permit can range from \$150 to \$500 depending on whom you choose.
  - B. You can find a company that has both RPF and LTO services where the permit fee will be included in the timber removal operation (could be a cost or profit to you depending on the value of the lumber being removed and amount of slash/debris cleanup required - you have the option to request doing the slash/debris cleanup yourself which can reduce the cost).
  - C. If the removal process costs you money because you do not have enough timber to make the operation attractive to an LTO, consider finding another lot owner who needs or wants to remove trees and combine your efforts to make the situation attractive to an LTO. This may result in no cost or maybe a profit for you and the other lot owner. The LTO must remove all the slash and debris from the tree removal process.



# POLICY and PROCEDURE

|                     |            |
|---------------------|------------|
| P & P #             | 26         |
| Page #              | 2 of 2     |
| Board Approval Date | 10/28/2017 |
| Original P&P Date   | 10/17/2004 |

## CC&R - TREE REMOVAL

### PROCEDURE

1. When is the request / permit to remove trees not required?
  - A. When you want to remove a dead or dying tree of any size. You are actually required to remove these trees to be in fire code compliance.
  - B. When you already have a house or some other county permit \ approved structure within 150' of the tree(s) to be removed, and the trees you want to remove are less than 10" in diameter, and you are not going to sell, barter, exchange, or trade the wood.
  - C. When you have a house and are trying to meet the CAL FIRE 100 foot defensible space requirements
2. Process for Removing Trees
  - A. Obtain Form 19-1 from the Pinebrook Office and fill out a request for tree removal. You will receive the CAL FIRE referenced document that will help you determine what kind of approvals and process your tree removal situation will require.
  - B. Provide a lot layout sketch showing driveways, all structures and the trees being requested for removal and attach to the CC&R form.
  - C. Mark the trees on your lot that are candidates for removal from your sketch.
  - D. A Pinebrook building review committee person will go to your lot and review the request and either approve your request or suggest changes.
  - E. It is your, and your tree removal person's, responsibility to use the CAL FIRE referenced document to determine what permit must be obtained, if any.
3. Pinebrook Requirements and Process
  - A. To remove any live tree(s) larger than 10" in diameter, you must fill out a Pinebrook CC&R form. Pinebrook is very timely in responding to requests.
4. Two Situations Require CAL FIRE Permits for Tree(s) Removal:
  - A. If the harvested wood is to be SOLD, BARTERED, EXCHANGED, or TRADED.
  - B. If the trees are to be removed from a bare lot in preparation for initial structure and other improvements.
5. California Department of Forestry (CAL FIRE) Permit Requirements
  - A. Refer to the CAL FIRE referenced document which describes the State Regulations and applicable permit requirements for tree(s) removal. The following paragraphs summarize removal situations which should help you in deciding if involvement with CAL FIRE is required:
    - 1) CAL FIRE timber applies to the following tree types (dead or alive of any size): Ponderosa Pine, Jeffrey Pine, Sugar Pine, Western White Pine, White Fir, Red Fir, Douglas Fir, Incense Cedar & Lodgepole Pine (Tamarack). Note: Oak, Alders, fruit trees, etc. have no requirements.
    - 2) If a lot owner is going to consume any of the tree types above himself (not sell, barter, trade, or exchange the harvested wood), no CAL FIRE permit is required except in the case when a Forest Land Conversion Exemption Permit is necessary. See the CAL FIRE referenced document for requirements.

**SUMMARY OF CHANGE FROM PREVIOUS ISSUE – Changed “Title”; Minor reformatting**



# POLICY and PROCEDURE

|                     |            |
|---------------------|------------|
| Attachment #        | 26-1       |
| Page #              | 1 of 3     |
| Board Approval Date | 10/28/2017 |
| Original P&P Date   | 10/28/2017 |

## CC&R – TREE REMOVAL – CAL FIRE

STATE OF CALIFORNIA

NATURAL RESOURCES AGENCY

Edmund G. Brown Jr., Governor



### DEPARTMENT OF FORESTRY AND FIRE PROTECTION MADERA-MARIPOSA-MERCED Unit

5366 Highway 49 North

(209) 966-3622

Website: [www.fire.ca.gov](http://www.fire.ca.gov)



## TREE REMOVAL INFORMATION

### STATE REGULATIONS

The California Department of Forestry and Fire Protection (CAL FIRE) enforces the laws that regulate logging on privately owned lands in California. These laws are found in the Forest Practice Act, which was enacted in 1973 to ensure logging is done in a manner that will protect our natural resources. The removal of "commercial" timber species from areas of pending new construction, and from the area around existing structures is included under these regulations. In Madera, Mariposa and Merced counties, the most commonly utilized "commercial" timber species include; but are not limited to; Ponderosa Pine, Sugar Pine, White Fir, Incense Cedar and Black Oak. These permits are free of charge from CAL FIRE and are submitted to CAL FIRE Fresno Region Headquarters. These documents are used in those situations that are exempt from the requirement of a Timber Harvesting Plan. The four most commonly used exemption documents are:

#### **1. Removal of Fire Hazard Trees within 150 feet of a Structure Exemption**

This exemption permit is required for the removal of selected trees which are located within 150 feet from structures that are deemed by the landowner to be a potential hazard to any structures that have been permitted through the County Building Permit process. This permit is required only if the wood is sold, bartered, exchanged, or traded. A Licensed Registered Professional Forester's (RPF) services are not required. A Licensed Timber Operator (LTO) must be listed on the permit and is responsible for all logging activities. The Licensed Timber Operator must have an approved copy on-site at the time of operations and has one year to complete timber operations. Clear-cutting, Shelter Wood Removal and Seed Tree Removal cutting methods are not allowed. CAL FIRE has up to 5 days to accept the permit.

#### **2. Dead, Dying, or Diseased: Fuel Wood or Split Products Exemption**

This exemption permit is required when removing trees that are dead or are obviously dying from insect attack or disease, or when removing fuel wood. The harvest cannot exceed 10% of the volume per acre. Otherwise a Timber Harvesting Plan is required. A Licensed Registered Professional Forester's services are not required. This CAL FIRE permit is required only if the wood is sold, bartered, exchanged, or traded. CAL FIRE has up to 5 days to accept the permit. This permit is valid for 1 year.



# POLICY and PROCEDURE

|                     |            |
|---------------------|------------|
| Attachment #        | 26-1       |
| Page #              | 2 of 3     |
| Board Approval Date | 10/28/2017 |
| Original P&P Date   | 10/28/2017 |

## CC&R – TREE REMOVAL – CAL FIRE

### 3. Notice of Emergency Timber Operations

An emergency notice is required to salvage trees that are dead and dying when the harvest exceeds 10% of the total volume per acre. Emergency conditions include trees that are dead or dying as a result of insects, disease, fire, wind throw etc. The Registered Professional Forester (RPF) preparing the Notice of Emergency Timber Operations shall describe the nature of the emergency and the need for immediate harvesting. Timber operations pursuant to an emergency notice may not commence for five working days from the date of the Director's receipt of the notice unless such waiting period is waived by the Director. The emergency notice is valid for one year.

### 4. Less than 3 Acre Conversion Exemption

This one-time exemption permit is required for property owners who intend to clear for structures and other needed improvements (i.e. driveways, utility lines, out buildings, septic systems, etc.) in preparation for such development. This permit is required whether or not the trees are sold, bartered, exchanged, or traded. There are other uses for this conversion form and each situation is unique. Consult your local CAL FIRE Forester for more information. A Registered Professional Forester (RPF) must prepare this permit and a Licensed Timber Operator (LTO) must conduct timber operations. The Licensed Timber Operator must have a copy of the exemption on-site at the time of operations and has one year to complete timber operations. Responsibility for treatment of logging slash and woody debris may be assumed by the landowner, provided that the landowner acknowledges in writing to the Director, at the time of notice, such responsibility and specific slash and woody debris treatment requirements and timing. The land owner must submit to CAL FIRE in Mariposa, a Work Completion Report within one month of completion of timber operations. Building contractors are ineligible to perform this work unless they are a Licensed Timber Operator. CAL FIRE has up to 15 days to accept the permit This permit is valid for 1 year.

Specific terms and conditions apply to all permits, including logging debris clean-up requirements and protection of wildlife, archaeological sites, water quality, and other natural resources. Before hiring an LTO, be sure to ask the LTO for proof of valid insurance or call CAL FIRE LTO Licensing at (916) 653-7211. A state filing fee is not imposed for the three forms, however the person listed on the form as a Timber Owner will be required to pay a post-harvest yield tax based on the board foot volume of timber removed from the parcel to the State Board of Equalization. Small amounts of timber may be exempt from yield tax. A complete listing of these and other CAL FIRE forms and information can be found at:

<http://www.fire.ca.gov/resourcemanagement/harvestingforms.asp>

Len Nielson is the CAL FIRE Unit Forester for Madera, Mariposa, and Merced Counties (209-742-1907) or [Len.Nielson@fire.ca.gov](mailto:Len.Nielson@fire.ca.gov)

He is available to:

- Advise landowners through the permit process.
- Consult on best management strategies for individual properties.
- Assist with contacting a Registered professional Forester or Licensed Timber Operator.



## POLICY and PROCEDURE

|                     |            |
|---------------------|------------|
| Attachment #        | 26-1       |
| Page #              | 3 of 3     |
| Board Approval Date | 10/28/2017 |
| Original P&P Date   | 10/28/2017 |

### CC&R – TREE REMOVAL – CAL FIRE

Below is an incomplete listing of Registered Professional Foresters and Licensed Timber Operators that conduct forestry and timber harvesting operations within Calaveras County. Listing does not imply endorsement of a particular company nor their integrity on the ground. Be sure to ask both the LTO and RPF to show proof of a valid license and valid liability insurance. Additional contacts maybe be found in the yellow pages of a local telephone book, under Foresters-consulting and Logging companies.

#### REGISTERED PROFESSIONAL FORESTERS

|                 |              |
|-----------------|--------------|
| Ross Richards   | 209-736-4988 |
| Donald Stickers | 209-736-4777 |
| Bill Pollard    | 209-736-0469 |
| Chris Trott     | 209-586-0476 |
| Mike Albrecht   | 209-532-1146 |
| Mark Bevan      | 209-532-3820 |
| Will Dorrell    | 209-588-1920 |
| Leon Manich     | 209-588-1920 |
| Steve Cannon    | 209-296-1569 |
| Tom Lowry       | 209-223-0251 |
| Jim Kral        | 530-647-9663 |
| Mark Stewart    | 530-621-4100 |
| David Thompson  | 209-245-5235 |

#### LICENSED TIMBER OPERATORS

|                            |              |
|----------------------------|--------------|
| Martin Fischer Logging     | 209-293-4847 |
| Butch Bray Logging         | 209-728-2575 |
| George Dubois Logging      | 209-293-7884 |
| Tanner Bros. Logging       | 209-728-2923 |
| Sullivan Logging           | 209-754-4389 |
| Keith Alderman Logging     | 209-532-9636 |
| Terry Poston Logging       | 209-532-2423 |
| Paul Jones Logging         | 209-532-0724 |
| Steve Crook Logging        | 209-962-7716 |
| J. Scott Ball Tree Service | 209-586-4149 |
| Joe Cover & Sons Logging   | 209-928-4433 |
| Sierra West Logging        | 209-795-1203 |
| Finn's Tree Service        | 209-795-7649 |
| Gene Miller                | 209-795-4875 |