

1 Emergency Notice for Fuel Hazard Reduction, 2007

2 45 Day Notice Proposed Rule Language Published August 17, 2007)

3  
4 (Options shown in parentheses are not part of the regulation text)

5  
6 Amend 14 CCR § 895.1:

7  
8 Archaeological Coverage Map \* \* \* \* \*

9 ~~Average Severe Fire Weather Conditions~~ means atmospheric and  
10 fuel conditions where fuel moisture content (dry weight basis) of 1-  
11 hour timelag fuels is three percent, 10 hour fuels is four percent and  
12 100 hour fuels is five percent, and live surface fuels is 70 percent.  
13 ~~Mid flame wind speed is seven miles per hour or greater, when~~  
14 ~~measured in a closed forest canopy (40 percent canopy cover or~~  
15 ~~greater). This definition expires on December 31, 2007.~~

16 Average Slope \* \* \* \* \*

17  
18 Fire Protection Zone \* \* \* \* \*

19 (Option 1A) Fuel means vegetative material, live or dead, which  
20 is combustible during normal summer weather. OPTION 1: This definition  
21 expires on January 1, 2013. \* \* \* \* \*

22 Functional Foraging Habitat \* \* \* \* \*

23  
24 Intermediates \* \* \* \* \*

1 (Option 1A) Ladder Fuels means vegetative fuels that can spread a  
2 fire vertically between or within a fuel type. (OPTION 1) This  
3 definition expires on January 1, 2013.\* \* \* \* \*

4 **Lake \* \* \* \* \***

6 **Lopping for Fire Hazard Reduction \* \* \* \* \***

7 **Mainline road** means roads on non federal lands that are used as  
8 the primary route for the transportation of forest products that are  
9 fed by arterial (secondary) haul roads. **OPTION 1:** This definition  
10 expires on ~~December 31, 2007~~ January 1, 2013. (OPTION 1A) This  
11 definition expires on December 31, 2007.

12 **Manmade Watercourse \* \* \* \* \***

14 **Surface Cover \* \* \* \* \***

15 (Option 1A) Surface Fuel means loose surface litter on the soil  
16 surface normally consisting of fallen leaves or needles, twigs, bark,  
17 cones and small branches that have not yet decayed enough to lose  
18 their identity. (OPTION 1) This definition expires on January 1, 2013.

19 **Sustained Yield \* \* \* \* \***

20 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,  
21 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.  
22 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,  
23 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and  
24 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed  
25 following Section 15387 of Title 14 Cal. Code of Regulations), and  
Lapheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

1 **Amend 14 CCR § 1052 Emergency Notice**

2 (a) \* \* \* \* \*

3 (f) (**OPTION 1**) Amendments to 14 CCR § 1052 Emergency Notice  
4 adopted on March 2, 2005 which became effective January 1, 2006, shall  
5 expire ~~December 31, 2007~~ January 1, 2013. (**OPTION 1A**) ~~(f) Amendments~~  
6 ~~to 14 CCR § 1052 Emergency Notice adopted on March 2, 2005 which~~  
7 ~~became effective January 1, 2006, shall expire December 31, 2007.~~

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

10  
11 **Amend 14 CCR § 1052.1 Emergency Conditions**

12 The following are conditions that constitute an emergency  
13 pursuant to 14 CCR 895.1:

14 (a) Trees that are dead or dying as a result of insects, disease,  
15 parasites, or animal damage.

16 (b) Trees that are fallen, damaged, dead or dying as a result of  
17 wind, snow, freezing weather, fire, flood, landslide or earthquake.

18 (c) Trees that are dead or dying as a result of air or water  
19 pollution.

20 (d) Cutting or removing trees required for emergency construction  
21 or repair of roads.

22 (e) Where high, very high or extreme fuel hazard conditions, the  
23 combination of combustible fuel quantity, type, condition,

24 configuration and terrain positioning, pose a significant fire threat

25 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,

surface fuels, and/or crown fuels, for the purpose of reducing the

rate of fire spread, fire duration and intensity, and fuel

ignitability ~~and to achieve a flame length under average severe fire~~

1 ~~weather conditions that is less than 4 feet in the treated areas.~~

2 (OPTION 1) 14 CCR § 1052.1 (e) shall expire on ~~December 31, 2007~~

3 January 1, 2013. (OPTION 1A) ~~14 CCR § 1052.1 (e) shall expire on~~

4 ~~December 31, 2007.~~

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

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

12  
13 **Amend 14 CCR § 1052.4 Emergency Notice for Fuel Hazard Reduction**

14 The RPF preparing the Notice of Emergency Timber Operations for  
15 Fuel Hazard Reduction shall describe the nature of the emergency and  
16 the need for immediate cutting in sufficient detail so that the reason  
for the emergency is clear. Emergency timber operations, under the  
presumed emergency standard of 14 CCR § 1052.1, may be commenced and  
conducted when in conformance with the following:

17 (a) RPF develops and documents the vegetative treatments  
18 necessary to meet the goals of 14 CCR § 1052.1(e), and ensures post  
harvest conditions are in accordance with all subsections in § 1052.4.  
Such documentation shall include the following:

19 (1) A description of the preharvest stand structure and  
statement of the postharvest stand stocking levels.

20 (2) A description of the criteria to designate trees to be  
harvested or the trees to be retained.

21 (3) All trees that are harvested or all trees that are  
22 retained shall be marked or sample marked by or under the supervision  
of a Registered Professional Forester before felling operations begin.  
23 When trees are sample marked, the designation prescription for  
unmarked areas shall be in writing and the sample mark area shall  
24 include at least 10% of the harvest area to a maximum of 20 acres per  
stand type which is representative of the range of conditions present  
25 in the area.

1 (4) ~~Post harvest compliance shall be determined by the~~  
2 ~~combination of physical measurements, observations, and comparison to~~  
3 ~~photo series examples in U.S. Forest Service General Technical Report~~  
4 ~~PNW-51 and 52 description codes 1-PP-4-PC, 1-DF-4-PC, 6-DF-PC and 2-~~  
5 ~~LP-3-PC, or other examples on file in the official rulemaking file~~  
6 ~~and incorporated by reference.~~ Post harvest compliance shall be met on  
7 at least 80 percent of the project area as calculated excluding WLPZs  
8 and other wildlife protection requirements developed in accordance  
9 with 14 CCR § 1052.4 (e).

10 (b) The conditions of subsection 14 CCR § 1038 (b)(1) through  
11 (10) are applied or, for operations in the Lake Tahoe Basin, (f)(1)  
12 through (14) are applied.

(c) Geographic area: operations are permitted:

12 (1) Within ¼ mile from approved and legally permitted  
13 structures that comply with the California Building Code (legal  
14 structure). Such legal structures shall be within or adjacent to a  
15 community listed in the "California Fire Alliance list of Communities  
16 at Risk" (copyright date 2003 on file in the official rulemaking file  
17 and incorporated by reference) and have densities greater than 1  
18 structure per 20 acres.

19 (2) Within 500 feet of a legal structures outside the area  
20 defined in § 1052.4(c)(1);

21 (3) Within 500 feet of either side of a public or federal  
22 road;

23 (4) Within 500 feet on either side of a private road  
24 providing access to legal structures;

25 (5) **(Option 4 deletes existing text in subsection (5) and  
adds new text)** ~~Within 500 feet on either side of a mainline haul road  
identified by a public fire agency as necessary for fire suppression  
or evacuation and is approved by a public fire agency in a fire  
prevention plan, or otherwise approved by a public fire agency; Within  
500 feet on either side of a mainline haul road necessary for fire  
suppression or evacuation as identified by or with the written~~

1 concurrence of a public fire agency or as accepted by the Director.

2 **(Option 4A- no deletion or addition of text in subsection(5))**

3 (6) ~~((Option 4 deletes existing text in subsection (6) and~~  
4 ~~adds new text))~~ ~~Within 500 feet on either side of ridges identified by~~  
5 ~~a public fire agency as suitable for fire suppression and is approved~~  
6 ~~by a public fire agency in a fire prevention plan, or otherwise~~  
7 ~~approved by a public fire agency;~~ Within 500 feet on either side of  
8 ridges suitable for fire suppression as identified by or with the  
9 written concurrence of a public fire agency or as accepted by the  
10 Director. **(Option 4A- no deletion or addition of text in subsection**

11 **(6))**

12 (7) Within 500 feet of infrastructure facilities such as  
13 transmission lines or towers or water conduits.

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

18 (1) The quadratic mean diameter of trees greater than 8  
19 inches dbh in the preharvest project area shall be increased in the  
20 post harvest stand.

21 (2) Only trees less than 24 inches outside bark stump  
22 diameter may be removed except under the following condition. If the  
23 goal of fuel reduction cannot be achieved by removing trees less than  
24 24 inches outside bark stump diameter, trees less than 30 inches  
25 outside bark stump diameter may be removed if that removal is  
necessary to meet the fuel objectives stated in 14 CCR § 1052.1 (e).

(3) (A) Minimum post treatment canopy closure of dominant  
and codominant trees shall be 40 percent for east side pine forest  
types; 50 percent for coastal redwood and Douglas-fir forest types in  
or adjacent to communities and legal structures referenced in  
subsection § 1052.4(c)(1) and (2); 60 percent for coastal redwood and  
Douglas-fir forest types outside of communities and legal structures

1 referenced in subsection § 1052.4(c)(1) and (2); and 50 percent for  
2 mixed conifer and all other forest types.

3  
4 (B) Post treatment stand shall contain no more than  
5 200 trees per acre over 3 inches in diameter.

6 (4) Stocking shall meet commercial thinning requirement of  
7 14 CCR § 913.3 [933.3, 953.3] immediately upon completion of  
8 operations. (OPTION 2) In the Southern district where preharvest tree  
9 stocking does not meet commercial thinning requirement of  
10 14 CCR § 913.3 [933.3, 953.3], the basal area minimum stocking  
11 standards for Selection Unevenaged Management in 14 CCR § 913.2[933.2,  
12 953.2] (a)(2)(A)(1.), (2.), and (3.), shall be met following  
13 harvesting. (OPTION 2A) In the areas where preharvest tree stocking  
14 does not meet commercial thinning requirement of 14 CCR § 913.3  
15 [933.3, 953.3], the basal area minimum stocking standards for  
16 Selection Unevenaged Management in 14 CCR § 913.2[933.2, 953.2]  
17 (a)(2)(A)(1.), (2.), and (3.), shall be met following harvesting.

18 (OPTION 2B) In the areas where preharvest tree stocking does not meet  
19 commercial thinning requirement of 14 CCR § 913.3 [933.3, 953.3],  
20 minimum stocking standards for Selection Unevenaged Management in 14  
21 CCR § 913.2[933.2, 953.2] (a)(2)(A)(1.), (2.), (3.) and (4), shall be  
22 met following harvesting.

23 (5) (OPTION 3) Notwithstanding wildlife habitat requirements  
24 of 14 CCR § 1052.4(e) and requirements of Public Resources Code 4291:

25 (A) Understory and Dead surface fuels shall be removed  
treated to achieve a minimum clearance distance of 8 feet measured

1 from the base of the live crown of the post harvest dominant and  
2 codominant trees to the top of the dead surface fuels.

3 (B) All logging slash created by the timber operations  
4 shall be treated to achieve a maximum post harvest depth of 9 inches  
5 above the ground.

6 (5) ~~(OPTION 3A) Understory and surface fuels shall be removed~~  
7 ~~to achieve a minimum clearance distance of 8 feet measured from the~~  
8 ~~base of the live crown of the post harvest dominant and codominant~~  
9 ~~trees to the top of the surface fuels. Notwithstanding wildlife~~  
10 ~~habitat requirements of 14 CCR § 1052.4(e), and requirements of Public~~  
11 ~~Resources Code 4291, and other requirements for dominant and~~  
12 ~~codominant trees under subsection 14 § CCR 1052.4(d) and (d)(1-4),~~  
13 ~~surface and ladder fuels in the harvest area, including logging slash~~  
14 ~~and debris, brush, small trees, and deadwood, that could promote the~~  
15 ~~spread of wildfire shall be treated to achieve standards for vertical~~  
16 ~~spacing between fuels, horizontal spacing between fuels, maximum depth~~  
17 ~~of dead ground surface fuels, and reduction of standing dead fuels, as~~  
18 ~~follows:~~

19 (A) Ladder and surface fuels, excluding residual stand  
20 dominant and codominant trees, shall be spaced to achieve vertical  
21 clearance distance of eight feet or three times the height of the post  
22 harvest fuels, whichever is the greater distance, measured from the  
23 base of the live crown of the post harvest dominant and codominant  
24 trees to the top of the surface fuels.

1                   (B) Ladder and surface fuels, excluding residual stand  
2 dominant and codominant trees, shall be spaced to achieve horizontal  
3 clearance distance of two to six times the height of the post harvest  
4 fuels measured from the outside branch edges of the fuels. On ground  
5 slopes of zero percent to 20 percent horizontal clearance distance  
6 shall be two times the height of post harvest fuels; on ground slopes  
7 of greater than 20 percent to 40 percent horizontal clearance distance  
8 shall be four times the height of post harvest fuels; on ground slopes  
9 of greater than 40 percent horizontal clearance distance shall be six  
10 times the height of post harvest fuels.

11                   (C) Dead surface fuel depth shall be less than 9  
12 inches.

13                   (D) Standing dead or dying trees and brush shall  
14 generally be removed. Such material, along with live vegetation  
15 associated with the dead vegetation, may be retained for wildlife  
16 habitat when isolated from other vegetation.

17                   ~~(5) (OPTION 3B) Understory and surface fuels shall be removed~~  
18 ~~to achieve a minimum clearance distance of 8 feet measured from the~~  
19 ~~base of the live crown of the post harvest dominant and codominant~~  
20 ~~trees to the top of the surface fuels.~~

21                   (A) This subsection applies to geographic areas listed  
22 in 14 CCR § 1052.4 (c)(1), (2), and (6). Notwithstanding wildlife  
23 habitat requirements of 14 CCR § 1052.4(e), and requirements of Public  
24 Resources Code 4291, and other requirements for dominant and  
25 codominant trees under subsection 14 CCR § 1052.4(d) and (d)(1-4),  
surface and ladder fuels in the harvest area, including logging slash

1 and debris, brush, small trees, and deadwood, that could promote the  
2 spread of wildfire shall be treated to achieve standards for vertical  
3 spacing between fuels, horizontal spacing between fuels, maximum depth  
4 of dead ground surface fuels, and reduction of standing dead fuels, as  
5 follows:

6 (i) Ladder and surface fuels, excluding residual  
7 stand dominant and codominant trees, shall be spaced to achieve  
8 vertical clearance distance of eight feet or three times the height of  
9 the post harvest fuels, whichever is the greater distance, measured  
10 from the base of the live crown of the post harvest dominant and  
11 codominant trees to the top of the surface fuels.

12 (ii) Ladder and surface fuels, excluding residual  
13 stand dominant and codominant trees, shall be spaced to achieve  
14 horizontal clearance distance of two to six times the height of the  
15 post harvest fuels measured from the outside branch edges of the  
16 fuels. On ground slopes of zero percent to 20 percent horizontal  
17 clearance distance shall be two times the height of post harvest  
18 fuels; on ground slopes of greater than 20 percent to 40 percent  
19 horizontal clearance distance shall be four times the height of post  
20 harvest fuels; on ground slopes of greater than 40 percent horizontal  
21 clearance distance shall be six times the height of post harvest  
22 fuels.

23 (iii) Dead surface fuel depth shall be less than 9  
24 inches.

1                    (iv) Standing dead or dying trees and brush shall  
2 generally be removed. Such material, along with live vegetation  
3 associated with the dead vegetation, may be retained for wildlife  
4  
5 habitat when isolated from other vegetation.

6                    (B) This subsection applies to geographic areas  
7 listed in 14 CCR § 1052.4 (c)(3), (4), (5) and (7). Notwithstanding  
8 wildlife habitat requirements of 14 CCR § 1052.4(e):

9                    (i) Dead fuels shall be treated to achieve a  
10 minimum clearance distance of 8 feet measured from the base of the  
11 live crown of the post harvest dominant and codominant trees to the  
12 top of the dead fuels.

13                    (ii) All logging slash created by the timber  
14 operations shall be treated to achieve a maximum post harvest depth of  
15 9 inches above the ground.

16                    ~~(5) (OPTION 3C) Understory and surface fuels shall be removed~~  
17 ~~to achieve a minimum clearance distance of 8 feet measured from the~~  
18 ~~base of the live crown of the post harvest dominant and codominant~~  
19 ~~trees to the top of the surface fuels.~~

20                    (A) This subsection applies to geographic areas listed  
21 in 14 CCR § 1052.4 (c) (2), (6), and areas within 500 feet of  
22 structures in 14 CCR 1052.4(c). Notwithstanding wildlife habitat  
23 requirements of 14 CCR § 1052.4(e), and requirements of Public  
24 Resources Code 4291, and other requirements for dominant and  
25 codominant trees under subsection 14 CCR § 1052.4(d) and (d)(1-4),  
surface and ladder fuels in the harvest area, including logging slash

1 and debris, brush, small trees, and deadwood, that could promote the  
2 spread of wildfire shall be treated to achieve standards for vertical  
3 spacing between fuels, horizontal spacing between fuels, maximum depth  
4 of dead ground surface fuels, and reduction of standing dead fuels, as  
5 follows:

6 (i) Ladder and surface fuels, excluding residual  
7 stand dominant and codominant trees, shall be spaced to achieve  
8 vertical clearance distance of eight feet or three times the height of  
9 the post harvest fuels, whichever is the greater distance, measured  
10 from the base of the live crown of the post harvest dominant and  
11 codominant trees to the top of the surface fuels.

12 (ii) Ladder and surface fuels, excluding residual  
13 stand dominant and codominant trees, shall be spaced to achieve  
14 horizontal clearance distance of two to six times the height of the  
15 post harvest fuels measured from the outside branch edges of the  
16 fuels. On ground slopes of zero percent to 20 percent horizontal  
17 clearance distance shall be two times the height of post harvest  
18 fuels; on ground slopes of greater than 20 percent to 40 percent  
19 horizontal clearance distance shall be four times the height of post  
20 harvest fuels; on ground slopes of greater than 40 percent horizontal  
21 clearance distance shall be six times the height of post harvest  
22 fuels.

23 (iii) Dead surface fuel depth shall be less than 9  
24 inches.

25 (iv) Standing dead or dying trees and brush shall  
generally be removed. Such material, along with live vegetation

1 associated with the dead vegetation, may be retained for wildlife  
2 habitat when isolated from other vegetation.

3 (B) This subsection applies to geographic areas  
4 listed in 14 CCR § 1052.4 (c)(3), (4), (5), (7) and areas between 500  
5 feet to 1320 feet of structures in 14 CCR 1052.4(c). Notwithstanding  
6 wildlife habitat requirements of 14 CCR § 1052.4(e):

7 (i) Dead fuels shall be treated to achieve a  
8 minimum clearance distance of 8 feet measured from the base of the  
9 live crown of the post harvest dominant and codominant trees to the  
10 top of the dead fuels.

11 (ii) All logging slash created by the timber  
12 operations shall be treated to achieve a maximum post harvest depth of  
13 9 inches above the ground.

14 ~~(6) Notwithstanding wildlife habitat requirements of~~  
15 ~~§ 1052.4(e), surface fuels in the project area, including logging~~  
16 ~~slash and debris, low brush, and deadwood, that could promote the~~  
17 ~~spread of wildfire shall be treated to achieve the goal of an average~~  
18 ~~of 4 foot maximum flame length height under average severe fire~~  
19 ~~weather conditions. These Fuel treatments shall include chipping,~~  
20 ~~removal or other methods necessary to achieve the goal~~ fuel hazard  
21 reduction standards in this section, and shall be accomplished within  
22 120 days from the start of operations except for burning operations,  
23 which shall be accomplished by April 1 of the year following surface  
24 fuel creation.

1  
2  
3 (e) As part of the preharvest project design, the RPF shall  
4 evaluate and incorporate habitat requirements for fish, wildlife and  
5 plant species in accordance with 14 CCR §§ 898.2, 916.9 [936.9,956.9]  
6 and 919. Such evaluations shall include use of the California Natural  
7 Diversity Database (as referenced by the California Department of Fish  
8 and Game, <http://www.dfg.ca.gov/whdab/html/cnddb.html>) and local  
9 knowledge of the planning watershed. Consultation with California  
10 Department of Fish and Game personnel is recommended. Examples of  
11 habitat requirements to be incorporated into the project include  
12 retention of large woody debris and snags congruent with emergency  
13 condition goals, and vegetative screening for wildlife cover and  
14 visual aesthetics.

15 (f) Operations conducted concurrently in the same geographic area  
16 (ref. 14 CCR § 1052,4(c))pursuant to 14 CCR § 1038(b) shall not remove  
17 diseased trees in excess of the diameter limit required under 14 CCR §  
18 1052.4(d)(2).

19 (g) **(OPTION 1):** 14 CCR § 1052.4 Emergency Notice for Fuel Hazard

20 Reduction shall expire on December 31, 2007 January 1, 2013.

21 ~~(OPTION 1A) 14 CCR § 1052.1 (e) shall expire on December 31, 2007.~~

22  
23 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553, 4592 Public  
24 Resources Code. Reference: Sections 4513, 4554, 4555, 4561, 4562,  
25 4584, 4592, 21001(f), 21080(b)(4) Public Resources Code.

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