

CFIP Emergency Forest Management Plan (EFMP):

For those properties that have been substantially damaged by the qualifying conditions of 14 CCR §1052.1(a)(1-3) in the California Forest Practice Rules, meet the definition of Substantially Damaged as per 14 CCR §1526.1 and are in immediate need of reforestation and have had an emergency notice, as per 14 CCR §1052 submitted and successfully operated on, the California Forest Improvement Program has developed the following Emergency Forest Management Plan (**EFMP**) to meet the intent of a management plan that will be automatically approved upon contract approval. This plan is intended only for immediate reforestation efforts to commence and be completed.

The EFMP consists of:

CONTENTS

1. A cover letter, prepared by an RPF, briefly describing the conditions of the property, the qualifying condition of the emergency, and cover the topics described in Public Resource Code (PRC) §4799(a)(1-3). The expectation is that this will be no more than 1 to 2 pages.
 - The cover letter shall briefly describe the original forest type (if determinable), the landowner's management objectives and an approximate time frame for when the eventual harvest of sawtimber might occur. The cover letter shall also describe the forest resource improvement work and other measures necessary to do all of the following: (*PRC §4799(a)(1-3)*)
 - (1) Protect, maintain, and enhance the forest resource system.
 - (2) Prevent or mitigate erosion, deterioration of soil resources, and pollution by natural and manmade causes.
 - (3) Optimize the timber growth potential of the land consistent with maintaining the productivity of related forest resources now and in the future.
 - For areas where the emergency notice does not cover the entire ownership, the cover letter must contain a brief description of the remainder of the ownership and what, if any, future plans for the forested areas.
2. A copy of the accepted Emergency Notice, with the entire Confidential Archaeological Letter (A CAL FIRE Project notification letter must be sent to applicable Native American Tribes – *emergency notice notifications letters are not sufficient*). Although EFMPs are most often utilized on substantially damaged properties that were harvested under an Emergency Notice, a substantially damaged Timber Harvest Plan (THP) or Nonindustrial Timber Management Plan (NTMP) Notice of Timber Operations (NTO) can also qualify. Use of a THP or NTMP as the basis for an EFMP may lead to adjustment of the funding cap rate. The cap rate for EFMP includes archaeology costs but assumes letters only will be sent and that an arch survey report was recently completed under the Emergency Notice. But the Arch Survey Report for the THP or NTMP might be older than five years. This will be assessed on a case-by-case basis by the FAS.

3. A copy of the signed RM-71, work completion report, from both the landowner and CAL FIRE that denotes that the area has been successfully completed (*the expectation is that the area mapped within the emergency notice must have a significant portion of the area logged – this will be determined by working with your Forestry Assistance Specialist*).
4. For areas where the emergency notice does not cover the entire ownership, a map that shows the entire ownership. (Property Location map, see below)
5. All other documents required for a normal CFIP contract. These include:
 - RM-7A – CFIP Agreement;
 - RM-8 – CFIP Project Budget;
 - RM-6 – CFIP Application;
 - Project Description and RM-12 CFIP RPF;
 - Property location map;
 - Project map;
 - STD 204 – Payee Data Record;
 - A copy of the deed for every Assessor’s parcel that is part of the project area;
 - Additional signature authority documentation, if needed.

This expedited process is to have a management plan that meets the PRC be approved immediately upon contract approval, with only minimal additional effort from an RPF which includes cover letter, CAL FIRE Native American notification letters and possibly CEQA (see below under Tiers 1 and 2). The Native American contact letters and CEQA (if necessary), are reimbursable after contract approval. This plan is intended only for immediate reforestation efforts to commence and be completed. After expiration of the contract, the Emergency Notice Forest plan cannot be used again in the future.

TIER 1 Projects CFIP EFMP - CEQA Exempt Areas:

Tier 1 - For CFIP projects meeting the conditions of the Emergency Management Plan, listed above, and are located within a disaster stricken area in which a state of emergency has been proclaimed by the Governor and therefore meets CEQA statute for emergency:

§ 21060.3. EMERGENCY

“Emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

These areas therefore do not meet the definition of a discretionary project under CEQA Statute:

§ 21080. DIVISION APPLICATION TO DISCRETIONARY PROJECTS; NONAPPLICATION; NEGATIVE DECLARATIONS; ENVIRONMENTAL IMPACT REPORT PREPARATION

(b) This division does not apply to any of the following activities:

(b)(3) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

And therefore meets CEQA exemption status as defined under CEQA Guidelines:

15269. EMERGENCY PROJECTS The following emergency projects are exempt from the requirements of CEQA. (a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter an historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of Public Resources Code.

In these areas, the emergency has occurred, salvage logging of the emergency has occurred, and CFIP is rehabilitating and reforesting lands in a time sensitive manner. The emergency notice under 14 CCR §1052 already utilizes the definitions discussed immediately above and as additionally emphasized through statute specific to forested landscapes. (PRC §4592)

TIER 2 Projects CFIP EFMP - CEQA Non-Exempt Areas:

Tier 2 - For CFIP projects meeting the conditions of the Emergency Forest Management Plan, listed above, and are **not** located within a disaster stricken area in which a state of emergency has been proclaimed by the Governor and therefore meets CEQA statute for emergency:

Projects located in such areas will follow the EFMP process, listed above under CONTENTS, and also the protocols for CEQA review as in normal CFIP contracts, including biological scoping and checklist review by the FAS prior to ground operations occurring.

This CFIP EFMP has developed the two-tiered system to follow all applicable laws concerning CEQA, the Public Resource Code (PRC) and California Code of Regulations (CCRs) for CFIP, while providing opportunities for landowners who have suffered catastrophic loss of their forestlands. This will allow landowners to start the rehabilitation process in an expedited manner, while protecting public trust resources, continuing to have RPF involvement in the process, and meeting the state's goals for forest health and carbon sequestration through rapid reforestation.