# Slash Treatment Requirements

# Definitions

“Concentration” means an accumulation of Slash, limbs, tops, slabs or other logging debris that exceeds 30 inches (76.2 cm) in height above the ground and covers more than 100 square feet (9.29 m2) of surface area except that individual logs not associated with other logging debris which exceed these dimensions shall not be considered a concentration of slash or logging debris.

For the Coast Forest District:

“Lopping” means severing and spreading of Slash so that no part of it remains more than 30 inches (76.2 cm) above the ground.

For the Northern Forest District:

“Lopping” means severing and spreading of Slash so that no part of it remains more than 30 inches (76.2 cm) above the ground.(Reference: § 4551.5, Public Resources Code.)

For the Southern Forest District:

“Lopping” means severing limbs from the exposed sides of the unutilized portions of trees so that portions of the severed limbs are in contact with the ground. (Reference: § 4551.5, Public Resources Code.)

“Lopping For Fire Hazard Reduction” means severing and spreading Slash so that no part of it generally remains more than 30 inches above the ground except where a specific rule provides another standard.

“Slash”, pursuant to PRC § 4525.7, means branches or limbs less than four inches in Diameter, and bark and split products debris left on the ground as a result of Timber Operations.

“Surface Cover” means the cover of litter, downed woody material (including Slash, living vegetation in contact with the ground, and loose rocks (excluding rock outcrops)) that resist erosion by raindrop impact and surface flow.

“Woody Debris” means woody material four inches and greater in Diameter and no less than two feet long left on the ground as the result of Timber Operations.

# Timing

**917.2 Treatment of Slash to Reduce Fire Hazard [Coast], 937.2 Treatment of Logging Slash to Reduce Fire Hazard in the Northern Forest District [Northern], 957.2 Treatment of Slash to Reduce Fire Hazard [Southern]**

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

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

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

(3) Alternatives to (1) and/or (2) shall be justified in the plan

**917.4 Treatment of Logging Slash in the Southern Subdistrict [Coast]**

To reduce fire hazards within the Southern Subdistrict of the Coast Forest District, treatment of Slash shall be done in addition to requirements of 14 CCR § 917.2 as follows:

(a) To provide more efficient firebreaks the areas within fifty (50) feet of the edge of all Public Roads shall be kept free of Slash. Slash between fifty (50) feet and one hundred (100) feet of the edge of said roads and Slash between one hundred to two hundred (100-200) feet of all Approved and Legally Permitted Habitable Structures shall be treated by piling and burning, chipping, burying, removal, or Lopping to within twelve (12) inches above the ground not later than April 1 of the year following its creation. Distances shall be measured along the surface of the ground. Timber Operations shall not cause a violation of PRC § 4291.

(c) Concentrations of Slash around logging Landings or located within the Logging Area excluding those areas substantially covered with logs on the ground, shall be crushed, chipped, spread, piled and burned, or otherwise treated no later than April 1st of the following year following their creation.

(d) Slash within the Logging Area, excluding those areas substantially covered with logs on the ground, shall be lopped over the entire Logging Area by April 1st of the year following the creation of the Slash. Slash along roads in the Logging Area shall be lopped concurrently with its creation.

**957.4 Treatment of Logging Slash in the High Use Subdistrict [Southern]**

(c) Slash treatment must be done concurrently with logging or road construction. On areas logged between April 1st and October 1st, if the Slash is not disposed of in some other manner, it shall be piled progressively for burning. Piling shall not take place earlier than the 15th day nor later than the 45th day following cutting. Between October 1st and April 1st of the following year, the Slash to be burned shall be progressively piled and burned not later than 30 days following cutting.

**1038 Exemption**

Timber Operations conducted pursuant to this section are exempt from the Plan preparation and submission requirements (PRC § 4581) and from the completion report and Stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations conducted under any notice of exemption described herein shall be limited to one (1) year from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1. In-lieu practices within WLPZs as specified under Article 6 of these Rules, exceptions to the Rules, and alternative practices are not allowed. The following types of Timber Operations are exempt:

(c) The cutting or removal of trees in compliance with PRC §§ 4290 and 4291, which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration and intensity. The requirements of this subsection shall not supersede the requirements of PRC § 4291.

(6) Trees that are located from one-hundred-fifty (150) feet up to three-hundred (300) feet from any point of an Approved and Legally Permitted Habitable Structure that complies with the California Building Standards Code may also be cut and removed for the purpose of reducing flammable materials and maintaining a fuelbreak provided the following conditions are met:

(C) All Slash shall be lopped, removed, chipped, piled and burned, or otherwise treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground within forty-five (45) days from the start of Timber Operations except for the burning of piles, which shall be accomplished not later than April 1 of the year following their creation, or for piles created on or after September 1, not later than April 1 of the second year following creation. Treatment of surface fuels by burning shall be exempt from the one-year time limitations on Timber Operations described under 14 CCR § 1038.1.

**1038 Exemption**

(g) Harvesting trees which are dead or Dying Trees as a result of wildfire within three-hundred (300) feet from any point of an Approved and Legally Permitted Structure or an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire. The provisions of a notice of exemption submitted pursuant to this subsection supersede the provisions of any other notices of exemption that are submitted in the same Harvest Area. The following conditions apply:

(5) All Slash created between one-hundred-fifty (150) feet and three-hundred (300) feet of an Approved and Legally Permitted Structure or an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire shall be treated by Lopping For Fire Hazard Reduction, removed, chipped, or piled and burned within forty-five (45) days from the start of Timber Operations; except for the burning of piles, which shall be accomplished not later than April 1 of the year following their creation; or for piles created on or after September 1, not later than April 1 of the second year following creation.

**1038.1 Additional Exceptions or Requirements**

Preparation or submittal of a notice of exemption described in 14 CCR § 1038, or Timber Operation thereunder, shall comply with the additional exceptions or requirements as described.

(c) The following additional exceptions or requirements apply to exemptions pursuant to 14 CCR § 1038 as provided in Table 1 below:

|  |  |
| --- | --- |
| **Table 1: Additional Exceptions or Requirements Applicable Exceptions or Requirements** | **Notice of Exemption Type(s)** |
| 14 CCR § 1038.1(c)(1) | 14 CCR § 1038(c)(6), (d), (e), and (f) |
| 14 CCR § 1038.1(c)(2) | 14 CCR § 1038 (e) and (f) |
| 14 CCR § 1038.1(c)(3) | Applies to all notices of exemption pursuant to 14 CCR § 1038 |
| **14 CCR § 1038.1(c)(4)(A)** | **14 CCR § 1038 (d)** |
| **14 CCR § 1038.1 (c)(4)(B)** | **14 CCR § 1038 (e) and (f)** |
| 14 CCR § 1038.1(c)(5) through (14) | 14 CCR § 1038 (b), (c), (d), (e), (f), and (g) |
| 14 CCR § 1038.1(c)(15) | 14 CR § 1038 (a), (b), (c), (d), (e), and (g) |

(4) Fuel treatments as follows:

(A) Slash within the Harvest Area shall be treated to achieve a maximum post-harvest depth of thirty (30) inches above the ground. All Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated, within one (1) year from the date of the Director receiving the notice except for burning. Burning shall be completed within two (2) years from the date of the Director receiving the notice.

(B) Slash shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground on at least eighty (80) percent of the Harvest Area. All Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated, within one (1) year from the date of the Director receiving the notice except for burning. Burning shall be completed within two (2) years from the date of the Director receiving the notice.

**1038.3 Forest Fire Prevention Exemption**

Persons who are engaged in the cutting or removal of trees, limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials to reduce fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns are exempt from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations conducted under any notice of exemption described herein shall be limited to one (1) year from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1. This exemption shall be known as the Forest Fire Prevention Exemption. Preparation and submittal of notices of exemption under this section, or Timber Operations conducted thereunder, shall comply with the following conditions, exceptions, or requirements as described.

(c) The cutting or removal of trees in compliance with PRC §§ 4290 and 4291, which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration and intensity. The requirements of this subsection shall not supersede the requirements of PRC § 4291.

(2) All surface fuels within one-hundred-fifty (150) feet of an Approved and Legally Permitted Structure, which could promote the spread of wildfire, shall be chipped, burned, or removed within forty-five (45) days from the start of Timber Operations.

(3) All fuel treatments shall be completed within one (1) year from the date the Director receives the notice. This requirement does not apply to burning, which instead shall be completed within two (2) years from the date the Director receives the notice.

# Structures

**917.2 Treatment of Slash to Reduce Fire Hazard [Coast], 937.2 Treatment of Logging Slash to Reduce Fire Hazard in the Northern Forest District [Northern],** **957.2 Treatment of Slash to Reduce Fire Hazard [Southern]**

(c) All Slash and Woody Debris greater than one inch but less than eight inches in diameter within 100 feet of Approved and Legally Permitted Habitable Structures shall be removed or piled and burned; all Slash created between 100-200 feet of Approved and Legally Permitted Habitable Structures shall be Lopped for Fire Hazard Reduction, removed, chipped or piled and burned; Lopping may be required between 200-500 feet where unusual fire risk or hazard exist as determined by the Director or the RPF.

(d) An alternative to treating Slash and Woody Debris along roads and within 200 feet of Approved and Legally Permitted Habitable Structures may be approved by the Director…

**917.4 Treatment of Logging Slash in the Southern Subdistrict [Coast]**

To reduce fire hazards within the Southern Subdistrict of the Coast Forest District, treatment of Slash shall be done in addition to requirements of 14 CCR § 917.2 as follows:

(a) To provide more efficient firebreaks the areas within fifty (50) feet of the edge of all Public Roads shall be kept free of Slash. Slash between fifty (50) feet and one hundred (100) feet of the edge of said roads and Slash between one hundred to two hundred (100-200) feet of all Approved and Legally Permitted Habitable Structures shall be treated by piling and burning, chipping, burying, removal, or Lopping to within twelve (12) inches above the ground not later than April 1 of the year following its creation. Distances shall be measured along the surface of the ground. Timber Operations shall not cause a violation of PRC § 4291.

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

**957.4 Treatment of Logging Slash in the High Use Subdistrict [Southern]**

Slash in the High Use Subdistrict shall be treated as follows:

(b) Slash shall be treated by chipping, piling and burning, burying, or removal on the following areas within all distances measured along the surface to the ground.

(1) Within a distance of 200 feet (60.96 m) of structures used for habitation;

**1038 Exemption**

Timber Operations conducted pursuant to this section are exempt from the Plan preparation and submission requirements (PRC § 4581) and from the completion report and Stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations conducted under any notice of exemption described herein shall be limited to one (1) year from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1. In-lieu practices within WLPZs as specified under Article 6 of these Rules, exceptions to the Rules, and alternative practices are not allowed. The following types of Timber Operations are exempt:

(3) All surface fuels created by Timber Operations, within one-hundred-fifty (150) feet of an Approved and Legally Permitted Structure, that could promote the spread of wildfire, including Slash or Woody Debris, exceeding one (1) inch in diameter, and brush, shall be chipped, burned, or removed within forty-five (45) days from the start of Timber Operations.

(4) In addition to the surface fuel treatment described in 14 CCR § 1038(c)(3), the Harvest Area must meet the vegetation treatment standards in PRC § 4584(i)(1) to (2)(A) illustrated in Board Technical Rule Addendum No.4 within one (1) year from the receipt of issuance of notice of acceptance. This paragraph does not apply to 14 CCR § 1038 (c)(6).

**1038 Exemption**

(g) Harvesting trees which are dead or Dying Trees as a result of wildfire within three-hundred (300) feet from any point of an Approved and Legally Permitted Structure or an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire. The provisions of a notice of exemption submitted pursuant to this subsection supersede the provisions of any other notices of exemption that are submitted in the same Harvest Area. The following conditions apply:

(4) All Slash and Woody Debris greater than one (1) inch but less than eight (8) inches in diameter within one-hundred-fifty (150) feet of an Approved and Legally Permitted Structure or an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire shall be removed, chipped, or piled and burned.

(5) All Slash created between one-hundred-fifty (150) feet and three-hundred (300) feet of an Approved and Legally Permitted Structure or an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire shall be treated by Lopping For Fire Hazard Reduction, removed, chipped, or piled and burned within forty-five (45) days from the start of Timber Operations; except for the burning of piles, which shall be accomplished not later than April 1 of the year following their creation; or for piles created on or after September 1, not later than April 1 of the second year following creation.

**1038.3 Forest Fire Prevention Exemption**

Persons who are engaged in the cutting or removal of trees, limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials to reduce fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns are exempt from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations conducted under any notice of exemption described herein shall be limited to one (1) year from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1. This exemption shall be known as the Forest Fire Prevention Exemption. Preparation and submittal of notices of exemption under this section, or Timber Operations conducted thereunder, shall comply with the following conditions, exceptions, or requirements as described.

(d) (1) Slash and Woody Debris shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground except within one-hundred-fifty (150) feet from any point of an approved and legally permitted structure that complies with the California Standards Building Code.

(2) All surface fuels within one-hundred-fifty (150) feet of an Approved and Legally Permitted Structure, which could promote the spread of wildfire, shall be chipped, burned, or removed within forty-five (45) days from the start of Timber Operations.

**1052.4 Emergency Notice for Fuel Hazard Reduction**

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

(d) Vegetation Treatments: Tree removal shall target Codominant and understory trees. The residual stand shall consist primarily of well-distributed, healthy and vigorous dominant and codominant trees from the preharvest stand.

(4) (A) Within the Harvest Area, Surface Fuels, Ladder Fuels, Slash, Woody Debris, and dead brush that will promote the spread of wildfire shall be treated as follows:

2. Additional fuel treatment standards are as follows:

a. Within one hundred-fifty (150) feet of those structures identified within 14 CCR § 1052.4(c)(1) and (c)(2)(A), all Surface Fuels, Slash, Woody Debris, and dead brush that will promote the spread of wildfire shall be chipped, burned, or removed within forty-five (45) days from the start of Timber Operations.

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

# Roads

**917.2 Treatment of Slash to Reduce Fire Hazard [Coast],** **937.2 Treatment of Logging Slash to Reduce Fire Hazard in the Northern Forest District [Northern],**

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

(d) An alternative to treating Slash and Woody Debris along roads and within 200 feet of Approved and Legally Permitted Habitable Structures may be approved by the Director …

**917.4 Treatment of Logging Slash in the Southern Subdistrict [Coast]**

To reduce fire hazards within the Southern Subdistrict of the Coast Forest District, treatment of Slash shall be done in addition to requirements of 14 CCR § 917.2 as follows:

(a) To provide more efficient firebreaks the areas within fifty (50) feet of the edge of all Public Roads shall be kept free of Slash. Slash between fifty (50) feet and one hundred (100) feet of the edge of said roads and Slash between one hundred to two hundred (100-200) feet of all Approved and Legally Permitted Habitable Structures shall be treated by piling and burning, chipping, burying, removal, or Lopping to within twelve (12) inches above the ground not later than April 1 of the year following its creation. Distances shall be measured along the surface of the ground. Timber Operations shall not cause a violation of PRC § 4291.

**957.2 Treatment of Slash to Reduce Fire Hazard [Southern]**

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

(d) An alternative to treating Slash and Woody Debris along roads and within 200 feet of Approved and Legally Permitted Habitable Structures may be approved by the Director…

**917.4 Treatment of Logging Slash in the Southern Subdistrict [Coast]**

To reduce fire hazards within the Southern Subdistrict of the Coast Forest District, treatment of Slash shall be done in addition to requirements of 14 CCR § 917.2 as follows:

(a) To provide more efficient firebreaks the areas within fifty (50) feet of the edge of all Public Roads shall be kept free of Slash. Slash between fifty (50) feet and one hundred (100) feet of the edge of said roads and Slash between one hundred to two hundred (100-200) feet of all Approved and Legally Permitted Habitable Structures shall be treated by piling and burning, chipping, burying, removal, or Lopping to within twelve (12) inches above the ground not later than April 1 of the year following its creation. Distances shall be measured along the surface of the ground. Timber Operations shall not cause a violation of PRC § 4291.

**957.4 Treatment of Logging Slash in the High Use Subdistrict [Southern]**

Slash in the High Use Subdistrict shall be treated as follows:

(b) Slash shall be treated by chipping, piling and burning, burying, or removal on the following areas within all distances measured along the surface to the ground.

(2) Within 200 feet (60.96 m) of the edge of any road accessible to the public;

(c) Slash treatment must be done concurrently with logging or road construction. On areas logged between April 1st and October 1st, if the Slash is not disposed of in some other manner, it shall be piled progressively for burning. Piling shall not take place earlier than the 15th day nor later than the 45th day following cutting. Between October 1st and April 1st of the following year, the Slash to be burned shall be progressively piled and burned not later than 30 days following cutting.

**921.6 Hazard Reduction [Coast, Special Treatment Area]**

(a) Lopping: Except in the southern subdistrict, to reduce fire hazards, maintain soil fertility, reduce erosion, and improve visual appearance, all Slash and debris created by the current operations and within 300 ft. of public roads and Watercourses open to the public shall be lopped and scattered, chipped, or crushed, prior to April 1st of the year following its creation, so that no material generally remains more than 30 in. (762 cm) above the ground.

# Trails, Camping Sites, Fuelbreaks

**957.4 Treatment of Logging Slash in the High Use Subdistrict [Southern]**

Slash in the High Use Subdistrict shall be treated as follows:

(b) Slash shall be treated by chipping, piling and burning, burying, or removal on the following areas within all distances measured along the surface to the ground.

(3) Within 100 feet (30.48 m) of trails established for and used by the public;

(4) Within a distance of 200 feet (60.96 m) of areas established for and used by the public for picnicking or camping.

**913.4, 933.4, 953.4 Special Prescriptions**

The following special harvesting methods are appropriate under certain conditions:

(c) Fuelbreak/Defensible Space. Where some trees and other vegetation and fuels are removed to create or maintain a shaded fuel break or defensible space in an area to reduce the potential for wildfires and the damage they might cause. Minimum stocking standards within the timber operating area shall be met immediately after harvest and shall be those found in 14 CCR 912.7 [932.7, 952.7]. The RPF shall describe in the plan specific vegetation and fuels treatment, including timing, to reduce fuels to meet the objectives of the Community Fuelbreak area or other objectives identified by the RPF with the written concurrence of a public fire agency and determined by the Director to be consistent with the purposes of the Act.

# Watercourses

Treat slash within 300 feet of watercourses open to the public

**921.6 Hazard Reduction [Coast, Special Treatment Area]**

(a) Lopping: Except in the southern subdistrict, to reduce fire hazards, maintain soil fertility, reduce erosion, and improve visual appearance, all Slash and debris created by the current operations and within 300 ft. of public roads and Watercourses open to the public shall be lopped and scattered, chipped, or crushed, prior to April 1st of the year following its creation, so that no material generally remains more than 30 in. (762 cm) above the ground.

# General

**917.4 Treatment of Logging Slash in the Southern Subdistrict [Coast]**

To reduce fire hazards within the Southern Subdistrict of the Coast Forest District, treatment of Slash shall be done in addition to requirements of 14 CCR § 917.2 as follows:

(c) Concentrations of Slash around logging Landings or located within the Logging Area excluding those areas substantially covered with logs on the ground, shall be crushed, chipped, spread, piled and burned, or otherwise treated no later than April 1st of the following year following their creation.

(d) Slash within the Logging Area, excluding those areas substantially covered with logs on the ground, shall be lopped over the entire Logging Area by April 1st of the year following the creation of the Slash. Slash along roads in the Logging Area shall be lopped concurrently with its creation.

**957.4 Treatment of Logging Slash in the High Use Subdistrict [Southern]**

Slash in the High Use Subdistrict shall be treated as follows:

(a) Throughout the logging area, all limbs shall be lopped from the unutilized portions of felled trees and all other trees felled or pushed over during Timber Operations. This lopping shall be done concurrently with the Timber Operations and scattered so that no limb or stem larger than 4 in. (10.2 cm) in diameter will be covered with Slash and no Slash shall generally be more than 24 in. (61.0 cm) above the ground.

**1038.1 Additional Exceptions or Requirements**

(c) The following additional exceptions or requirements apply to exemptions pursuant to 14 CCR § 1038 as provided in Table 1 below:

|  |  |
| --- | --- |
| **Table 1: Additional Exceptions or Requirements Applicable Exceptions or Requirements** | **Notice of Exemption Type(s)** |
| 14 CCR § 1038.1(c)(1) | 14 CCR § 1038(c)(6), (d), (e), and (f) |
| 14 CCR § 1038.1(c)(2) | 14 CCR § 1038 (e) and (f) |
| 14 CCR § 1038.1(c)(3) | Applies to all notices of exemption pursuant to 14 CCR § 1038 |
| **14 CCR § 1038.1(c)(4)(A)** | **14 CCR § 1038 (d)** |
| **14 CCR § 1038.1 (c)(4)(B)** | **14 CCR § 1038 (e) and (f)** |
| 14 CCR § 1038.1(c)(5) through (14) | 14 CCR § 1038 (b), (c), (d), (e), (f), and (g) |
| 14 CCR § 1038.1(c)(15) | 14 CR § 1038 (a), (b), (c), (d), (e), and (g) |

(4) Fuel treatments as follows:

(A) Slash within the Harvest Area shall be treated to achieve a maximum post-harvest depth of thirty (30) inches above the ground. All Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated, within one (1) year from the date of the Director receiving the notice except for burning. Burning shall be completed within two (2) years from the date of the Director receiving the notice.

(B) Slash shall be treated to achieve a maximum post-harvest depth of eighteen (18) inches above the ground on at least eighty (80) percent of the Harvest Area. All Slash shall be lopped, removed, chipped, piled for burning, or otherwise treated, within one (1) year from the date of the Director receiving the notice except for burning. Burning shall be completed within two (2) years from the date of the Director receiving the notice.

**1038.3 Forest Fire Prevention Exemption**

Persons who are engaged in the cutting or removal of trees, limited to those trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials to reduce fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns are exempt from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA. Timber Operations conducted under any notice of exemption described herein shall be limited to one (1) year from the date of receipt by the Director, and shall comply with all operational provisions of the FPA and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1. This exemption shall be known as the Forest Fire Prevention Exemption. Preparation and submittal of notices of exemption under this section, or Timber Operations conducted thereunder, shall comply with the following conditions, exceptions, or requirements as described.

(d)(3) All fuel treatments shall be completed within one (1) year from the date the Director receives the notice. This requirement does not apply to burning, which instead shall be completed within two (2) years from the date the Director receives the notice.

**1051.5 Contents of Modified THP for Fuel Hazard Reduction.**

(e) Develop and document the vegetation treatments necessary to meet the objectives of fuel hazard reduction and increased resiliency to wildfire within the project area. The RPF shall utilize contemporary sources of technical information in the development of fuel treatment prescriptions.

Prescriptions shall increase landscape heterogeneity, reduce surface and ladder fuels, and maintain or increase residual quadratic mean diameter. The RPF should be aware of the importance of topography and slope position in the designation of treatment areas. Within stands, important topographic features include sinks, areas susceptible to cold air drainage, and moist microsites. Documentation prepared by the RPF shall include, but not be limited to:

(1) A description of the assets at risk to catastrophic wildfire that are to be protected through the fuel treatments proposed. As feasible and appropriate, the RPF shall attempt to coordinate the objectives of the MTHP-FHR with larger-scale, federal, state, and local strategic fuel treatment and fire prevention plans, including but not limited to the “2010 Strategic Fire Plan for California” (rev. June 2010, available at http://www.bof.fire.ca.gov/board committees/resource protection committee/current Projects/resources/strategicfireplan june2010 06-04 photos.pdf), herein incorporated by reference.

(2) A description of pre-harvest stand structure and stocking levels and silvicultural prescription for achieving the desired post-harvest stand structure and stocking levels.

(3) A description of the timeline, methods and standards for treatment of pre-existing surface and ladder fuels as well as logging Slash created by Timber Operations. The description shall include discussion of the performance standard to be achieved and the methods by which compliance with that performance standard may be verified. The description shall include, but not be limited to, the United States Forest Service “Natural Fuels Photo Series” (rev. April 2011, available at http://www.fs.fed.us/pnw/fera/publications/photo\_series\_pubs.shtml), incorporated by reference herein, and, in particular, photo series “General Technical Report (GTR) PNW-5 1 (rev. 1976), PNW-52 (rev. 1976), PNW-56 (rev. 1981), and PNW-95” (rev. 1979) incorporated by reference herein, for visual demonstration of pre and post-treatment stand conditions in this description (copies of all four General Technical Reports are available upon request from the State Board of Forestry and Fire Protection located at the State of California Resources Building, 715 P Street, Sacramento, California 95814 or, P.O. Box 944246, Sacramento, California 94244-2460).

(A) While surface and ladder fuel treatment standards will vary based upon site specific conditions, post-treatment total surface fuel loading shall not exceed an average of 25 bone dry tons per acre.

**1052.4 Emergency Notice for Fuel Hazard Reduction**

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

1. RPF develops and documents the vegetative treatments necessary to meet the goals of 14 CCR § 1052.1(a)(5), and ensures post-harvest conditions are in accordance with all subsections in 14 CCR § 1052.4. Such documentation shall include the following:

(1) A description of the preharvest stand structure and statement of the postharvest stand stocking levels, and description of postharvest stand structure.

(2) A description of the criteria to designate trees to be harvested or trees to be retained, including those trees harvested pursuant to 14 CCR § 1052.4(d)(1)(A) and (d) (2).

(3) All trees that are harvested or all trees that are retained shall be marked or sample marked by, or under the supervision of, an Registered Professional Forester before felling operations begin. When trees are sample marked, the designation prescription for unmarked areas shall be in writing and the sample mark area shall include at least 10% of the harvest area to a maximum of twenty (20) acres per stand type which is representative of the range of conditions present in the Harvest Area.

(d) Vegetation Treatments: Tree removal shall target Codominant and understory trees. The residual stand shall consist primarily of well-distributed, healthy and vigorous dominant and codominant trees from the preharvest stand.

(4) (A) Within the Harvest Area, Surface Fuels, Ladder Fuels, Slash, Woody Debris, and dead brush that will promote the spread of wildfire shall be treated as follows:

1. Those fuels described within (A) above, excluding residual stand Dominant and Codominant trees and any dead branches on those trees, shall be spaced to achieve vertical clearance distance of eight (8) feet or three (3) times the height of the post-harvest fuels and vegetation, excluding Dominant and Codominant trees, whichever is the greater distance, measured from the base of the live crown of the post-harvest Dominant and Codominant trees to the top of the surface or Ladder Fuels or vegetation, whichever is taller.

2. Additional fuel treatment standards are as follows:

a. Within one hundred-fifty (150) feet of those structures identified within 14 CCR § 1052.4(c)(1) and (c)(2)(A), all Surface Fuels, Slash, Woody Debris, and dead brush that will promote the spread of wildfire shall be chipped, burned, or removed within forty-five (45) days from the start of Timber Operations.

b. Except for those areas described in provision a. above, all Surface Fuels, Slash, Woody Debris, and dead brush that will promote the spread of wildfire, within the Harvest Area, shall be treated to an average depth of less than nine (9) inches.

(B) Postharvest compliance shall be determined by the combination of physical measurements and observations. Postharvest compliance shall be met on at least 80% of the Project area as calculated excluding WLPZs and other wildlife protection requirements developed in accordance with 14 CCR § 1052.4(g).

(C) The requirements of this subsection shall not supersede requirements of PRC § 4291.

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

Relevant Information from PRC DIVISION 4. PART 2. CHAPTER 6. ARTICLE 2. Prohibited Activities [4421 - 4446]

**4437**. (a) Outside the exterior boundaries of cities, every processor of forest products shall exercise due diligence in the disposal of flammable material incident to the processing, so that the material does not cause the inception or spread of uncontrolled fire.

(b) Every person, copartnership, firm, corporation, or company that operates a sawmill or plant engaged in the processing or converting of forest products into lumber, shook, ties, poles, posts, veneer, shakes, shingles, and planed or milled products, shall dispose of flammable material incident to that operation. If such flammable material is not to be used as fuel, or as a byproduct, within the operation, it shall be disposed of by burning or by other alternative methods which effectively prevent the flammable material from constituting a fire hazard. The disposal or storage of flammable waste material or residue shall be made in any of the ways which are prescribed in Section 4438, 4439, or 4440.

(c) The director may establish regulations for the storage, disposal, or use of forest product waste or residue on land as a soil amendment or soil protection measure or for its disposal by fire. Regulations shall be adopted by the director in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code for the purpose of eliminating the potential of fire resulting from spontaneous combustion, other ignition sources, or wildfire escaping the forest product waste or residue storage, use, or disposal areas.

(Amended by Stats. 1982, Ch. 1333, Sec. 13.)

**4438**. Flammable forest product waste material may be disposed of by means of fire in an enclosed device effective in preventing the spread of sparks or fire, situated in an area cleared of grass, grain, brush, slash, litter, and snags for a distance of 30.5 meters (100 feet) surrounding the device or by landfill or other methods which meet applicable state and local fire safety, air, and water quality standards.

A burning permit shall be obtained for the use of the device pursuant to Section 4423 and all other provisions of law.

(Amended by Stats. 1982, Ch. 1333, Sec. 14.)

**4439**. (a) Flammable forest product waste material may be disposed of by means of fire in an area which is cleared of grass, grain, brush, slash, litter, snags and forest cover for a distance of 121.9 meters (400 feet) from the periphery of the fire and for any greater distance necessary to provide 30.5 meters (100 feet) of cleared area around any lumber pile or structure which may be situated within 121.9 meters (400 feet) of the fire.

(b) Sound and living trees beyond 30.5 meters (100 feet) from the periphery of the fire may be left standing within the area required to be cleared, provided the following requirements are met:

(1) Wildfire cannot travel into the canopy of any tree left standing.

(2) Any tree left standing does not pose a fire safety threat or prevent fire equipment access to and near the flammable forest waste material.

(3) All dead limbs, and all limbs within 3 meters (10 feet) of the ground are removed from any tree left standing.

(c) The disposal by fire in the cleared area is the responsibility of the operator or landowner, or of the operator and landowner, jointly, and shall be in conformance with Section 4423 and all other provisions of law.

(Amended by Stats. 1982, Ch. 1333, Sec. 15.)

**4440**. (a) Flammable forest product residue may be accumulated in piles, within any state responsibility area, within any area receiving fire protection by the director by contract, or upon federal lands administered by the United States Department of Agriculture or the Department of Interior, when the area surrounding the piles is cleared and kept clear of all flammable vegetation and debris, including trees, snags, brush, grass, slash, and litter in accordance with one of the following procedures:

(1) Clearing to a distance of 45.7 meters (150 feet) from the periphery of the piles of flammable residue and all structures and lumber piles which are situated within 15.2 meters (50 feet) of the residue piles.

(2) Clearing to a distance of 30.5 meters (100 feet) from the periphery of the piles of flammable residue and all structures and lumber piles which are situated within 15.2 meters (50 feet) of the residue piles, and maintaining at all times a firebreak three meters (10 feet) or more in width cleared of all flammable material and constructed in a continuous line surrounding the accumulation at a distance of not less than 15.2 meters (50 feet) nor more than 91.4 meters (300 feet) from the periphery of the clearing surrounding the accumulation. All snags and dead trees between the firebreak and the periphery of the clearing shall be felled.

(3) Sound and living trees may be left standing within the areas required to be cleared of flammable residue, provided the following requirements are met:

(A) Wildfire cannot travel into the canopy of any tree left standing.

(B) Any tree left standing does not pose a fire safety threat or prevent fire equipment access to and near the flammable forest waste material.

(C) All dead limbs, and all limbs within 3 meters (10 feet) of the ground are removed from any tree left standing.

(D) Diseased or dead trees are removed entirely.

(b) Disposal by fire, if contemplated, is a responsibility of the operator or landowner or the operator and landowner, jointly, and shall be accomplished in conformance with Section 4423 and all other applicable provisions of law.

(Amended by Stats. 1982, Ch. 1333, Sec. 16.)

**4441**. Any person who permits or allows accumulation of waste material or residue in violation of the provisions of Sections 4437 to 4440, inclusive, is guilty of a misdemeanor and shall be punished for a first conviction, by a fine not to exceed two hundred fifty dollars ($250), and, for a second or subsequent conviction within five years of a prior conviction of a violation of one of those provisions, by a fine not less than two hundred fifty dollars ($250) or more than one thousand dollars ($1,000) or imprisonment in the county jail for a period not to exceed 30 days, or both that fine and imprisonment. Each and every day of violation is a separate and distinct offense.

(Amended by Stats. 1982, Ch. 1333, Sec. 17.)