

1 **Board of Forestry and Fire Protection**

2 **Emergency Emergency Notice for Fuel Hazard Reduction Amendments, 2019**

3 **Title 14 of the California Code of Regulations (14 CCR),**

4 **Division 1.5, Chapter 4,**

5 **Subchapter 4, 5, & 6, Article 3;**

6 **Subchapter 7, Article 2**

7

8 **§ 913 [933, 953]. Silvicultural Objectives**

9 The objectives of this article are to describe standard Silvicultural Systems and to
10 provide for alternatives that when applied shall meet the objectives of the FPA (PRC §§
11 4512 and 4513). The RPF shall select systems and alternatives which achieve
12 maximum sustained production of high quality timber products.

13 The THP shall designate one or a combination of Regeneration Methods, prescriptions
14 or Intermediate Treatments described by this article. If a method, prescription, or
15 treatment not defined in the Rules (see 14 CCR § 895.1), is to be used, an Alternative
16 Prescription shall be included in the Plan.

17 The assessment of maximum sustained production of high quality timber products is
18 based on:

- 19 (a) Regeneration Methods, Intermediate Treatments and prescriptions described in
20 the Rules which establish standards. These methods, treatments, prescriptions,
21 and standards shall not be utilized to permit harvesting of growing stock in a
22 manner that will significantly delay reaching or maintaining maximum sustained
23 production.

1 (b) Published yield tables or other tools which can be validated and which serve as
2 a point of reference for evaluating and selecting Silvicultural Systems and their
3 implementation.

4 (c) The Sustained Yield Plan (SYP). The SYP establishes the flow of forest
5 products from managed Timberlands, and shall demonstrate the achievement of
6 maximum sustained production.

7 (d) An assessment of maximum sustained production of high quality timber
8 products is not required for a harvest ~~designated as, and meeting the definition of~~
9 ~~pursuant to Fuelbreak/defensible space under~~ 14 CCR § 913.4 [933.4, 953.4]
10 Special Prescriptions or 14 CCR § 1052.4. Because these lands are designated as
11 defensible space or Fuelbreak areas, the wood production potential of these lands
12 is compatible with the lowest Site Classifications and they shall be considered site
13 IV Timberland for Stocking purposes.

14
15 Note: Authority cited: Sections 4551 and 4561, Public Resources Code. Reference:
16 Sections 4513, 4528, 4551.5 and 4561, Public Resources Code.

17
18 **§ 1052.4. Emergency Notice for Fuel Hazard Reduction.**

19 The RPF preparing the Notice of Emergency Timber Operations for Fuel Hazard
20 Reduction shall describe the nature of the Emergency and the need for immediate
21 cutting in sufficient detail so that the reason for the Emergency is clear. Emergency
22 Timber Operations, under the presumed Emergency standard of 14 CCR § 1052.1, may
23 be commenced and conducted when in conformance with the following:

24 (a) RPF develops and documents the vegetative treatments necessary to meet the
25 goals of 14 CCR § 1052.1(e), and ensures postharvest conditions are in accordance

1 with all subsections in 14 CCR § 1052.4. Such documentation shall include the
2 following:

3 (1) A description of the preharvest stand structure, ~~and~~ statement of the
4 postharvest stand Stocking levels, and description of postharvest stand structure.

5 (2) A description of the criteria to designate trees to be harvested or ~~the~~ trees to
6 be retained, including those trees harvested pursuant to 14 CCR § 1052.4(e)(3).

7 (3) All trees that are harvested or all trees that are retained shall be marked or
8 sample marked by, or under the supervision of, an RPF before felling operations
9 begin. ~~When trees are sample marked, the designation prescription for unmarked~~
10 ~~areas shall be in writing and t~~he sample mark area shall include at least 10% of
11 the Harvest Area to a maximum of twenty (20) acres per stand type which is
12 representative of the range of conditions present in the Harvest aArea.

13 ~~(4) Postharvest compliance shall be determined by the combination of physical~~
14 ~~measurements and observations. Postharvest compliance shall be met on at~~
15 ~~least 80% of the Project area as calculated excluding WLPZs and other wildlife~~
16 ~~protection requirements developed in accordance with 14 CCR § 1052.4(e).~~

17 (b) The conditions of subsection 14 CCR §§ 1038.1(~~cb~~)(54) through (1440) are applied
18 ~~or~~and, for operations in the Lake Tahoe RegionBasin, 14 CCR § 1038.1(b) is(f)(1)
19 ~~through (14) are~~ applied.

20 (c) Geographic area: operations are permitted:

21 (1) Within one-quarter (1/4) mile from Approved and Legally Permitted Structures
22 that comply with the ~~California~~ Building Standards Code (legal structure). Such
23 legal structures shall be within or adjacent to a community listed in the "California
24 ~~Fire Alliance I~~st of Communities at Risk" (As published April 13, 2019 © 2003

1 ~~on file in the official rulemaking file~~ and hereby incorporated by reference) and
2 have densities greater than one (1) structure per twenty (20) acres; or

3 (2) Within five hundred (500) feet of: ~~a legal structure outside the area defined in~~
4 ~~14 CCR § 1052.4(c)(1);~~

5 (A) A legal structure outside the area defined in 14 CCR § 1052.4(c)(1); or

6 (B) Either side of a federal or Public Road; or

7 (C) Either side of a private road providing access to legal structures; or

8 (D) Either side of haul roads suitable for evacuation or fire suppression

9 with the written concurrence of a Public Fire Agency and determined by

10 the Director to be consistent with the purpose of the Act and Rules; or

11 (E) Either side of ridges suitable for fire suppression with the written

12 concurrence of a Public Fire Agency and determined by the Director to be

13 consistent with the purpose of the Act and Rules; or

14 (F) Infrastructure including electrical distribution and transmission facilities,

15 water reservoirs or other conveyances, wastewater facilities or

16 conveyances, communication and data transmission and distribution

17 facilities, or other assets or infrastructure at risk with the written

18 concurrence of a Public Fire Agency and determined by the Director to be

19 consistent with the purpose of the Act and Rules.

20 ~~(3) Within 500 feet of either side of a public or federal road;~~

21 ~~(4) Within 500 feet on either side of a private road providing access to legal~~
22 ~~structures;~~

23 ~~(5) Within 500 feet on either side of a mainline haul road necessary for fire~~

24 ~~suppression or evacuation as identified in a fire prevention plan or with the~~

25 ~~written concurrence of a Public Fire Agency and as accepted by the Director.~~

1 ~~(6) Within 500 feet on either side of ridges suitable for fire suppression as~~
2 ~~identified in a fire prevention plan or with the written concurrence of a Public Fire~~
3 ~~Agency and as accepted by the Director.~~

4 ~~(7) Within 500 feet of infrastructure facilities such as transmission lines or towers~~
5 ~~or water conduits.~~

6 (d) Vegetation Treatments: Tree removal shall target Codominant and Understory trees.

7 The residual stand shall consist primarily of well distributed, healthy and vigorous
8 Dominant and Codominant trees from the preharvest stand. ~~Standards listed shall be~~
9 ~~met by retaining the largest Diameter trees in the preharvest Project area.~~

10 ~~(1) The quadratic mean Diameter of trees greater than 8 inches dbh in the~~
11 ~~preharvest Project area shall be increased in the postharvest stand.~~

12 (1) The following restrictions exist related to the diameter of trees which may be
13 harvested pursuant to this section:

14 (A2) Only trees less than 24 ~~thirty (30)~~ inches ~~outside bark in stump~~
15 ~~D~~diameter, ~~measured eight (8) inches above ground level,~~ may be
16 removed except under the following condition: ~~if~~ if the goal of fuel reduction
17 cannot be achieved by removing trees less than 24 ~~thirty (30)~~ inches
18 ~~outside bark in stump~~ ~~D~~diameter, ~~measured eight (8) inches above ground~~
19 ~~level;~~ trees less than ~~30~~thirty-six (36) inches ~~outside bark in stump~~
20 ~~D~~diameter, ~~measured eight (8) inches above ground level,~~ may be
21 removed if that removal is necessary to meet the fuel objectives stated in
22 14 CCR § 1052.1(e).

23 (B) No trees of the genus *Quercus* ssp. that are greater than twenty-six
24 ~~(26)~~ inches outside bark stump diameter, measured at eight (8) inches
25 ~~above ground level, may be removed.~~

1 (2) Notwithstanding 14 CCR § 1052.4(d)(1)(A) and (B), dead or Dying trees, of
2 any size, may be removed according to the standards of 14 CCR §§ 919.1
3 [939.1, 959.1], as applicable.

4 (3) ~~(A)~~ Minimum post treatment Canopy closure of Dominant and Codominant
5 trees shall be ~~30~~40% for east side pine forest types; ~~40~~50% for coastal
6 redwood and Douglas-fir forest types ~~in or adjacent to communities and~~
7 ~~legal structures referenced in subsection 14 CCR § 1052.4(c)(1) and~~
8 ~~(2)(a); 40~~60% for coastal redwood and Douglas-fir forest types ~~outside of~~
9 ~~communities and legal structures referenced in subsection 14 CCR §~~
10 ~~1052.4(c)(1) and (2)(a); and 40~~50% for mixed conifer and all other forest
11 types.

12 ~~(B) Post treatment stand shall contain no more than 200 trees per acre~~
13 ~~over 3 inches in dbh.~~

14 ~~(4) Stocking shall meet the commercial thinning requirement of 14 CCR § 913.3~~
15 ~~[933.3, 953.3] immediately upon completion of operations.~~

16 ~~(A) In the High Use Subdistrict of the Southern Forest District where~~
17 ~~preharvest tree Stocking does not meet commercial thinning requirement~~
18 ~~of 14 CCR § 953.3, the basal area minimum Stocking Standards for~~
19 ~~Selection Unevenaged Management in 14 CCR § 953.2(a)(2)(A)1., 2., and~~
20 ~~3., shall be met following harvesting.~~

21 ~~(B) In areas where preharvest tree Stocking does not meet commercial~~
22 ~~thinning requirement of 14 CCR § 913.3 [933.3, 953.3], and as necessary~~
23 ~~to establish or maintain an unevenaged stand structure, minimum~~
24 ~~Stocking Standards for Selection Unevenaged Management in 14 CCR §§~~
25

1 913.2 [933.2, 953.2](a)(2)(A)1., 2., 3. and 4., shall be met following
2 harvesting.

3 (54) (A) ~~This subsection applies to geographic areas listed in 14 CCR §~~
4 ~~1052.4(c)(2) and (6), and to areas within 500 feet of structures in 14 CCR~~
5 ~~§ 1052.4(c)(1).~~ Surface and Ladder Fuels in the Harvest Area, including
6 logging Slash and Woody dDebris, brush, small trees, and deadwood, that
7 could promote the spread of wildfire shall be treated ~~to achieve standards~~
8 ~~for vertical spacing between fuels, horizontal spacing between fuels,~~
9 ~~maximum depth of dead ground Surface Fuels, and reduction of standing~~
10 ~~dead fuels,~~ as follows:

11 1. Ladder and Surface Fuels, excluding residual stand Dominant
12 and Codominant trees, shall be spaced to achieve vertical
13 clearance distance of eight (8) feet or three (3) times the height of
14 the postharvest fuels and vegetation, excluding Dominant and
15 Codominant trees, whichever is the greater distance, measured
16 from the base of the live crown of the postharvest Dominant and
17 Codominant trees to the top of the sSurface or Ladder Fuels or
18 vegetation, whichever is taller.

19 ~~2. Ladder Fuels, excluding residual stand Dominant and~~
20 ~~Codominant trees, shall be spaced to achieve horizontal clearance~~
21 ~~distance of two to six times the height of the postharvest fuels~~
22 ~~measured from the outside branch edges of the fuels. On ground~~
23 ~~slopes of 0% to 20% horizontal clearance distance shall be two~~
24 ~~times the height of postharvest fuels; on ground slopes of greater~~
25 ~~than 20% to 40% horizontal clearance distance shall be four times~~

1 the height of postharvest fuels; on ground slopes of greater than
2 40% horizontal clearance distance shall be six times the height of
3 postharvest fuels.

4 23. Dead Surface Fuel depth shall be less than 9 inchesAdditional
5 fuel treatment standards are as follows:

6 a. Within one hundred fifty (150) feet of those structures
7 identified within 14 CCR §§ 1052.4(c)(1) and (c)(2)(A), all dead
8 Surface Fuels that could promote the spread of wildfire, including
9 Slash or Woody Debris, and brush, shall be chipped, burned, or
10 removed within forty-five (45) days from the start of Timber
11 Operations.

12 b. Except for those areas described in provision i. above, all
13 dead Surface Fuel, including Slash or Woody Debris, and brush,
14 within the Harvest Area, shall be treated to a depth of less than
15 nine (9) inches.

16 ~~4. Standing dead or Dying Trees and brush shall generally be~~
17 ~~removed. Such material, along with live vegetation associated with~~
18 ~~the dead vegetation, may be retained for wildlife habitat when~~
19 ~~isolated from other vegetation~~

20 ~~(B) This subsection applies to geographic areas listed in 14 CCR §~~
21 ~~1052.4(c)(3), (4), (5), and (7) and to areas between 500 feet 1320 feet of~~
22 ~~structures in 14 CCR § 1052.4(c)(1).~~

23 ~~1. Dead fuels, excluding dead branches on trees retained for~~
24 ~~Stocking, shall be treated to achieve a minimum clearance distance~~
25 ~~of 8 feet measured from the base of the live crown of the~~

1 ~~postharvest Dominant and Codominant trees to the top of the dead~~
2 ~~fuels.~~

3 ~~2. All logging Slash created by the Timber Operations shall be~~
4 ~~treated to achieve a maximum postharvest depth of 9 inches above~~
5 ~~the ground.~~

6 (B) Postharvest compliance shall be determined by the combination of
7 physical measurements and observations. Postharvest compliance shall
8 be met on at least 80% of the Project area as calculated excluding WLPZs
9 and other wildlife protection requirements developed in accordance with
10 14 CCR § 1052.4(g).

11 (C) The requirements of this subsection shall not supersede requirements
12 of PRC § 4291.

13 (65) Fuel treatments shall include chipping, removal or other methods necessary
14 to achieve the fuel hazard reduction standards in this section, and shall be
15 accomplished within one (1) year from the start of operations, except for burning
16 operations, which shall be accomplished by April 1 of the year following Surface
17 Fuel creation.

18 (e) Consistent with 14 CCR § 913 [933, 953](d), as applicable, Stocking shall meet the
19 resource conservation standards for minimum Stocking within 14 CCR § 912.7 [932.7,
20 952.7], as applicable, immediately upon completion of operations.

21 (ef) As part of the preharvest Project design, the RPF shall ~~evaluate and~~ incorporate
22 habitat requirements for fish, wildlife and plant Species in accordance with ~~sections~~ 14
23 CCR §§ 898.2, 916.9 [936.9, 956.9] and 919 [939, 959] et. seq. Such evaluations shall
24 include use of the California Natural Diversity Database (as referenced by the CDFW,
25 <https://www.wildlife.ca.gov/Data/CNDDDB>) and local knowledge of the Planning

1 Watershed. Consultation with CDFW personnel is recommended. Examples of habitat
2 requirements to be incorporated into the Project include retention of large Woody Debris
3 and Snags congruent with Emergency condition goals, and vegetative screening for
4 wildlife cover and visual aesthetics.

5 ~~(f) Operations conducted concurrently in the same geographic area (ref. 14 CCR §~~
6 ~~1052.4(c)) pursuant to 14 CCR § 1038(b) shall not remove Diseased Trees in excess of~~
7 ~~the Diameter limit required under 14 CCR § 1052.4(d)(2).~~

8
9 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553 and 4592, Public Resources
10 Code. Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 21001(f) and
11 21080(b)(4), Public Resources Code.