

**State of California  
Office of Administrative Law**

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

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:**

**Amend sections: 1052, 1052.4**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL Matter Number: 2021-0729-02**

**OAL Matter Type: Emergency (E)**

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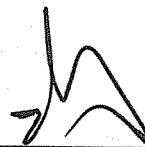
This emergency action, relating to emergency timber operations, (1) requires a Timber Owner or operator to retain a Registered Professional Forester (RPF) to provide professional advice and that the RPF be present on site at a sufficient frequency to know the progress of operations and advise the Timber Owner or LTO; and (2) alters the timelines for emergency fuels treatments to be based upon the time the Director accepts the Emergency Notice.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

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This emergency regulatory action is effective on 8/5/2021 and will expire on 2/2/2022. The Certificate of Compliance for this action is due no later than 2/1/2022.

Date: August 5, 2021



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Mark Storm  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Matt Dias, Executive Officer

Copy: Jane Van Susteren

# EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS <b>Z-</b>	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER <b>2021-0729-02E</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY <b>Board of Forestry and Fire Protection</b>		AGENCY FILE NUMBER (If any)	

**ENDORSED - FILED**  
 in the office of the Secretary of State  
 of the State of California

**AUG 05 2021**

*1:15 PM*

**OFFICE OF ADMIN. LAW**  
 2021 JUL 29 PM4:11

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) <b>Emergency Notice RPF Responsibility</b>	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) TITLE(S) <b>14</b>	ADOPT
	AMEND <b>1052, 1052.4</b>
	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))     Effective on filing with Secretary of State     \$100 Changes Without Regulatory Effect     Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660)     Fair Political Practices Commission     State Fire Marshal

Other (Specify)

7. CONTACT PERSON

<b>Jane Van Susteren</b>	TELEPHONE NUMBER <b>(916) 619-9795</b>	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) <b>jane.vansusteren@bof.ca.gov</b>
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <b>Jane Van Susteren</b>	DATE
TYPED NAME AND TITLE OF SIGNATORY <b>Jane Van Susteren, Regulations Coordinator</b>	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**AUG 05 2021**

**Office of Administrative Law**

1  
2 **Board of Forestry and Fire Protection**

3 **Emergency Notice Fuel Treatment & RPF Responsibilities**

4 **Title 14 of the California Code of Regulations**

5 **Division 1.5, Chapter 4**

6 **§ 1052. Emergency Notice.**

7 (a) Before cutting or removing timber on an Emergency basis, an RPF on behalf of a  
8 Timber Owner or operator shall submit a Notice of Emergency Timber Operations to the  
9 Director, on form RM-67 (1/1/10), form RM-65 (1052.4) (02/2020) for a Fuel Hazard  
10 Reduction Emergency, or form RM-66 (1052.5) (2/1/11) for a Sudden Oak Death  
11 Emergency, herein incorporated by reference, as prescribed by the Director. The notice  
12 shall include, but not be limited to, the following:

13 (1) Names and addresses of all Timberland owner(s), Timber Owner(s), and  
14 Timber Operator(s) for the area on which timber will be cut or removed.

15 (2) A description of the specific conditions that constitute the Emergency, its  
16 cause, extent and reason for immediate commencement of Timber Operations.

17 (3) Legal description of the area from which timber will be cut or removed.

18 (4) A titled USGS (if available) or equivalent topographic map(s) of scale not less  
19 than 2" to the mile, or larger scale, showing the Harvest Area, the legal  
20 description, Logging Roads, Class I, II, III and IV Watercourses, Yarding systems  
21 if more than one will be used, and boundaries of areas where Tractor Operations  
22 are proposed for use on areas designated for Cable Yarding. For Timber  
23 Operations conducted pursuant to 14 CCR § 1052.4 within those areas  
24 described by 14 CCR § 1052.4(c)(2)(A)-(F), the map(s) shall include those  
25 features described within 14 CCR § 1052.4(c)(2)(A)-(F), as appropriate.

1 and District Forest Practice Rules applicable to "Timber Harvest Plan", "THP", and  
2 "Plan".

3 (c) In-lieu practices for Watercourse and Lake Protection Zones as specified under  
4 Article 6 of the Rules, exceptions to Rules, and alternative practices are not allowed  
5 unless necessary to protect public health and safety.

6 (d) Timber Operations pursuant to an Emergency Notice may not commence for five  
7 working days, 15 days for a fuel hazard Emergency per 14 CCR §§ 1052.1(a)(5) and  
8 1052.4, from the date of the Director's receipt of the Emergency Notice unless such  
9 waiting period is waived by the Director. The Director shall determine whether the  
10 Emergency notice is complete. If it is found to be complete the Director shall send a  
11 copy of a notice of acceptance to the Timberland owner. If the Emergency Notice is not  
12 complete it shall be returned to the submitter. If the Director does not act within five  
13 working days, 15 days for a fuel hazard Emergency per 14 CCR §§ 1052.1(a)(5) and  
14 1052.4, of receipt of the Emergency Notice, Timber Operations may commence.

15 (e) Timber Operations shall not continue beyond one (1) year from the date the  
16 Emergency Notice is accepted by the Director unless a Plan is submitted to the Director  
17 and found to be in conformance with the Rules and regulations of the Board, except for  
18 treatment of fuels in accordance with 14 CCR § 1052.4(d)(4) and (5).

19 (f) An RPF shall be retained by the Timber Owner or LTO to provide professional advice  
20 throughout the Timber Operations and shall be present, or ensure that the RPF's  
21 Supervised Designee is present, on the Logging Area at a sufficient frequency to know  
22 the progress of operations and advise the LTO and Timberland Owner, but not less than  
23 once during the life of the notice.

1 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:  
2 Sections 4592, 4750, 4750.3 and 4750.4, Public Resources Code.

3 **§ 1052.4. Emergency Notice for Fuel Hazard Reduction.**

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

9 \*\*\*

10 (d) Vegetation Treatments: Tree removal shall target Codominant and  
11 Understory trees. The residual stand shall consist primarily of well-distributed,  
12 healthy and vigorous Dominant and Codominant trees from the preharvest stand.

13 \*\*\*

14 (5) Fuel treatments shall include chipping, removal or other methods  
15 necessary to achieve the fuel hazard reduction standards in this section,  
16 and, notwithstanding the requirements of 14 CCR § 1052.4(d)(4)(A)2.a.,  
17 shall be accomplished within one (1) year from the date the Emergency  
18 Notice is accepted by the Director ~~start of operations~~, except for burning  
19 operations, which instead shall be completed within two (2) years from the  
20 date the Director accepts ~~receives~~ the notice.

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

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