

1 **Board of Forestry and Fire Protection**
2 **Emergency Notice for Fuel Hazard Reduction**

3 **Title 14 of the California Code of Regulations (14 CCR),**

4 **Division 1.5, Chapter 4,**

5 **Subchapter 7, Article 2**

6
7 **§ 1052.4. Emergency Notice for Fuel Hazard Reduction.**

8 The RPF preparing the Notice of Emergency Timber Operations for Fuel Hazard Reduction
9 shall describe the nature of the Emergency and the need for immediate cutting in sufficient
10 detail so that the reason for the Emergency is clear. Emergency Timber Operations, under the
11 presumed Emergency standard of 14 CCR § 1052.1, may be commenced and conducted when
12 in conformance with the following:

13 (a) RPF develops and documents the vegetative treatments necessary to meet the goals of 14
14 CCR § 1052.1(e), and ensures postharvest conditions are in accordance with all subsections in
15 § 1052.4. Such documentation shall include the following:

16 (1) A description of the preharvest stand structure and statement of the postharvest
17 stand Stocking levels. ~~and description of postharvest stand structure.~~

18 (2) A description of the criteria to designate trees to be harvested or the trees to be
19 retained.

20 (3) All trees that are harvested or all trees that are retained shall be marked or sample
21 marked by or under the supervision of a RPF before felling operations begin. ~~When trees~~
22 ~~are sample marked, the designation prescription for unmarked areas shall be in writing~~
23 ~~and t~~The sample mark area shall include at least 10% of the Harvest Area to a maximum
24 of 20 acres per stand type which is representative of the range of conditions present in
25 the ~~Harvest a~~Area.

Commented [EH1]: Decision Point: Include additional project description information.

~~(4) Postharvest compliance shall be determined by the combination of physical measurements and observations. Postharvest compliance shall be met on at least 80% of the Project area as calculated excluding WLPZs and other wildlife protection requirements developed in accordance with 14 CCR § 1052.4(e).~~

Commented [EH2]: Moved to (d)(7)

(b) The conditions of subsection 14 CCR §§ 1038.1~~(c)~~~~(5)~~ through ~~(14)~~ are applied ~~or~~and, for operations in the Lake Tahoe Basin, ~~14 CCR § 1038.1(b) is(f)(1) through (14) are~~ applied.

(c) Geographic area: operations are permitted:

(1) Within 1/4 mile from Approved and Legally Permitted Structures that comply with the ~~California Building Standards~~ Code (legal structure). Such legal structures shall be within or adjacent to a community listed in the "California Fire Alliancer list of Communities at Risk" (~~As published April 2019 © 2003 on file in the official rulemaking file~~ and ~~hereby~~ incorporated by reference) and have densities greater than 1 structure per 20 acres; or

(2) Within ~~five-hundred~~ (500) feet of: ~~legal structure outside the area defined in 14 CCR § 1052.4(c)(1);~~

~~(A) A legal structure; or~~

~~(B) Either side of a public or federal road; or~~

~~(C) Either side of a private road providing access to legal structures; or~~

~~(D) Either side of haul roads suitable for evacuation or fire suppression with the written concurrence of a public fire agency and determined by the Director to be consistent with the purpose of the Act; or~~

~~(E) Either side of ridges suitable for fire suppression with the written concurrence of a public fire agency and determined by the Director to be consistent with the purpose of the Act; or~~

~~(F) Infrastructure including electrical distribution and transmission facilities, water reservoirs or other conveyances, communication and data transmission and~~

Commented [EH3]: Modeled on proposed Fuelbreak Special Prescription Language

distribution facilities, or other assets or infrastructure at risk with the written concurrence of a public fire agency and determined by the Director to be consistent with the purpose of the Act.

~~(3) Within 500 feet of either side of a public or federal road;~~

~~(4) Within 500 feet on either side of a private road providing access to legal structures;~~

~~(5) Within 500 feet on either side of a mainline haul road necessary for fire suppression or evacuation as identified in a fire prevention plan or with the written concurrence of a Public Fire Agency and as accepted by the Director.~~

~~(6) Within 500 feet on either side of ridges suitable for fire suppression as identified in a fire prevention plan or with the written concurrence of a Public Fire Agency and as accepted by the Director.~~

~~(7) Within 500 feet of infrastructure facilities such as transmission lines or towers or water conduits.~~

(d) Stocking shall meet the resource conservation standards for minimum stocking within 14 CCR § 912.7 [932.7, 952.7] immediately upon completion of operations.

~~(de) Vegetation Treatments: Tree removal shall target Codominant and Understory trees. The residual stand shall consist primarily of well distributed, healthy and vigorous Dominant and Codominant trees from the preharvest stand. Standards listed shall be met by retaining the largest Diameter trees in the preharvest Project area.~~

~~(1) The quadratic mean Diameter QMD of trees greater than 58 inches dbh in the preharvest Project area shall be increased in the postharvest stand.~~

~~OPTION (2) Only trees less than 24 inches outside bark stump Diameter may be removed except under the following condition. If the goal of fuel reduction cannot be achieved by removing trees less than 24 inches outside bark stump Diameter, trees less than 30 inches outside bark stump Diameter may be removed if that Only trees less than~~

Commented [EH4]: DECISION POINT: Evaluate stocking requirements related to the proposals from 5/2/19 Stocking workshop to reduce Northern/Southern comm thin requirements to 60 sq. ft. vs. maintaining continuity with Fuelbreak Special prescription for minimum stocking.

Commented [EH5]: DECISION POINT: Determine QMD applicability and conditions pending further evaluation

Commented [EH6]: DECISION POINT: Evaluate the necessity and applicability of diameter limits in association with other residual stand requirements within 1052.4

1 thirty (30) inches in stump diameter, measured eight (8) inches above ground level, may
2 be removed except where removal is necessary to meet the fuel objectives stated in 14
3 CCR § 1052.1(e). When such removal is necessary, no tree that is larger than thirty-six
4 (36) inches in diameter at stump height, measured eight (8) inches above ground level,
5 shall be removed.

Commented [EH7]: Modified for consistency with 1038.3

6 **OPTION** (2) No large old trees, defined as a tree that existed before 1800 AD and is
7 greater than sixty (60) inches in diameter at stump height for Sierra or Coast Redwoods,
8 and forty-eight (48) inches in diameter at stump height for all other tree species, or
9 Decadent and Deformed Trees with Value to Wildlife shall be harvested unless the
10 following apply:

11 (A) The tree is not critical for the maintenance of a Late Successional Stand.

12 (B) A RPF attached to the submitted notice of exemption a written explanation
13 and justification for the harvest of the tree based on the RPF's finding of any of
14 the following:

15 1. The tree is a hazard to safety or property.

16 2. The tree is dead or likely to die within one (1) year of the date of the
17 proposed removal, as determined by a RPF.

18 (C) An RPF's written explanation or justification need not be attached to the
19 submitted notice of exemption if an approved Habitat Conservation Plan,
20 Sustained Yield Plan, or Plan addresses large old tree retention for the area in
21 which the large old tree is proposed for removal and the removal is in compliance
22 with the retention standards of that document.

Commented [EH8]: Optional Language from the 1038 Exemptions

23 (3) (A) Minimum post treatment Canopy closure of Dominant and Codominant trees
24 shall be ~~3040% for east side pine forest types; 50% for coastal redwood and~~
25 ~~Douglas-fir forest types in or adjacent to communities and legal structures~~

1 ~~referenced in subsection 14 CCR § 1052.4(c)(1) and (2); 60% for coastal~~
2 ~~redwood and Douglas fir forest types outside of communities and legal structures~~
3 ~~referenced in subsection 14 CCR § 1052.4(c)(1) and (2); and 50% for mixed~~
4 ~~conifer and all other forest types.~~

5 ~~(B) Post treatment stand shall contain no more than 200 trees per acre over 3~~
6 ~~inches in dbh.~~

7 ~~(4) Stocking shall meet the resource conservation standards for minimum stocking~~
8 ~~within 14 CCR § 912.7 [932.7, 952.7] commercial thinning requirement of 14 CCR §~~
9 ~~913.3 [933.3, 953.3] immediately upon completion of operations.~~

10 ~~(A) In the High Use Subdistrict of the Southern Forest District where preharvest~~
11 ~~tree Stocking does not meet commercial thinning requirement of 14 CCR §~~
12 ~~953.3, the basal area minimum Stocking Standards for Selection Unevenaged~~
13 ~~Management in 14 CCR § 953.2(a)(2)(A)1., 2., and 3., shall be met following~~
14 ~~harvesting.~~

15 ~~(B) In areas where preharvest tree Stocking does not meet commercial thinning~~
16 ~~requirement of 14 CCR § 913.3 [933.3, 953.3], and as necessary to establish or~~
17 ~~maintain an unevenaged stand structure, minimum Stocking Standards for~~
18 ~~Selection Unevenaged Management in 14 CCR §§ 913.2 [933.2,~~
19 ~~953.2](a)(2)(A)1., 2., 3. and 4., shall be met following harvesting.~~

20 ~~(45)~~ (A) This subsection applies to geographic areas listed in 14 CCR §
21 1052.4(c)(2)(A) and (E6), and to areas within two-hundred (200500) feet of
22 structures in 14 CCR § 1052.4(c)(1). Surface and Ladder Fuels in the Harvest
23 Area, including logging Slash and Woody dDebris, brush, small trees, and
24 deadwood, that could promote the spread of wildfire shall be treated ~~to achieve~~
25 ~~standards for vertical spacing between fuels, horizontal spacing between fuels,~~

Commented [EH9]: Moved out of Vegetation Treatment subsection

Commented [EH10]: Decision Point: two-hundred or five hundred feet

1 ~~maximum depth of dead ground Surface Fuels, and reduction of standing dead~~
2 ~~fuels,~~ as follows:

3 1. Ladder and Surface Fuels, excluding residual stand Dominant and
4 Codominant trees, shall be spaced to achieve vertical clearance distance
5 of eight (8) feet or three (3) times the height of the postharvest surface
6 fuels, whichever is the greater distance, measured from the base of the
7 live crown of the postharvest Dominant and Codominant trees to the top
8 of the surface or Ladder Fuels, whichever is taller.

9 ~~2. Ladder Fuels, excluding residual stand Dominant and Codominant~~
10 ~~trees, shall be spaced to achieve horizontal clearance distance of two (2)~~
11 ~~to six (6) times the height of the postharvest fuels measured from the~~
12 ~~outside branch edges of the fuels. On ground slopes of zero (0%) percent~~
13 ~~to twenty (20%) percent horizontal clearance distance shall be two times~~
14 ~~the height of postharvest fuels; on ground slopes of greater than twenty~~
15 ~~(20%) percent to fourty (40%) percent horizontal clearance distance shall~~
16 ~~be four times the height of postharvest fuels; on ground slopes of greater~~
17 ~~than fourty (40%) percent horizontal clearance distance shall be six (6)~~
18 ~~times the height of postharvest fuels.~~

19 3. Dead Surface Fuel depth shall be less than nine (9) inches.

20 4. Standing dead or Dying Trees and brush shall generally be removed.

21 Such material, along with live vegetation associated with the dead
22 vegetation, may be retained for wildlife habitat when isolated from other
23 vegetation.

24 (B) This subsection applies to geographic areas listed in 14 CCR §
25 1052.4(c) ~~(23)(B), (C4), (D5), and (E7)~~ and to areas between five hundred (500)

Commented [EH11]: Decision Point: two-hundred or five-hundred feet

1 feet to one thousand, three hundred and twenty (1320) feet of structures in 14
2 CCR § 1052.4(c)(1).

3 1. Dead fuels, excluding dead branches on trees retained for Stocking,
4 shall be treated to achieve a minimum clearance distance of eight (8) feet
5 measured from the base of the live crown of the postharvest Dominant
6 and Codominant trees to the top of the dead fuels.

7 2. All logging Slash created by the Timber Operations shall be treated to
8 achieve a maximum postharvest depth of eighteen (189) inches above
9 the ground.

10 (C) The requirements of this subsection shall not supersede requirements of
11 PRC § 4291.

12 ~~(76)~~ Fuel treatments shall include chipping, removal or other methods necessary to
13 achieve the fuel hazard reduction standards in this section, and shall be accomplished
14 within one (1) year from the start of operations, except for burning operations, which
15 shall be accomplished by April 1 of the year following Surface Fuel creation.

16 (8) Postharvest compliance shall be determined by the combination of physical
17 measurements and observations. Postharvest compliance shall be met on at least 80%
18 of the Project area as calculated excluding WLPZs and other wildlife protection
19 requirements developed in accordance with 14 CCR § 1052.4(f).

Commented [EH12]: Relocated to make specific
to treatment requirements

20 ~~(ef)~~ As part of the preharvest Project design, the RPF shall evaluate and incorporate habitat
21 requirements for fish, wildlife and plant Species in accordance with sections 14 CCR §§ 898.2,
22 916.9 [936.9, 956.9] and 919 [939, 959]. Such evaluations shall include use of the California
23 Natural Diversity Database (as referenced by the CDFW,
24 <https://www.wildlife.ca.gov/Data/CNDDDB>) and local knowledge of the Planning Watershed.
25 Consultation with CDFW personnel is recommended. Examples of habitat requirements to be

1 incorporated into the Project include retention of large Woody Debris and Snags congruent with
2 Emergency condition goals, and vegetative screening for wildlife cover and visual aesthetics.
3 (fg) Operations conducted concurrently in the same geographic area (ref. 14 CCR § 1052.4(c))
4 pursuant to 14 CCR § 1038(b) shall not remove Diseased Trees in excess of the Diameter limit
5 required under 14 CCR § 1052.4(d)(2).

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7 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553 and 4592, Public Resources Code.

8 Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 21001(f) and 21080(b)(4),

9 Public Resources Code.

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