**Board of Forestry and Fire Protection**

**Watercourse Crossings, Significant Existing and Potential Erosion Sites, and Emergency Notice Watercourse Crossing Requirements
Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4,**

**Subchapter 4, 5, & 6**

 **916.3, 936.3, 956.3 General Limitations Near Watercourses, Lakes, Marshes, Wet Meadows and Other Wet Areas [All Districts]**

The quality and beneficial uses of water shall not be unreasonably degraded by Timber Operations. During Timber Operations, the Timber Operator shall not place, discharge, or dispose of or deposit in such a manner as to permit to pass into the water of this state, any substances or materials, including, but not limited to, soil, silt, bark, Slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, or the quality and beneficial uses of water. All provisions of this article shall be applied in a manner which complies with this standard.

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**(c)** The Timber Operator shall not construct or use tractor roads in Class I, II, III or IV Watercourses, in the WLPZ, marshes, Wet Meadows, and Other Wet Areas unless explained and justified in the plan by the RPF, and approved by the Director, except as follows:

**(1)** At prepared tractor road crossings as described in 14 CCR §§ 914.8(b), 934.8(b), 954.8(b).

**(2)** Crossings of Class III Watercourses that are dry at the time of use.

**(3)** At new and existing tractor road crossings approved as part of the Fish and Game Code process (F&GC § 1600 et seq.).

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

In addition to all other Rules, the following requirements shall apply in any watershed with listed anadromous salmonids. Requirements of 14 CCR §§ 916.9, 936.9, 956.9 precede other sections of the FPRs.

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**(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 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 R~~r~~econstruction of ~~approved~~ described and mapped Watercourse crossings.

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

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

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**923.1, 943.1, 963.1 Planning for Logging Roads and Landings. [All Districts]**

 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.

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**(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 Meadows and Other 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 planned for reconstruction (i) within Class I, II, III, or IV Watercourses or lakes, (ii) within a WLPZ, or (iii) in marshes, or Wet Meadows and Other 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.

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**923.4, 943.4, 963.4. Construction and Reconstruction of Logging Roads and Landings. [All Districts]**

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, 092.27, 1094.23 or 1094.24 as appropriate.

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**(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 Meadows, and Other 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, and Wet Meadows and Other 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.

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**1052 Emergency Notice**

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

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

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

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

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

 **(5)** Yarding system to be used.

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

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

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

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

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

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

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

 **(12)** The RPF must certify either:

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

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

**(13)** Within 30 days of the commencement of Timber Operations under the Emergency Notice, the RPF shall provide a table detailing:

 **(A)** Identification and brief description of known Significant Existing or Potential Erosion Sites along with Feasible treatments to be completed prior to expiration of the Emergency Notice.

 **(B)** Identification and description of constructed or Reconstructed Watercourse Crossings.

 **(14)** The RPF must promptly update the table with new information regarding:

 **(A)** Additional Significant Existing or Potential Erosion Sites encountered during Timber Operations under the Emergency Notice, and associated treatments to be completed prior to expiration of the Emergency Notice.

 **(B)** Newly constructed or Reconstructed Watercourse Crossings identified during Timber Operations under the Emergency Notice.

**(b)** Timber Operations pursuant to an emergency notice shall comply with the Rules and regulations of the Board. A person conducting Timber Operations under an Emergency Notice shall comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan”. Watercourse crossing construction and Reconstruction pursuant to an Emergency Notice shall comply with the operational provisions of 14 CCR §§ 923.9 [943.9, 963.9] et seq.

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