

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 (5) Yarding system to be used.

2 (6) The expected dates of commencement and completion of Timber Operations.

3 (7) A declaration by the RPF, made under penalty of perjury, that a bona fide
4 Emergency exists which requires Emergency Timber Operations.

5 (8) A declaration by the Timber Owner, made under penalty of perjury, that any
6 applicable timber yield taxes will be paid pursuant to § 38115 of the Revenue and
7 Taxation Code.

8 (9) Name, address, License number, and signature of the RPF who prepares the
9 notice and submits it to the Director on behalf of the Timber Owner or operator.

10 (10) For Emergency Notices covering three acres or more in size, the RPF shall
11 include a CAL with the Emergency Notice submitted to the Director. The Director
12 shall also submit a complete copy of the CAL and two copies of any required
13 archaeological or historical site records, to the appropriate Information Center of
14 the California Historical Resource Information System within 30 days from the
15 date of Emergency Notice submittal to the Director.

16 (A) For Projects filing an Emergency notice for fuel hazard reduction under
17 14 CCR § 1052.4, archaeology requirements shall be conducted by a
18 Person possessing current certification pursuant to 14 CCR § 929.4
19 [949.4, 969.4].

20 (11) Name, address, License number, and signature of the RPF who has been
21 retained by the Timber Owner or operator to provide professional advice
22 throughout the Timber Operations pursuant to 14 CCR § 1052(f).

23 (b) Timber Operations pursuant to an Emergency notice shall comply with the Rules
24 and regulations of the Board. A Person conducting Timber Operations under an
25 Emergency Notice shall comply with all operational provisions of the Forest Practice Act

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.
24

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.

23