Emergency Notice Effective Period Extension, 2009

[Adopted September 9, 2009

Approved by OAL 11/30/09]

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

Amend:

§ 1052	Emergency Notice
§ 1052.1	Emergency Conditions
§ 1052.4	Emergency Notice for Fuel Hazard Reduction

Amend 14 CCR § 1052. Emergency Notice.

(a) Before cutting or removing timber on an emergency basis, an RPF on behalf of a timber owner or operator shall submit a Notice of Emergency Timber Operations to the Director, *****

*****(e) Timber operations shall not continue beyond ~~120 days after~~ 1 year from the date the Emergency Notice is accepted by the Director unless a plan is submitted to the Director and found to be in conformance with the rules and regulations of the Board, except for burning operations to treat fuels in accordance with § 1052.4(d)(6) which shall be completed by April 1 of the year following fuel creation.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Section 4592, Public Resources Code.

Amend 14 CCR § 1052.1. Emergency Conditions.

The following are conditions that constitute an emergency pursuant to 14 CCR 895.1:
(a) Trees that are dead or dying as a result of insects, disease, parasites, or animal damage.
(b) Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, fire, flood, landslide or earthquake.
(c) Trees that are dead or dying as a result of air or water pollution.
(d) Cutting or removing trees required for emergency construction or repair of roads.
(e) Where high, very high or extreme fuel hazard conditions, the combination combustible fuel

quantity, type, condition, configuration and terrain positioning, pose a significant fire threat on private timberlands. Cutting and removal of hazardous fuels, including trees, shrubs and other woody material, is needed to eliminate the vertical and horizontal continuity of understory fuels and surface fuels, for the purpose of reducing the rate of fire spread, fire duration and intensity, fuel ignitability and to achieve a flame length under average severe fire weather conditions that is less than 4 feet in the treated areas.

The following are conditions that constitute a financial emergency as defined in 14 CCR 895.1: Potential financial loss of timber previously inoperable or unmerchantable due to one or more of the following factors: access, location, condition, or timber volume that has unexpectedly become feasible to harvest provided that the harvest opportunity will not be economically feasible for more than ~~120 days~~ 1 year and provided that such operations meet the conditions specified in 14 CCR § 1038(b)(1)-(10) and meet minimum stocking requirements at the completion of timber operations.

Note: Authority cited: Sections 4551, 4552, Public Resources Code. Reference: Section 4592, Public Resources Code.

Amend 14 CCR § 1052.4. Emergency Notice for Fuel Hazard Reduction.

*****(d) Vegetation Treatments: Tree removal shall target understory trees. The residual stand shall consist primarily of healthy and vigorous dominant and codominant trees from the preharvest stand. Standards listed shall be met by retaining the largest diameter trees in the preharvest project area. *****

*****(6) Fuel treatments shall include chipping, removal or other methods necessary to achieve the fuel hazard reduction standards in this section, and shall be accomplished within ~~120 days~~ 1 year from the start of operations, except for burning operations, which shall be accomplished by April 1 of the year following surface fuel creation.*****

*****Note: Authority cited: Sections 4551, 4551.5, 4552, 4553, 4592 Public Resources Code. Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 21001(f), 21080(b)(4) Public Resources Code.