

**State of California  
Office of Administrative Law**

**In re:**  
**Board of Forestry and Fire Protection**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:**

**Amend sections:** 895.1, 916.9, 917.2, 937.2,  
957.2, 937.3, 957.3, 929.1,  
949.1, 969.1, 1038, 1039.1,  
1041, 1092.01, 1092.26,  
1092.28, 1109.4

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2015-1013-03**

**OAL Matter Type: Regular (S)**

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This rulemaking by the Board of Forestry and Fire Protection amends sections in Title 14 of the California Code of Regulations regarding the implementation of the Forest Practice Rules. This action amends the Forest Practice Rules to bring them into compliance with Public Resources Code sections 4590 and 4584, regarding the effective period of a plan and other updates. Additionally, inconsistencies and other errors are corrected, and items are updated.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2016.

**Date:** November 23, 2015



**Beverly J. Johnson  
Deputy Director**

**For: DEBRA M. CORNEZ  
Director**

**Original:** Matt Dias

**Copy:** Thembi Borrás

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

**REGULAR**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2015-1013-035</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
<p><b>2015 OCT 13 P 3:23</b></p> <p><b>OFFICE OF ADMINISTRATIVE LAW REGULATIONS</b></p>			

**ENDORSED - FILE!**  
In the office of the Secretary of State of the State of California

**NOV 23 2015**

**1:55 PM**

AGENCY WITH RULEMAKING AUTHORITY  
**Board of Forestry and Fire Protection**

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2015, 332</b>	PUBLICATION DATE <b>08/14/15</b>

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

1a. SUBJECT OF REGULATION(S) <b>Rule Alignment, 2015</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND See additional sheet.
	REPEAL

TITLE(S)  
**14**

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> 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.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2016</b>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input checked="" type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON <b>Thembi Borrás</b>	TELEPHONE NUMBER <b>916-653-9633</b>	FAX NUMBER (Optional) <b>916-653-0989</b>	E-MAIL ADDRESS (Optional) <b>thembi.borras@bof.ca.gov</b>
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8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Thembi Borrás</i>	DATE <b>October 13, 2015</b>
TYPED NAME AND TITLE OF SIGNATORY <b>Thembi Borrás, Board of Forestry and Fire Protection Regulations Coordinator</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**NOV 23 2015**

**Office of Administrative Law**

**NOTICE PUBLICATION/REGULATION SUBMISSION**

STD. 400 (REV. 01-2013) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE  
AND SUBMISSION OF REGULATIONS**

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

**ALL FILINGS**

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

**NOTICES**

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

**REGULATIONS**

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

**EMERGENCY REGULATIONS**

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

**NOTICE FOLLOWING EMERGENCY ACTION**

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

**CERTIFICATE OF COMPLIANCE**

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

**EMERGENCY REGULATIONS - READOPTION**

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

**CHANGES WITHOUT REGULATORY EFFECT**

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

**ABBREVIATIONS**

Cal. Code Regs. - California Code of Regulations  
Gov. Code - Government Code  
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

Rule Alignment, 2015  
REGULATIONS SUBMISSION  
ADDITIONAL SHEET

Section(s) affected (List all section(s) numbers individually. Attach additional sheet if needed.): § 895.1, § 916.9, § 917.2, § 937.2, § 957.2, § 937.3, § 957.3, § 929.1, § 949.1, § 969.1, § 1038, § 1039.1, § 1041, § 1092.01, § 1092.26, § 1092.28 and § 1109.4.

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1 **Board of Forestry and Fire Protection**

2 **“Rule Alignment, 2015”**

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

4 **Division 1.5, Chapter 4,**

5 **Subchapter 1, Article 1**

6 **Subchapter 4, Article 6, 7, 14**

7 **Subchapter 5, Article 7, 12**

8 **Subchapter 6, Article 7, 14**

9 **Subchapter 7, Article 2, 6.8, 7**

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11 **Amend all sections below as follows:**

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**§ 895.1 Definitions**

~~\*\*\*\*\*For the Coast Forest District:~~

~~“Erosion Hazard Rating” means the rating derived from the procedure specified in 14 CCR § 912.5 [932.5, 952.5] designed to evaluate the susceptibility of the soil within a given location to erosion.~~

~~For the Southern Forest District:~~

~~“Erosion Hazard Rating” Means the rating derived from the procedure specified in 14 CCR 952.5 designed to evaluate the susceptibility of the soil within a given location to erosion. (Reference: Section 4562, Public Resources Code.)~~

~~“Erosion potential” see 14 CCR 952.5. (Reference: Section 4562, Public Resources Code.)~~

~~“Estimated erosion potential” means the product of the soil and slope values derived from the table in 14 CCR 932.5 or as such product may be modified in accordance with the instructions contained in that section. (Reference: Section 4562, Public Resources Code.)\*\*\*\*\*~~

~~“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social~~

1 and technical factors. With regard to economic feasibility, the issue shall be whether the  
2 plan as revised could be conducted on a commercial basis within 35 (five) years of the  
3 submission of the plan and not solely on the basis of whether extra cost is required to  
4 carry out the alternatives.

5  
6 ~~\*\*\*\*For the Coast Forest District:~~

7 ~~“Stream and Lake Protection Zone” means a strip of soil and vegetation along both~~  
8 ~~sides of a stream or around the circumference of a lake defined as follows: 100 feet~~  
9 ~~(30.48 m) as measured along the surface of the ground from the stream and lake~~  
10 ~~transition line of any stream or lake which supports and is used by trout or anadromous~~  
11 ~~fish at any time of the year, and downstream therefrom; and within 50 feet (15.24 m) as~~  
12 ~~measured along the surface of the ground from the stream or lake transition line of any~~  
13 ~~other streams or lakes as defined in “Stream” (14 CCR 895.1) or “Lake” in this section~~  
14 ~~except that the above definition may be modified as it pertains to a particular plan when~~  
15 ~~the forester (RPF) and the Director agree, after on-the-ground inspection, if requested~~  
16 ~~by either party, to either increase or decrease the above distances not to exceed 50%,~~  
17 ~~based on soil, slope, or climatic factors necessary to protect soil, water, or fish and~~  
18 ~~wildlife resources. Such changes will be designated on the plan.~~

19 ~~For the Northern Forest District:~~

20 ~~“Stream and Lake Protection Zone” means a strip of soil and vegetation along both~~  
21 ~~sides of a stream or around the circumference of a lake defined as follows:~~

22 ~~(a) 150 feet (45.72 m), as measured along the surface of the ground, from the stream or~~  
23 ~~lake transition line of any stream or lake in areas with an extremely high Estimated~~  
24 ~~Erosion Potential.~~

1 ~~(b) 100 feet (30.48 m), as measured along the surface of the ground, from the stream or~~  
2 ~~lake transition line of any stream or lake in areas with high Estimated Erosion Potential.~~

3 ~~(c) 50 feet (15.24 m), as measured along the surface of the ground, from the stream or~~  
4 ~~lake transition line of any stream or lake in areas with a moderate or low Estimated~~  
5 ~~Erosion Potential.~~

6 ~~The forester (RPF) and the Director may agree, after on the ground inspection, if~~  
7 ~~requested by either party, to either increase or decrease the above distances not to~~  
8 ~~exceed 50% on soil, slope, or climatic factors necessary to protect soil, water, or fish~~  
9 ~~and wildlife resources. Such changes will be designated in the plan. (Reference: Section~~  
10 ~~4562.7, Public Resources Code.)~~

11 ~~For the Southern District:~~

12 ~~"Stream and Lake Protection Zone" means a required strip of land on each side of~~  
13 ~~perennial streams, lakes and those portions of intermittent streams which support trout~~  
14 ~~at any time of the year, and downstream therefrom; to protect existing water quality and~~  
15 ~~fish and wildlife habitat. The width of the zone shall be determined by on the ground~~  
16 ~~investigation. The investigation shall consider:~~

17 ~~(a) Soil type and permeability,~~

18 ~~(b) The type or types, stabilizing effect, and amount of vegetative cover,~~

19 ~~(c) The slope of the land within the zone and its effectiveness in preventing sediment~~  
20 ~~from reaching streams or lakes.~~

21 ~~The zone will be 100 feet (30.48 m) from the stream transition line of a perennial stream~~  
22 ~~or lake provided however that said distance may be 50 feet (15.24 m) where the~~  
23 ~~Erosion Potential is low or medium (moderate).~~

24 ~~The forester (RPF) and the Director may agree, after on the ground inspection, if~~  
25 ~~requested by either party, to either increase or decrease the above distances not to~~

1 ~~exceed 50%, based on soil, slope, or climatic factors necessary to protect soil, water, or~~  
2 ~~fish and wildlife resources. Such changes will be designated on the plan. (Reference:~~  
3 ~~Section 4562.7, Public Resources Code.) \*\*\*\*\*~~

4  
5 \*\*\*\*\*"Substantial deviation" means changes that are not "minor deviations" as defined in  
6 895.1 and are presumed to be substantial deviations because they could significantly  
7 affect the conduct of timber operations and potentially could have a significant adverse  
8 affect on timber productivity or values relating to soil, water quality, watershed, wildlife,  
9 fisheries, range and forage, recreation and aesthetic enjoyment. Such actions include,  
10 but are not limited to:

11 (1) Change in location of timber harvesting operations or enlargement of the area  
12 to be cut.

13 \*\*\*\*\*

14 (4) Change in location, nature or increase in length of proposed logging roads  
15 incorporating one or more of the following criteria:

16 (A) Any road in the Watercourse and Lake Protection Zone or where  
17 sidecast will extend into the Watercourse and Lake Protection Zone.

18 (B) Any road located in an extreme Erosion Hazard Rating area in the  
19 Coast or Northern Forest District, ~~extreme Estimated Erosion Potential~~  
20 ~~area in the Northern Forest District~~, or a high Erosion Potential Hazard  
21 Rating area in the Southern Forest District.\*\*\*\*\*

22  
23 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, ~~4561.6~~, 4562, 4562.5,  
24 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5,  
25 4525.7, 4526, 4528, 4551, 4551.5, 4561, ~~4561.6~~, 4562, 4562.5, 4562.7, 4583.2, 4584,

1 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA  
2 Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of  
3 Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and  
4 *Joy Road Area Forest and Watershed Association, v. California Department of Forestry*  
5 *& Fire Protection*, Sonoma County Superior Court No. SCV 229850.

6  
7 **§ 916.9 Protection and Restoration of the Beneficial Functions of the Riparian**  
8 **Zone in Watersheds with Listed Anadromous Salmonids.**

9 In addition to all other district Forest Practice Rules, the following requirements shall  
10 apply in any watershed with listed anadromous salmonids. Requirements of 14 CCR §  
11 916.9 precede other sections of the FPRs.

12 \*\*\*\*\*

13 (a) Goal - Every timber operation shall be planned and conducted to protect, maintain,  
14 and contribute to restoration of properly functioning salmonid habitat and listed salmonid  
15 species. \*\*\*\*\*

16 (e) Channel zone requirements –

17 (1) There shall be no timber operations within the channel zone with the following  
18 exceptions:

19 (A) Actions directed to improve salmonid habitat with review and  
20 concurrence by DFG.

21 \*\*\*\*\*

22 (C) Actions necessary for the protection of public health, safety and  
23 general welfare. This includes actions necessary to protect infrastructure facilities  
24 including, but not limited to, roads, bridges, powerlines, utilities, water drafting  
25 structures, homes, and other Approved and ~~Illegally~~ Permitted ~~s~~Structures.

1 \*\*\*\*\*

2  
3 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.  
4 Reference: Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 21000(g),  
5 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f),  
6 Water Code; and Sections 1600 and 5650(c), Fish and Game Code.  
7

8 **§ 917.2 Treatment of Slash to Reduce Fire Hazard.**

9 Except in the Southern Subdistrict of the Coast Forest District and Coastal Commission  
10 Special Treatment Areas of the Coast Forest District, the following standards shall apply  
11 to the treatment of slash created by timber operations within the plan area and on road  
12 adjacent to the plan area, ~~but excluding appurtenant roads~~. Lopping for fire hazard  
13 reduction is defined in 14 CCR § 895.1.  
14

15 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:  
16 Sections 4513, 4551.5 and 4562, Public Resources Code.  
17

18 **§ 937.2 Treatment of Logging Slash to Reduce Fire Hazard in the Northern Forest**  
19 **District.**

20 The following standards shall apply to the treatment of slash created by timber  
21 operations within the plan area and on roads adjacent to the plan area, ~~but excluding~~  
22 ~~appurtenant roads~~. Lopping for fire hazard reduction is defined in 14 CCR § 895.1.  
23

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

1  
2 **§ 957.2 Treatment of Slash to Reduce Fire Hazard.**

3 Except in the High-Use Subdistrict of the Southern Forest District, Southern Subdistrict  
4 of the Coast Forest District and Coastal Commission Special Treatment Areas of the  
5 Coast Forest District, the following standards shall apply to the treatment of slash  
6 created by timber operations within the plan area and on roads adjacent to the plan  
7 area, ~~but excluding appurtenant roads~~. Lopping for fire hazard reduction is defined in 14  
8 CCR § 895.1.  
9

10 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:  
11 Sections 4513, 4551.5 and 4562, Public Resources Code.  
12

13 **§ 937.3 Prescribed Broadcast Burning of Slash.**

14 Outside the High Use Subdistrict, broadcast burning may be prescribed for slash  
15 treatment subject to the following conditions.

- 16 (a) Such burning shall be done only after the first heavy fall rains and shall be  
17 completed before April 1;
- 18 (b) It may occur within cleared firebreaks of not less than 10 feet (3.05 m) in width;
- 19 (c) Use of the broadcast burning prescription ~~in~~ of the Watercourse Stream and Lake  
20 Protection Zone for Class I, and Class II, is prohibited. Where necessary to protect  
21 downstream beneficial uses, the director may prohibit burning prescriptions in Class III  
22 watercourses;
- 23 (d) Exceptions to requirements (a), (b) and (c) above may be granted provided a  
24 project-type burning permit is obtained prior to burning and the terms of the permit are  
25 adhered to while burning.

1  
2 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:  
3 Sections 4423, 4513, 4551.5, 4562, and 4562.7, Public Resources Code  
4

5 **§ 957.3 Prescribed Broadcast Burning of Slash.**

6 Outside the High Use Subdistrict, broadcast burning may be prescribed for slash  
7 treatment subject to the following conditions.

8 (a) Such burning shall be done only after the first heavy fall rains and shall be  
9 completed before April 1;

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

11 (c) Use of the broadcast burning prescription ~~in~~ of the Watercourse Stream and Lake  
12 Protection Zone for Class I, and Class II, is prohibited. Where necessary to protect  
13 downstream beneficial uses, the director may prohibit burning prescriptions in Class III  
14 watercourses;

15 (d) Exceptions to requirements (a), (b) and (c) above may be granted provided a  
16 project-type burning permit is obtained prior to burning and the terms of the permit are  
17 adhered to while burning.  
18

19 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:  
20 Sections 4423, 4513, 4551.5, 4562, and 4562.7, Public Resources Code.  
21

22 **§ 929.1 Plan, and Emergency Notice Preparation.**

23 (a) Preparing a plan.

24 \*\*\*\*\*

25 (e) Emergency Notice of 3 Acres Or More.

1 \*\*\*\*\*

2 (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or  
3 the RPF's supervised designee:

4 (A) Shall complete a current archaeological records check. This check  
5 may be conducted by telephone. If the Information Center is unable to provide the  
6 information within three business days following receipt of an RPF's request for an  
7 Emergency Notice records check, the records check requirement is waived.

8 (B) Shall submit a Confidential Archaeological Letter as defined in 14 CCR  
9 § 895.1 ~~that includes the information required by 14 CCR § 929.1(c)(2), (7), (8), (9), (10)~~  
10 ~~and (11), including site records, if required pursuant to 14 CCR § 929.1(g) and 929.5.~~

11 \*\*\*\*\*

12 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:  
13 Sections 4582(f), 21002 and 21060.5, Public Resources Code.

14  
15 **§ 949.1 Plan, and Emergency Notice Preparation.**

16 (a) Preparing a plan.

17 \*\*\*\*\*

18 (e) Emergency Notice of 3 Acres Or More.

19 \*\*\*\*\*

20 (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or  
21 the RPF's supervised designee:

22 (A) Shall complete a current archaeological records check. This check  
23 may be conducted by telephone. If the Information Center is unable to provide the  
24 information within three business days following receipt of an RPF's request for an  
25 Emergency Notice records check, the records check requirement is waived.

1 (B) Shall submit a Confidential Archaeological Letter as defined in 14 CCR  
2 § 895.1 ~~that includes the information required by 14 CCR § 949.1(c)(2), (7), (8), (9), (10)~~  
3 ~~and (11), including site records, if required pursuant to 14 CCR § 949.1(g) and 949.5.~~

4 \*\*\*\*\*

5 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:  
6 Sections 4582(f), 21002 and 21060.5, Public Resources Code.

7  
8 **§ 969.1 Plan, and Emergency Notice Preparation.**

9 (a) Preparing a plan.

10 \*\*\*\*\*

11 (e) Emergency Notice of 3 Acres Or More.

12 \*\*\*\*\*

13 (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or  
14 the RPF's supervised designee:

15 (A) Shall complete a current archaeological records check. This check  
16 may be conducted by telephone. If the Information Center is unable to provide the  
17 information within three business days following receipt of an RPF's request for an  
18 Emergency Notice records check, the records check requirement is waived.

19 (B) Shall submit a Confidential Archaeological Letter as defined in 14 CCR  
20 § 895.1 ~~that includes the information required by 14 CCR § 969.1(c)(2), (7), (8), (9), (10)~~  
21 ~~and (11), including site records, if required pursuant to 14 CCR § 969.1(g) and 969.5.~~

22 \*\*\*\*\*

23 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:  
24 Sections 4582(f), 21002 and 21060.5, Public Resources Code.

1 **§ 1038 Exemption.**

2 Persons who conduct the following types of timber operations are exempt from the plan  
3 preparation and submission requirements (PRC § 4581) and from the completion report  
4 and stocking report requirements (PRC §§ 4585 and 4587) of the Act with the following  
5 exceptions and requirements:

6 \*\*\*\*\*

7 Persons who conduct the following types of timber operations are exempt from the plan  
8 preparation and submission requirements (PRC § 4581) and from the completion report  
9 and stocking report requirements (PRC §§ 4585 and 4587) of the Act with the following  
10 exceptions and requirements:

11 \*\*\*\*\*

12 (i) The harvesting of trees in compliance with PRC § 4584(j), Forest Fire Prevention  
13 Exemption, limited to those trees that eliminate the vertical continuity of vegetative fuels  
14 and the horizontal continuity of tree crowns, for the purpose of reducing the rate of fire  
15 spread, duration and intensity, fuel ignitability, or ignition of tree crowns, when the  
16 following conditions are met:

17 (1) The logging area does not exceed 300 acres in size.

18 \*\*\*\*\*

19 (3) The Notice of Exemption, described in 14 CCR § 1038.2 Form RM-  
20 73(1038i)(12/12/08), is prepared, signed and submitted by an RPF to the Director. ~~The~~  
21 ~~RPF shall provide current address and telephone number on the form.~~

22 \*\*\*\*\*

23 (7) The RPF shall, upon submission of the Notice of Exemption, provide a  
24 Confidential Archaeological Letter, as defined in 14 CCR § 895.1, which contains all the  
25 information required for plans and Emergency Notices with the exception that the  
information required in 14 CCR § 929.1(c)(3) [949.1(c)(3), 969.1(c)(3)] shall not be

1 required. The Director shall submit a complete copy of the Confidential Archaeological  
2 Letter, and two copies of any required archaeological or historical site records, to the  
3 appropriate Information Center of the California Historical Resource Information  
4 System, within 30 days from the date of Notice of Exemption submittal to the Director.  
5 Before submitting the Notice of Exemption to the Director, the RPF shall send a copy of  
6 the Notice of Exemption to Native Americans defined in 14 CCR § 895.1.

7 (8) Only trees less than 18 inches outside bark stump diameter, measured at  
8 eight inches above ground level, may be removed except as follows:

9 (A) Within 500 feet of an Approved and Ilegally permitted structure that  
10 complies with the California Building Code, or in an area prioritized as a shaded fuel  
11 break in a community wildfire protection plan approved by a public fire agency, if the  
12 goal of fuel reduction cannot be achieved by removing trees less than 18 inches outside  
13 bark stump diameter, trees less than 24 inches outside bark stump diameter may be  
14 removed if that removal complies with this section.

15 \*\*\*\*\*

16 ~~(15) 14 CCR § 1038(i) shall expire on January 1, 2013.~~

17 (j) The harvesting of trees in compliance with PRC § 4584(j)(11), Forest Fire Prevention  
18 Exemption Pilot Project, limited to those trees that eliminate the vertical continuity of  
19 vegetative fuels and the horizontal continuity of tree crowns, for the purpose of reducing  
20 the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns,  
21 when the following conditions are met:

22 (1) The logging area does not exceed 300 acres in size.

23 \*\*\*\*\*

24 (5) The RPF shall, upon submission of the Notice of Exemption, include a  
25 description of the preharvest stand structure and a statement of the postharvest stand

1 stocking levels. The level of residual stocking shall be consistent with maximum  
2 sustained production of high quality timber products. The residual stand shall consist  
3 primarily of healthy and vigorous dominant and codominant trees from the preharvest  
4 stand. Trees retained to meet the basal area stocking standards shall be selected from  
5 the largest trees available on the project area prior to harvest. In no case shall stocking  
6 be reduced below the following standards:

7 (A) Where the preharvest dominant and codominant crown canopy is  
8 occupied primarily by trees greater than 14 in. dbh in the Coast District:

9 1. On Site I lands at least 125 sq.ft. per acre of basal area shall be  
10 left.

11 2. On Site II and III lands at least 100 sq.ft. per acre of basal area  
12 shall be left.

13 3. On Site IV lands at least 75 sq.ft. per acre of basal area shall be  
14 left.

15 4. On Site V lands, at least 50 sq.ft. per acre of basal area shall be  
16 left.

17 (AB) Where the preharvest dominant and codominant crown canopy is  
18 occupied primarily by trees greater than 14 in. dbh in the Northern and Southern  
19 Districts:

20 (i) 1. On Site I mixed conifer lands, at least 125 sq. ft. per acre of  
21 basal area shall be left, and on Site I land where greater than 50% of the basal area is  
22 pine, at least 100 sq. ft. per acre of basal area shall be left.

23 (ii) 2. On Site II mixed conifer lands, at least 100 sq.ft. per acre of  
24 basal area shall be left, and on Site II lands where greater than 50% of the basal area is  
25 pine, at least 75 sq. ft. per acre of basal area shall be left.

1                    ~~(iii)~~3. On Site III mixed conifer lands, at least 75 sq. ft. per acre of  
2 basal area shall be left, and on Site III lands where greater than 50% of the basal area  
3 is pine, at least 75 sq. ft. per acre of basal area shall be left.

4                    ~~(iv)~~4. On Site IV and V mixed conifer lands, at least 50 sq. ft. per  
5 acre of basal area shall be left, and on Site IV and V lands where greater than 50% of  
6 the basal area is pine, at least 50 sq. ft. per acre of basal area shall be left.

7                    (BC) Where the preharvest dominant and codominant crown canopy is  
8 occupied by trees less than 14 in. dbh, a minimum of 100 trees per acre over 4 in. dbh  
9 shall be retained for site I, II, and III. For site IV and V - 75 trees per acre over 4 in. dbh  
10 shall be retained. The retained trees shall be the largest trees available prior to harvest.

11 \*\*\*\*\*

12                    (7) The RPF shall, upon submission of the Notice of Exemption, provide a  
13 Confidential Archaeological Letter which contains all the information required for plans  
14 and Emergency Notices with the exception that the information required in 14 CCR §  
15 929.1(c)(3) [949.1(c)(3), 969.1(c)(3)] shall not be required. The Director shall submit a  
16 complete copy of the Confidential Archaeological Letter, and two copies of any required  
17 archaeological or historical site records, to the appropriate Information Center of the  
18 California Historical Resource Information System, within 30 days from the date of  
19 Notice of Exemption submittal to the Director. Before submitting the Notice of  
20 Exemption to the Director, the RPF shall send a copy of the Notice of Exemption to  
21 Native Americans defined in 14 CCR § 895.1.

22 \*\*\*\*\*

23 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1 and 4584.1, Public Resources  
24 Code. Reference: Sections 4516, 4527, 4584 and 4584.1, Public Resources Code; and

1 *EPIC v. California Department of Forestry and Fire Protection and Board of Forestry*  
2 (1996) 43 Cal. App.4th 1011.

3  
4 **§ 1039.1 Effective Period of the Plan.**

5 The effective period of the plan within the meaning of PRC §§ 4590 and 4591 is the  
6 ~~three~~five (35)-year period following the date the plan is determined to be in  
7 conformance or otherwise becomes effective pursuant to PRC § 4582.7. Timber  
8 operations shall commence no earlier than the expected date of commencement stated  
9 in the plan and shall be completed no later than the expected date of completion stated  
10 in the plan except under the following conditions:

11 (a) An amendment to change the completion date stated in a plan has been submitted  
12 to the Director at least ten (10) days before the expected date of completion.

13 (b) An amendment to extend the effective period of a plan beyond ~~three~~five (35) years is  
14 submitted in compliance with PRC § 4590, which includes a map showing clearly the  
15 area pertaining to the request for extension.

16 \*\*\*\*\*

17 Note: Authority cited: Sections 4551, 4553, 4590 and 4591, Public Resources Code.

18 Reference: Sections 4582.7, 4590, 4591 and 4591.1, Public Resources Code.

19  
20 **§ 1041 Limitations.**

21 A plan shall be limited to an area with reasonably similar timber, geology, soil,  
22 topography, climate, and stream characteristics that would constitute a logical  
23 harvesting unit. A plan should be limited to that area on which timber operations  
24 normally will be completed in one 12-month period, but in no case shall it extend  
25 beyond ~~three~~five (35) years after the plan is determined to be in conformance or

1 otherwise becomes effective under PRC § 4582.7. Plans shall be limited to lands within  
2 a particular forest district.

3  
4 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

5 Reference: Section 4590, Public Resources Code.  
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2 **§ 1092.01 PTEIR and PTHP.**

3 (a) A Program Timber Harvesting Plan (PTHP) may be filed for ownerships where a  
4 PTEIR has been certified by the Director.

5 \*\*\*\*\*

6 (e) A PTHP shall be limited to an area with reasonably similar timber geology, soil,  
7 topography, climate, and stream characteristics that would constitute a logical  
8 harvesting unit. A PTHP should be limited to that area on which timber operations  
9 normally will be completed in one 12-month period, but in no case shall it extend  
10 beyond ~~three~~five (35) years after the PTHP is determined to be in conformance or  
11 otherwise becomes effective under PRC § 4582.7, unless an amendment to extend the  
12 effective period is submitted and accepted by the Department per PRC § 4590 (a)(1) .

13 PTHPs shall be limited to lands within a particular forest district.

14  
15 Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference:  
16 Sections 4551, 4553 and 4590(a)(1), Public Resources Code.

17  
18 **§ 1092.26 Amendment.**

19 Changes that are not "minor deviations" as defined in 14 CCR 895.1 are presumed to  
20 be substantial deviations if they potentially could have a significant adverse affect on  
21 timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries,  
22 range and forage, recreation and aesthetic enjoyment that are beyond impacts identified  
23 in the PTEIR. Such actions may include, but are not limited to:

24 (a) Change in location of timber harvesting operations or enlargement of the area to be  
25 cut.

1 \*\*\*\*\*

2 (d) Change in location, nature or increase in length of proposed logging roads  
3 incorporating one or more of the following criteria:

4 \*\*\*\*\*

5 (2) Any road located in an extreme Erosion Hazard Rating area in the Coast or  
6 Northern Forest District, ~~extreme Estimated Erosion Potential area in the Northern~~  
7 ~~Forest District~~, or a high Erosion ~~Potential~~ Hazard Rating-area in the Southern Forest  
8 District.

9 \*\*\*\*\*

10 Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference:  
11 Sections 4551 and 4553, Public Resources Code.

12  
13 **§ 1092.28 Effective Period of the PTHP and PTEIR.**

14 (a) The effective period of the PTHP within the meaning of PRC § 4590 and 4591 is the  
15 ~~three~~five (35) years following the date the PTHP is determined to be in conformance or  
16 otherwise becomes effective pursuant to § 4582.7. Timber operations shall commence  
17 no earlier than the expected date of commencement stated in the PTHP and shall be  
18 completed no later than the expected date of completion stated in the PTHP except  
19 under the following conditions:

20 (1) An amendment to change the completion date stated in a PTHP has been submitted  
21 to the Director at least ten days before the expected date of completion.

22 (2) An amendment to extend the effective period of a PTHP beyond ~~three~~five (35) years  
23 is submitted in compliance with PRC § 4590 which includes a map showing clearly the  
24 area pertinent to the request for extension.

25 \*\*\*\*\*

1 Note: Authority cited: Sections 4551, 4553, 4590 and 4591, Public Resources Code.

2 Reference: Sections 4582.7, 4590, 4591 and 4591.1, Public Resources Code.

3  
4 **§ 1109.4 Suitability of Soils, Slopes, and Watersheds.**

5 In determining whether or not to make the written finding contained in PRC §  
6 4621.2(a)(3), the Director or the Board upon appeal shall consider the following  
7 elements: whether the soil types and characteristics can support the proposed use, the  
8 ~~erosion potential~~ Erosion Hazard Rating of the soils and slopes in light of the proposed  
9 use, potential mass land movement or subsidence, possible harm to quality or quantity  
10 of water produced in the watershed, fire hazard and risk to the watershed, adverse  
11 effects to fish and wildlife from removal of habitat cover, and such other elements as  
12 appropriate.

13  
14 Note: Authority cited: Section 4621.2(a)(3) and 4623, Public Resources Code.

15 Reference: Section 4621.2(a)(3), Public Resources Code.  
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