

**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: 916.9, 923.1, 923.4, 936.9,
943.1, 943.4, 956.9, 963.1,
963.4, 1052

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-1015-04

OAL Matter Type: Regular (S)

This action, with respect to watercourse crossings and related emergency notices, removes the condition of Fish and Game Code approval for planning and constructing logging roads or landings. With respect to emergency timber operations, this action (1) adds mapping requirements for tractor road crossings and logging road watercourse crossings that will be constructed or reconstructed; and (2) requires the registered professional forester (RPF) to (a) certify that the forestry plan complies with related conservation statutes; and (b) issue certain notices and to furnish and update certain data regarding construction or reconstruction of watercourse crossings.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026.

Date: December 1, 2025



Digitally signed by Mark
Storm

Date: 2025.12.01
14:12:42 -08'00'

**Mark Storm
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Dan Stapleton, Acting Executive
Officer**

Copy: Jane Van Susteren

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2025-1015-045	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

DEC 01 2025

1:55 pm
NMAGENCY WITH RULEMAKING AUTHORITY
Board of Forestry and Fire Protection

AGENCY FILE NUMBER (If any)

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

1. SUBJECT OF NOTICE Watercourse Crossings and Emergency Notice		TITLE(S) 14	FIRST SECTION AFFECTED 916.9	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☒ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Jane Van Susteren		TELEPHONE NUMBER (916) 619-9795
FAX NUMBER (Optional)		NOTICE REGISTER NUMBER 2024,47-2		PUBLICATION DATE 11/22/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Watercourse Crossings and Emergency Notice Watercourse Crossing R		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)		
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT	
	AMEND	
	916.9, 923.1, 923.4, 936.9, 943.1, 943.4, 956.9, 963.1, 963.4, 1052	
TITLE(S) 14	REPEAL	

3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code §11346)	☐ 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.	☐ Emergency Readopt (Gov. Code, §11346.1(h))	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	☐ File & Print	☐ Print Only
☐ Emergency (Gov. Code, §11346.1(b))	☐ 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, 2026 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 Jane Van Susteren	TELEPHONE NUMBER (916) 619-9795	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jane.vansusteren@bof.ca.gov
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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 Digitally signed by Jane Van Susteren Date: 2025.10.15 15:18:55 -0700	DATE October 15, 2025
TYPED NAME AND TITLE OF SIGNATORY Jane Van Susteren, Regulations Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 01 2025

Office of Administrative Law

Board of Forestry and Fire Protection

Watercourse Crossings and Emergency Notice Watercourse Crossing

Requirements, 2025

Title 14 of the California Code of Regulations

Division 1.5, Chapter 4,

Subchapter 4, 5, 6 & 7

§ 916.9. Protection and Restoration of the Beneficial Functions of the Riparian Zone in Watersheds with Listed Anadromous Salmonids.

In addition to all other Rules, the following requirements shall apply in any watershed with listed anadromous salmonids. Requirements of 14 CCR § 916.9 precede other sections of the FPRs.

Geographic scope -- Requirements for Watersheds with Listed Anadromous Salmonids differ depending on the geographic location of the watershed and geomorphic characteristics of the Watercourse. Unique requirements for Watersheds with Listed Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration Zones, and 3) Watercourses with Confined Channels located outside the coastal anadromy zone.

Watersheds which do not meet the definition of "Watersheds with Listed Anadromous Salmonids" are not subject to this section except as follows: The provisions of 14 CCR § 916.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids for purposes of reducing significant adverse impacts from transported fine sediment. Projects in other watersheds further upstream that flow into Watersheds with Listed Anadromous

Salmonids, not otherwise designated above, may be subject to these provisions based on an assessment consistent with Cumulative Impacts assessment requirements in 14 CCR §§ 898 and 912.9 and Board Technical Rule Addendum No. 2, Cumulative Impacts Assessment. These requirements do not apply to upstream watersheds where permanent dams attenuate the transport of fine sediment to downstream Watercourses with listed anadromous salmonids.

(s) Exemption notices – No Timber Operations are allowed in a WLPZ, or within any ELZ or EEZ designated for Watercourse or Lake protection, under exemption notices except for:

(1) Hauling on existing roads.

(2) Road Maintenance.

(3) Operations conducted for public safety.

~~(4) Construction or reconstruction of approved Watercourse crossings.~~

~~(5)~~(4) Temporary crossings of dry Class III Watercourses that do not require notification under the Fish and Game Code § 1600 et seq.

~~(6)~~(5) Harvesting recommended in writing by CDFW to address specifically identified forest conditions.

(t) Emergency notices -- No Timber Operations are allowed in a WLPZ, or within any ELZ or EEZ designated for Watercourse or Lake protection, under emergency notices except for:

(1) Hauling on existing roads.

(2) Road Maintenance.

(3) Operations conducted for public safety.

(4) Construction or Reconstruction of approved described and mapped
Watercourse crossings.

(5) Temporary crossings of dry Class III Watercourses that do not require
notification under the Fish and Game Code § 1600 et seq.

(6) Harvesting recommended in writing by CDFW to address specifically
identified forest conditions.

(7) The harvest of dead or dying conifer trees subject to the following conditions:

(A) Retention of all trees in the core zone of Class I and Class II-L Watercourses.

(B) Within any WLPZ, ELZ, or EEZ designated for Class II or III Watercourse
protection, a minimum of two dead, dying, or diseased conifer trees per acre at
least sixteen (16) inches d.b.h. and fifty (50) feet tall shall be retained within fifty
(50) feet of the Watercourse Transition Line.

(C) Trees to be harvested or retained shall be marked by, or under the
supervision of, an RPF prior to Timber Operations within the WLPZ or ELZ/EEZ.

(D) Within the WLPZ, or ELZ/EEZ, if the Stocking Standards of 14 CCR § 912.7
are not met upon completion of Timber Operations, unless the area meets the

definition of Substantially Damaged Timberlands, at least ten (10) trees shall be
planted for each tree harvested but need not exceed the point count standards
contained in 14 CCR § 912.7(b)(1), as appropriate.

(8) The harvest of trees or vegetation designated for removal pursuant to 14
CCR § 1052.5 to address Sudden Oak Death that are:

(A) symptomatic of the pathogen that causes Sudden Oak Death and confirmed
infected by a certified lab; or

(B) host hardwood trees that could spread the pathogen.

1 Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.

2 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public
3 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600
4 and 5650(c), Fish and Game Code.

5
6 **§ 923.1. Planning for Logging Roads and Landings.**

7 Logging Roads and Landings shall be planned and located within the context of a
8 systematic layout pattern that considers 14 CCR § 923(b), uses existing Logging Roads
9 and Landings where Feasible and appropriate, and provides access for fire and
10 resource protection activities.

11 *****

12 **(b)** No Logging Roads or Landings shall be planned for construction (i) within 150 feet
13 of the Class I Watercourse Transition Line, (ii) within 100 feet of the Class II
14 Watercourse Transition Line on slopes greater than 30%, (iii) within Class I, II, III, or IV
15 Watercourses or Lakes, (iv) within a WLPZ, or (v) in marshes, or Wet Areas, except as
16 follows:

17 (1) At existing Logging Road Watercourse crossings.

18 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
19 that are approved as part of the Fish and Game Code process for which CDFW
20 has received written notification pursuant to Fish and Game Code (F&GC § 1600
21 et seq.).

22 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
23 dry at the time of use.

1 (c) No Logging Roads or Landings shall be planned for reconstruction (i) within Class I,
2 II, III, or IV Watercourses or Lakes, (ii) within a WLPZ, or (iii) in marshes or Wet Areas,
3 except as follows:

4 (1) At existing Logging Road Watercourse crossings.

5 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
6 ~~that are approved as part of the Fish and Game Code process for which CDFW has~~
7 received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

8 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
9 dry at the time of use.

10 *****

11 Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference:
12 Sections 4512, 4513, 4551 and 4551.5, Public Resources Code; 33 USC 1288(b); 40
13 CFR 130.2(g); and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.*
14 (1972) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

15
16 **§ 923.4. Construction and Reconstruction of Logging Roads and Landings.**

17 Logging Roads and Landings shall be constructed or Reconstructed in accordance with
18 the approved Plan and the following requirements. If a change in designation of Logging
19 Road classification is made after the Plan is approved, the change shall be reported in
20 accordance with 14 CCR §§ 1039, 1040, 1090.14, 1092.26, 1092.27, 1094.23 or
21 1094.24 as appropriate.

22 *****

23 (b) No Logging Roads or Landings shall be constructed (i) within 150 feet of the Class I
24 Watercourse Transition Line, (ii) within 100 feet of the Class II Watercourse Transition
25

1 Line on slopes greater than 30%, (iii) within Class I, II, III, or IV Watercourses or Lakes,
2 (iv) within a WLPZ, or (v) in marshes, Wet Areas, except as follows:

3 (1) At existing Logging Road Watercourse crossings.

4 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
5 ~~that are approved as part of the Fish and Game Code process for which CDFW~~
6 has received written notification pursuant to Fish and Game Code (F&GC § 1600
7 et seq.).

8 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
9 dry at the time of use.

10 (c) No Logging Roads or Landings shall be Reconstructed (i) within Class I, II, III, or IV
11 Watercourses or Lakes, (ii) within a WLPZ, or (iii) in marshes and Wet Areas, except as
12 follows:

13 (1) At existing Logging Road Watercourse crossings.

14 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
15 ~~that are approved as part of the Fish and Game Code process for which CDFW has~~
16 received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

17 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed ~~that are~~
18 ~~approved as part of the Fish and Game Code process for which CDFW has received~~
19 written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

20 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
21 dry at the time of use.

22 *****

23 Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference:
24 Sections 4512, 4513, 4551, 4551.5, 4562.5, 4562.7 and 4597, Public Resources Code;

33 USC 1288(b); and Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

§ 936.9. Protection and Restoration of the Beneficial Functions of the Riparian Zone in Watersheds with Listed Anadromous Salmonids.

In addition to all other Rules, the following requirements shall apply in any watershed with listed anadromous salmonids. Requirements of 14 CCR § 936.9 precede other sections of the FPRs.

Geographic scope -- Requirements for Watersheds with Listed Anadromous Salmonids differ depending on the geographic location of the watershed and geomorphic characteristics of the Watercourse. Unique requirements for Watersheds with Listed Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration Zones, and 3) Watercourses with Confined Channels located outside the coastal anadromy zone.

Watersheds which do not meet the definition of "Watersheds with Listed Anadromous Salmonids" are not subject to this section except as follows: The provisions of 14 CCR § 936.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids for purposes of reducing significant adverse impacts from transported fine sediment. Projects in other watersheds further upstream that flow into Watersheds with Listed Anadromous Salmonids, not otherwise designated above, may be subject to these provisions based on an assessment consistent with Cumulative Impacts assessment requirements in 14 CCR §§ 898 and 932.9 and Board Technical Rule Addendum No. 2, Cumulative Impacts Assessment. These requirements do not apply to upstream watersheds where

1 permanent dams attenuate the transport of fine sediment to downstream Watercourses
2 with listed anadromous salmonids.

3 *****

4 **(s) Exemption notices** -- No Timber Operations are allowed in a WLPZ, or within any
5 ELZ or EEZ designated for Watercourse or Lake protection, under exemption notices
6 except for:

7 (1) Hauling on existing roads.

8 (2) Road Maintenance.

9 (3) Operations conducted for public safety.

10 ~~(4) Construction or reconstruction of approved Watercourse crossings.~~

11 ~~(54)~~ Temporary crossings of dry Class III Watercourses that do not require
12 notification under the Fish and Game Code § 1600 et seq.

13 ~~(65)~~ Harvesting recommended in writing by CDFW to address specifically
14 identified forest conditions.

15 **(t) Emergency notices** -- No Timber Operations are allowed in a WLPZ, or within any
16 ELZ or EEZ designated for Watercourse or Lake protection, under emergency notices
17 except for:

18 (1) Hauling on existing roads.

19 (2) Road Maintenance.

20 (3) Operations conducted for public safety.

21 (4) Construction or Rreconstruction of approved described and mapped
22 Watercourse crossings.

23 (5) Temporary crossings of dry Class III Watercourses that do not require
24 notification under the Fish and Game Code § 1600 et seq.

(6) Harvesting recommended in writing by CDFW to address specifically identified forest conditions.

(7) The harvest of dead or dying conifer trees subject to the following conditions:

(A) Retention of all trees in the core zone of Class I and Class II-L Watercourses.

(B) Within any WLPZ, ELZ, or EEZ designated for Class II or III Watercourse protection, a minimum of two dead, dying, or diseased conifer trees per acre at least sixteen (16) inches d.b.h. and fifty (50) feet tall shall be retained within fifty (50) feet of the Watercourse Transition Line.

(C) Trees to be harvested or retained shall be marked by, or under the supervision of, an RPF prior to Timber Operations within the WLPZ or ELZ/EEZ.

(D) Within the WLPZ, or ELZ/EEZ, if the Stocking Standards of 14 CCR § 932.7 are not met upon completion of Timber Operations, unless the area meets the definition of Substantially Damaged Timberlands, at least ten (10) trees shall be planted for each tree harvested but need not exceed the point count standards contained in 14 CCR § 932.7(b)(1), as appropriate.

Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.

Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

§ 943.1. Planning for Logging Roads and Landings.

Logging Roads and Landings shall be planned and located within the context of a systematic layout pattern that considers 14 CCR § 923(b), uses existing Logging Roads

1 and Landings where Feasible and appropriate, and provides access for fire and
2 resource protection activities.

3 *****

4 **(b)** No Logging Roads or Landings shall be planned for construction (i) within 150 feet
5 of the Class I Watercourse Transition Line, (ii) within 100 feet of the Class II
6 Watercourse Transition Line on slopes greater than 30%, (iii) within Class I, II, III, or IV
7 Watercourses or Lakes, (iv) within a WLPZ, or (v) in marshes or Wet Areas, except as
8 follows:

9 (1) At existing Logging Road Watercourse crossings.

10 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
11 ~~that are approved as part of the Fish and Game Code process~~ for which CDFW has
12 received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

13 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
14 dry at the time of use.

15 **(c)** No Logging Roads or Landings shall be planned for reconstruction (i) within Class I,
16 II, III, or IV Watercourses or Lakes, (ii) within a WLPZ, or (iii) in marshes or Wet Areas,
17 except as follows:

18 (1) At existing Logging Road Watercourse crossings.

19 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
20 ~~that are approved as part of the Fish and Game Code process~~ for which CDFW has
21 received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

22 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
23 dry at the time of use.

24 *****

Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551 and 4551.5, Public Resources Code; 33 USC 1288(b); 40 CFR 130.2(g); and Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1972) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

§ 943.4. Construction and Reconstruction of Logging Roads and Landings.

Logging Roads and Landings shall be constructed or Reconstructed in accordance with the approved Plan and the following requirements. If a change in designation of Logging Road classification is made after the Plan is approved, the change shall be reported in accordance with 14 CCR §§ 1039, 1040, 1090.14, 1092.26, 1092.27, 1094.23 or 1094.24 as appropriate.

(b) No Logging Roads or Landings shall be constructed (i) within 150 feet of the Class I Watercourse Transition Line, (ii) within 100 feet of the Class II Watercourse Transition Line on slopes greater than 30%, (iii) within Class I, II, III, or IV Watercourses or Lakes, (iv) within a WLPZ, or (v) in marshes, Wet Areas, except as follows:

(1) At existing Logging Road Watercourse crossings.

(2) At Logging Road Watercourse crossings to be constructed or Reconstructed ~~that are approved as part of the Fish and Game Code process for which CDFW has~~ received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

(3) At Logging Road Watercourse crossings of Class III Watercourses that are dry at the time of use.

(c) No Logging Roads or Landings shall be Reconstructed (i) within Class I, II, III, or IV Watercourses or Lakes, (ii) within a WLPZ, or (iii) in marshes or Wet Areas, except as follows:

1 (1) At existing Logging Road Watercourse crossings.

2 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
3 ~~that are approved as part of the Fish and Game Code process for which CDFW has~~
4 received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

5 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
6 dry at the time of use.

7 *****

8 Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference:
9 Sections 4512, 4513, 4551, 4551.5, 4562.5, 4562.7 and 4597, Public Resources Code;
10 33 USC 1288(b); and Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.
11 (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

12
13 **§ 956.9 Protection and Restoration of the Beneficial Functions of the Riparian**
14 **Zone in Watersheds with Listed Anadromous Salmonids.**

15 *****

16 In addition to all other Rules, the following requirements shall apply in any watershed
17 with listed anadromous salmonids. Requirements of 14 CCR § 956.9 precede other
18 sections of the FPRs.

19 Geographic scope -- Requirements for Watersheds with Listed Anadromous Salmonids
20 differ depending on the geographic location of the watershed and geomorphic
21 characteristics of the Watercourse. Unique requirements for Watersheds with Listed
22 Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone
23 with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration
24 Zones, and 3) Watercourses with Confined Channels located outside the coastal
25 anadromy zone.

Watersheds which do not meet the definition of “Watersheds with Listed Anadromous Salmonids” are not subject to this section except as follows: The provisions of 14 CCR § 956.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of, and contiguous to, any watershed with listed anadromous salmonids for purposes of reducing significant adverse impacts from transported fine sediment. Projects in other watersheds further upstream that flow into Watersheds with Listed Anadromous Salmonids, not otherwise designated above, may be subject to these provisions based on an assessment consistent with Cumulative Impacts assessment requirements in 14 CCR §§ 898 and 952.9 and Board Technical Rule Addendum No. 2, Cumulative Impacts Assessment. These requirements do not apply to upstream watersheds where permanent dams attenuate the transport of fine sediment to downstream Watercourses with listed anadromous salmonids.

(s) Exemption notices -- No Timber Operations are allowed in a WLPZ, or within any ELZ or EEZ designated for Watercourse or Lake protection, under exemption notices except for:

(1) Hauling on existing roads.

(2) Road Maintenance.

(3) Operations conducted for public safety.

~~(4) Construction or reconstruction of approved Watercourse crossings.~~

———(5)(4) Temporary crossings of dry Class III Watercourses that do not require notification under the Fish and Game Code § 1600 et seq.

(6) Harvesting recommended in writing by CDFW to address specifically identified forest conditions.

1 (t) Emergency notices -- No Timber Operations are allowed in a WLPZ, or within any
2 ELZ or EEZ designated for Watercourse or Lake protection, under emergency notices
3 except for:

4 (1) Hauling on existing roads.

5 (2) Road Maintenance.

6 (3) Operations conducted for public safety.

7 (4) Construction or Rreconstruction of approved described and mapped
8 Watercourse crossings.

9 (5) Temporary crossings of dry Class III Watercourses that do not require
10 notification under the Fish and Game Code § 1600 et seq.

11 (6) Harvesting recommended in writing by CDFW to address specifically
12 identified forest conditions.

13 (7) The harvest of dead or dying conifer trees subject to the following conditions:

14 (A) Retention of all trees in the core zone of Class I and Class II-L Watercourses.

15 (B) Within any WLPZ, ELZ, or EEZ designated for Class II or III Watercourse
16 protection, a minimum of two dead, dying, or diseased conifer trees per acre at
17 least sixteen (16) inches d.b.h. and fifty (50) feet tall shall be retained within fifty
18 (50) feet of the Watercourse Transition Line.

19 (C) Trees to be harvested or retained shall be marked by, or under the
20 supervision of, an RPF prior to Timber Operations within the WLPZ or ELZ/EEZ.

21 (D) Within the WLPZ, or ELZ/EEZ, if the Stocking Standards of 14 CCR § 952.7
22 are not met upon completion of Timber Operations, unless the area meets the
23 definition of Substantially Damaged Timberlands, at least ten (10) trees shall be
24 planted for each tree harvested but need not exceed the point count standards
25 contained in 14 CCR § 952.7(b)(1), as appropriate.

Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.

Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

§ 963.1. Planning for Logging Roads and Landings.

Logging Roads and Landings shall be planned and located within the context of a systematic layout pattern that considers 14 CCR § 923(b), uses existing Logging Roads and Landings where Feasible and appropriate, and provides access for fire and resource protection activities.

(b) No Logging Roads or Landings shall be planned for construction (i) within 150 feet of the Class I Watercourse Transition Line, (ii) within 100 feet of the Class II Watercourse Transition Line on slopes greater than 30%, (iii) within Class I, II, III, or IV Watercourses or Lakes, (iv) within a WLPZ, or (v) in marshes or Wet Areas, except as follows:

(1) At existing Logging Road Watercourse crossings.

(2) At Logging Road Watercourse crossings to be constructed or Reconstructed ~~that are approved as part of the Fish and Game Code process~~ for which CDFW has received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

(3) At Logging Road Watercourse crossings of Class III Watercourses that are dry at the time of use.

1 (c) No Logging Roads or Landings shall be planned for reconstruction (i) within Class I,
2 II, III, or IV Watercourses or Lakes, (ii) within a WLPZ, or (iii) in marshes or Wet Areas,
3 except as follows:

4 (1) At existing Logging Road Watercourse crossings.

5 (2) At Logging Road Watercourse crossings to be constructed or Reconstructed
6 that are approved as part of the Fish and Game Code process for which CDFW has
7 received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.).

8 (3) At Logging Road Watercourse crossings of Class III Watercourses that are
9 dry at the time of use.

10 *****

11 Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference:
12 Sections 4512, 4513, 4551 and 4551.5, Public Resources Code; 33 USC 1288(b); 40
13 CFR 130.2(g); and Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.
14 (1972) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

15
16 **§ 963.4. Construction and Reconstruction of Logging Roads and Landings.**

17 Logging Roads and Landings shall be constructed or Reconstructed in accordance with
18 the approved Plan and the following requirements. If a change in designation of Logging
19 Road classification is made after the Plan is approved, the change shall be reported in
20 accordance with 14 CCR §§ 1039, 1040, 1090.14, 1092.26, 1092.27, 1094.23 or
21 1094.24 as appropriate.

22 *****

23 (b) No Logging Roads or Landings shall be constructed (i) within 150 feet of the Class I
24 Watercourse Transition Line, (ii) within 100 feet of the Class II Watercourse Transition
25

Line on slopes greater than 30%, (iii) within Class I, II, III, or IV Watercourses or Lakes, (iv) within a WLPZ, or (v) in marshes, except as follows:

(1) At existing Logging Road Watercourse crossings.

(2) At Logging Road Watercourse crossings to be constructed or Reconstructed that are approved as part of the Fish and Game Code process for which CDFW has received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.)

(3) At Logging Road Watercourse crossings of Class III Watercourses that are dry at the time of use.

(c) No Logging Roads or Landings shall be Reconstructed (i) within Class I, II, III, or IV Watercourses or Lakes, (ii) within a WLPZ, or (iii) in marshes and Wet Areas, except as follows:

(1) At existing Logging Road Watercourse crossings.

(2) At Logging Road Watercourse crossings to be constructed or Reconstructed that are approved as part of the Fish and Game Code process for which CDFW has received written notification pursuant to Fish and Game Code (F&GC § 1600 et seq.)

(3) At Logging Road Watercourse crossings of Class III Watercourses that are dry at the time of use.

Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5, 4562.7 and 4597, Public Resources Code; 33 USC 1288(b); and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.

§ 1052. Emergency Notice.

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

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

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

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

12 (4) A titled USGS (if available) or equivalent topographic map(s) of scale not less
13 than 2" to the mile, or larger scale, showing the Harvest Area, the legal description,
14 Logging Roads, Class I, II, III and IV Watercourses, tractor road crossings except for
15 tractor road crossings of Class III Watercourses, Logging Road Watercourse crossings
16 to be constructed or Reconstructed, Yarding systems if more than one will be used, and
17 boundaries of areas where Tractor Operations are proposed for use on areas
18 designated for Cable Yarding. For Timber Operations conducted pursuant to 14 CCR §
19 1052.4 within those areas described by 14 CCR § 1052.4(c)(2)(A)-(F), the map(s) shall
20 include those features described within 14 CCR § 1052.4(c)(2)(A)-(F), as appropriate.

21 (5) Yarding system to be used.

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

23 (7) A declaration by the RPF, made under penalty of perjury, that a bona fide
24 Emergency exists which requires Emergency Timber Operations.
25

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

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

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

12 (A) For Projects filing an Emergency notice for fuel hazard reduction under
13 14 CCR § 1052.4, archaeology requirements shall be conducted by a Person
14 possessing current certification pursuant to 14 CCR § 929.4 [949.4, 969.4].

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

18 (12) The RPF must certify either:

19 (A) Compliance with Fish & Game Code Section 1600, et seq. notification
20 requirements for significant modification of watercourse bed, bank, and channel,
21 if applicable; or

22 (B) Notification to CDFW within 14 days of commencing Emergency work
23 that impacts the watercourse's bed, bank, and channel, in accordance with Fish
24 and Game Code § 1610.
25

1 (13) Within 30 days of the commencement of Timber Operations under the
2 Emergency Notice, the RPF shall provide a table detailing identification and
3 description of constructed or Reconstructed Watercourse Crossings.

4 (14) The RPF must promptly update the table with new information regarding
5 newly constructed or Reconstructed Watercourse Crossings identified during
6 Timber Operations under the Emergency Notice.

7 **(b)** Timber Operations pursuant to an Emergency notice shall comply with the Rules
8 and regulations of the Board. A Person conducting Timber Operations under an
9 Emergency Notice shall comply with all operational provisions of the Forest Practice Act
10 and District Forest Practice Rules applicable to "Timber Harvest Plan", "THP", and
11 "Plan". Watercourse crossing construction and Reconstruction pursuant to an
12 Emergency Notice shall comply with the operational provisions of 14 CCR §§ 923.9
13 [943.9, 963.9] et seq.

14 *****

15 Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections
16 4592, 4750, 4750.3 and 4750.4, Public Resources Code.