

Proposed revisions indicated in **bold**.

1 **1051.3 Modified THP for Fuel Hazard Reduction**

2 The purpose of this regulation is to encourage forest landowners to consistently manage vegetation to
3 create fire resilient conditions, and reduce the threat, and potentially deleterious effects of catastrophic
4 fire. These fire resilient conditions are to be achieved through the prescribed reduction and spatial
5 rearrangement of surface and ladder fuels as well as thinning to reduce stocking levels and increase
6 vertical and horizontal spacing between standing stems. Operations pursuant to this regulation are
7 expected to result in project area conditions that reduce the rate of fire spread, duration and intensity, fuel
8 ignitability, and ignition of tree crowns.

9
10 **(a)** On an ownership of timberland, a modified timber harvest plan for fuel hazard reduction may be filed
11 by a plan submitter, providing that the following conditions and mitigations are met:

12
13 **(1)** Not less than 40% ground cover of overstory tree canopy shall be retained. The canopy
14 retained shall be well distributed over the harvest area. Not more than 10% of the THP area, not to exceed
15 500 acres, shall be harvested under the rehabilitation method. A sample area representative of each
16 silvicultural method proposed in the plan must be marked prior to any pre-harvest inspection of the
17 proposed plan area. The sample area shall include at least 10% of the area proposed for treatment under
18 each silvicultural method to a maximum of 20 acres per method, and must be representative of the range
19 of conditions present in the area.

20
21 **(2)** Prescribed fuel hazard reduction to promote project area resiliency to wildfire is recognized as
22 an intermediate treatment rather than a regeneration method. Therefore, clearcutting as defined in 14 CCR
23 §§913.1(a) [933.1(a), and 953.1(a)] and 913.2(a) [933.2(a), 953.2(a)] shall not be used, except for legally
24 deeded rights-of-way or easements for utility purposes which are documented in the plan by the RPF by
25 reference to specific deeds or surveys, or construction of a permanent road.

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1 (3) Stocking standards, specific to the silvicultural method selected, must be met immediately
2 after harvesting operations are completed, except as explained and justified for specific instances where
3 the rehabilitation or sanitation-salvage methods are proposed and will result in post-harvest stands that
4 cannot meet stocking standards. Unstocked areas treated by the rehabilitation or sanitation-salvage
5 methods must meet stocking standards within 5-years following completion of harvest operations.

6
7 (4) No tractor operations on slopes greater than 50%, or on areas with high or extreme erosion
8 hazard ratings.

9
10 (5) No construction of new skid trails on slopes over 40%.

11
12 (6) No timber operations in Special Treatment Areas except log hauling on existing roads not
13 requiring reconstruction.

14
15 (7) No timber operations on slides or unstable areas.

16
17 (8) New road construction is confined to no more than 600 feet for every 100 acres of area
18 proposed for treatment.

19
20 (9) No tractor operations within a watercourse or lake protection zone, meadows, or wet areas,
21 except where the Director determines that the threat of catastrophic wildfire is sufficient to justify the
22 necessity of operations, or for maintenance of existing roads, drainage facilities or structures. Where the
23 Director has made such a determination, operations may only occur where Erosion Hazard Rating (EHR)
24 is Moderate or less and slopes are no greater than 30%,

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1 (A) Tree removal by end-lining or other low-impact tree removal methods shall be
2 permitted in the standard width of a Watercourse and Lake Protection Zone provided that the plan
3 contains a description of specific mitigation measures designed to minimize disruption of the soil surface,
4 soil compaction, and damage to residual vegetation.

5
6 (10) No listed species will be directly or indirectly adversely impacted by proposed timber
7 operations. For timber operations which potentially could adversely affect a listed species or the habitat of
8 the species, the consultation process with DFG pursuant to F&GC §§2090 or 2081 shall be completed
9 before the MTHP for Fuel Hazard Reduction is approved.

10
11 (11) Timber harvesting is only allowed in the WLPZ if: 1) sanitation-salvage harvesting is the
12 only silvicultural system to be used in the WLPZ and it must be in compliance with 14 CCR §916.4(b)
13 [936.4(b), 956.4(b)]; or 2) if harvesting retains 70% or greater of the canopy layer. Harvesting under 2)
14 above shall not occur again in the WLPZ for a 10-year period following completion of the THP.

15
16 (12) No timber operations within potentially significant archaeological sites.

17
18 (13) No alternatives, exceptions, or in-lieu practices allowed for watercourse or lake protection
19 measures, standard road widths, or erosion control measures, except for use of existing roads within
20 WLPZ after compliance with examination, evaluation, and mitigation(s) per 14 CCR §916.4(a) [936.4(a),
21 956.4(a)].

22
23 (14) Winter timber operations except as conditioned by the Director to avoid potential significant
24 cumulative impacts shall be in accordance with 14 CCR §914.7 (a) and (b) [934.7 (a) and (b), 954.7(a)
25 and (b)].

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1 **(15)** Harvesting will not reduce the amount of timberland occupied by late succession forest
2 stands currently greater than or equal to 5 acres in size. Harvesting of large, old trees shall only occur
3 when the tree is not critical for the maintenance of a Late Successional Stand, and the RPF includes an
4 explanation and justification for the removal based upon the RPF's finding that one or more of the criteria
5 listed under subsections (A), (B), or (C) are met.

6 These requirements need not be met if an approved management document, including but not
7 limited to an HCP or SYP addresses large, old tree retention for the area in which the large, old tree(s) are
8 proposed for removal and the removal is in compliance with the retention standards of that document. All
9 trees to be harvested pursuant to this section shall be marked by an RPF prior to removal.

10
11 **(A)** The tree(s) is a hazard to safety and property as identified in writing by the RPF;

12
13 **(B)** The removal of the tree(s) is necessary for the construction of a building as approved
14 by the appropriate county/city permitting process and is shown on the county/city
15 approved site plan which shall be attached to the MTHP for Fuel Hazard Reduction;

16
17 **(C)** The tree is dead or likely to die within one year of the date of proposed removal, as
18 determined by the RPF.

19
20 **(16)** As part of the pre-harvest project design, the RPF shall evaluate and incorporate habitat
21 requirements for fish, wildlife, and plant species in accordance with 14 CCR §§898.2, 916.9 [936.9,
22 956.9] and 919. Such evaluations shall include use of the California Natural Diversity Database
23 maintained by the California Department of Fish and Game (CDFG), and local knowledge of the planning
24 watershed. Consultation with CDFG personnel is recommended.

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1 (17) In addition to (1)-(16) all other rules of the Board shall apply to operations specified in this
2 section.

3
4 **1051.4 Contents of Modified THP for Fuel Hazard Reduction**

5 A plan submitted under section 1051.3 above shall contain all the provisions of 14 CCR 1034
6 except the following: (o), (x)(7), (z), (cc), (dd), (ee), and the RPF shall:

7
8 (a) Use a topographic map base with a minimum scale of 1:12,000.

9
10 (b) Certify in the THP that the conditions or facts stated in items 1-16 above exist on the THP area at the
11 time of submission, and that in the preparation, mitigation, and analysis of the THP, no identified
12 potential significant effects remain undisclosed.

13
14 (c) Certify that a meeting will be held at the THP site before timber operations commence with the RPF
15 responsible for the plan or supervised designee and the licensed timber operator who will be operating on
16 the THP where the contents and implementation of the plan have been reviewed and discussed.
17 Operations pursuant to this section shall use an alternative to the cumulative impacts assessment specified
18 in 14 CCR 898, 912.9 [932.9, 952.9], and Technical Rule Addendum No. 2. Operations conducted
19 according to this section are presumed to be unlikely to cause a significant adverse impact to the
20 environment due to the specific restrictive mitigations required in (1)-(15) above. This presumption of
21 unlikely impacts shall not apply to THPs for which: 1) the Director determines it does not meet the
22 criteria of subsection (a), or 2) the Director determines in consultation with trustee or responsible
23 agencies, or upon review of public comments that a fair argument exists that significant individual or
24 cumulative impacts will result from timber operations. Where issues (a fair argument) are raised the RPF
25 shall complete the appropriate portion of Technical Rule Addendum No. 2 and submit that information
for the Director's review.

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1
2 (d) Develop and document the vegetation treatments necessary to meet the objectives of fuel hazard
3 reduction and increased resiliency to wildfire within the project area. Documentation prepared by the RPF
4 shall include, but not be limited to:

5
6 (1) A detailed description of the assets at risk to catastrophic wildfire that are to be
7 protected through the fuel treatments proposed. As feasible and appropriate, the RPF
8 should attempt to coordinate the objectives of the MTHP with larger-scale, federal, state,
9 and local strategic fuel treatment and fire prevention plans.

10
11 (2) A comprehensive description of pre-harvest stand structure and stocking levels and detailed
12 silvicultural prescription for achieving the desired post-harvest stand structure and stocking
13 levels. This information shall be supported by verifiable, stand-level inventory data as
14 requested by the Director.

15
16 (3) A description of the criteria used to designate trees to be harvested or the trees to be retained

17
18 (4) A description of the timeline, methods and standards for treatment of pre-existing surface and
19 ladder fuels as well as all logging slash created by timber operations. The description shall
20 include detailed discussion of the performance standard to be achieved and the methods by
21 which compliance with that performance standard may be verified. Pursuant to Public
22 Resources Code §752, where the expertise of the RPF is exceeded in the development and
23 evaluation of fuel treatment performance standards, the RPF is advised to consult with
24 other qualified experts.

