

**State of California
Office of Administrative Law**

In re:
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 914.2, 934.2, 954.2

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

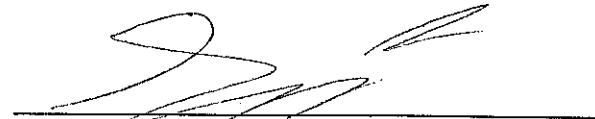
OAL Matter Number: 2023-1012-03

OAL Matter Type: Regular (S)

In this rulemaking action, the Board of Forestry and Fire Protection amends its regulations to clarify that foresters may propose exceptions to the limitations on non-tethered tractor operations (excluding yarding operations).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024, pursuant to Public Resources Code section 4554.5(a).

Date: November 28, 2023



Sam Micon
Attorney

For: Kenneth J. Pogue
Director

Original: Edith Hannigan, Executive
Officer

Copy: Andrew Lawhorn

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2023-0523-02	REGULATORY ACTION NUMBER 2023-1012-085	EMERGENCY NUMBER 5
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Forestry and Fire Protection			AGENCY FILE NUMBER (If any)

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 28 2023

1:38 Pm

OFFICE OF ADMIN. LAW
2023 OCT 12 AM 10:43

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Tractor Operations and Cable Yarding Amendm		TITLE(S) 14	FIRST SECTION AFFECTED 914.2	2. REQUESTED PUBLICATION DATE June 2, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Andrew Lawhorn	TELEPHONE NUMBER (916) 628-8090	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2023, 22-2	PUBLICATION DATE 6/2/23	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Tractor Operations and Cable Yarding Amendment, 2023	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 914.2, 934.2, 954.2
TITLE(S) 14	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other, (Specify) **January 1, 2023** per PRC 4554.5(a)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Andrew Lawhorn	TELEPHONE NUMBER (916) 628-8090	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Andrew.Lawhorn@bof.ca.gov
--	---	-----------------------	---

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Jane Van Susteren <small>Digitally signed by Jane Van Susteren Date: 2023.10.11 14:53:27 -0700</small>	DATE 10/11/23
TYPED NAME AND TITLE OF SIGNATORY Jane Van Susteren, Regulations Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 28 2023

Office of Administrative Law

1 **Board of Forestry and Fire Protection**

2 **Tractor Operations and Cable Yarding Amendments, 2023**

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

4 **Division 1.5, Chapter 4,**

5 **Subchapter 1, Article 1;**

6 **Subchapters 4, 5, & 6, Article 4;**

7

8 **§ 914.2. Operations.**

9 (a) Timber Operations shall be conducted in a manner which complies with 14 CCR §
10 914.

11 (b) Heavy equipment which is equipped with a blade, shall not operate on skid roads or
12 slopes that are so steep as to require the use of the blade for braking.

13 (c) Tractor Roads shall be limited in number and width to the minimum necessary for
14 removal of logs.

15 (d) Heavy equipment shall not operate on Unstable Areas. If such areas are
16 unavoidable, the RPF shall develop specific measures to minimize the effect of
17 operations on slope instability. These measures shall be explained and justified in the
18 Plan and approved by the Director, and must meet the requirements of 14 CCR § 914.

19 (e) Slash and debris from Timber Operations shall not be bunched adjacent to residual
20 trees required for silvicultural or wildlife purposes or placed in locations where they
21 could be discharged into a Class I or II Watercourse, or Lake.

22 (f) The following limitations apply:

23 (1) Except for Tethered Operations, heavy equipment shall be prohibited where any of
24 the following conditions are present:

25 (A) Slopes steeper than 65%

1 (B) Slopes steeper than 50% where the Erosion Hazard Rating is high or extreme

2 (2) Heavy equipment shall be prohibited on slopes over 50% which lead without
3 flattening to sufficiently dissipate water flow and trap sediment before it reaches a
4 Watercourse or Lake.

5 (3) On slopes between fifty (50) percent and sixty-five (65) percent where the Erosion
6 Hazard Rating is moderate, and all slope percentages are for Average Slope steepness
7 based on sample areas that are twenty (20) acres, or less if proposed by the RPF or
8 required by the Director, heavy equipment, except for Tethered Operations, shall be
9 limited to:

10 (A) existing Tractor Roads that do not require reconstruction, or

11 (B) New Tractor Roads at a location that has been shown on the Plan map, flagged by
12 an RPF or Supervised Designee prior to the pre-harvest inspection or, when a pre-
13 harvest inspection is not required, prior to the start of Timber Operations, and approved
14 by the Director.

15 ~~(4) The RPF may propose exceptions to the limitations on Tractor Operations described~~
16 ~~above if the proposed exception will comply with 14 CCR § 914, and if the Plan both~~
17 ~~clearly explains the proposed exception and justifies how the proposed exception will~~
18 ~~comply with 14 CCR § 914. The location of Tractor Roads, except for those used in~~
19 ~~Tethered Operations, to be used under such exceptions shall be flagged prior to the~~
20 ~~pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the~~
21 ~~start of Timber Operations.~~

22 (5) Non-Tethered Tractor Operations, excluding Yarding, may occur in areas designated
23 for Cable Yarding on slopes up to 50%. Tethered Operations, excluding Yarding, may
24 occur in areas designated for Cable Yarding. The limitations of 14 CCR § 914.2(a), (b),

1 (c), (d), (e), (f)(2), (g), (h), and (i), and any other applicable limitations on Tractor
2 Operations throughout this Chapter, by District, apply.

3 (5) The RPF may propose exceptions to the limitations on Tractor Operations described
4 above if the proposed exception will comply with 14 CCR § 914, and if the Plan both
5 clearly explains the proposed exception and justifies how the proposed exception will
6 comply with 14 CCR § 914. The location of Tractor Roads, except for those used in
7 Tethered Operations, to be used under such exceptions shall be flagged prior to the
8 pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the
9 start of Timber Operations.

10 (g) Where Tractor Roads are constructed, Timber Operators shall use Tractor Roads
11 only, both for Skidding logs to Landings and on return trips.

12 (h) Timber Operators shall exercise due diligence so that desirable residual trees and
13 seedlings which are required to be retained upon completion of Timber Operations will
14 not be damaged or destroyed by Timber Operations.

15 (i) Where Waterbreaks cannot effectively disperse surface runoff, other Erosion
16 Controls shall be installed as needed.

17
18 NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code.

19 Reference: Sections 4512, 4513, 4562.5, 4562.7 and 4582, Public Resources Code.

20
21 *****

22
23 **§ 934.2. Operations.**

24 (a) Timber Operations shall be conducted in a manner which complies with 14 CCR §
25 934.

1 (b) Heavy equipment which is equipped with a blade, shall not operate on skid roads or
2 slopes that are so steep as to require the use of the blade for braking.

3 (c) Tractor Roads shall be limited in number and width to the minimum necessary for
4 removal of logs. The RPF may propose exceptions for silvicultural reasons when
5 explained and justified in the Plan.

6 (d) Heavy equipment shall not operate on Unstable Areas. If such areas are
7 unavoidable, the RPF shall develop specific measures to minimize the effect of
8 operations on slope instability. These measures shall be explained and justified in the
9 Plan and approved by the Director, and must meet the requirements of 14 CCR § 934.

10 (e) Slash and debris from Timber Operations shall not be bunched adjacent to residual
11 trees required for silvicultural or wildlife purposes or placed in locations where they
12 could be discharged into a Class I or II Watercourse, or Lake.

13 (f) The following limitations apply:

14 (1) Except for Tethered Operations, heavy equipment shall be prohibited where any of
15 the following conditions are present:

16 (A) Slopes steeper than 65%

17 (B) Slopes steeper than 50% where the Erosion Hazard Rating is high or extreme

18 (2) Heavy equipment shall be prohibited on slopes over 50% which lead without
19 flattening to sufficiently dissipate water flow and trap sediment before it reaches a
20 Watercourse or Lake.

21 (3) On slopes between fifty (50) percent and sixty-five (65) percent where the Erosion
22 Hazard Rating is moderate, and all slope percentages are for Average Slope steepness
23 based on sample areas that are twenty (20) acres, or less if proposed by the RPF or
24 required by the Director, heavy equipment, except for Tethered Operations, shall be
25 limited to:

1 (A) existing Tractor Roads that do not require reconstruction, or

2 (B) New Tractor Roads at a location that has been shown on the Plan map, flagged by
3 an RPF or Supervised Designee prior to the pre-harvest inspection or, when a pre-
4 harvest inspection is not required, prior to the start of Timber Operations, and approved
5 by the Director.

6 ~~(4) The RPF may propose exceptions to the limitations on Tractor Operations described~~
7 ~~above if the proposed exception will comply with 14 CCR § 934, and if the Plan both~~
8 ~~clearly explains the proposed exception and justifies how the proposed exception will~~
9 ~~comply with 14 CCR § 934. The location of Tractor Roads, except for those used in~~
10 ~~Tethered Operations, to be used under such exceptions shall be flagged prior to the~~
11 ~~pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the~~
12 ~~start of Timber Operations.~~

13 (5) Non-Tethered Tractor Operations, excluding Yarding, may occur in areas designated
14 for Cable Yarding on slopes up to 50%. Tethered Operations, excluding Yarding, may
15 occur in areas designated for Cable Yarding. The limitations of 14 CCR § 934.2(a), (b),
16 (c), (d), (e), (f)(2), (g), (h), and (i), and any other applicable limitations on Tractor
17 Operations throughout this Chapter, by District, apply.

18 (5) The RPF may propose exceptions to the limitations on Tractor Operations described
19 above if the proposed exception will comply with 14 CCR § 934, and if the Plan both
20 clearly explains the proposed exception and justifies how the proposed exception will
21 comply with 14 CCR § 934. The location of Tractor Roads, except for those used in
22 Tethered Operations, to be used under such exceptions shall be flagged prior to the
23 pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the
24 start of Timber Operations.

1 (g) Where Tractor Roads are constructed, Timber Operators shall use Tractor Roads
2 only, both for Skidding logs to Landings and on return trips.

3 (h) Timber Operators shall exercise due diligence so that desirable residual trees and
4 seedlings which are required to be retained upon completion of Timber Operations will
5 not be damaged or destroyed by Timber Operations.

6 (i) Where Waterbreaks cannot effectively disperse surface runoff, other Erosion
7 Controls shall be installed as needed.

8
9 NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code.
10 Reference: Sections 4512, 4513, 4562.5, 4562.7 and 4582, Public Resources Code.

11
12 *****

13
14 **§ 954.2. Operations.**

15 (a) Timber Operations shall be conducted in a manner which complies with 14 CCR §
16 954.

17 (b) Heavy equipment which is equipped with a blade, shall not operate on skid roads or
18 slopes that are so steep as to require the use of the blade for braking.

19 (c) Tractor Roads shall be limited in number and width to the minimum necessary for
20 removal of logs.

21 (d) Heavy equipment shall not operate on Unstable Areas. If such areas are
22 unavoidable, the RPF shall develop specific measures to minimize the effect of
23 operations on slope instability. These measures shall be explained and justified in the
24 Plan and approved by the Director, and must meet the requirements of 14 CCR § 954.

1 (e) Slash and debris from Timber Operations shall not be bunched adjacent to residual
2 trees required for silvicultural or wildlife purposes or placed in locations where they
3 could be discharged into a Class I or II Watercourse, or Lake.

4 (f) The following limitations apply:

5 (1) Except for Tethered Operations, heavy equipment shall be prohibited where any of
6 the following conditions are present:

7 (A) Slopes steeper than 65%

8 (B) Slopes steeper than 50% where the Erosion Hazard Rating is high or extreme

9 (2) Heavy equipment shall be prohibited on slopes over 50% which lead without
10 flattening to sufficiently dissipate water flow and trap sediment before it reaches a
11 Watercourse or Lake.

12 (3) On slopes between fifty (50) percent and sixty-five (65) percent where the Erosion
13 Hazard Rating is moderate, and all slope percentages are for Average Slope steepness
14 based on sample areas that are twenty (20) acres, or less if proposed by the RPF or
15 required by the Director, heavy equipment, except for Tethered Operations, shall be
16 limited to:

17 (A) existing Tractor Roads that do not require reconstruction, or

18 (B) New Tractor Roads at a location that has been shown on the Plan map, flagged by
19 an RPF or Supervised Designee prior to the pre-harvest inspection or, when a pre-
20 harvest inspection is not required, prior to the start of Timber Operations, and approved
21 by the Director.

22 ~~(4) The RPF may propose exceptions to the limitations on Tractor Operations described~~
23 ~~above if the proposed exception will comply with 14 CCR § 954, and if the Plan both~~
24 ~~clearly explains the proposed exception and justifies how the proposed exception will~~
25 ~~comply with 14 CCR § 954. The location of Tractor Roads, except for those used in~~

1 ~~Tethered Operations, to be used under such exceptions shall be flagged prior to the~~
2 ~~pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the~~
3 ~~start of Timber Operations.~~

4 (5) Non-Tethered Tractor Operations, excluding Yarding, may occur in areas designated
5 for Cable Yarding on slopes up to 50%. Tethered Operations, excluding Yarding, may
6 occur in areas designated for Cable Yarding. The limitations of 14 CCR § 914.2(a), (b),
7 (c), (d), (e), (f)(2), (g), (h), and (i), and any other applicable limitations on Tractor
8 Operations throughout this Chapter, by District, apply.

9 (5) The RPF may propose exceptions to the limitations on Tractor Operations described
10 above if the proposed exception will comply with 14 CCR § 954, and if the Plan both
11 clearly explains the proposed exception and justifies how the proposed exception will
12 comply with 14 CCR § 954. The location of Tractor Roads, except for those used in
13 Tethered Operations, to be used under such exceptions shall be flagged prior to the
14 pre-harvest inspection or, when a pre-harvest inspection is not required, prior to the
15 start of Timber Operations.

16 (g) Where Tractor Roads are constructed, Timber Operators shall use Tractor Roads
17 only, both for Skidding logs to Landings and on return trips.

18 (h) Timber Operators shall exercise due diligence so that desirable residual trees and
19 seedlings which are required to be retained upon completion of Timber Operations will
20 not be damaged or destroyed by Timber Operations.

21 (i) Where Waterbreaks cannot effectively disperse surface runoff, other Erosion
22 Controls shall be installed as needed.

23
24 NOTE: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code.

25 Reference: Sections 4512, 4513, 4562.5, 4562.7 and 4582, Public Resources Code.