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July 13, 2021

**Board of Forestry and Fire Protection**

**Southern Subdistrict and Broadcast Burning Amendments**

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

**Division 1.5, Chapter 4,**

**Subchapter 1, Article 1**

**Subchapters 4, 5, and 6, Articles 6, and 7**

**Amend §§ 895.1, 916.9, 917.2, 917.3, 917.4, 936.9, 937.2, 956.9 and 957.2**

**§ 895.1. Definitions**

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“Approved and Legally Permitted Habitable Structure” means~~, for the purpose of 14 CCR § 1038(c)(6),~~ a building that contains one or more dwelling units or that can be occupied for residential use. Buildings occupied for residential use include single family homes, multi-dwelling structure, mobile and manufactured homes, and condominiums. A habitable structure does not include commercial, industrial, or incidental buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

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“Broadcast Burning” means the use of fire to burn over a designated area ~~throughout a Site Preparation area~~ to prepare it for regeneration, to reduce fuel hazard, or to achieve a management objective consistent with the Act and Rules. It does not include burning of organic matter which is piled during mechanical Site Preparation ~~or for hazard reduction~~.

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Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513, 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1 4597.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82; and Joy Road Area Forest and Watershed Association, v. California Department of Forestry & Fire Protection, Sonoma County Superior Court No. SCV 229850.

**§ 916.9, [936.9, 956.9]. Protection and Restoration of the Beneficial Functions of the Riparian Zone in Watersheds with Listed Anadromous Salmonids.**

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(q) Site Preparation - Site Preparation activities shall be designed to prevent soil disturbance within, and minimize soil movement into, the channels of Watercourses. Prior to any Broadcast Burning for Site Preparation, burning prescriptions shall be designed to prevent loss of large woody debris in Watercourses, and vegetation and duff within a WLPZ, or within any ELZ or EEZ designated for Watercourse or lake protection. No ignition is to occur within any WLPZ, or within any ELZ or EEZ designated for Watercourse or lake protection. When burning prescriptions are proposed, the measures or burning restrictions which are intended to accomplish this goal shall be stated in the plan and included in any required burning permit. This information shall be provided in addition to the information required under 14 CCR § 915.4 [935.4, 955.4].

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**§ 917.2, 937.2, 957.2. Treatment of Slash to Reduce Fire Hazard.**

Except in ~~the Southern Subdistrict of the Coast Forest District and~~ the High-Use Subdistrict of the Southern Forest District and Coastal Commission Special Treatment Areas of the Coast Forest District, the following standards shall apply to the treatment of slash created by Timber Operations within the Plan area and on road adjacent to the Plan area. ~~Lopping for Fire Hazard Reduction is defined in 14 CCR § 895.1.~~

(a) Slash to be treated by piling and burning shall be treated as follows:

(1) Piles created prior to September 1 shall be treated not later than April 1 of the year following its creation, or within 30 days following climatic access after April 1 of the year following its creation.

(2) Piles created on or after September 1 shall be treated not later than April 1 of the second year following its creation, or within 30 days following climatic access after April 1 of the second year following its creation.

(3) Alternatives to (1) and/or (2) shall be justified in the Plan by the RPF and may be approved by the Director.

(b) Within 100 feet of the edge of the traveled surface of Public Roads, and within 50 feet of the edge of the traveled surface of permanent private roads open for public use where permission to pass is not required, S~~s~~lash created and trees knocked down by ~~road construction or~~ Timber Operations shall be treated by Lopping for Fire Hazard Reduction, piling and burning, chipping, burying or removal from the zone.

(c) All Slash and Woody Debris ~~created by Timber Operations~~ greater than one inch but less than eight inches in d~~D~~iameter within 100 feet of Approved and Legally Permitted Habitable Structures ~~permanently located structures maintained for human habitation~~ shall be removed or piled and burned; all S~~s~~lash created between 100-200 feet of Approved and Legally Permitted Habitable Structures ~~permanently located structures maintained for human habitation~~ shall be L~~l~~opped for F~~f~~ire H~~h~~azard R~~r~~eduction, removed, chipped or piled and burned; Lopping may be required between 200-500 feet where unusual fire risk or hazard exist as determined by the Director or the RPF.

(d) An alternative to treating S~~s~~lash and Woody Debris along roads and within 200 feet of Approved and Legally Permitted Habitable S~~s~~tructures may be approved by the Director when the RPF explains and justifies in the Plans how equal fire protection will be provided. The alternative shall include a description of the alternate treatment(s) and the portion(s) of the Plan area in which they will be utilized. In proposing alternate slash treatments, the RPF shall consider the estimated amount and distribution of slash to be created by the operation, type of remaining vegetation, topography, climate, and degree of public exposure fire history.

Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference: Sections 4513, 4551.5 and 4562, Public Resources Code.

**§ 917.3 Prescribed Broadcast Burning of Slash**

~~Outside the Southern Subdistrict,~~ Broadcast Burning may be prescribed for ~~s~~Slash treatment subject to the following condition~~s~~:

~~(a) It may occur in Zone A, as described in PRC § 4423, subject to a Project-type burning permit;~~

(~~b~~a) It may occur consistent with PRC § 4423  ~~in Zone B, as described in PRC § 4423, without a burning permit from December 1 through March 31, unless a permit is required pursuant to paragraph (e), or subject to the provisions of a Project-type burning permit between April 1 and December 1~~;

(b~~c~~) It may occur within cleared firebreaks of not less than ten (10) feet ~~(3.05 m)~~ in width;

(c~~d~~) Use of the Broadcast Burning prescription in the Watercourse and Lake Protection Zone for Class I, and II waters, is prohibited. Where necessary to protect downstream Beneficial Uses, the Director may prohibit burning prescriptions in Class III Watercourses;

(d~~e~~) Exceptions to requirements (a~~b~~), (b~~c~~), and (c~~d~~) above may be granted to any time of year provided a Project-type burning permit is obtained prior to burning and the terms of the permit are adhered to while burning.

Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference: Sections 4423, 4513, 4551.5, 4562 and 4562.7, Public Resources Code.

**§ 917.4. Treatment of Logging Slash in the Southern Subdistrict.**

To reduce fire hazards within the Southern Subdistrict of the Coast Forest District, treatment of ~~s~~Slash ~~created by Timber Operations~~ shall be done in addition to requirements of 14 CCR § 917.2 as follows:

(a) To provide more efficient firebreaks the areas within fifty (50) feet ~~(15.24 m)~~ of the edge of all Public Roads shall be kept free of ~~s~~Slash ~~greater than 1 inch (2.5 cm) in Diameter~~. Slash between fifty (50) feet ~~(15.24 m)~~ and one hundred (100) feet ~~(30.48 m)~~ of the edge of said roads and ~~s~~Slash between~~within~~ one hundred to two hundred (100-200) feet ~~(60.96 m)~~ of all Approved and Legally Permitted Habitable Structures ~~permanently located structures currently maintained for human habitation~~ shall be treated by piling and burning, chipping, burying, removal, or Lopping to within twelve (12) inches ~~(30.5 cm)~~ above the ground not later than April 1 of the year following its creation. Distances shall be measured along the surface of the ground. Timber Operations shall not cause a violation of PRC § 4291.

(b) All Slash and Woody Debris created by Timber Operations greater than one (1) inch but less than eight (8) inches in Diameter within one hundred (100) feet of Approved and Legally Permitted Habitable Structures shall be removed or piled and burned

(c~~b~~) Concentrations of ~~s~~Slash ~~created by the current operation~~ around logging Landings or located within the Logging Area excluding those areas substantially covered with logs on the ground, shall be crushed, chipped, spread, piled and burned, or otherwise treated no later than April 1st of the following year following their creation.

(d~~c~~) Slash ~~created by the current Timber Operation~~ within ~~and adjacent to~~ the Logging Area, excluding those areas substantially covered with logs on the ground, shall be lopped over the entire Logging Area by April 1st of the year following the creation of the ~~s~~Slash. Slash ~~created by the current operations~~ along roads ~~not~~ in the Logging Area shall be lopped concurrently with its creation.

~~(d) Use of the Broadcast Burning prescription for slash is prohibited in the Southern Subdistrict of the Coast Forest District.~~

Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference: Sections 4513, 4551.5 and 4562, Public Resources Code.

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