

1 **Amend 14 CCR § 895. Abbreviations Applicable Throughout the Chapter.**

2 *****Sec. Section

3 SOD Sudden Oak Death

4 SOE*****

5 *****Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference:

6 Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5,

7 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, 4750, 4750.3, and 4750.4, and 21080.5, Public Resources

8 Code.

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11 **Amend 14 CCR § 916.9 [936.9, 956.9]. Protection and Restoration of the Beneficial Functions of the**

12 **Riparian Zone in Watersheds with Listed Anadromous Salmonids.**

13 *******(t) Emergency notices** - No timber operations are allowed in a WLPZ, or within any ELZ or EEZ
14 designated for watercourse or lake protection, under emergency notices except for:*****

15 *******(8) The harvest of trees or vegetation designated for removal pursuant to 14 CCR § 1052.5 to**

16 address Sudden Oak Death that are:

17 (A) symptomatic of the pathogen that causes Sudden Oak Death and confirmed infected by a
18 certified lab; or

19 (B) host hardwood trees that could spread the pathogen.

20 (u) Salvage logging - *****

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22 *****Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference:

23 Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 21000(g), 21001(b) and 21002.1, Public

24 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and

25 Game Code.

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

2 (a) Before cutting or removing timber on an emergency basis, an RPF on behalf of a timber owner or
3 operator shall submit a Notice of Emergency Timber Operations to the Director, on form RM-67 (1/1/10),
4 ~~or~~ form RM-65 (1052.4)(1/1/10) for a Fuel Hazard Reduction emergency, or form RM-66 (1052.5)
5 (2/1/11) for a Sudden Oak Death emergency, as prescribed by the Director. The notice shall include, but
6 not be limited to, the following: *****

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8 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Section 4592, 4750,
9 4750.3, and 4750.4, Public Resources Code.

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

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

- 13 (a) Trees that are dead or dying as a result of insects, disease, parasites, or animal damage.
- 14 (b) Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, fire, flood,
15 landslide or earthquake.
- 16 (c) Trees that are dead or dying as a result of air or water pollution.
- 17 (d) Cutting or removing trees required for emergency construction or repair of roads.
- 18 (e) Where high, very high or extreme fuel hazard conditions, the combination combustible fuel quantity,
19 type, condition, configuration and terrain positioning, pose a significant fire threat on private timberlands.
20 Cutting and removal of hazardous fuels, including trees, shrubs and other woody material, is needed to
21 eliminate the vertical and horizontal continuity of understory fuels and surface fuels, for the purpose of
22 reducing the rate of fire spread, fire duration and intensity, fuel ignitability and to achieve a flame length
23 under average severe fire weather conditions that is less than 4 feet in the treated areas.
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1 (f) An isolated infestation of Sudden Oak Death (caused by *Phytophthora ramorum*), in the locations
2 listed below, where such treatments are intended to eradicate the infestation or significantly slow the
3 spread of the disease. For the purpose of this rule an isolated infestation is:

4 (1) an infestation located in a planning watershed where SOD had not previously been noted; or

5 (2) an infestation located in a planning watershed that is greater than 1 mile from a known SOD
6 infestation; or

7 (3) a new infestation within a planning watershed where all known previous SOD infestations
8 within the ownership have been or will be subject to control or eradication efforts; or

9 (4) a location where landowners seek to contain an infestation, even though some landowners
10 have not made proactive efforts within a planning watershed, and the Department's Pest Specialist
11 determines that control efforts may be effective.

12 (5) An isolated infestation is limited to locations in the Coast Forest District (14 CCR § 907),
13 all counties listed in the Board's Zone of Infestation resolution for Sudden Oak Death dated April 3, 2001
14 and July 14, 2004, or in San Luis Obispo county.

15 The following are conditions that constitute a financial emergency as defined in 14 CCR § 895.1:

16 ***** at the completion of timber operations.*****

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18 *****Note: Authority cited: Sections 4551, 4552, Public Resources Code. Reference: Section 4750,
19 4750.3, 4750.4 and 4592, Public Resources Code.

1 **Amend 14 CCR § 1052.2. Emergency Substantiated by RPF.**

2 The RPF preparing the Notice of Emergency Timber Operations shall describe the nature of the
3 emergency and the need for immediate cutting in sufficient detail so that the reason for the emergency is
4 clear. ~~Where tree killing insects have killed and are likely to kill trees within one year on timberland, an~~
5 ~~emergency is presumed to exist. Trees will be considered likely to die when they are determined, by an~~
6 ~~RPF, to be a high risk by either:~~ An emergency is presumed to exist where:

7 (a) Trees or vegetation have been confirmed to be infected with the pathogen that causes Sudden Oak
8 Death through testing by a lab certified by the United States Department of Agriculture, and the RPF has
9 determined that the pathogen is likely to spread to adjacent trees or vegetation, or

10 (b) Tree killing insects have killed and are likely to kill trees within one year on timberland. Trees will
11 be considered likely to die when they are determined, by an RPF, to be high risk by either:

12 (1a) Risk classification systems including Smith et al., 1981; The California pine risk-rating system:
13 its development, use, and relationship to other systems; In Hazard-Rating Systems in Forest Insect Pest
14 Management, Hedden et al., eds. USDA Forest Service General Technical Report WO - 27, pp. 53-69;
15 Ferrell. 1989; Ten-year risk-rating systems for California Red Fir and White Fir: development and use;
16 USDA Forest Service General Technical Report PSW-115, 12p.; or similar risk-rating systems recognized
17 by the profession; or

18 (2b) Where evidence of a current beetle attack exists (i.e. existence of boring dust, woodpecker
19 feeding, or recent top kill) and these trees are within 100 feet of multiple tree kills. Such trees shall be
20 marked by an RPF or the supervised designee before felling.

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22 Note: Authority cited: Sections 4551, 4552 and 4554, Public Resources Code. Reference: Section 4592,
23 4750, 4750.3, and 4750.4, Public Resources Code.

1 **Adopt 14 CCR § 1052.5. Emergency Notice for Outbreaks of Sudden Oak Death Disease.**

2 (a) The RPF preparing the Emergency Notice shall do all of the following:

3 (1) provide as part of the Emergency Notice the certified lab testing results validating that trees
4 or vegetation in the infestation area are infected with SOD;

5 (2) seek to encompass the entire infestation area and landownership(s) necessary to undertake
6 effective control and eradication in the area covered by the Emergency Notice, however, the Emergency
7 Notice is not required to encompass these areas;

8 (3) evaluate and incorporate habitat requirements for fish, wildlife, and plant species to ensure
9 compliance with State and Federal Endangered Species Act using the California Natural Diversity
10 Database maintained by the CDFG, local knowledge of the planning watershed, and consultation with the
11 Department regarding other plans in the Emergency Notice area;

12 (4) obtain written concurrence from the Department Forest Pest Specialist or Department
13 designee regarding tree and vegetation treatments or removal and strategies to control or suppress the
14 SOD infestation pursuant to 14 CCR § 1052.5 (c);

15 (5) designate for treatment or removal the host hardwood species in the infested areas and within
16 330 feet of the infestation area to control the spread of SOD consistent with Forest pest Specialist
17 concurrence in (4) above;

18 (6) avoid designation of conifer trees for treatment or removal except as necessary to facilitate the
19 removal of host hardwood species, the salvage of conifer trees accidentally damaged during operations, or
20 as specified by the Department Forest Pest Specialist for purposes of controlling the spread of SOD.

21 (b) Timber operations conducted in accordance with 14 CCR § 1052.5 (a) above shall comply with all
22 rules and regulations of the Board. A person conducting timber operations under an Emergency Notice
23 for Outbreaks of Sudden Oak Death Disease shall comply with all operational provisions of the Forest
24 Practice Act applicable to “Timber Harvest Plan, “THP” and “plan” with the following exceptions or
25 additional requirements:

1 (1) The RPF shall provide written proof of notification regarding the proposed submission of an
2 Emergency Notice for SOD eradication to the NMFS, DFG, U.S. Fish and Wildlife Service (USFWS),
3 and the applicable regional water quality control board. Written notification shall be received by
4 NMFS,DFG, USFWS, and the applicable regional water quality control board at least 10 working days
5 prior to submission of the Emergency Notice.

6 (2) Tree and vegetation removal or treatment within WLPZ areas shall be permitted and limited to
7 symptomatic hardwood trees and shrubs that are infested with SOD or host hardwood trees that will
8 continue to contribute to the spread of SOD. Conifer trees shall not be removed in WLPZs.

9 (3) Timing of operations shall avoid impacts to federal or state listed species.

10 (4) No timber operations shall be conducted on saturated soils.

11 (5) No tree felling operations from July 15 to September 30 that reduce overstory canopy cover in
12 WLPZs.

13 (6) No mechanical site preparation, broadcast burning, or pile burning in the WLPZ.

14 (7) 14 CCR § 916.3 [936.3, 956.3], subsection (f) does not apply.

15 (8) Where present prior to the start of timber operations, post harvest stocking standards specified
16 in 14 CCR § 912.7[932.7, 952.7, subsection (b)(2) shall be met with group A species. Where stocking of
17 Group A species is not sufficient to meet the stocking standards of 14 CCR § 912.7[932.7, 952.7,
18 subsection (b)(2), post treatment stocking shall meet those stated in 14 CCR § 913.4 [933.4, 953.4],
19 subsection (b), Rehabilitation of Understocked Area Prescription. The percentage of stocking
20 requirements met with Group A species on a point count basis shall be no less than the percentage of the
21 basal area they comprised before harvesting.

22 (9) Operations shall be conducted in accordance with conditions stated in 14 CCR § 1038
23 (b)(1),(2),(3),(4),(5),(7), (8), and (10).

24 (10) Tractors or other heavy equipment shall not be used within the WLPZ, except on existing
25 roads.

1 (11) The Department shall track the number of Emergency Notices for outbreaks of SOD, the
2 acreage treated under the notices, and the WLPZ acreage treated under the notices, and report the results
3 to the Board by December 1, 2011.

4 (c) The RPF shall describe the strategies employed which will be utilized to control or suppress the
5 SOD infestation on the harvest area along with those measure to be used to minimize the risk of spreading
6 *Phytophthora ramorum* from the logging area by way of infected soil and infected host material. In
7 developing such strategies, the RPF shall draw from the list of Mitigation and Management
8 Recommendations in the California Oak Mortality Task Force publication *Sudden Oak Death for*
9 *Forestry, August 2010* at: [www.suddenoakdeath.org/diagnosis-and-management/best-management-](http://www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/)
10 [practices/](http://www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/).

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12 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553, 4592, Public Resources Code. Reference:
13 Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 4750, 4750.3, 4750.4, 21001(f) and 21080(b)(4),
14 Public Resources Code.