

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007

**State Board of Forestry and Fire Protection****Notice of Public Comment Period  
and  
Findings Pursuant to Government Code Section 11346.1(b)****Emergency Regulation to Implement “Slash Treatment Amendments, 2014”****Notice Date: May 16<sup>th</sup>, 2014**

The California Board of Forestry and Fire Protection (hereafter “Board”) has adopted an emergency regulation for treatment of slash piles that are created as a result of commercial timber operations. This action is being taken in accordance with Government Code Sections 11346.1 and 11349.6 of the California Administrative Procedures Act. This emergency regulation also conforms to the Administrations Proclamation of a State of Emergencies issued as Executive Orders on January 17<sup>th</sup>, 2014 and April 25<sup>th</sup>, 2014 in response to unprecedented drought conditions that the State is currently experiencing.

The Board adopted the emergency regulation following a noticed public hearing at their regularly scheduled meeting of May 14<sup>th</sup>, 2014. **This regulation will be submitted to the Office of Administrative Law on May 24<sup>th</sup>, 2014.**

If you wish to comment on the adopted emergency regulations, you must submit the comment directly to the Office of Administrative Law (hereafter “OAL”) within five **calendar** days of OAL’s posting of the proposed emergency regulations on the OAL web site. You may submit comments on the adopted emergency regulations to:

**Mail:**

OAL Reference Attorney  
300 Capitol Mall, Suite 1250  
Sacramento, California 95814

**Fax:**

(916) 323-6826

**E-mail:**

[staff@oal.ca.gov](mailto:staff@oal.ca.gov).

OAL will accept all comments submitted by the specified deadline. However, the State Legislature has statutorily exempted the emergency regulation from OAL review (refer to Public Resources Code Section 4629.4(b) for the specific exemption language). OAL is therefore expected to approve the adopted regulations in their adopted form upon

completion of the comment period. As such, comments pertaining to the regulations or to whether the emergency standard is met are not likely to be considered by OAL.

When you submit a comment to OAL, you must also submit a copy of your comment to the rulemaking agency's specified contact person.

This regulation will be submitted to the Office of Administrative Law on May 24th, 2014. **The public comment period closes at 5:00 PM on May 28th, 2012.**

OAL will confirm that the agency has received the comment. Pursuant to Title 1, California Code of Regulations, Section 55(b)(1) through (4), the comment must state that it is about an emergency regulation and include the topic of the emergency.

The Board is not required and, in this instance, not likely to respond to comments submitted. However, should the Board choose to respond, it must submit its response to OAL within eight (8) **calendar** days following the date of submission of the proposed emergency regulation to OAL, unless specific exceptions are applicable. [Title 1 CCR Section 55].

**Mail:**

George Gentry  
Executive Officer  
California Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 944244-2460

**Fax:**

(916) 653-0989

**E-mail:**

[Board.public.comments@fire.ca.gov](mailto:Board.public.comments@fire.ca.gov)

## **I. BASIS AND FINDINGS FOR BOARD ADOPTION OF EMERGENCY REGULATIONS**

The following observations, findings, and declarations serve as the basis for the Board of Forestry and Fire Protection's recent adoption of emergency regulations to implement "Slash Treatment Amendments, 2014".

**1. The Board was compelled to respond in an expeditious manner to a request from the Department of Forestry and Fire Protection (*CAL FIRE*) to adopt emergency regulations for the purposes of risk reduction of wildfire from required treatment of existing slash piles that are located within forested environments throughout the state.** Current Board regulations, 14 CCR §§§ 917, 937 and 957 address the treatment of logging residue (known as slash), including piles, to eliminate or reduce hazards associated with wildfire and pests. These existing regulations provide for a prescriptive standard in which piles created in a given year must be treated by April 1<sup>st</sup> of the following year. In many cases, landowners have not yet treated slash piles due to the threat of unintentional ignition of wildfires. Treatments of such piles are conducted through burning, lopping and scattering, mastication or chipping. These treatment options all possess inherent risk of wildfire ignition when working in proximity to forest vegetation with

extraordinary low fuel moisture content. Fuel moisture contents are alarmingly low as a result of acute drought conditions.

Actions of non-compliance of treatment of slash piles results in issuance of violations to landowners. This places landowners in the position of treating slash piles with the threat of igniting wildfires during extreme drought weather, or being issued violations by *CAL FIRE*. Adoption of this emergency regulation would provide landowners with additional time to treat slash piles during coming winter months, and therefore relieve the threat of forced treatment of slash piles. This action would significantly reduce the risk of wildfires throughout the state.

**2. The Board was compelled to respond in an expeditious manner to the Proclamations of Emergency put forth by the Administration in response to drought conditions throughout the state.** This expedited action was taken to reduce the harmful impact from the drought as the state heads into several months of dry conditions.

**3. Promulgation of these regulations is immediate and necessary to maintain public peace, health and safety, or the general welfare of the citizens of California through a significant reduction in risk of wildfire activity as a result of burning or mechanical operations within the States forested landscapes for the purpose of slash piles that were created as a result of commercial timber operations.**

**4. Promulgation of these regulations is immediate and necessary to protect both terrestrial and aquatic habitats from the elevated risk of wildfire as a result of burning or mechanical operations within the States forested landscapes for the purpose of slash piles that were created as a result of commercial timber operations.**

**5. Wildfire hazard within the State's forested landscapes is of major concern.** The combination of terrain, fuel type, and fuel condition consistently represent a clear and present threat to both private and public forestlands. These conditions, coupled with extreme drought, represent a hazard that is unparalleled in recorded history. The Board finds that this expedited action to minimize harm from drought conditions is prudent and obligatory.

## **II. AUTHORITY AND REFERENCE**

Authority: Sections 4551 and 4562, Public Resources Code. Reference: Sections 4513, 4551.5 and 4562, Public Resources Code.

## **III. INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW**

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, Public Resources Code Section 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands, including but not limited to timber operations conducted under an Emergency Notice.

Pursuant to this statutory authority, the Board previously adopted regulations contained in 14 CCR § 917 that addressed hazard reduction as it relates to snags and logging slash that are created as a result of commercial timber operations. A component of

these requirements provide for a prescriptive standard in which piles created in a given year must be treated by April 1<sup>st</sup> of the following year.

The treatment of slash piles is a time and weather dependent process and burning of piles is generally the practice most often prescribed. The liability associated with burning of slash material is quite high in time of drought conditions as currently recognized by the Administration as Emergency conditions. Ignition of piles poses the risk of starting wildfires within surrounding forested environments even in the early months of February or March. This occurs when fuel moisture content of adjacent vegetative cover is low and embers are carried from burning slash piles by wind into fuel beds that ignite and carry fire. Given this liability and risk, many landowners throughout the state decided to abate the treatment of slash piles during this last winter period.

The California Department of Forestry and Fire Protection (*CAL FIRE*), is also experiencing some level of difficulty with the current structure of regulation. It is often the case that *CAL FIRE* staff understands the issues that face landowners in the treatment or disposal of slash piles, but current regulatory standards require timely treatment. If slash pile treatment is conducted within the mandated timeline, it becomes the responsibility of *CAL FIRE* to issue violations to landowners for non-compliance with existing Forest Practice Rules.

Landowners are now in a predicament in burning of slash piles with the elevated risk of ignition of wildfires, particularly as summer months approach, or receive violations from *CAL FIRE* for non-conforming management actions.

This emergency rulemaking proposal would result in timelines associated with treatment of slash piles that would also alleviate the issues of non-compliance actions of landowners during these emergency drought conditions. This emergency regulatory proposal would also ease the difficulty of enforcement that *CAL FIRE* is currently challenged by allow landowners additional time to react to winter weather during the upcoming winter months for the planning of disposal of slash piles.

### **Sections 917.2 [937.2, 957.2](a) Treatment of Slash to Reduce Fire Hazard**

The proposed deletion of this subsection occurred because it was the language contained within this subsection that provided the dates of the prescriptive standard that were entirely supplanted by new regulatory standards as contained herein.

#### **Sections 917.2 [937.2, 957.2](a)(1)**

This proposed amendment includes the addition of language that provides for a more flexible timeline for the treatment of slash piles that are created prior to September 1<sup>st</sup> of a given year.

#### **Sections 917.2 [937.2, 957.2](a)(2)**

This proposed amendment includes the addition of language that provides for a more flexibility timeline for the treatment of slash piles that are created on or after September 1<sup>st</sup> of a given year.

## Sections 917.2 [937.2, 957.2](a)(3)

This proposed amendment includes the addition of language that allows a Registered Professional Forester (RPF) the ability to propose an alternative timeline for treatment of slash piles if he/she determines that provisions within 14CCR §§ 917.2 [937.2, 957.2](a)(2) & (3) are not sufficient timelines for the treatment of slash piles for a given project. Proposed alternative timelines must be reviewed and approved by the Director to become operationally effective and enforceable.

### IV. DISCLOSURES AND DETERMINATIONS REGARDING THE REGULATIONS

**Estimate of costs or savings to any state agency:** State costs or savings are not expected to vary significantly from current levels under existing regulations.

**Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500 of Division 4):** The proposed regulation does not impose a reimbursable cost to any local agency or school district.

**Other nondiscretionary cost or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Cost impact on private persons or those directly affected by the regulation:**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Significant adverse economic impacts on business including the ability of California business to compete with business in other states:** The Board has determined small businesses are unlikely to notice any effect from the proposed emergency rulemaking and therefore the proposed emergency regulations would not affect California businesses to compete with business in other states.

**Significant effect on housing:** None.

**Alternatives considered:**

#### **Alternative #1: No Action – Do Not Adopt Emergency Regulation**

This alternative would result in no change to the existing Forest Practice Rules for the timeliness of treatment of slash piles. This action would result in placing both timberland owners, RPFs, LTOs and *CAL FIRE* in a continued regulatory bind and heighten the risk of unintended wildfires throughout the state.

#### **Alternative #2: Adopt the Proposed Emergency Regulatory Amendment that Redefines Timelines for Treatment of Slash Piles for the Purposes of Hazard Reduction**

This alternative would result in providing a reasonable timeline for landowners to treat slash piles that are generated from commercial timber operations and significantly reduce the risk of unintended wildfires throughout the state during these emergency drought conditions.

### **Alternative #3: Adopt a Regulatory Amendment Through the Standard Rulemaking Process**

This alternative would result in providing a reasonable timeline for landowners to treat slash piles that are generated from commercial timber operations and significantly reduce the risk of unintended wildfires throughout the state in future year, but would not become effective until at least January 1, 2016. This would result in landowners that are currently non-complaint in treating slash piles for the purposes of reducing risk of unintended wildfires to either treat piles during spring and summer months or receive violations from *CAL FIRE*. This alternative does not address the current problem and would not comply with the Emergency Drought Declaration of the Administration.

#### **Local Mandate Determination:**

**Assessment Statement:** In accordance with Government Code Section 11346.3, the following are required responses, since state agencies proposing to adopt or amend any administrative regulations must assess whether and to what extent it will affect the following:

- (a) The creation or elimination of jobs within the State of California:** The regulation is not expected to create or eliminate jobs.
- (b) The creation of new business or the elimination of existing businesses within the State of California:** None.
- (c) The expansion of businesses currently doing business within the State of California:** None.

**Effect on Small Business:** The adopted emergency regulation is not expected to adversely affect small business.

1  
2 **Board of Forestry and Fire Protection**

3 **“SLASH TREATMENT AMENDMENTS, 2014”**

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

5 **Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 7**

6  
7 **AMEND:**

8 **§ 917.2, 937.2, 957.2 Treatment of Slash to Reduce Fire Hazard**

9  
10 **§ 917.2, 937.2, 957.2 Treatment of Slash to Reduce Fire Hazard**

11 Except in the [*High-Use Subdistrict of the Southern Forest District,*] Southern Subdistrict  
12 of the Coast Forest District and Coastal Commission Special Treatment Areas of the  
13 Coast Forest District, the following standards shall apply to the treatment of slash  
14 created by timber operations within the plan area and on roads adjacent to the plan  
15 area, but excluding appurtenant roads. Lopping for fire hazard reduction is defined in  
16 14 CCR 895.1.

17 **(a)** ~~Slash to be treated by piling and burning shall be treated not later than April 1 of~~  
18 ~~the year following its creation, or within 30 days following climatic access, or as justified~~  
19 ~~in the plan as follows:~~

20 (1) Piles created prior to September 1 shall be treated not later than April 1 of  
21 the year following its creation, or within 30 days following climatic access.

22 (2) Piles created on or after September 1 shall be treated not later than April 1 of  
23 the second year following its creation, or within 30 days following climatic access.

24 (3) Alternatives to (1) and/or (2) shall be justified in the plan by the RPF and may  
25 be approved by the Director.

1 (b) Within 100 feet of the edge\*\*\*\*\*

## A PROCLAMATION OF A STATE OF EMERGENCY

**WHEREAS** the State of California is experiencing record dry conditions, with 2014 projected to become the driest year on record; and

**WHEREAS** the state's water supplies have dipped to alarming levels, indicated by: snowpack in California's mountains is approximately 20 percent of the normal average for this date; California's largest water reservoirs have very low water levels for this time of year; California's major river systems, including the Sacramento and San Joaquin rivers, have significantly reduced surface water flows; and groundwater levels throughout the state have dropped significantly; and

**WHEREAS** dry conditions and lack of precipitation present urgent problems: drinking water supplies are at risk in many California communities; fewer crops can be cultivated and farmers' long-term investments are put at risk; low-income communities heavily dependent on agricultural employment will suffer heightened unemployment and economic hardship; animals and plants that rely on California's rivers, including many species in danger of extinction, will be threatened; and the risk of wildfires across the state is greatly increased; and

**WHEREAS** extremely dry conditions have persisted since 2012 and may continue beyond this year and more regularly into the future, based on scientific projections regarding the impact of climate change on California's snowpack; and

**WHEREAS** the magnitude of the severe drought conditions presents threats beyond the control of the services, personnel, equipment and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California due to water shortage and drought conditions with which local authority is unable to cope.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the state Constitution and statutes, including the California Emergency Services Act, and in particular, section 8625 of the California Government Code **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in the State of California due to current drought conditions.

### IT IS HEREBY ORDERED THAT:

1.State agencies, led by the Department of Water Resources, will execute a statewide water conservation campaign to make all Californians aware of the drought and encourage personal actions to reduce water usage. This campaign will be built on the existing Save Our Water campaign ([www.saveourh20.org](http://www.saveourh20.org)) and will coordinate with local water agencies. This campaign will call on Californians to reduce their water usage by 20 percent.

2.Local urban water suppliers and municipalities are called upon to implement their local water shortage contingency plans immediately in order to avoid or forestall outright restrictions that could become necessary later in the drought season. Local water agencies should also update their legally required urban and agricultural water management plans, which help plan for extended drought conditions. The Department of Water Resources will make the status of these updates publicly available.

3.State agencies, led by the Department of General Services, will immediately implement water use reduction

plans for all state facilities. These plans will include immediate water conservation actions, and a moratorium will be placed on new, non-essential landscaping projects at state facilities and on state highways and roads.

4. The Department of Water Resources and the State Water Resources Control Board (Water Board) will expedite the processing of water transfers, as called for in Executive Order B-21-13. Voluntary water transfers from one water right holder to another enables water to flow where it is needed most.

5. The Water Board will immediately consider petitions requesting consolidation of the places of use of the State Water Project and Federal Central Valley Project, which would streamline water transfers and exchanges between water users within the areas of these two major water projects.

6. The Department of Water Resources and the Water Board will accelerate funding for water supply enhancement projects that can break ground this year and will explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.

7. The Water Board will put water right holders throughout the state on notice that they may be directed to cease or reduce water diversions based on water shortages.

8. The Water Board will consider modifying requirements for reservoir releases or diversion limitations, where existing requirements were established to implement a water quality control plan. These changes would enable water to be conserved upstream later in the year to protect cold water pools for salmon and steelhead, maintain water supply, and improve water quality.

9. The Department of Water Resources and the Water Board will take actions necessary to make water immediately available, and, for purposes of carrying out directives 5 and 8, Water Code section 13247 and Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended on the basis that strict compliance with them will prevent, hinder, or delay the mitigation of the effects of the emergency. Department of Water Resources and the Water Board shall maintain on their websites a list of the activities or approvals for which these provisions are suspended.

10. The state's Drinking Water Program will work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water shortages. It will also identify emergency interconnections that exist among the state's public water systems that can help these threatened communities.

11. The Department of Water Resources will evaluate changing groundwater levels, land subsidence, and agricultural land fallowing as the drought persists and will provide a public update by April 30 that identifies groundwater basins with water shortages and details gaps in groundwater monitoring.

12. The Department of Water Resources will work with counties to help ensure that well drillers submit required groundwater well logs for newly constructed and deepened wells in a timely manner and the Office of Emergency Services will work with local authorities to enable early notice of areas experiencing problems with residential groundwater sources.

13. The California Department of Food and Agriculture will launch a one-stop website ([www.cdffa.ca.gov/drought](http://www.cdffa.ca.gov/drought)) that provides timely updates on the drought and connects farmers to state and federal programs that they can access during the drought.

14. The Department of Fish and Wildlife will evaluate and manage the changing impacts of drought on threatened and endangered species and species of special concern, and develop contingency plans for state Wildlife Areas and Ecological Reserves to manage reduced water resources in the public interest.

15. The Department of Fish and Wildlife will work with the Fish and Game Commission, using the best available science, to determine whether restricting fishing in certain areas will become necessary and prudent as drought conditions persist.

16. The Department of Water Resources will take necessary actions to protect water quality and water supply in the Delta, including installation of temporary barriers or temporary water supply connections as needed, and will coordinate with the Department of Fish and Wildlife to minimize impacts to affected aquatic species.

17. The Department of Water Resources will refine its seasonal climate forecasting and drought prediction by advancing new methodologies piloted in 2013.

18. The California Department of Forestry and Fire Protection will hire additional seasonal firefighters to suppress wildfires and take other needed actions to protect public safety during this time of elevated fire risk.

19. The state's Drought Task Force will immediately develop a plan that can be executed as needed to provide emergency food supplies, financial assistance, and unemployment services in communities that suffer high levels of unemployment from the drought.

20. The Drought Task Force will monitor drought impacts on a daily basis and will advise me of subsequent actions that should be taken if drought conditions worsen.

**I FURTHER DIRECT** that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 17th day of January, 2014.

---

EDMUND G. BROWN JR.,  
Governor of California

ATTEST:

---

DEBRA BOWEN,  
Secretary of State

###

# Executive Department

## State of California

### A PROCLAMATION OF A CONTINUED STATE OF EMERGENCY

**WHEREAS** on January 17, 2014, I proclaimed a State of Emergency to exist in the State of California due to severe drought conditions; and

**WHEREAS** state government has taken expedited actions as directed in that Proclamation to minimize harm from the drought; and

**WHEREAS** California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall since January, with very limited snowpack in the Sierra Nevada mountains, decreased water levels in California's reservoirs, and reduced flows in the state's rivers; and

**WHEREAS** drought conditions have persisted for the last three years and the duration of this drought is unknown; and

**WHEREAS** the severe drought conditions continue to present urgent challenges: water shortages in communities across the state, greatly increased wildfire activity, diminished water for agricultural production, degraded habitat for many fish and wildlife species, threat of saltwater contamination of large fresh water supplies conveyed through the Sacramento-San Joaquin Bay Delta, and additional water scarcity if drought conditions continue into 2015; and

**WHEREAS** additional expedited actions are needed to reduce the harmful impacts from the drought as the state heads into several months of typically dry conditions; and

**WHEREAS** the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

**WHEREAS** under the provisions of section 8571 of the Government Code, I find that strict compliance with the various statutes and regulations specified in this proclamation would prevent, hinder, or delay the mitigation of the effects of the drought.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, including the Emergency Services Act and in particular Government Code section 8567, do hereby issue this Executive Order, effective immediately, to mitigate the effects of the drought conditions upon the people and property within the State of California.

#### IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in Proclamation No. 1-17-2014, dated January 17, 2014, remain in full force and effect except as modified herein.
2. The Department of Water Resources and the State Water Resources Control Board (Water Board) will immediately and expeditiously process requests to move water to areas of need, including requests involving voluntary water transfers, forbearance agreements, water exchanges, or other means. If necessary, the Department will request that the Water Board consider changes to water right permits to enable such voluntary movements of water.

3. Recognizing the tremendous importance of conserving water during this drought, all California residents should refrain from wasting water:
  - a. Avoid using water to clean sidewalks, driveways, parking lots and other hardscapes.
  - b. Turn off fountains and other decorative water features unless recycled or grey water is available.
  - c. Limit vehicle washing at home by patronizing local carwashes that use recycled water.
  - d. Limit outdoor watering of lawns and landscaping to no more than two times a week.

Recreational facilities, such as city parks and golf courses, and large institutional complexes, such as schools, business parks and campuses, should immediately implement water reduction plans to reduce the use of potable water for outdoor irrigation.

Commercial establishments such as hotel and restaurants should take steps to reduce water usage and increase public awareness of the drought through measures such as offering drinking water only upon request and providing customers with options to avoid daily washing of towels or sheets.

Professional sports facilities, such as basketball arenas, football, soccer, and baseball stadiums, and hockey rinks should reduce water usage and increase public awareness of the drought by reducing the use of potable water for outdoor irrigation and encouraging conservation by spectators.

The Water Board shall direct urban water suppliers that are not already implementing drought response plans to limit outdoor irrigation and other wasteful water practices such as those identified in this Executive Order. The Water Board will request by June 15 an update from urban water agencies on their actions to reduce water usage and the effectiveness of these efforts. The Water Board is directed to adopt emergency regulations as it deems necessary, pursuant to Water Code section 1058.5, to implement this directive.

Californians can learn more about conserving water from the Save Our Water campaign ([SaveOurH2O.org](http://SaveOurH2O.org)).

4. Homeowners Associations (commonly known as HOAs) have reportedly fined or threatened to fine homeowners who comply with water conservation measures adopted by a public agency or private water company. To prevent this practice, pursuant to Government Code section 8567, I order that any provision of the governing document, architectural or landscaping guidelines, or policies of a common interest development will be void and unenforceable to the extent it has the effect of prohibiting compliance with the water-saving measures contained in this directive, or any conservation measure adopted by a public agency or private water company, any provision of Division 4, Part 5 (commencing with section 4000) of the Civil Code notwithstanding.
5. All state agencies that distribute funding for projects that impact water resources, including groundwater resources, will require recipients of future financial assistance to have appropriate conservation and efficiency programs in place.
6. The Department of Fish and Wildlife will immediately implement monitoring of winter-run Chinook salmon in the Sacramento River and its tributaries, as well as several runs of salmon and species of smelt in the Delta as described in the April 8, 2014 Drought Operations Plan.
7. The Department of Fish and Wildlife will implement projects that respond to drought conditions through habitat restoration and through water infrastructure projects on property owned or managed by the Department of Fish and Wildlife or the

Department of Water Resources for the benefit of fish and wildlife impacted by the drought.

8. The Department of Fish and Wildlife will work with other state and federal agencies and with landowners in priority watersheds to protect threatened and endangered species and species of special concern and maximize the beneficial uses of scarce water supplies, including employment of voluntary agreements to secure instream flows, relocation of members of those species, or through other measures.
9. The Department of Water Resources will expedite the consideration and, where appropriate, the implementation, of pump-back delivery of water through the State Water Project on behalf of water districts.
10. The Water Board will adopt statewide general waste discharge requirements to facilitate the use of treated wastewater that meets standards set by the Department of Public Health, in order to reduce demand on potable water supplies.
11. The Department of Water Resources will conduct intensive outreach and provide technical assistance to local agencies in order to increase groundwater monitoring in areas where the drought has significant impacts, and develop updated contour maps where new data becomes available in order to more accurately capture changing groundwater levels. The Department will provide a public update by November 30 that identifies groundwater basins with water shortages, details remaining gaps in groundwater monitoring, and updates its monitoring of land subsidence and agricultural land fallowing.
12. The California Department of Public Health, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies that the Department of Public Health has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages.
13. The Department of Water Resources and the Water Board, in coordination with other state agencies, will provide appropriate assistance to public agencies or private water companies in establishing temporary water supply connections to mitigate effects of the drought.
14. For the protection of health, safety, and the environment, CAL FIRE, the Office of Emergency Services, the Department of Water Resources, and the Department of Public Health, where appropriate, may enter into contracts and arrangements for the procurement of materials, goods, and services necessary to quickly mitigate the effects of the drought.
15. Pursuant to the drought legislation I signed into law on March 1, 2014, by July 1, 2014, the California Department of Food and Agriculture, in consultation with the Department of Water Resources and Water Board, will establish and implement a program to provide financial incentives to agricultural operations to invest in water irrigation treatment and distribution systems that reduce water and energy use, augment supply, and increase water and energy efficiency in agricultural applications.
16. To assist landowners meet their responsibilities for removing dead, dying and diseased trees and to help landowners clear other trees and plants close to structures that increase fire danger, certain noticing requirements are suspended for these activities. Specifically, the requirement that any person who conducts timber operations pursuant to the exemptions in Title California Code of Regulations sections 1038 (b) and (c) submit notices to CAL FIRE under the provisions of Title 14, California Code of Regulations, section 1038.2 is hereby suspended. Timber operations pursuant to sections 1038(b) and (c) may immediately commence operations upon submission of the required notice to CAL FIRE and without a copy of the Director's notice of acceptance at the operating site. All other provisions of these regulations will remain in effect.

17. The Water Board will adopt and implement emergency regulations pursuant to Water Code section 1058.5, as it deems necessary to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to promote water recycling or water conservation, and to require curtailment of diversions when water is not available under the diverter's priority of right.
18. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 7 and 14. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.
19. For several actions called for in this proclamation, environmental review required by the California Environmental Quality Act is suspended to allow these actions to take place as quickly as possible. Specifically, for actions taken by state agencies pursuant to directives 2, 3, 6–10, 13, 15, and 17, for all actions taken pursuant to directive 12 when the Office of Planning and Research concurs that local action is required, and for all necessary permits needed to implement these respective actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. The entities implementing these directives will maintain on their websites a list of the activities or approvals for which these provisions are suspended. This suspension and that provided in paragraph 9 of the January 17, 2014 Proclamation will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.
20. For several actions called for in this proclamation, certain regulatory requirements of the Water Code are suspended to allow these actions to take place as quickly as possible. Specifically, for actions taken pursuant to directive 2, section 13247 of the Water Code is suspended. The 30-day comment period provided in section 1726(f) of the Water Code is also suspended for actions taken pursuant to directive 2, but the Water Board will provide for a 15-day comment period. For actions taken by state agencies pursuant to directives 6 and 7, Chapter 3 of Part 3 (commencing with section 85225) of the Water Code is suspended. The entities implementing these directives will maintain on their websites a list of the activities or approvals for which these provisions are suspended.

**I FURTHER DIRECT** that as soon as hereafter possible, this Proclamation shall be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 25th day of April, 2014



*Edmund G. Brown Jr.*  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:

*Debra Bowen*  
DEBRA BOWEN  
Secretary of State

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-7772  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



May 1, 2014

Dr. Gilles, Chairman  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

Re: "Slash Treatments Amendments, 2014" Emergency Regulations

Dear Chairman Gilles:

The California Department of Forestry and Fire Protection (CAL FIRE) requests that the Board consider adoption of emergency regulations pursuant to GC § 11346.1 to mitigate the increased fire danger precipitated by the drought in California. The Governor has declared a state of emergency in regard to the severe drought that is currently affecting California, and the current regulations prescribing treatment options for the disposal of slash and woody debris possess an inherent risk of wildfire ignition when working in proximity to forest vegetation with extraordinary low fuel moisture content.

The increased fire danger posed by drought conditions presents extreme risk to the people, property, and natural resources of the State from wildfire resulting from landowners compliance with current Forest Practice Rules regarding Hazard Reduction. Actions of non-compliance of the treatment of slash piles results in issuance of violations to landowners. This places landowners in the position of treating slash piles with the threat of igniting wildfires during extreme drought conditions, or being issued violations by the Department. Adoption of this emergency regulation would provide landowners with additional time to treat slash piles during coming winter months and therefore relieve the threats from the untimely treatment of slash piles. This action would significantly reduce the risk of wildfires throughout the state.

Please consider emergency adoption of the attached changes to the existing regulations to diminish this immediate threat to California's residents and wildland resources. Thank you for considering this important rule amendment for hazard reduction.

Sincerely,

A handwritten signature in blue ink, appearing to read "Duane Shintaku".

DUANE SHINTAKU  
Deputy Director

Attachments

1  
2 **“EMERGENCY SLASH TREATMENT AMENDMENTS, 2014”**

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

4 **Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 7**

5  
6 **AMEND:**

7 **14 CCR §§ 917.2, 937.2, and 957.2 Treatment of Slash to Reduce Fire Hazard**

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

14 **(a)** ~~Slash to be treated by piling and burning shall be treated not later than April 1 of the~~  
15 ~~year following its creation, or within 30 days following climatic access, or as justified in~~  
16 ~~the plan as follows:~~

17 (1) Piles created prior to September 1 shall be treated not later than April 1 of  
18 the year following its creation, or within 30 days following climatic access.

19 (2) Piles created on or after September 1 shall be treated not later than April 1 of  
20 the second year following its creation, or within 30 days following climatic access.

21 (3) Alternatives to (1) and/or (2) shall be justified in the plan by the RPF and may  
22 be approved by the Director.

23 **(b)** Within 100 feet of the edge\*\*\*\*\*