

Noteworthy changes indicated by *italics*.

1 **1051.3 Modified THP for Community Fuelbreak Special Prescription or Project Area Fuel Hazard**

2 **Reduction**

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

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11 **1051.4 Modified THP for Community Fuelbreak Special Prescription**

12 (a) The spatial arrangement of fuels post harvest shall demonstrate that threat of crown fire has been  
13 addressed. At a minimum post harvest stand conditions shall achieve the following post harvest  
14 standards:

Trees per acre >8" dbh and 40' tall	Minimum Basal Area per acre	Overstory canopy Cover	Height to live crown above understory	Understory tons/acre	Litter tons/acre
50 to 100	75	50%	8'	5	1
100 to 150	75	50%	8	4	1
150 to 200	100	60%	8	3	1

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21 Note: Trees per acre, basal area, and crown closure requirements must be met with Group A commercial  
22 species

23 (1) The largest 8 trees of Group A commercial species per acre shall be retained post harvest.  
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1           (2) A minimum of 15 sq. ft. per acre of basal area shall be retained in trees greater than 18"  
2 where present prior to operations. Where not present prior to operations, basal area standards shall be met  
3 through retention of the largest available trees.

4           (3) Minimum overstory canopy retention standards shall be met with commercial species  
5 with a size of 8" dbh and a minimum height of 40'. Where overstory canopy as averaged over any 200'  
6 segment of fuel treatment area is less than the minimums listed in the above table, no removal of trees  
7 greater than 8" in diameter shall occur. Understory and litter fuel treatments in these areas shall be  
8 designed to meet minimum retention of the number of trees listed above, while increasing quadratic mean  
9 diameter of post harvest stand. Spacing between crowns of any retained conifer shall be at least 10'.  
10 Treatment of non-commercial woody vegetation less than 15' shall at a minimum create no less than 20'  
11 spacing between retained vegetation. Individual aggregations or clumps of woody vegetation which are  
12 retained shall cover no more than 50 sq. ft per clump.

13           (4) Where present prior to operations, a minimum of 15 sq. ft. of basal area in hardwoods  
14 greater than 8" in diameter shall be retained. Retention requirements shall be met with the largest  
15 available trees and preference for retention shall prioritize Group B true oaks and madrone.

16 (b) A fuel break shall be a minimum of 300' in width with a maximum width of 500' unless  
17 explained and justified in the *Modified THP for Community Fuelbreak Special Prescription*.

18 (c) Fuel breaks to be created under the provisions of this section shall be limited to:

19           (1) Ridgetops which separate CALWATER 2.2 planning watersheds,

20           (2) Areas immediately adjacent to a legally permitted structure that complies with the  
21 California Building Code and is currently being maintained for human habitation.

22           (3) locations within 500' of the boundary of a wild land interface community having a  
23 density of one or more structures per five acres which at high risk of wildfire as defined on pages 752, et  
24 seq. of Number 3 of Volume 66 (January 4, 2001) of the Federal Register, as that definition may be  
25 amended from time to time.

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1           (4) Areas within 300' on either side of an evacuation corridor or critical community  
2 infrastructure designated in a Community Wildfire Protection Plan, CAL FIRE Unit Fire plan, county or  
3 other governmental fire plan approved by the Director.

4           (5) Areas designated in an approved Program Timberland Environmental Impact Report as  
5 fuel breaks.

6 (d) Fuel treatment prescription applications shall be limited in area to ensure that the combination of  
7 fuel break treatments and other harvesting activities under the landowner's control is less than 10% of a  
8 planning watershed in any one calendar year. Fuelbreak treatments shall not be applied to more than 30%  
9 of the planning watershed in total.

10 (e) The boundaries of the fuel break treatment area shall be clearly designated on the ground prior to  
11 submission of the MTHP.

12 (f) The RPF or supervised designee shall sample mark 10% or 10 acres of the plan area prior to plan  
13 submission. The RPF or his designee shall complete marking on areas where marking was not completed  
14 at the time of plan approval prior to felling operations in the currently active portion of the plan. In lieu to  
15 marking the RPF may provide criteria in the Timber Harvest Plan and a sample mark which provide clear  
16 guidance to the Licensed Timber Operator. If the Director determines that the criteria provided are  
17 consistent with the sample mark and provide clear and enforceable direction to the LTO, marking prior to  
18 felling may be waived by the Director. Where marking requirements are waived, the RPF must stipulate  
19 in the plan that the RPF or supervised designee will monitor harvest operations to ensure that harvesting  
20 is consistent with tree removal criteria. Where marking is not required, the RPF or plan submitter will  
21 also be required to provide documentation that confirms authority for oversight and ability to supervise  
22 and take corrective action to ensure that tree removal criteria are being followed.

23 (g) Post harvest stocking shall be evaluated utilizing the criteria specified in 1072.7 "Combination  
24 Stocking Sampling Procedure". Fuel break segments as measured in 200' increments which meet pre-  
25 harvest basal area levels that result in removal of trees for sawlogs, will utilize basal area stocking  
criteria. Areas in the fuel break which do not have a sufficient combination of numbers of trees greater

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1 than 8” in diameter, basal area, and canopy cover to permit removal of sawlogs will meet a point count  
2 standard.

3 (h) Areas up to 6 acres in size within the fuel break which prior to operations do not meet the minimum  
4 point count resource conservation standards as specified in 912.7(b), 932.7(b), or 952.7(b) may be  
5 harvested utilizing the “rehabilitation of understocked area” special prescription. Areas where this  
6 prescription is to be applied shall be clearly delineated on the THP maps and boundaries flagged on the  
7 ground prior to plan submission and as necessary to guide the LTO shall be refreshed by the RPF prior to  
8 the start of timber operations.

9 (i) The following operational limitations shall apply:

10 (1) tractor operations on slopes greater than 50%, or on areas with high or extreme erosion hazard  
11 ratings shall be limited to endlining from existing skidtrails.

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

13 (3) Unless explained and justified in the MTHP no timber operations shall occur in Special  
14 Treatment Areas except log hauling on existing roads not requiring reconstruction.

15 (4) No tractor operations on slides or unstable areas.

16 (5) New road construction shall be limited to the extent necessary to provide access to facilitate  
17 fuel treatment activities and post harvest access needs.

18 (6) No tractor operations within a watercourse or lake protection zone, meadows, or wet areas,  
19 except where the Director determines that the threat of catastrophic wildfire is sufficient to justify the  
20 necessity of operations, or for maintenance of existing roads, drainage facilities or structures. Where  
21 operations are planned the following shall apply:

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

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1           (8) No listed species will be directly or indirectly adversely impacted by proposed timber  
2 operations.

3           (9) No equipment operations, with the exception of use of existing roads, shall occur within  
4 significant archaeological sites. The use of existing roads shall be explained and justified in the MTHP.  
5 Where necessary to facilitate fuel hazard reduction objectives, hand felling and removal of vegetation  
6 from sites, shall be explained and justified in the MTHP.

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

10           (11) Harvesting will not reduce the amount of timberland occupied by late succession forest  
11 stands currently greater than or equal to 5 acres in size. Harvesting shall only occur when the tree is not  
12 critical for the maintenance of a Late Successional Stand, and the RPF includes an explanation and  
13 justification supporting the proposed tree removal. These requirements need not be met if an approved  
14 management document, including but not limited to a HCP or SYP addresses large, old tree retention for  
15 the area in which the large, old tree(s) are proposed for removal and the removal is in compliance with the  
16 retention standards of that document. All trees to be harvested pursuant to this section shall be marked by  
17 an RPF prior to removal.

18           (12) No tree that existed prior to 1800 A.D. and is greater than sixty (60) inches in diameter at  
19 breast height for Sierra or Coast Redwood or forty eight (48) inches in diameter at stump height for all  
20 other species shall be harvested except as follows:

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

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

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

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1           (13) As part of the pre-harvest project design, the RPF shall evaluate and incorporate habitat  
2 requirements for fish, wildlife, and plant species in accordance with 14 CCR §§898.2, 916.9 [936.9,  
3 956.9] and 919. Such evaluations shall include use of the California Natural Diversity Database  
4 maintained by the California Department of Fish and Game (CDFG), and local knowledge of the planning  
5 watershed. Consultation with CDFG personnel is recommended.

6           (14) Use of watercourses, marshes, wet meadows, and other wet areas as landings, roads, or skid  
7 trails shall not be permitted.

8           (15) In addition to (1)-(14) all other rules of the Board shall apply to operations specified in this  
9 section.

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11 **1051.5 Contents of Modified THP for Community Fuelbreak Special Prescription**

12           A plan submitted under section 1051.3 above shall contain all the provisions of 14 CCR 1034  
13 except the following: (z), (cc), and the RPF shall:

14           (a) Certify in the *Modified THP for Community Fuelbreak Special Prescription* that the conditions or  
15 facts stated in items 1-16 above exist on the MTHP area at the time of submission, and that in the  
16 preparation, mitigation, and analysis of the MTHP, no identified potential significant effects remain  
17 undisclosed.

18           (b) Certify that a meeting will be held at the MTHP site before timber operations commence with the RPF  
19 responsible for the plan or supervised designee and the licensed timber operator who will be operating on  
20 the MTHP where the contents and implementation of the plan have been reviewed and discussed.

21 Operations pursuant to this section may use an alternative to the cumulative impacts assessment specified  
22 in 14 CCR 898, 912.9 [932.9, 952.9], and Technical Rule Addendum No. 2. Operations conducted  
23 according to this section are presumed to be unlikely to cause a significant adverse impact to the  
24 environment due to the specific restrictive mitigations required in (1)-(15) above. This presumption of  
25 unlikely impacts shall not apply to MTHPs for which: 1) the Director determines it does not meet the  
criteria of subsection (a), or 2) the Director determines in consultation with trustee or responsible

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1 agencies, or upon review of public comments that a fair argument exists that significant individual or  
2 cumulative impacts will result from timber operations. Where issues (a fair argument) are raised the RPF  
3 shall complete the appropriate portion of Technical Rule Addendum No. 2 and submit that information  
4 for the Director's review.

5 (c) Develop and document the vegetation treatments necessary to meet the objectives of fuel hazard  
6 reduction and increased resiliency to wildfire within the *community fuelbreak*. Documentation prepared  
7 by the RPF shall include, but not be limited to:

8 (1) A detailed description of the assets at risk to catastrophic wildfire that are to be protected  
9 through the fuel treatments proposed. As feasible and appropriate, the RPF should attempt to  
10 coordinate the objectives of the MTHP with larger-scale, federal, state, and local strategic fuel  
11 treatment and fire prevention plans.

12 (2) A comprehensive description of pre-harvest stand structure and stocking levels and detailed  
13 silvicultural prescription for achieving the desired post-harvest stand structure and stocking  
14 levels. This information shall be supported by verifiable, stand-level inventory data as  
15 requested by the Director.

16 (3) A description of the criteria used to designate trees to be harvested or the trees to be retained

17 (4) A description of the timeline, methods and standards for treatment of pre-existing surface and  
18 ladder fuels as well as all logging slash created by timber operations. The description shall  
19 include detailed discussion of the performance standard to be achieved and the methods by  
20 which compliance with that performance standard may be verified. Pursuant to Public  
21 Resources Code §752, where the expertise of the RPF is exceeded in the development and  
22 evaluation of fuel treatment performance standards, the RPF is advised to consult with other  
23 qualified experts.

24 (5) A comprehensive plan for pre and post-treatment photo point monitoring for the purpose of  
25 evaluating and demonstrating the effectiveness of project treatments. Photo point monitoring  
methods shall be easy to replicate in the field and include, at a minimum, mapped locations of

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1           specifically designated photo points. Specific photo points shall be designated on the ground  
2           by stake, post, or other equivalent semi-permanent methods.

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4    **1051.6 Review of Modified THP for Community Fuelbreak Special Prescription**

5    The Director may require a preharvest inspection of a *Modified THPn for Community Fuelbreak Special*  
6    *Prescription* when Review Team members identify substantial questions on plan contents or  
7    environmental impacts.

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9    **1051.7 Modified THP for Project Area Fuel Hazard Reduction**

10 (a) On an ownership of timberland, a *Modified THP for Project Area Fuel Hazard Reduction* may be  
11 filed by a plan submitter, providing that the following conditions and mitigations are met:

12           (1) Not less than 40% ground cover of overstory tree canopy shall be retained. The canopy  
13 retained shall be well distributed over the harvest area. Not more than 10% of the MTHP area, not to  
14 exceed 500 acres, shall be harvested under the rehabilitation method. A sample area representative of  
15 each silvicultural method proposed in the plan must be marked prior to any pre-harvest inspection of the  
16 proposed plan area. The sample area shall include at least 10% of the area proposed for treatment under  
17 each silvicultural method to a maximum of 20 acres per method, and must be representative of the range  
18 of conditions present in the area.

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

24           (3) Stocking standards, specific to the silvicultural method selected, must be met immediately  
25 after harvesting operations are completed, except as explained and justified for specific instances where  
the rehabilitation or sanitation-salvage methods are proposed and will result in post-harvest stands that

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1 cannot meet stocking standards. Unstocked areas treated by the rehabilitation or sanitation-salvage  
2 methods must meet stocking standards within 5-years following completion of harvest operations.

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

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

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

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

9 (8) New road construction is confined to no more than 600 feet for every 100 acres of area  
10 proposed for treatment.

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

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

20 (10) No listed species will be directly or indirectly adversely impacted by proposed timber  
21 operations. For timber operations which potentially could adversely affect a listed species or the habitat of  
22 the species, the consultation process with DFG pursuant to F&GC §§2090 or 2081 shall be completed  
23 before the MTHP for Fuel Hazard Reduction is approved.

24 (11) Timber harvesting is only allowed in the WLPZ if: 1) sanitation-salvage harvesting is the  
25 only silvicultural system to be used in the WLPZ and it must be in compliance with 14 CCR §916.4(b)

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1 [936.4(b), 956.4(b)]; or 2) if harvesting retains 70% or greater of the canopy layer. Harvesting under 2)  
2 above shall not occur again in the WLPZ for a 10-year period following completion of the THP.

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

4 (13) No alternatives, exceptions, or in-lieu practices allowed for watercourse or lake protection  
5 measures, standard road widths, or erosion control measures, except for use of existing roads within  
6 WLPZ after compliance with examination, evaluation, and mitigation(s) per 14 CCR §916.4(a) [936.4(a),  
7 956.4(a)].

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

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

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

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

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

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

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1           (16) As part of the pre-harvest project design, the RPF shall evaluate and incorporate habitat  
2 requirements for fish, wildlife, and plant species in accordance with 14 CCR §§898.2, 916.9 [936.9,  
3 956.9] and 919. Such evaluations shall include use of the California Natural Diversity Database  
4 maintained by the California Department of Fish and Game (CDFG), and local knowledge of the planning  
5 watershed. Consultation with CDFG personnel is recommended.

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

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10 **1051.8 Contents of Modified THP for Project Area Fuel Hazard Reduction**

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

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

14 **(b) Certify in the *Modified THP for Project Area Fuel Hazard Reduction* that the conditions or facts**  
15 stated in items 1-16 above exist on the MTHP area at the time of submission, and that in the preparation,  
16 mitigation, and analysis of the MTHP, no identified potential significant effects remain undisclosed.

17 **(c) Certify that a meeting will be held at the MTHP site before timber operations commence with the RPF**  
18 responsible for the plan or supervised designee and the licensed timber operator who will be operating on  
19 the MTHP where the contents and implementation of the plan have been reviewed and discussed.  
20 Operations pursuant to this section shall use an alternative to the cumulative impacts assessment specified  
21 in 14 CCR 898, 912.9 [932.9, 952.9], and Technical Rule Addendum No. 2. Operations conducted  
22 according to this section are presumed to be unlikely to cause a significant adverse impact to the  
23 environment due to the specific restrictive mitigations required in (1)-(15) above.

24 This presumption of unlikely impacts shall not apply to MTHPs for which: 1) the Director determines it  
25 does not meet the criteria of subsection (a), or 2) the Director determines in consultation with trustee or  
responsible agencies, or upon review of public comments that a fair argument exists that significant

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1 individual or cumulative impacts will result from timber operations. Where issues (a fair argument) are  
2 raised the RPF shall complete the appropriate portion of Technical Rule Addendum No. 2 and submit that  
3 information for the Director's review.

4 (d) Develop and document the vegetation treatments necessary to meet the objectives of fuel hazard  
5 reduction and increased resiliency to wildfire within the project area. Documentation prepared by the RPF  
6 shall include, but not be limited to:

7 (1) A detailed description of the assets at risk to catastrophic wildfire that are to be protected  
8 through the fuel treatments proposed. As feasible and appropriate, the RPF should attempt to  
9 coordinate the objectives of the *Modified THP for Project Area Fuel Hazard Reduction* with  
10 larger-scale, federal, state, and local strategic fuel treatment and fire prevention plans.

11 (2) A comprehensive description of pre-harvest stand structure and stocking levels and detailed  
12 silvicultural prescription for achieving the desired post-harvest stand structure and stocking  
13 levels. This information shall be supported by verifiable, stand-level inventory data as  
14 requested by the Director.

15 (3) A description of the criteria used to designate trees to be harvested or the trees to be retained

16 (4) A description of the timeline, methods and standards for treatment of pre-existing surface and  
17 ladder fuels as well as all logging slash created by timber operations. The description shall  
18 include detailed discussion of the performance standard to be achieved and the methods by  
19 which compliance with that performance standard may be verified. Pursuant to Public  
20 Resources Code §752, where the expertise of the RPF is exceeded in the development and  
21 evaluation of fuel treatment performance standards, the RPF is advised to consult with other  
22 qualified experts.

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24 (5) A comprehensive plan for pre and post-treatment photo point monitoring for the purpose of  
25 evaluating and demonstrating the effectiveness of project treatments. Photo point monitoring  
methods shall be easy to replicate in the field and include, at a minimum, mapped locations of

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1 specifically designated photo points. Specific photo points shall be designated on the ground  
2 by stake, post, or other equivalent semi-permanent methods.

3  
4 **1051.9 Review of Modified THP for Project Area Fuel Hazard Reduction**

5 The Director shall require a pre-harvest inspection of a *Modified THP for Project Area Fuel Hazard*  
6 *Reduction* when Review Team members identify substantial questions on plan contents or environmental  
7 impacts.

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9 **1051.10 Sunset Date**

10 14 CCR §§1051.3-1051.10 Modified THP for Community Fuelbreak Special Prescription and Project  
11 Area Fuel Hazard Reduction shall be subject to expiration unless reauthorized by the Board by December  
12 31, 2012. Prior to expiration and as directed by the Board, the Department shall report on the use and  
13 effectiveness of *these regulations*. The Board may also convene a panel of technical experts to evaluate  
14 the efficacy of *these regulations*.

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