

1 **1051.3 Modified THP for Project Area 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.

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10 **1051.4 Modified THP for Project Area Fuel Hazard Reduction**

11 **(a)** On an ownership of timberland, a Modified THP for Project Area Fuel Hazard Reduction (hereafter  
12 also referred to as “MTHP”) may be filed by a plan submitter, providing that the following conditions and  
13 mitigations are met:

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

20 **(2)** Prescribed fuel hazard reduction to promote project area resiliency to wildfire is recognized as  
21 an intermediate treatment rather than a regeneration method. Therefore, clearcutting as defined in 14 CCR  
22 §§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  
23 permitted utility corridors or road construction.

24 **(3)** Stocking standards, specific to the silvicultural method selected, must be met immediately  
25 after harvesting operations are completed, except as explained and justified for specific instances where

1 the rehabilitation or sanitation-salvage methods are proposed and will result in post-harvest stands that  
2 cannot meet stocking standards.

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

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

6 (6) The following operations may occur in Special Treatment Areas: log hauling on existing roads  
7 not requiring reconstruction, and other operations as approved by the Director where such operations are  
8 consistent with the intent and purpose of the Special Treatment Area.

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

10 (8) Proposed new road construction in excess of 600 feet for every 100 acres of treatment area  
11 shall be explained and justified by the RPF, and approved by the Director.

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

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

21 (10) No listed species will be directly or indirectly adversely impacted by proposed timber  
22 operations. Where the Director has determined that timber operations as proposed are likely to adversely  
23 affect a listed species or its habitat, the consultation process with DFG pursuant to F&GC §§2090 or 2081  
24 shall be completed before the MTHP for Fuel Hazard Reduction may be approved.

25 (11) As part of the pre-harvest project design, the RPF shall evaluate and incorporate habitat  
requirements for fish, wildlife, and plant species in accordance with 14 CCR §§898.2, 916.9 [936.9,

1 956.9] and 919. Such evaluations shall include use of the California Natural Diversity Database  
2 maintained by the California Department of Fish and Game (CDFG), and local knowledge of the planning  
3 watershed. Consultation with CDFG personnel is recommended.

4 **(12)** Timber harvesting is only allowed in the WLPZ if: 1) sanitation-salvage harvesting is the  
5 only silvicultural system to be used in the WLPZ and it must be in compliance with 14 CCR §916.4(b)  
6 [936.4(b), 956.4(b)]; or 2) if harvesting retains 70% or greater of the canopy layer. Harvesting under 2)  
7 above shall not occur again in the WLPZ for a 10-year period following completion of the THP.

8 **(13)** No heavy equipment operations shall occur within identified potentially significant  
9 archaeological sites. Directional felling and tree removal by end lining may be approved upon the  
10 Director's determination that such operations will not adversely affect an identified archaeological site.

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

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

18 **(16)** Harvesting will not reduce the amount of timberland occupied by late succession forest  
19 stands. Harvesting of large, old trees may be approved where the Director has determined that the trees  
20 are not critical for the maintenance of a Late Successional Stand, and the RPF includes an explanation and  
21 justification for the removal based upon the RPF's finding that one or more of the criteria listed under  
22 subsections (A), (B), or (C) are met.

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

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

2 (B) The removal of the tree(s) is necessary for the construction of a building as approved  
3 by the appropriate county/city permitting process and is shown on the county/city  
4 approved project document which shall be attached to the MTHP for Fuel Hazard  
5 Reduction;

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

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

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11 **1051.5 Contents of Modified THP for Project Area Fuel Hazard Reduction**

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

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

15 (b) Certify in the Modified THP for Project Area Fuel Hazard Reduction that the conditions or facts  
16 stated in items 1-16 above exist on the MTHP area at the time of submission, and that in the preparation,  
17 mitigation, and analysis of the MTHP, no identified potential significant effects remain undisclosed.

18 (c) Certify that a meeting will be held at the MTHP site before timber operations commence with the RPF  
19 responsible for the plan or supervised designee and the licensed timber operator who will be operating on  
20 the MTHP where the contents and implementation of the plan have been reviewed and discussed. In  
21 developing the MTHP for Project Area Fuel Hazard Reduction, the RPF shall use an alternative to the  
22 cumulative impacts assessment specified in 14 CCR 898, 912.9 [932.9, 952.9], and Technical Rule  
23 Addendum No. 2. Operations conducted according to this section are presumed to be unlikely to cause a  
24 significant adverse impact to the environment due to the specific restrictive mitigations required in (1)-  
25 (16) above.

1 This presumption of unlikely impacts shall not apply to MTHPs for which: 1) the Director determines it  
2 does not meet the criteria of subsection (a), or 2) the Director determines in consultation with trustee or  
3 responsible agencies, or upon review of public comments that a fair argument exists that significant  
4 individual or cumulative impacts will result from timber operations. Where issues (a fair argument) are  
5 raised the RPF shall complete the appropriate corresponding portion of Technical Rule Addendum No. 2  
6 and submit that information for the Director's review.

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

10 (1) A description of the assets at risk to catastrophic wildfire that are to be protected through the  
11 fuel treatments proposed. As feasible and appropriate, the RPF should attempt to coordinate  
12 the objectives of the Modified THP for Project Area Fuel Hazard Reduction with larger-scale,  
13 federal, state, and local strategic fuel treatment and fire prevention plans.

14 (2) A description of pre-harvest stand structure and stocking levels and silvicultural prescription  
15 for achieving the desired post-harvest stand structure and stocking levels.

16 (3) A description of the timeline, methods and standards for treatment of pre-existing surface and  
17 ladder fuels as well as logging slash created by timber operations. The description shall  
18 include discussion of the performance standard to be achieved and the methods by which  
19 compliance with that performance standard may be verified.

20 (4) A plan for pre and post-treatment photo point monitoring shall be easy to replicate in the field,  
21 characterize the project treatment effects, and include, at a minimum, mapped locations of  
22 specifically designated photo points. Specific photo points shall be designated on the ground  
23 by stake, post, or other equivalent semi-permanent methods. Post-treatment photo point  
24 monitoring shall occur prior to expiration of the MTHP for Project Area Fuel Hazard  
25 Reduction. Post-treatment photos shall be included with the submission of a final report of  
stocking and work completion.

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**1051.6 Review of Modified THP for Project Area Fuel Hazard Reduction**

The Director may require a pre-harvest inspection of a Modified THP for Project Area Fuel Hazard Reduction when Review Team members identify questions specific to a resource concern.

**1051.10 Evaluation of Regulations**

14 CCR §§1051.3-1051.10 Modified THP for Project Area Fuel Hazard Reduction shall be subject to review by the Board by December 31, 2016. Prior to this review, the Board in consultation with the Director shall convene a panel of technical experts to evaluate the efficacy of these regulations and report their findings.. The Department shall report to the Board at least once annually on the use and effectiveness of these regulations for as long as they remain effective .

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