

1 **1051.3 Modified THP for Fuel Hazard Reduction**

2 The purpose of this regulation is to encourage forest landowners to consistently manage vegetation ~~on a~~  
3 ~~landscape basis~~ to create fire resilient conditions, and reduce the threat, and potentially deleterious effects  
4 of catastrophic fire. These fire resilient conditions are to be achieved through the prescribed reduction and  
5 spatial rearrangement of surface and ladder fuels as well as thinning to reduce stocking levels and  
6 increase vertical and horizontal spacing between standing stems. Operations pursuant to this regulation  
7 are expected to result in ~~landscape~~ project area conditions that reduce the rate of fire spread, duration and  
8 intensity, fuel ignitability, and ignition of tree crowns.

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10 **(a)** On an ownership of timberland, a modified timber harvest plan for fuel hazard reduction may be filed  
11 by a plan submitter, providing that the following conditions and mitigations are met:

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13 **(1)** No more than 50% of the overstory tree canopy layer is to be harvested. The canopy retained  
14 shall be well distributed over the harvest area. Not more than 10% of the THP area, not to exceed 500  
15 acres, shall be harvested under the rehabilitation method. A sample area must be marked before  
16 submission of the THP. The sample area shall include at least 10% of the area which is representative of  
17 the range of conditions present in the area.

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19 **(2)** Prescribed fuel hazard reduction to promote ~~landscape~~ project area resiliency to wildfire is  
20 recognized as an intermediate treatment rather than a regeneration method. Therefore, clearcutting,  
21 shelterwood removal, and group selection as defined in 14 CCR §§913.1(a) [933.1(a), and 953.1(a)] and  
22 913.2(a) [933.2(a), 953.2(a)] shall not be used, except for legally deeded rights-of-way or easements for  
23 utility purposes which are documented in the plan by the RPF by reference to specific deeds or surveys.

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25 **(3)** Stocking standards, specific to the silvicultural method selected, must be met immediately  
after harvesting operations are completed.

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

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

(6) No timber operations in Special Treatment Areas except log hauling on existing roads not requiring reconstruction.

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

(8) New road construction is confined to 600 feet.

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

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

1           **(10)** No listed species will be directly or indirectly adversely impacted by proposed timber  
2 operations. For timber operations which potentially could adversely affect a listed species or the habitat of  
3 the species, the consultation process with DFG pursuant to F&GC §§2090 or 2081 shall be completed  
4 before the THP is approved.

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6           **(11)** Timber harvesting is only allowed in the WLPZ if: 1) sanitation-salvage harvesting is the  
7 only silvicultural system to be used in the WLPZ and it must be in compliance with 14 CCR §916.4(b)  
8 [936.4(b), 956.4(b)]; or 2) if harvesting retains 70% or greater of the canopy layer. Harvesting under 2)  
9 above shall not occur again in the WLPZ for a 10-year period following completion of the THP.

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11           **(12)** No timber operations within potentially significant archaeological sites.

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13           **(13)** No alternatives, exceptions, or in-lieu practices allowed for watercourse or lake protection  
14 measures, standard road and landing widths, or erosion control measures, except for use of existing roads  
15 within WLPZ after compliance with examination, evaluation, and mitigation(s) per 14 CCR §916.4(a)  
16 [936.4(a), 956.4(a)].

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

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22           **(15)** Harvesting will not reduce the amount of timberland occupied by late succession forest  
23 stands currently greater than or equal to 5 acres in size. Harvesting of large, old trees shall only occur  
24 when the tree is not critical for the maintenance of a Late Successional Stand, and the RPF includes an  
25 explanation and justification for the removal based upon the RPF's finding that one or more of the criteria  
listed under subsections (A), (B), or (C) are met.

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

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

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8           **(B)** The removal of the tree(s) is necessary for the construction of a building as approved  
9 by the appropriate county/city permitting process and is shown on the county/city  
10 approved site plan which shall be attached to the MTHP for Fuel Hazard Reduction;

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

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15           **(16)** As part of the pre-harvest project design, the RPF shall evaluate and incorporate habitat  
16 requirements for fish, wildlife, and plant species in accordance with 14 CCR §§898.2, 916.9 [936.9,  
17 956.9] and 919. Such evaluations shall include use of the California Natural Diversity Database  
18 maintained by the California Department of Fish and Game (CDFG), and local knowledge of the planning  
19 watershed. Consultation with CDFG personnel is recommended.

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

1 **1051.4 Contents of Modified THP for Fuel Hazard Reduction**

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

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5 **(a)** Identify and map those areas currently understocked and not to be harvested that are at least three  
6 acres in size.

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

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10 **(c)** Certify in the THP that the conditions or facts stated in items 1-16 above exist on the THP area at the  
11 time of submission, and that in the preparation, mitigation, and analysis of the THP, no identified  
12 potential significant effects remain undisclosed.

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14 **(d)** Certify that a meeting will be held at the THP site before timber operations commence with the RPF  
15 responsible for the plan or supervised designee and the licensed timber operator who will be operating on  
16 the THP where the contents and implementation of the plan have been reviewed and discussed.  
17 Operations pursuant to this section shall use an alternative to the cumulative impacts assessment specified  
18 in 14 CCR 898, 912.9 [932.9, 952.9], and Technical Rule Addendum No. 2. Operations conducted  
19 according to this section are presumed to be unlikely to cause a significant adverse impact to the  
20 environment due to the specific restrictive mitigations required in (1)-(15) above. This presumption of  
21 unlikely impacts shall not apply to THPs for which: 1) the Director determines it does not meet the  
22 criteria of subsection (a), or 2) the Director determines in consultation with trustee or responsible  
23 agencies, or upon review of public comments that a fair argument exists that significant individual or  
24 cumulative impacts will result from timber operations. Where issues (a fair argument) are raised the RPF  
25 shall complete the appropriate portion of Technical Rule Addendum No. 2 and submit that information  
for the Director's review.

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(e) Develop and document the vegetation treatments necessary to meet the objectives of fuel hazard reduction and increased resiliency to wildfire across the landscape within the project area. Documentation prepared by the RPF shall include:

- (1) A description of pre and post-harvest stand structure and stocking levels.
- (2) A description of the criteria used to designate trees to be harvested or the trees to be retained.
- (3) A description of the timeline, methods and standards for treatment of surface and ladder fuels as well as all logging slash created by timber operations.
- (4) A plan for pre and post-treatment photo point monitoring for the purpose of evaluating and demonstrating the effectiveness of project treatments.

**1051.5 Review of Modified THP for Fuel Hazard Reduction**

The Director shall require a preharvest inspection of a modified timber harvest plan for fuel hazard reduction when Review Team members identify substantial questions on plan contents or environmental impacts, and where winter operations are proposed according to 914.7 (a) and (b) [934.7(a) and (b), 954.7 (a) and (b)].