Board of Forestry and Fire Protection

Emergency Notice for Fuel Hazard Reduction

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

Division 1.5, Chapter 4,

Subchapter 4, 5, &6, Article 3;

Subchapter 7, Article 2

§ 913 [933, 953]. Silvicultural Objectives

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

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

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

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

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

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

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

(e) An assessment of maximum sustained production of high quality timber products is not required for a harvest conducted pursuant to 14 CCR § 1052.4. The primary utility of these lands is dependent upon the emergency need to minimize hazardous conditions, which results in a reduced potential productivity compatible with the lowest Site Classifications. Notwithstanding 14 CCR § 1060, these lands shall be considered site IV Timberland for Stocking purposes.

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

§ 1052.4. Emergency Notice for Fuel Hazard Reduction.

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

(a) RPF develops and documents the vegetative treatments necessary to meet the goals of 14 CCR § 1052.1(e), and ensures postharvest conditions are in accordance with all subsections in § 1052.4. Such documentation shall include the following:

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

(2) A description of the criteria to designate trees to be harvested or the trees to be retained.

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

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

(b) The conditions of subsection 14 CCR §§ 1038.1(c~~b~~)(5~~1~~) through (14~~10~~) are applied ~~or~~and, for operations in the Lake Tahoe Basin, 14 CCR § 1038.1(b) is~~(f)(1) through (14) are~~ applied.

(c) Geographic area: operations are permitted:

(1) Within 1/4 mile from Approved and Legally Permitted Structures that comply with the ~~California~~ Building Standards Code (legal structure). Such legal structures shall be within or adjacent to a community listed in the "California Fire Alliance list of Communities at Risk" (As published June x, 2019 ~~© 2003 on file in the official rulemaking file~~ and hereby incorporated by reference) and have densities greater than 1 structure per 20 acres; or

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

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

(B) Either side of a public or federal road; or

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

(D) Either side of haul roads suitable for evacuation or fire suppression with the written concurrence of a public fire agency and determined by the Director to be consistent with the purpose of the Act; or

(E) Either side of ridges suitable for fire suppression with the written concurrence of a public fire agency and determined by the Director to be consistent with the purpose of the Act; or

(F) Infrastructure including electrical distribution and transmission facilities, water reservoirs or other conveyances, wastewater facilities or conveyances, communication and data transmission and distribution facilities, or other assets or infrastructure at risk with the written concurrence of a public fire agency and determined by the Director to be consistent with the purpose of the Act.

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

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

~~(5) Within 500 feet on either side of a mainline haul road necessary for fire suppression or evacuation as identified in a fire prevention plan or with the written concurrence of a Public Fire Agency and as accepted by the Director.~~

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

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

(d) Stocking shall meet the resource conservation standards for minimum stocking within 14 CCR § 912.7 [932.7, 952.7] immediately upon completion of operations.

(~~d~~e) Vegetation Treatments: Tree removal shall target Codominant and Understory trees. The residual stand shall consist primarily of well distributed, healthy and vigorous Dominant and Codominant trees from the preharvest stand. ~~Standards listed shall be met by retaining the largest Diameter trees in the preharvest Project area.~~

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

(1~~2~~) Only trees less than ~~24~~ thirty (30) inches ~~outside bark~~ stump ~~D~~diameter at stump height, measured eight (8) inches above ground level, may be removed except under the following condition. If the goal of fuel reduction cannot be achieved by removing trees less than ~~24~~ thirty (30) inches ~~outside bark stump D~~diameter at stump height, measured eight (8) inches above ground level; trees less than ~~30~~thirty-six (36) inches ~~outside bark stump D~~diameter at stump height,

measured eight (8) inches above ground level may be removed if that removal is necessary to meet the fuel objectives stated in 14 CCR § 1052.1(e).

(2) No trees of the genus Quercus sp. that are greater than twenty-six (26) inches outside bark stump diameter, measured at eight (8) inches above ground level, may be removed.

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

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

(4) Stocking shall meet the minimum resource conservation standards as described within 14 CCR § 912.7, 932.7, or 952.7, as appropriate, ~~commercial thinning requirement of 14 CCR § 913.3 [933.3, 953.3]~~ immediately upon completion of operations.

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

~~(B) In areas where preharvest tree Stocking does not meet commercial thinning requirement of 14 CCR § 913.3 [933.3, 953.3], and as necessary to establish or maintain an unevenaged stand structure, minimum Stocking Standards for Selection Unevenaged Management in 14 CCR §§ 913.2 [933.2, 953.2](a)(2)(A)1., 2., 3. and 4., shall be met following harvesting.~~

(5) (A) ~~This subsection~~provision ~~applies to geographic areas listed in 14 CCR § 1052.4(c)(2)~~(A) and~~through~~ ~~(F6), and to areas within five hundred (500) feet of structures in 14 CCR § 1052.4(c)(1).~~ Surface and Ladder Fuels in the Harvest Area, including logging Slash and Woody ~~d~~Debris, brush, small trees, and deadwood, that could promote the spread of wildfire shall be treated ~~to achieve standards for vertical spacing between fuels, horizontal spacing between fuels, maximum depth of dead ground Surface Fuels, and reduction of standing dead fuels,~~ as follows:

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

~~2. Ladder Fuels, excluding residual stand Dominant and Codominant trees, shall be spaced to achieve horizontal clearance distance of two (2) to six (6) times the height of the postharvest~~

~~fuels measured from the outside branch edges of the fuels. On ground slopes of 0% to 20% horizontal clearance distance shall be two times the height of postharvest fuels; on ground slopes of greater than 20% to 40% horizontal clearance distance shall be four times the height of postharvest fuels; on ground slopes of greater than 40% horizontal clearance distance shall be six times the height of postharvest fuels.~~

2~~3~~. ~~Dead Surface Fuel depth shall be less than 9 inches~~Addutional fuel treatment standards are as follows:.

i. Within zero (0) to one hundred fifty (150) feet of those structures identified within 14 CCR §§ 1052.4(c)(1) and (c)(2)(A) all dead Surface Fuels, that could promote the spread of wildfire, including Slash or Woody Debris, and brush, shall be chipped, burned, or removed within forty-five (45) days from the start of timber operations.

ii. Except for those areas described in provision i. above, all dead Surface Fuel, including Slash or Woody Debris, and brush, shall be treated to a depth of less than nine (9) inches.

4. ~~Standing dead or Dying Trees and brush shall generally be removed. Such material, along with live vegetation associated with the dead vegetation, may be retained for wildlife habitat when isolated from other vegetation~~ **OPTION** Notwithstanding 14 CCR § 1052.4(e)(1) and (2), Dead or dying trees, of any size, shall be removed according to the standards of 14 CCR §§ 919.1, 939.1, or 959.1, as appropriate.**OPTION** Notwithstanding 14 CCR §

1052.4(e)(1) and (2), Dead or dying trees, of any size, shall be removed where necessary to protect public health, safety, or general welfare.

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

~~1. Dead fuels, excluding dead branches on trees retained for Stocking, shall be treated to achieve a minimum clearance distance of eight feet measured from the base of the live crown of the postharvest Dominant and Codominant trees to the top of the dead fuels.~~

~~2. All logging Slash created by the Timber Operations shall be treated to achieve a maximum postharvest depth of eighteen (18) inches above the ground.~~

(B~~C~~) The requirements of this subsection shall not supersede requirements of PRC § 4291.

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

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

(~~e~~f) As part of the preharvest Project design, the RPF shall evaluate and incorporate habitat requirements for fish, wildlife and plant Species in accordance with sections 14 CCR §§ 898.2, 916.9 [936.9, 956.9] and 919 [939, 959]. Such evaluations shall include use of the California Natural Diversity Database (as referenced by the CDFW, https://www.wildlife.ca.gov/Data/CNDDB) and local knowledge of the Planning Watershed. Consultation with CDFW personnel is recommended. Examples of habitat requirements to be incorporated into the Project include retention of large Woody Debris and Snags congruent with Emergency condition goals, and vegetative screening for wildlife cover and visual aesthetics.

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

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