

**State of California  
Office of Administrative Law**

**In re:**  
**Board of Forestry and Fire Protection**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Amend sections:** 895.1, 1038.3, 1051.4,  
1051.5, 1052.5, 1093.1,  
1257, 1265.00, 1265.01,  
1280.01

**NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,  
Section 100**

**OAL Matter Number: 2022-0701-01**

**OAL Matter Type: Nonsubstantive (N)**

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This change without regulatory effect updates hyperlinks.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

**Date:** August 1, 2022



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Attorney**

**For:** Kenneth J. Pogue  
Director

**Original:** Matt Dias, Executive Officer  
**Copy:** Jane Van Susteren



1 **Board of Forestry and Fire Protection**

2 **Hyperlink Updates, 2022**

3 **Title 14 of the California Code of Regulations,**

4 **Division 1.5, Chapter 4,**

5 **Subchapter 1, Article 1;**

6 **Subchapter 7, Articles 2 & 6.9;**

7 **Division 1.5, Chapter 7,**

8 **Articles 4 & 6,**

9 **Subchapter 3, Article 1**

10 **§ 895.1. Definitions.**

11 The definitions contained in the Z'berg-Nejedly Forest Practice Act of 1973 as amended  
12 (commencing with PRC § 4511) shall apply to this chapter, as well as the following  
13 definitions, unless the context clearly requires otherwise....

14  
15 "Watersheds in the Coastal Anadromy Zone" means any Planning Watershed(s) in the  
16 Central California Coast coho salmon ~~Evolutionary~~ Evolutionarily Significant Units  
17 (ESU), South Central Steelhead Distinct Population Segment (DPS), Central California  
18 Coast steelhead DPS, Northern California steelhead DPS, California Coastal Chinook  
19 salmon ESU, and Southern Oregon/Northern California Coast coho salmon ESU, as  
20 defined in 70 Federal Register 37160, dated June 28, 2005, where salmonids listed as  
21 threatened, endangered, or candidate under the State or Federal Endangered Species  
22 Acts are currently present or can be restored. ~~Official maps of ESUs and DPSs are~~

1 found at [http://swr.nmfs.noaa.gov/recovery/Salm\\_Steel.htm](http://swr.nmfs.noaa.gov/recovery/Salm_Steel.htm) as published on January 1,  
2 2010.

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4 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5,  
5 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5,  
6 4513, 4521.3, 4523, 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5,  
7 4528, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1 4597.1,  
8 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines  
9 Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations),  
10 *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82; and *Joy Road Area*  
11 *Forest and Watershed Association, v. California Department of Forestry & Fire*  
12 *Protection*, Sonoma County Superior Court No. SCV 229850.

13  
14 **§1038.3. Forest Fire Prevention Exemption.**

15 Persons who are engaged in the cutting or removal of trees....

16 (b) This exemption shall only be used on Timberlands that are within the most recent  
17 version of the Department's Fire Hazard Severity Zone Map, which can be found on the  
18 Department's website: <http://www.fire.ca.gov>  
19 [https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-](https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/)  
20 [mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/](https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/), that  
21 shows the exemption will occur in areas determined to be moderate, high, or very high  
22 fire threat areas.

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Note: Authority cited: Sections 4551, 4553 and 4584, Public Resources Code.

Reference: Sections 4527, 4527.5, 4584 and 4584.2, Public Resources Code.

**§1051.4. Modified THP for Fuel Hazard Reduction Conditions and Mitigations.**

(a) A Modified THP for Fuel Hazard Reduction (hereafter also referred to as “MTHP-FHR”) may be filed by a Plan submitter for a Project area not to exceed 2,500 acres, providing that the following conditions and mitigations are met...

(4) The rehabilitation method may be used where understocked areas such as brushfields have been identified for treatment in a federal, state, or local fire Plan document for the purpose of reducing fire risk to a public asset including, but not limited to, transportation corridors and utilities, or is adjacent to a community listed in the “California Fire Alliance List of Communities at Risk” (available at [https://bof.fire.ca.gov/media/0x5eysuw/ada-communities-at-risk.pdf%20http://www.cafirealliance.org/communities\\_at\\_risk/communities\\_at\\_risk\\_list](https://bof.fire.ca.gov/media/0x5eysuw/ada-communities-at-risk.pdf%20http://www.cafirealliance.org/communities_at_risk/communities_at_risk_list)). Not more than 10% of the MTHP-FHR area, not to exceed 250 acres, may be harvested under the rehabilitation method, when explained and justified by the RPF and approved by the Director.

1 Note: Authority cited: Sections 4551, 4551.5 and 4593, Public Resources Code.

2 Reference: Sections 4512, 4513, 4551, 4551.5, 4552 and 4593, Public Resources  
3 Code.

4  
5 **§1051.5 Contents of Modified THP for Fuel Hazard Reduction.**

6 A Plan submitted under section 14 CCR § 1051.3 above shall contain all the provisions  
7 of 14 CCR § 1034 except 14 CCR § 1034 (z) and the RPF shall...

8  
9 (1) A description of the assets at risk to catastrophic wildfire that are to be protected  
10 through the fuel treatments proposed. As Feasible and appropriate, the RPF shall  
11 attempt to coordinate the objectives of the MTHP-FHR with larger-scale, federal, state,  
12 and local strategic fuel treatment and fire prevention Plans, including but not limited to  
13 the "2010 Strategic Fire Plan for California" (rev. June 2010, available at  
14 <https://bof.fire.ca.gov/media/0yeg2vnm/ada-2010-strategic-fire-plan-for-california.pdf>  
15 [http://www.bof.fire.ca.gov/board\\_committees/resource\\_protection\\_  
16 committee/current\\_projects/resources/strategicfireplan\\_june2010\\_06-04\\_photos.pdf](http://www.bof.fire.ca.gov/board_committees/resource_protection_)),  
17 hereby incorporated by reference.

18  
19 Note: Authority cited: Sections 4551, 4551.5 and 4593, Public Resources Code.

20 Reference: Sections 4512, 4513, 4551, 4551.5, 4552 and 4593, Public Resources  
21 Code.

22

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

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

3 (1) provide as part of the Emergency Notice the certified lab testing results validating  
4 that trees or vegetation in the infestation area are infected with ~~Phytophthora ramorum~~  
5 Phytophthora ramorum, the pathogen responsible for SOD....

6 (c) The RPF shall describe the strategies employed which will be utilized to control or  
7 suppress the SOD infestation on the Harvest Area along with those measures to be  
8 used to minimize the risk of spreading ~~Phytophthora ramorum~~ Phytophthora ramorum  
9 from the Logging Area by way of infected soil and infected host material. In developing  
10 such strategies, the RPF shall draw from the list of Mitigation and Management  
11 Recommendations in the California Oak Mortality Task Force publication Sudden Oak  
12 Death Guidelines for Forestry (rev. August 2010),  
13 <http://www.suddenoakdeath.org/wpcontent/uploads/2010/08/ForestryGuidelines1.pdf>,  
14 [https://bof.fire.ca.gov/media/cg2dgsyy/ada-august-2010-sudden-oak-death-guidelines-  
for-forestry.pdf](https://bof.fire.ca.gov/media/cg2dgsyy/ada-august-2010-sudden-oak-death-guidelines-<br/>15 for-forestry.pdf) hereby incorporated by reference.

16  
17 Note: Authority cited: Sections 4551 and 4592, Public Resources Code. Reference:  
18 Sections 4513, 4551.5, 4552, 4553, 4554, 4561, 4562, 4584, 4592, 4750, 4750.3,  
19 4750.4, 21001(f) and 21080(b)(4), Public Resources Code.

20  
21 **§1093.1. Guidelines for Orderly Evaluation of Activities Proposed by an RMP.**

1 AAn RMP shall specify measures to be applied to a road system within a Road  
2 Management Unit...

3  
4 (e) Identification of noxious weed Species (as defined by the State of California  
5 Department of Food Andand Agriculture, Division of Plant Health & Pest Prevention  
6 Services, Noxious Weed Species and Noxious Weed Seed Lists A, B, C, and Q at

7 [http://www.cdfa.ca.gov/phpps/ipc/encycloweedia/pdfs/noxiousweed\\_ratings.pdf](http://www.cdfa.ca.gov/phpps/ipc/encycloweedia/pdfs/noxiousweed_ratings.pdf)

8 [https://www.cdfa.ca.gov/plant/IPC/encycloweedia/weedinfo/wininfo\\_table-sciname.html](https://www.cdfa.ca.gov/plant/IPC/encycloweedia/weedinfo/wininfo_table-sciname.html)

9 ) when populations of such Species could be expanded by road management  
10 activities...

11  
12 (g) The information and management practices in aan RMP will be scaled to the current  
13 and historical condition, and sensitivity of the Beneficial Uses of water and the  
14 resources identified in (b) and (c) above.

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16 Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public  
17 Resources Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7,  
18 21000 and 21001, Public Resources Code; Sections 100, 1243 and 13050(f), Water  
19 Code; Sections 1600 and 5650(c), Fish and Game Code; and *NRDC v. Arcata National*  
20 *Corp.* (1976) 59 Cal App. 3d 959, 131 Cal Rptr. 172.

21  
22 **§1257. Exempt Minimum Clearance Provisions – PRC 4293.**

1 (a) The minimum clearance provisions of PRC 4293 applicable in State Responsibility  
2 Areas are exempted...

3 (b) These exemptions do not apply to "Hazard Trees" as identified and explained on  
4 pages 1-20 through 1-24 in the Department's "Powerline Fire Prevention Field Guide"  
5 dated November 2008 and posted on the Department's website at:

6 <https://bof.fire.ca.gov/media/l3vj1svu/ada-power-line-fire-prevention-field-guide-2008.pdf>

7 <http://cdfdata.fire.ca.gov/pub/fireplan/fpupload/fppguidepdf126.pdf>.

8  
9 Note: Authority cited: Sections 4111 and 4293, Public Resources Code. Reference:  
10 Sections 4293 and 4296, Public Resources Code.

11  
12 **§1265.00 Definitions.**

13 "Board" refers to the California Board of Forestry and Fire Protection...

14 "State Responsibility Area" or "SRA" means those areas defined in Public Resources  
15 Code section 4102 and delineated pursuant to Public Resources Code sections 4125-  
16 4128 and title 14, California Code of Regulations, section 1220. These lands are shown  
17 on digital maps maintained by the Department at its Sacramento headquarters and may  
18 be viewed there or in low resolution at the Board's website:

19 <http://www.bof.fire.ca.gov/sra-viewer/> [https://bof.fire.ca.gov/projects-and-  
20 programs/state-responsibility-area-viewer/](https://bof.fire.ca.gov/projects-and-<br/>20 programs/state-responsibility-area-viewer/).

21 "Very High Fire Hazard Severity Zone" or "VHFHSZ" means an area designated by the  
22 director pursuant to Government Code section 51178 that is not a state responsibility

1 area. These lands are shown on digital maps maintained by the Department at its  
2 Sacramento headquarters and may be viewed there or in low resolution at the  
3 Department's website:

4 [http://www.calfire.ca.gov/fire\\_prevention/fire\\_prevention\\_wildland\\_zones\\_maps](http://www.calfire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps)  
5 <https://www.fire.ca.gov/programs/communications/defensible-space-prc-4291/>.

6  
7 Note: Authority cited: Section 65302.5, Government Code; and Section 4111, Public  
8 Resources Code. Reference: Sections 51177 and 65302.5, Government Code; and  
9 Sections 700, 701, 730, 4102, 4125, 4126, 4127 and 4128, Public Resources Code.

10  
11 **§1265.01. Safety Element Submission.**

12 (a) The draft of or draft amendment to the safety element of a county or a city's general  
13 plan shall be submitted to the Board and to every local agency that provides fire  
14 protection to territory in the city or county at least ninety (90) days prior to any of the  
15 following...

16 (c) The draft of or draft amendment to the safety element may be mailed to Board of  
17 Forestry and Fire Protection, Safety Element Review, P.O. Box 944246, Sacramento,  
18 CA 94244-2460, or it may be emailed to the ~~staff person indicated on the Board of~~  
19 ~~Forestry and Fire Protection's Local Government webpage:~~

20 [http://bof.fire.ca.gov/board\\_joint\\_policies/local\\_government/](http://bof.fire.ca.gov/board_joint_policies/local_government/) Resource Protection  
21 Committee staff person indicated at [https://bof.fire.ca.gov/board-committees/board-  
standing-committees-forest-practice-management-resource-protection/](https://bof.fire.ca.gov/board-committees/board-<br/>22 standing-committees-forest-practice-management-resource-protection/).

1  
2 Note: Authority cited: Section 65302.5, Government Code; and Section 4111, Public  
3 Resources Code. Reference: Section 65302.5, Government Code.  
4

5 **§1280.01 Fire Hazard Severity Zones in the SRA.**

6 The fire hazard severity zones and the rating reflecting the degree of severity of fire  
7 hazard that is expected to prevail in those zones, shall be designated by the Director  
8 and delineated on a series of maps on file in the Sacramento Office of the Department  
9 of Forestry and Fire Protection, Fire and Resources Assessment Program, 1300 U St.

10 The official maps are also filed electronically on the Department's internet web site,

11 [www.fire.ca.gov/wildlands\\_zones\\_maps.php](http://www.fire.ca.gov/wildlands_zones_maps.php)

12 <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and->

13 [mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/](https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/). The maps

14 are entitled "Fire Hazard Severity Zones in [State Responsibility Area] SRA," dated

15 November 7, 2007, and are incorporated by reference.  
16

17 Note: Authority cited: Sections 4202, 4203 and 4204, Public Resources Code.

18 Reference: Sections 4201, 4202, 4203 and 4204, Public Resources Code; and Section

19 51179 Government Code