

Board of Forestry and Fire Protection
Southern Subdistrict and Broadcast Burning Amendments

Title 14 of the California Code of Regulations

Division 1.5, Chapter 4,

Subchapter 1, Article 1

Subchapters 4, 5, and 6, Articles 6, and 7

Amend §§ 895.1, 916.9, 917.2, 917.3, 917.4, 936.9, 937.2, 956.9 and 957.2

§ 895.1. Definitions

“Approved and Legally Permitted Habitable Structure” means, ~~for the purpose of 14 CCR § 1038(c)(6),~~ a building that contains one or more dwelling units or that can be occupied for residential use. Buildings occupied for residential use include single family homes, multi-dwelling structure, mobile and manufactured homes, and condominiums. A habitable structure does not include commercial, industrial, or incidental buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

“Broadcast Burning” means the use of fire to burn over a designated area throughout a Site Preparation area to prepare it for regeneration, to reduce fuel hazard, or to achieve a management objective consistent with the Act and Rules. It does not include burning of organic matter which is piled during mechanical Site Preparation ~~or for hazard reduction.~~

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5,

1 4513, 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5,
2 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1 4597.1,
3 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines
4 Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations),
5 Laupheimer v. State (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82; and Joy Road Area
6 Forest and Watershed Association, v. California Department of Forestry & Fire
7 Protection, Sonoma County Superior Court No. SCV 229850.

8
9 **§ 916.9. Protection and Restoration of the Beneficial Functions of the Riparian**
10 **Zone in Watersheds with Listed Anadromous Salmonids.**

11 In addition to all other Rules, the following requirements shall apply in any watershed
12 with listed anadromous salmonids. Requirements of 14 CCR § 916.9 precede other
13 sections of the FPRs.

14 Geographic scope - Requirements for Watersheds with Listed Anadromous Salmonids
15 differ depending on the geographic location of the watershed and geomorphic
16 characteristics of the Watercourse. Unique requirements for Watersheds with Listed
17 Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone
18 with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration
19 Zones, and 3) Watercourses with Confined Channels located outside the coastal
20 anadromy zone.

21 Watersheds which do not meet the definition of “Watersheds with Listed Anadromous
22 Salmonids” are not subject to this section except as follows: The provisions of 14 CCR §
23 916.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of,
24 and contiguous to, any watershed with listed anadromous salmonids for purposes of
25 reducing significant adverse impacts from transported fine sediment. Projects in other

1 watersheds further upstream that flow into Watersheds with Listed Anadromous
2 Salmonids, not otherwise designated above, may be subject to these provisions based
3 on an assessment consistent with Cumulative Impacts assessment requirements in 14
4 CCR §§ 898 and 912.9 and Board Technical Rule Addendum No. 2, Cumulative
5 Impacts Assessment. These requirements do not apply to upstream watersheds where
6 permanent dams attenuate the transport of fine sediment to downstream Watercourses
7 with listed anadromous salmonids.

8 ***

9 (q) Site Preparation - Site Preparation activities shall be designed to prevent soil
10 disturbance within, and minimize soil movement into, the channels of Watercourses.
11 Prior to any Broadcast Burning for Site Preparation, burning prescriptions shall be
12 designed to prevent loss of large woody debris in Watercourses, and vegetation and
13 duff within a WLPZ, or within any ELZ or EEZ designated for Watercourse or lake
14 protection. No ignition is to occur within any WLPZ, or within any ELZ or EEZ
15 designated for Watercourse or lake protection. When burning prescriptions are
16 proposed, the measures or burning restrictions which are intended to accomplish this
17 goal shall be stated in the plan and included in any required burning permit. This
18 information shall be provided in addition to the information required under 14 CCR §
19 915.4.

20 ***

21 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.
22 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public
23 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600
24 and 5650(c), Fish and Game Code.

1 **§ 917.2. Treatment of Slash to Reduce Fire Hazard.**

2 Except in ~~the Southern Subdistrict of the Coast Forest District and~~ Coastal Commission
3 Special Treatment Areas of the Coast Forest District, the following standards shall apply
4 to the treatment of slash created by Timber Operations within the Plan area and on road
5 adjacent to the Plan area. ~~Lopping for Fire Hazard Reduction is defined in 14 CCR §~~
6 ~~895.1.~~

7 (a) Slash to be treated by piling and burning shall be treated as follows:

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

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

14 (3) Alternatives to (1) and/or (2) shall be justified in the Plan by the RPF and may
15 be approved by the Director.

16 (b) Within 100 feet of the edge of the traveled surface of Public Roads, and within 50
17 feet of the edge of the traveled surface of permanent private roads open for public use
18 where permission to pass is not required, ~~S~~slash created and trees knocked down by
19 ~~road construction or~~ Timber Operations shall be treated by Lopping for Fire Hazard
20 Reduction, piling and burning, chipping, burying or removal from the zone.

21 (c) All Slash and Woody Debris ~~created by Timber Operations~~ greater than one inch but
22 less than eight inches in ~~d~~Diameter within 100 feet of Approved and Legally Permitted
23 Habitable Structures ~~permanently located structures maintained for human habitation~~
24 shall be removed or piled and burned; all ~~S~~slash created between 100-200 feet of
25 Approved and Legally Permitted Habitable Structures ~~permanently located structures~~

1 ~~maintained for human habitation~~ shall be Lopped for Fire Hazard Reduction,
2 removed, chipped or piled and burned; Lopping may be required between 200-500 feet
3 where unusual fire risk or hazard exist as determined by the Director or the RPF.

4 (d) An alternative to treating Slash and Woody Debris along roads and within 200 feet
5 of Approved and Legally Permitted Habitable Structures may be approved by the
6 Director when the RPF explains and justifies in the Plans how equal fire protection will
7 be provided. The alternative shall include a description of the alternate treatment(s) and
8 the portion(s) of the Plan area in which they will be utilized. In proposing alternate slash
9 treatments, the RPF shall consider the estimated amount and distribution of slash to be
10 created by the operation, type of remaining vegetation, topography, climate, and degree
11 of public exposure fire history.

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13 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
14 Sections 4513, 4551.5 and 4562, Public Resources Code.

15
16 **§ 917.3 Prescribed Broadcast Burning of Slash**

17 ~~Outside the Southern Subdistrict,~~ Broadcast Burning may be prescribed for slash
18 treatment subject to the following conditions:

19 ~~(a) It may occur in Zone A, as described in PRC § 4423, subject to a Project-type~~
20 ~~burning permit;~~

21 ~~(ba) It may occur consistent with PRC § 4423 in Zone B, as described in PRC § 4423,~~
22 ~~without a burning permit from December 1 through March 31, unless a permit is~~
23 ~~required pursuant to paragraph (e), or subject to the provisions of a Project-type burning~~
24 ~~permit between April 1 and December 1;~~

1 (~~be~~) It may occur within cleared firebreaks of not less than ten (10) feet ~~(3.05 m)~~ in
2 width;

3 (~~cd~~) Use of the Broadcast Burning prescription in the Watercourse and Lake Protection
4 Zone for Class I, and II waters, is prohibited. Where necessary to protect downstream
5 Beneficial Uses, the Director may prohibit burning prescriptions in Class III
6 Watercourses;

7 (~~de~~) Exceptions to requirements (~~ab~~), (~~be~~), and (~~cd~~) above may be granted to any time
8 of year provided a Project-type burning permit is obtained prior to burning and the terms
9 of the permit are adhered to while burning.

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11 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
12 Sections 4423, 4513, 4551.5, 4562 and 4562.7, Public Resources Code.

13
14 **§ 917.4. Treatment of Logging Slash in the Southern Subdistrict.**

15 To reduce fire hazards within the Southern Subdistrict of the Coast Forest District,
16 treatment of ~~s~~Slash ~~created by Timber Operations~~ shall be done in addition to
17 requirements of 14 CCR § 917.2 as follows:

18 (a) To provide more efficient firebreaks the areas within fifty (50) feet ~~(15.24 m)~~ of the
19 edge of all Public Roads shall be kept free of ~~s~~Slash ~~greater than 1 inch (2.5 cm) in~~
20 ~~Diameter~~. Slash between fifty (50) feet ~~(15.24 m)~~ and one hundred (100) feet ~~(30.48 m)~~
21 of the edge of said roads and ~~s~~Slash ~~between within~~ one hundred to two hundred (100-
22 200) feet ~~(60.96 m)~~ of all Approved and Legally Permitted Habitable Structures
23 ~~permanently located structures currently maintained for human habitation~~ shall be
24 treated by piling and burning, chipping, burying, removal, or Lopping to within twelve
25 (12) inches ~~(30.5 cm)~~ above the ground not later than April 1 of the year following its

1 creation. Distances shall be measured along the surface of the ground. Timber
2 Operations shall not cause a violation of PRC § 4291.

3 (b) All Slash and Woody Debris created by Timber Operations greater than one (1) inch
4 but less than eight (8) inches in Diameter within one hundred (100) feet of Approved
5 and Legally Permitted Habitable Structures shall be removed or piled and burned

6 (cb) Concentrations of sSlash ~~created by the current operation~~ around logging Landings
7 or located within the Logging Area excluding those areas substantially covered with logs
8 on the ground, shall be crushed, chipped, spread, piled and burned, or otherwise
9 treated no later than April 1st of the following year following their creation.

10 (de) Slash ~~created by the current Timber Operation~~ within ~~and adjacent to~~ the Logging
11 Area, excluding those areas substantially covered with logs on the ground, shall be
12 lopped over the entire Logging Area by April 1st of the year following the creation of the
13 sSlash. Slash ~~created by the current operations~~ along roads ~~not~~ in the Logging Area
14 shall be lopped concurrently with its creation.

15 ~~(d) Use of the Broadcast Burning prescription for slash is prohibited in the Southern~~
16 ~~Subdistrict of the Coast Forest District.~~

17
18 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
19 Sections 4513, 4551.5 and 4562, Public Resources Code.

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21 **§ 936.9. Protection and Restoration of the Beneficial Functions of the Riparian**
22 **Zone in Watersheds with Listed Anadromous Salmonids.**

23 In addition to all other Rules, the following requirements shall apply in any watershed
24 with listed anadromous salmonids. Requirements of 14 CCR § 936.9 precede other
25 sections of the FPRs.

1 Geographic scope - Requirements for Watersheds with Listed Anadromous Salmonids
2 differ depending on the geographic location of the watershed and geomorphic
3 characteristics of the Watercourse. Unique requirements for Watersheds with Listed
4 Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone
5 with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration
6 Zones, and 3) Watercourses with Confined Channels located outside the coastal
7 anadromy zone.

8 Watersheds which do not meet the definition of “Watersheds with Listed Anadromous
9 Salmonids” are not subject to this section except as follows: The provisions of 14 CCR §
10 936.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of,
11 and contiguous to, any watershed with listed anadromous salmonids for purposes of
12 reducing significant adverse impacts from transported fine sediment. Projects in other
13 watersheds further upstream that flow into Watersheds with Listed Anadromous
14 Salmonids, not otherwise designated above, may be subject to these provisions based
15 on an assessment consistent with Cumulative Impacts assessment requirements in 14
16 CCR §§ 898 and 932.9 and Board Technical Rule Addendum No. 2, Cumulative
17 Impacts Assessment. These requirements do not apply to upstream watersheds where
18 permanent dams attenuate the transport of fine sediment to downstream Watercourses
19 with listed anadromous salmonids.

20 ****

21 (q) Site Preparation - Site Preparation activities shall be designed to prevent soil
22 disturbance within, and minimize soil movement into, the channels of Watercourses.
23 Prior to any Broadcast Burning for Site Preparation, burning prescriptions shall be
24 designed to prevent loss of large Woody debris in Watercourses, and vegetation and
25 duff within a WLPZ, or within any ELZ or EEZ designated for Watercourse or Lake

1 protection. No ignition is to occur within any WLPZ, or within any ELZ or EEZ
2 designated for Watercourse or Lake protection. When burning prescriptions are
3 proposed, the measures or burning restrictions which are intended to accomplish this
4 goal shall be stated in the Plan and included in any required burning permit. This
5 information shall be provided in addition to the information required under 14 CCR §
6 936.4.

7 ***

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

9 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public
10 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600
11 and 5650(c), Fish and Game Code.

12 ***

13 **§ 937.2. Treatment of Logging Slash to Reduce Fire Hazard in the Northern Forest**
14 **District.**

15 The following standards shall apply to the treatment of slash created by Timber
16 Operations within the Plan area and on roads adjacent to the Plan area. ~~Lopping for~~
17 ~~Fire Hazard Reduction is defined in 14 CCR § 895.1.~~

18 (a) Slash to be treated by piling and burning shall be treated as follows:

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

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 after April 1 of the second year following its creation.

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

3 (b) Within 100 feet of the edge of the traveled surface of Public Roads, and within 50
4 feet of the edge of the traveled surface of permanent private roads open for public use
5 where permission to pass is not required, ~~Slash~~ created and trees knocked down by
6 ~~road construction or~~ Timber Operations shall be treated by Lopping for Fire Hazard
7 Reduction, piling and burning, chipping, burying or removal from the zone.

8 (c) All Slash and Woody Debris ~~created by Timber Operations~~ greater than one inch but
9 less than eight inches in ~~d~~Diameter within 100 feet of Approved and Legally Permitted
10 Habitable Structures permanently located structures maintained for human habitation
11 shall be removed or piled and burned; all ~~Slash~~ created between 100-200 feet of
12 Approved and Legally Permitted Habitable Structures permanently located structures
13 ~~maintained for human habitation~~ shall be Lopped for Fire Hazard Reduction,
14 removed, chipped or piled and burned; Lopping may be required between 200-500 feet
15 where unusual fire risk or hazard exist as determined by the Director or the RPF.

16 (d) An alternative to treating Slash and Woody Debris along roads and within 200 feet
17 of Approved and Legally Permitted Habitable Structures may be approved by the
18 Director when the RPF explains and justifies in the Plans how equal fire protection will
19 be provided. The alternative shall include a description of the alternate treatment(s) and
20 the portion(s) of the Plan area in which they will be utilized. In proposing alternate slash
21 treatments, the RPF shall consider the estimated amount and distribution of slash to be
22 created by the operation, type of remaining vegetation, topography, climate, and degree
23 of public exposure fire history.

1 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
2 Sections 4513, 4551.5 and 4562, Public Resources Code.

3 ***

4 **§ 956.9. Protection and Restoration of the Beneficial Functions of the Riparian**
5 **Zone in Watersheds with Listed Anadromous Salmonids.**

6 In addition to all other Rules, the following requirements shall apply in any watershed
7 with listed anadromous salmonids. Requirements of 14 CCR § 956.9 precede other
8 sections of the FPRs.

9 Geographic scope - Requirements for Watersheds with Listed Anadromous Salmonids
10 differ depending on the geographic location of the watershed and geomorphic
11 characteristics of the Watercourse. Unique requirements for Watersheds with Listed
12 Anadromous Salmonids are set forth for 1) Watercourses in the coastal anadromy zone
13 with Confined Channels, 2) Watercourses with Flood Prone Areas or Channel Migration
14 Zones, and 3) Watercourses with Confined Channels located outside the coastal
15 anadromy zone.

16 Watersheds which do not meet the definition of "Watersheds with Listed Anadromous
17 Salmonids" are not subject to this section except as follows: The provisions of 14 CCR §
18 956.9, subsections (k)-(q) also apply to Planning Watersheds immediately upstream of,
19 and contiguous to, any watershed with listed anadromous salmonids for purposes of
20 reducing significant adverse impacts from transported fine sediment. Projects in other
21 watersheds further upstream that flow into Watersheds with Listed Anadromous
22 Salmonids, not otherwise designated above, may be subject to these provisions based
23 on an assessment consistent with Cumulative Impacts assessment requirements in 14
24 CCR §§ 898 and 952.9 and Board Technical Rule Addendum No. 2, Cumulative
25 Impacts Assessment. These requirements do not apply to upstream watersheds where

1 permanent dams attenuate the transport of fine sediment to downstream Watercourses
2 with listed anadromous salmonids.

3 ****

4 (q) Site Preparation - Site Preparation activities shall be designed to prevent soil
5 disturbance within, and minimize soil movement into, the channels of Watercourses.
6 Prior to any Broadcast Burning for Site Preparation, burning prescriptions shall be
7 designed to prevent loss of large Woody debris in Watercourses, and vegetation and
8 duff within a WLPZ, or within any ELZ or EEZ designated for Watercourse or Lake
9 protection. No ignition is to occur within any WLPZ, or within any ELZ or EEZ
10 designated for Watercourse or Lake protection. When burning prescriptions are
11 proposed, the measures or burning restrictions which are intended to accomplish this
12 goal shall be stated in the Plan and included in any required burning permit. This
13 information shall be provided in addition to the information required under 14 CCR §
14 955.4.

15 ***

16 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.
17 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public
18 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600
19 and 5650(c), Fish and Game Code.

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21
22
23 **§ 957.2. Treatment of Slash to Reduce Fire Hazard.**

24 ~~Except in the Southern Subdistrict of the Coast Forest District and Coastal Commission~~
25 ~~Special Treatment Areas of the Coast Forest District, t~~he following standards shall

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1 apply to the treatment of slash created by Timber Operations within the Plan area and
2 on road adjacent to the Plan area. ~~Lopping for Fire Hazard Reduction is defined in 14~~
3 ~~CCR § 895.1.~~

4 (a) Slash to be treated by piling and burning shall be treated as follows:

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

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

11 (3) Alternatives to (1) and/or (2) shall be justified in the Plan by the RPF and may
12 be approved by the Director.

13 (b) Within 100 feet of the edge of the traveled surface of Public Roads, and within 50
14 feet of the edge of the traveled surface of permanent private roads open for public use
15 where permission to pass is not required, ~~S~~slash created and trees knocked down by
16 ~~road construction or~~ Timber Operations shall be treated by Lopping for Fire Hazard
17 Reduction, piling and burning, chipping, burying or removal from the zone.

18 (c) All ~~Slash and~~ Woody Debris ~~created by Timber Operations~~ greater than one inch but
19 less than eight inches in ~~d~~Diameter within 100 feet of ~~Approved and Legally Permitted~~
20 ~~Habitable Structures permanently located structures maintained for human habitation~~
21 shall be removed or piled and burned; all ~~S~~slash created between 100-200 feet of
22 ~~Approved and Legally Permitted Habitable Structures permanently located structures~~
23 ~~maintained for human habitation~~ shall be ~~L~~opped for ~~F~~ire ~~H~~azard ~~R~~eduction,
24 removed, chipped or piled and burned; Lopping may be required between 200-500 feet
25 where unusual fire risk or hazard exist as determined by the Director or the RPF.

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1 (d) An alternative to treating Slash and Woody Debris along roads and within 200 feet
2 of Approved and Legally Permitted Habitable Structures may be approved by the
3 Director when the RPF explains and justifies in the Plans how equal fire protection will
4 be provided. The alternative shall include a description of the alternate treatment(s) and
5 the portion(s) of the Plan area in which they will be utilized. In proposing alternate slash
6 treatments, the RPF shall consider the estimated amount and distribution of slash to be
7 created by the operation, type of remaining vegetation, topography, climate, and degree
8 of public exposure fire history.

9
10 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
11 Sections 4513, 4551.5 and 4562, Public Resources Code.