State of California
Office of Administrative Law

In re:
Board of Forestry and Fire Protection

Regulatory Action:
Title 14, California Code of Regulations

Amend sections: 895.1, 1038.3, 1051.4, 1051.5, 1052.5, 1093.1, 1257, 1265.00, 1265.01, 1280.01

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1, Section 100

OAL Matter Number: 2022-0701-01

OAL Matter Type: Nonsubstantive (N)

This change without regulatory effect updates hyperlinks.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: August 1, 2022

Ashita Mohandas
Attorney

For: Kenneth J. Pogue
Director

Original: Matt Dias, Executive Officer
Copy: Jane Van Susteren
### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. **SUBJECT OF NOTICE**
   - Title(s)
   - First Section Affected
   - Requested Publication Date

2. **NOTICE TYPE**
   - Notice re Proposed
   - Other

3. **NOTICE REGISTER NUMBER**
   - OAL Use Only
   - Action on Proposed Notice

4. **AGENCY CONTACT PERSON**
   - Jane Van Susteren
   - Telephone Number
   - Fax Number

5. **EFFECTIVE DATE OF CHANGES**
   - Effective January 1, April 1, July 1, or October 1 (Gov. Code §11346.1(d))
   - Effective on filing with Secretary of State
   - Effective other (Specify)

6. **CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**
   - Department of Finance (Form STD. 399) (SAM §6660)
   - Fair Political Practices Commission
   - State Fire Marshal
   - Other (Specify)

7. **CONTACT PERSON**
   - Jane Van Susteren
   - Telephone Number
   - Fax Number
   - E-Mail Address

8. **SIGNATURE OF AGENCY HEAD OR DESIGNEE**
   - Jane Van Susteren
   - Date

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### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. **SUBJECT OF REGULATION(S)**
   - Hyperlink Updates, 2022

2. **SECTION(S) AFFECTED**
   - List all section number(s) individually. Attach additional sheet if needed.
   - Adopt
   - Amend
   - Repeal

3. **TYPE OF FILING**
   - Regular Rulemaking (Gov. Code §11346)
   - Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11346.3, 11349.4)
   - Emergency (Gov. Code, §11346.1(b))
   - Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
   - Emergency Readopt (Gov. Code, §11346.1(h))
   - Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
   - File & Print
   - Print Only
   - Other (Specify)

4. **TYPE OF FILING**
   - Regular Rulemaking (Gov. Code §11346)
   - Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11346.3, 11349.4)
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   - Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
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   - Date

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**FOR USE BY OFFICE OF ADMINISTRATIVE LAW ONLY**

**ENDORSSED - FILED**

**OFFICE OF ADMIN. LAW**
**2022 JUL 1 3:49:52**

**ENDORSSED APPROVED**

**AUG 01 2022**

**Office of Administrative Law**
§ 895.1. Definitions.

The definitions contained in the Z'berg-Nejedly Forest Practice Act of 1973 as amended (commencing with PRC § 4511) shall apply to this chapter, as well as the following definitions, unless the context clearly requires otherwise:

"Watersheds in the Coastal Anadromy Zone" means any Planning Watersheds in the Central California Coast coho salmon Evolutionary Significant Units (ESU), South Central Steelhead Distinct Population Segment (DPS), Central California Coast steelhead DPS, Northern California steelhead DPS, California Coastal Chinook salmon ESU, and Southern Oregon/Northern California Coast coho salmon ESU, as defined in 70 Federal Register 37160, dated June 28, 2005, where salmonids listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts are currently present or can be restored. Official maps of ESUs and DPSs are...
§1038.3. Forest Fire Prevention Exemption.

Persons who are engaged in the cutting or removal of trees....

(b) This exemption shall only be used on Timberlands that are within the most recent version of the Department’s Fire Hazard Severity Zone Map, which can be found on the Department’s website: http://www.fire.ca.gov/https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/, that shows the exemption will occur in areas determined to be moderate, high, or very high fire threat areas.
Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code.

§1051.4. Modified THP for Fuel Hazard Reduction Conditions and Mitigations.

(a) A Modified THP for Fuel Hazard Reduction (hereafter also referred to as “MTHP-FHR”) may be filed by a Plan submitter for a Project area not to exceed 2,500 acres, providing that the following conditions and mitigations are met...

(4) The rehabilitation method may be used where understocked areas such as brushfields have been identified for treatment in a federal, state, or local fire Plan document for the purpose of reducing fire risk to a public asset including, but not limited to, transportation corridors and utilities, or is adjacent to a community listed in the “California Fire Alliance List of Communities at Risk” (available at https://bof.fire.ca.gov/media/0x5eysuw/ada-communities-at-risk.pdf and http://www.cafirealliance.org/communities_at_risk/communities_at_risk_list). Not more than 10% of the MTHP-FHR area, not to exceed 250 acres, may be harvested under the rehabilitation method, when explained and justified by the RPF and approved by the Director.
§1051.5 Contents of Modified THP for Fuel Hazard Reduction.

A Plan submitted under section 14 CCR § 1051.3 above shall contain all the provisions of 14 CCR § 1034 except 14 CCR § 1034 (z) and the RPF shall...

(1) A description of the assets at risk to catastrophic wildfire that are to be protected through the fuel treatments proposed. As Feasible and appropriate, the RPF shall attempt to coordinate the objectives of the MTHP-FHR with larger-scale, federal, state, and local strategic fuel treatment and fire prevention Plans, including but not limited to the "2010 Strategic Fire Plan for California" (rev. June 2010, available at https://bof.fire.ca.gov/media/0veq2vnm/ada-2010-strategic-fire-plan-for-california.pdf, http://www.bof.fire.ca.gov/board_committees/resource_protection_committee/current_projects/resources/strategicfireplan_june2010_06-04_photos.pdf), hereby incorporated by reference.
§1052.5. Emergency Notice for Outbreaks of Sudden Oak Death Disease.

(a) The RPF preparing the Emergency Notice shall do all the following:

(1) provide as part of the Emergency Notice the certified lab testing results validating that trees or vegetation in the infestation area are infected with *Phytophthora ramorum*, the pathogen responsible for SOD....

(c) The RPF shall describe the strategies employed which will be utilized to control or suppress the SOD infestation on the Harvest Area along with those measures to be used to minimize the risk of spreading *Phytophthora ramorum* from the Logging Area by way of infected soil and infected host material. In developing such strategies, the RPF shall draw from the list of Mitigation and Management Recommendations in the California Oak Mortality Task Force publication Sudden Oak Death Guidelines for Forestry (rev. August 2010),


Note: Authority cited: Sections 4551 and 4592, Public Resources Code. Reference:

Sections 4513, 4551.5, 4552, 4553, 4554, 4561, 4562, 4584, 4592, 4750, 4750.3, 4750.4, 21001(f) and 21080(b)(4), Public Resources Code.

§1093.1. Guidelines for Orderly Evaluation of Activities Proposed by aan RMP.
An RMP shall specify measures to be applied to a road system within a Road Management Unit...

(e) Identification of noxious weed Species (as defined by the State of California Department of Food and Agriculture, Division of Plant Health & Pest Prevention Services, Noxious Weed Species and Noxious Weed Seed Lists A, B, C, and Q at http://www.cdfa.ca.gov/phpps/ipc/encyclweedia/pdfs/noxiousweed_ratings.pdf https://www.cdfa.ca.gov/plant/IPC/encyclweedia/weedinfo/winfo_table-sciname.html when populations of such Species could be expanded by road management activities...

(g) The information and management practices in an RMP will be scaled to the current and historical condition, and sensitivity of the Beneficial Uses of water and the resources identified in (b) and (c) above.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000 and 21001, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections 1600 and 5650(c), Fish and Game Code; and NRDC v. Arcata National Corp. (1976) 59 Cal App. 3d 959, 131 Cal Rptr. 172.

(a) The minimum clearance provisions of PRC 4293 applicable in State Responsibility Areas are exempted...

(b) These exemptions do not apply to "Hazard Trees" as identified and explained on pages 1-20 through 1-24 in the Department’s "Powerline Fire Prevention Field Guide" dated November 2008 and posted on the Department’s website at:

https://bof.fire.ca.gov/media/1sV1svu/ada-power-line-fire-prevention-field-guide-2008.pdf

http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fppguidepdpf126.pdf


§1265.00 Definitions.

"Board" refers to the California Board of Forestry and Fire Protection...

"State Responsibility Area" or "SRA" means those areas defined in Public Resources Code section 4102 and delineated pursuant to Public Resources Code sections 4125-4128 and title 14, California Code of Regulations, section 1220. These lands are shown on digital maps maintained by the Department at its Sacramento headquarters and may be viewed there or in low resolution at the Board’s website:


"Very High Fire Hazard Severity Zone" or "VHFHSZ" means an area designated by the director pursuant to Government Code section 51178 that is not a state responsibility
area. These lands are shown on digital maps maintained by the Department at its Sacramento headquarters and may be viewed there or in low resolution at the Department’s website:

http://www.calfire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps

https://www.fire.ca.gov/programs/communications/defensible-space-prc-4291/.

Note: Authority cited: Section 65302.5, Government Code; and Section 4111, Public Resources Code. Reference: Sections 51177 and 65302.5, Government Code; and Sections 700, 701, 730, 4102, 4125, 4126, 4127 and 4128, Public Resources Code.

§1265.01. Safety Element Submission.

(a) The draft of or draft amendment to the safety element of a county or a city’s general plan shall be submitted to the Board and to every local agency that provides fire protection to territory in the city or county at least ninety (90) days prior to any of the following...

(c) The draft of or draft amendment to the safety element may be mailed to Board of Forestry and Fire Protection, Safety Element Review, P.O. Box 944246, Sacramento, CA 94244-2460, or it may be emailed to the staff person indicated on the Board of Forestry and Fire Protection’s Local Government webpage:

http://bof.fire.ca.gov/board_joint_policies/local_government/Resource_Protection

Committee staff person indicated at https://bof.fire.ca.gov/board-committees/board-

standing-committees-forest-practice-management-resource-protection/.

§1280.01 Fire Hazard Severity Zones in the SRA.

The fire hazard severity zones and the rating reflecting the degree of severity of fire hazard that is expected to prevail in those zones, shall be designated by the Director and delineated on a series of maps on file in the Sacramento Office of the Department of Forestry and Fire Protection, Fire and Resources Assessment Program, 1300 U St. The official maps are also filed electronically on the Department's internet web site, www.fire.ca.gov/wildlands_zones_maps.php


Note: Authority cited: Sections 4202, 4203 and 4204, Public Resources Code.

Reference: Sections 4201, 4202, 4203 and 4204, Public Resources Code; and Section 51179 Government Code