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June 8, 2021

**Board of Forestry and Fire Protection**

**Emergency Notice RPF Responsibilities**

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

**Division 1.5, Chapter 4**

**§ 1052. Emergency Notice.**

(a) Before cutting or removing timber on an Emergency basis, an RPF on behalf of a Timber Owner or operator shall submit a Notice of Emergency Timber Operations to the Director, on form RM-67 (1/1/10), form RM-65 (1052.4) (02/2020) for a Fuel Hazard Reduction Emergency, or form RM-66 (1052.5) (2/1/11) for a Sudden Oak Death Emergency, herein incorporated by reference, as prescribed by the Director. The notice shall include, but not be limited to, the following:

(1) Names and addresses of all Timberland owner(s), Timber Owner(s), and Timber Operator(s) for the area on which timber will be cut or removed.

(2) A description of the specific conditions that constitute the Emergency, its cause, extent and reason for immediate commencement of Timber Operations.

(3) Legal description of the area from which timber will be cut or removed.

(4) A titled USGS (if available) or equivalent topographic map(s) of scale not less than 2” to the mile, or larger scale, showing the Harvest Area, the legal description, Logging Roads, Class I, II, III and IV Watercourses, Yarding systems if more than one will be used, and boundaries of areas where Tractor Operations are proposed for use on areas designated for Cable Yarding. For Timber Operations conducted pursuant to 14 CCR § 1052.4 within those areas described by 14 CCR § 1052.4(c)(2)(A)-(F), the map(s) shall include those features described within 14 CCR § 1052.4(c)(2)(A)-(F), as appropriate.

(5) Yarding system to be used.

(6) The expected dates of commencement and completion of Timber Operations.

(7) A declaration by the RPF, made under penalty of perjury, that a bona fide Emergency exists which requires Emergency Timber Operations.

(8) A declaration by the Timber Owner, made under penalty of perjury, that any applicable timber yield taxes will be paid pursuant to § 38115 of the Revenue and Taxation Code.

(9) Name, address, License number, and signature of the RPF who prepares the notice and submits it to the Director on behalf of the Timber Owner or operator.

(10) For Emergency Notices covering three acres or more in size, the RPF shall include a CAL with the Emergency Notice submitted to the Director. The Director shall also submit a complete copy of the CAL and two copies of any required archaeological or historical site records, to the appropriate Information Center of the California Historical Resource Information System within 30 days from the date of Emergency Notice submittal to the Director.

(A) For Projects filing an Emergency notice for fuel hazard reduction under 14 CCR § 1052.4, archaeology requirements shall be conducted by a Person possessing current certification pursuant to 14 CCR § 929.4 [949.4, 969.4].

(11) Name, address, License number, and signature of the RPF who has been retained by the Timber Owner or operator to provide professional advice throughout the Timber Operations pursuant to 14 CCR § 1052(f).

(b) Timber Operations pursuant to an Emergency notice shall comply with the Rules and regulations of the Board. A Person conducting Timber Operations under an Emergency Notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan”.

(c) In-lieu practices for Watercourse and Lake Protection Zones as specified under Article 6 of the Rules, exceptions to Rules, and alternative practices are not allowed unless necessary to protect public health and safety.

(d) Timber Operations pursuant to an Emergency Notice may not commence for five working days, 15 days for a fuel hazard Emergency per 14 CCR §§ 1052.1(a)(5) and 1052.4, from the date of the Director's receipt of the Emergency Notice unless such waiting period is waived by the Director. The Director shall determine whether the Emergency notice is complete. If it is found to be complete the Director shall send a copy of a notice of acceptance to the Timberland owner. If the Emergency Notice is not complete it shall be returned to the submitter. If the Director does not act within five working days, 15 days for a fuel hazard Emergency per 14 CCR §§ 1052.1(a)(5) and 1052.4, of receipt of the Emergency Notice, Timber Operations may commence.

(e) Timber Operations shall not continue beyond one (1) year from the date the Emergency Notice is accepted by the Director unless a Plan is submitted to the Director and found to be in conformance with the Rules and regulations of the Board, except for treatment of fuels in accordance with 14 CCR § 1052.4(d)(4) and (5).

(f) An RPF shall retained by the Timber Owner or LTO to provide professional advice throughout the Timber Operations and shall be present, or ensure that the RPF's Supervised Designee is present, on the Logging Area at a sufficient frequency to know the progress of operations and advise the LTO and Timberland Owner, but not less than once during the life of the notice.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4592, 4750, 4750.3 and 4750.4, Public Resources Code.

**OPTION #1**

**§ 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:

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(d) 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.

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(5) Fuel treatments shall include chipping, removal or other methods necessary to achieve the fuel hazard reduction standards in this section, and, notwithstanding the requirements of 14 CCR § 1052.4(d)(4)(A)2.a., shall be accomplished within one (1) year from the date the Emergency Notice is accepted by the Director ~~start of operations~~, except for fuels to be treated by piling and burning ~~operations~~, which instead shall be burned, or completely removed if burning cannot be achieved, ~~completed~~ within two (2) years from the date the Director accepts ~~receives~~ the notice.

**OPTION #2**

**§ 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:

\*\*\*

(d) 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.

\*\*\*

(5) Fuel treatments shall include chipping, removal or other methods necessary to achieve the fuel hazard reduction standards in this section, and, notwithstanding the requirements of 14 CCR § 1052.4(d)(4)(A)2.a., shall be accomplished within one (1) year from the start of operations, except for fuels to be treated by piling and burning ~~operations~~, which instead shall be burned, or completely removed if burning cannot be achieved, ~~completed~~ within two (2) years from the date the Director accepts ~~receives~~ the notice.

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(h) Before beginning Timber Operations, the LTO, RPF, or person responsible for submittal of the notice shall notify CAL FIRE of the actual commencement date of operations. The notification, by telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector or other designated personnel. If the notification is provided by mail, Timber Operations may not commence until three (3) days after the postmark date of notification.