



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NORTHERN REGION HEADQUARTERS - SANTA ROSA
135 Ridgway Avenue
Santa Rosa, CA, 95401
(707) 576-2959
Website: www.fire.ca.gov



**Nikolau Emergency
Approved**

August 24, 2021

Scott Butler
1128 Monaghan Ct.
Idaho Falls, ID 83404

Notice of Emergency Timber Operations
No: 1-21EM-00315-NAP

Letter of Acceptance

This letter acknowledges acceptance of your "Notice of Emergency" per **Title 14, California Code of Regulations, Section 1052 thru 1052.5** from plan preparation and submission requirements (PRC 4581).

This Emergency EXPIRES August 25, 2022. You may proceed with the harvesting of trees as specified under the Emergency Notice. Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act and regulations of the Board of Forestry.

If operations are to extend beyond the expiration date, said operation must be covered by a Timber Harvesting Plan filed at the appropriate regional office. Considering THP approval can take as long as 46 days, it may be advisable for you to proceed immediately with Plan filing. Per Title 14 CCR Sections 1070-1075 a Timber Operations Work Completion and/or Stocking Report is required as per regular harvesting operation.

Other Agency Considerations:

- **Regional Water Quality Control Boards** (Regional Boards) regulate waste discharges from timber harvest activities. The Regional Boards may have special requirements for timber harvesting conducted under this emergency. Please contact your local Regional Water Control Board with any questions regarding compliance with the California Water Code.
- **Department of Fish and Wildlife** (DFW) may require notification if the timber operations will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream, or lake. Information on the Lake and Streambed Alteration Program and other DFW programs can be found at the following internet address: <https://www.wildlife.ca.gov/Conservation/Environmental-Review>

On-site inspection will be conducted by local CAL FIRE Unit Forest Practice Inspectors to evaluate compliance with all the provisions of the Forest Practice Act and Rules. For questions regarding the above referenced emergency, please contact the appropriate regional office listed above or contact the local CAL FIRE Unit for your County.

Sincerely,

Dominik Schwab, RPF #2823
Resource Manager – Coast

cc: Unit, BOE, TLO/TO, LTO, File

To view Emergency Notices, please visit: <https://caltreesplans.resources.ca.gov/caltrees/>



Timber Salvage Operations

Do I need a Water Board permit?

The purpose of this flyer is to make you aware of the water quality regulations and permitting that apply now that you have decided to conduct post-fire timber salvage activities on your property.

Now that your project has been authorized by the California Department of Forestry and Fire Protection (CAL FIRE), additional agency permits may be required or may automatically apply to you, including from one of California's nine Regional Water Quality Control Boards (RWQCBs).



The map above shows the nine different RWQCB jurisdictions throughout the state. Links to each RWQCB can be found here: www.waterboards.ca.gov/waterboards_map.html Regions 1, 5 and 6 have permits that your project may be eligible for or are automatically subject to.

Wildfires and Water Quality

While impacts to the environment from wildfires can be significant, impacts can be positive or negative, and this is especially relative to the health of streams, rivers, and wetlands. Following a wildfire, the landscape can be extremely vulnerable to additional impacts from land use activities, including timber salvage operations and road and watercourse crossing management.

On private lands, landowners may choose to harvest merchantable timber following a wildfire in order to salvage the value of burned trees before they degrade. While conducting timber salvage operations, landowners, their consulting registered professional foresters (RPFs) and contracted licensed timber operators (LTOs) must all be aware of the regulations that apply to their activities and ensure that operations are conducted in a manner that is protective of the environment, including water quality.



Water Quality Regulations

The RWQCBs are the primary water-pollution control and prevention agencies for the state. In that role, the RWQCBs issue permits, conduct inspections, and in some circumstances take enforcement actions to address activities that cause or may cause pollutants to discharge into streams, lakes, or wetlands, or impact riparian vegetation.

To protect yourself, your property and the environment, you should work closely with your consulting RPF and LTO to ensure that post-fire salvage activities conform with all applicable regulations and permitting!

We encourage landowners, RPFs, and LTOs to contact their RWQCB's Forest Activities Program for guidance on applicable water quality regulations and permits. A list of the RWQCBs can be found at the following web address: https://www.waterboards.ca.gov/publications_forms/publications/factsheets/docs/boardoverview.pdf



DOES YOUR SALVAGE LOGGING OR VEGETATION MANAGEMENT PROJECT INCLUDE WORKING IN OR NEAR A WATERBODY?

The California Department of Fish and Wildlife (CDFW) helps landowners avoid impacts to fish, wildlife, and native plants, and the habitats upon which these species depend.

The CDFW **Lake and Streambed Alteration (LSA)** Program reviews projects that may alter a river, stream, or lake (waterbody). These projects require landowner notification to CDFW for the project activities. CDFW also provides guidance to avoid unauthorized "take" of species protected under the **California Endangered Species Act (CESA)**.

BEFORE YOU BEGIN YOUR PROJECT, USE THE CHECKLIST BELOW TO HELP DETERMINE IF A CONSULTATION WITH CDFW MAY BE NEEDED

A PERMIT IS LIKELY REQUIRED IF YOUR PROJECT INCLUDES:

- The construction of a road, bridge, or crossing in or near a waterbody
- The installation or replacement of a culvert in or near a waterbody
- Substantial diversion of a waterbody's natural flow (e.g., removing water or water drafting)
- The obstruction of flowing water in a waterbody (e.g., dam or wood piles)
- Substantial change to the bed, bank, or channel of any waterbody
- Potential impact to any sensitive or CESA-protected species or their habitat
- Removal of a tree with a bird nest in it

If any of the boxes apply to your project, please consult with CDFW **BEFORE** you start the project. If you checked any of the first five boxes, you may need to submit a LSA notification. Failure to notify CDFW of any potential Lake and Streambed Alterations or to apply proper take avoidance measures for sensitive and protected species may result in a violation of the Fish and Game Code (see sidebar).

It is very important for landowners, Registered Professional Foresters, Licensed Timber Operators, utility companies, or **anyone** working on salvage logging, fuel reduction, or vegetation management projects to know what CDFW permits or authorizations might be needed. **Even if you are working under a CAL FIRE Emergency or Exemption, the Fish and Game Code must still be followed.** Contact CDFW if you have any questions or to start a consultation.

To locate the Fish and Wildlife Office near you:
<https://wildlife.ca.gov/Regions>

For more information on permits:
<https://wildlife.ca.gov/Conservation/Timber>

APPLICABLE FISH AND GAME CODES

§ 45: "Fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals.

§ 86: "Take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

§ 1600 et seq. (LSA Program): Requires an entity to notify CDFW, and if required, obtain an Agreement, before substantially diverting or obstructing the natural flow of a river, stream, or lake; substantially changing or using any material from the bed, channel, or bank of a river, stream, or lake; or depositing or disposing debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

§ 2050 et seq. (CESA): Prohibits unauthorized take of species listed or a candidate for listing under CESA.

§§ 3503 and 3503.5: Prohibits take, possession, or destruction of bird nests and eggs.

§§ 5650 and 5652: Prohibits depositing in, permitting to pass into, or placing where it can pass into a water of the state any substance or material deleterious to fish, plant life, mammals, or bird life (§ 5650), or garbage, rubbish, litter, refuse, waste, and debris, among other materials (§ 5652).

§ 5901: Prohibits construction or maintenance of any device that prevents, impedes, or tends to impede upstream or downstream fish passage.

§ 5937: Requires the owner of a dam or other artificial obstruction to allow sufficient water at all times to pass over, around, or through the dam, to keep fish below the dam in good condition.

Nikolau Emergency

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FOR ADMIN. USE ONLY

NOTICE OF EMERGENCY TIMBER OPERATIONS

STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT
FROM TIMBER HARVESTING PLAN REQUIREMENTS RM-67 (08/2019)

EM. # 1-21EM-00315-NAP

Date of Receipt AUG 18 2021

Date Validated by CAL FIRE 8/24/21

Date Expires AUG 25 2022

VALID FOR ONE YEAR FROM DATE ACCEPTED BY CAL FIRE.
OPERATIONS CANNOT COMMENCE FOR FIVE WORKING DAYS FROM DATE OF RECEIPT
AND A NOTICE OF ACCEPTANCE IS RECEIVED FROM CAL FIRE

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of PRC § 4592 and 14 CCR §§ 1052-1052.3 to remove timber on an emergency basis. The Registered Professional Forester (RPF) should complete items 1-8 and shall sign the Declaration of Emergency.


1. REGISTERED PROFESSIONAL FORESTER:

I declare, under penalty of perjury, that an emergency exists requiring immediate timber harvesting activities within the meaning of 14 CCR §§ 1052-1052.3:


Name: Scott R Butler RPF #: 1851

Address: 1128 Monaghan Ct

City: Idaho Falls State CA Zip 83404 Phone 707-468-8466

Signature:  Date: 8-18-2021

EMAIL: (optional) scott.butler@sbcglobal.net

2. LICENSED TIMBER OPERATOR(S): Name: Galen Bullock Lic #: A-9399 

Address P. O. Box 645

City Angwin State CA Zip 94508 Phone 707-324-9521

EMAIL: (optional) bullockgalen@yahoo.com

3. TIMBERLAND OWNER(S) OF RECORD: Name: Paul and Joyce Nikolau

Address 10387 Los Alamitos Blvd

City Los Alamitos State CA Zip 90720 Phone 714-747-2671

EMAIL: (optional) paulnikolau@gmail.com

4. TIMBER OWNER(S) OF RECORD: Name Paul and Joyce Nikolau

Address 10387 Los Alamitos Blve

City Los Alamitos State CA Zip 90720 Phone 714-747-2671

EMAIL: (optional) paulnikolau@gmail.com

RECEIVED

AUG 18 2021

**COAST AREA OFFICE
RESOURCE MANAGEMENT**

TIMBER TAX NOTICE: The TIMBER OWNER is responsible for payment of a yield tax.

For timber yield tax information or for assistance with these questions call 1-800-400-7115, or write: Timber Tax Section, MIC: 60, California Department of Tax and Fee Administration, P.O. Box 942879, Sacramento, CA 94279-0060; or see the CDTFA Web Page on the Internet <http://www.cdtfa.ca.gov>.

TIMBER TAX INFORMATION: Some small or low value harvests may be exempt from the timber yield tax (Revenue and Taxation Code sec. 38116)

Timber Owners may be considered exempt if the value of the harvesting operations does not exceed \$3,000 dollars within a quarter, according to CDTFA Harvest Value Schedules, Rule 1024.

IF THE TIMBER OWNER BELIEVES HARVESTING MAY BE EXEMPT (see timber tax exemption language above for low value harvests) PLEASE CHECK BELOW:

FINAL DETERMINATION of tax exempt status will be made by the Timber Tax Section of the California Department of Tax and Fees Administration. If you think you are exempt based on the directions above please complete the below information so the Timber Tax Section can make the final determination.

IF YOU WOULD LIKE CDTFA TIMBER TAX SECTION TO CONSIDER A TAX EXEMPTION BASED ON PROJECTED HARVEST PLEASE COMPLETE THE INFORMATION BELOW.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf 8-15 mbf 16-25 mbf Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest: (percentages provided should equal 100%)

Redwood _____ % Ponderosa/Sugar Pine _____ % Douglas-Fir 100 % Fir _____ %
Cedar _____ % Port-Orford Cedar _____ % Other Conifer _____ % Other Hardwoods _____ %

C. Fuelwood over 150 cords? Yes No D. Christmas trees over 3,000 lineal feet? Yes No

5. SELECT THE SPECIFIC CONDITION from the Forest Practice Rules which constitute the emergency: (required)

- Trees are dead or dying as a result of insect, disease, parasites, or animal damage (14 CCR §1052.1(a)(1))

Insect Disease Parasites Animals

- Trees are fallen, damaged, dead or dying as a result of wind, snow, freezing weather, drought, fire, flood, landslides or earthquake (14 CCR §1052.1(a)(2))

Wind Snow Weather Drought Fire Flood Landslide Earthquake

- Trees are dead or dying as a result of air or water pollution (14 CCR §1052.1(a)(3))

Air Pollution Water Pollution

- Emergency Road Construction Emergency Road Repair (14 CCR §1052.1(a)(4))

- Financial Loss (14 CCR §1052.1(b))

Financial Loss due to one or more of the following: Previously Inoperable Unmerchantable
 Access Location Condition Timber Volume
 Other _____

- Describe the nature of the emergency and the need for immediate harvesting of trees. Indicate the extent and reason for the immediate commencement of timber operations:

The property contains Substantially Damaged timberlands. All of the property was burned 2020 in the Glass Fire. See Attached maps. Harvesting of dead and dying trees will take place along with slash disposal on areas that are physically, environmentally and economically, accessible and feasible.

YARDING SYSTEMS						
GROUND BASED			CABLE		OTHER	
x	Tractor, including end/long lining			Cable, Ground lead		Helicopter
x	Rubber tired skidder, Forwarder			Cable, High Lead		Other:
	Feller Buncher			Cable, Skyline		
	Shovel yarding					

7. Provide the expected dates of commencement 8-23-2021 and completion 8-23-2022 of timber operations. (required)

8. Designate the legal land description of the location of the timber operation. Attach a titled USGS or equivalent topographic map(s) of scale not less than 2" to the mile or larger scale, showing the area from which timber will be cut or removed, the legal description, roads and Class I, II, III, IV watercourses, and yarding systems if more than one will be used. It would be helpful to describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas. (required)

					Logging area	
Base Meridian	Township	Range	Section	County	Acreage (estimated)	Assessors Parcel # (optional)
MDB&M	T9N	R6W	28	Napa	18	018-050-072

The following are limitations or requirements for timber operations conducted under a Notice of Emergency Timber Operations (Notice, Notice of Emergency, or Emergency Notice):

1. This notice must be submitted to and received by CAL FIRE at one of the offices listed below. Timber operations may not commence for five working days after receipt by CAL FIRE unless waiting period is waived by the Director of CAL FIRE.
2. 14 CCR §§ 895.1 and 1052.1 define and list emergency conditions. Citing or paraphrasing of these sections does not satisfy the requirements of 14 CCR § 1052.2. The registered professional forester (RPF) preparing the notice must accomplish the following to substantiate the emergency. Describe the nature of the emergency, and the need for immediate cutting in sufficient detail so the reason for the emergency is clear. When the emergency is classified as financial, the following questions must be answered: What is the reason the timber has previously been inoperable or unmerchantable? Why is the harvest opportunity not economically feasible for more than one year? Why do the operations have only minimal impact on timberland resources? The financial emergency described in 14 CCR § 1052.1 means financial loss of timber and not loss of profit. Financial loss requires a loss of timber resource.
3. Timber operations conducted under this notice must meet minimum stocking standards at the completion of operations. The timber operations shall also comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "plan." The requirements to submit a completion and stocking report apply. 14 CCR § 1052 describes how exceptions to the rules for non-financial emergencies can be addressed. If this is a financial emergency the conditions specified in 14 CCR § 1038 (b)(1)-(10) must be met.
4. This Notice of Emergency is valid for one year from the date accepted by CAL FIRE. If timber operations are to extend beyond the one-year period, such operations must be described in an approved timber harvesting plan. If there is any doubt that a timber operation will not be completed in one year, a THP should be submitted to CAL FIRE early during the one-year operating period.
5. A Timber Operator with a valid state license must be designated upon submission of this notice.

The following suggestions may help ensure your compliance with the Forest Practice Rules:

1. Timber Owners, Timberland owners and Timber Operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Emergency. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. BOX 3066, SO. SAN FRANCISCO, CA. 94080. or from CAL FIRE, Forest Practice Section, P.O. BOX 944246, Sacramento, CA 94244-2460; or from CAL FIRE's Web Page on the Internet at <http://www.fire.ca.gov>.
2. Contact the CAL FIRE office listed below for questions regarding the use of this notice.

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.	=> =>	Forest Practice Program Manager CAL FIRE 135 Ridgway Avenue Santa Rosa, CA 95401
Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.	=> =>	Forest Practice Program Manager CAL FIRE 6105 Airport Road Redding, CA 96002
Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles, Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.	=> => =>	Forest Practice Program Manager CAL FIRE 1234 East Shaw Avenue Fresno, CA 93710

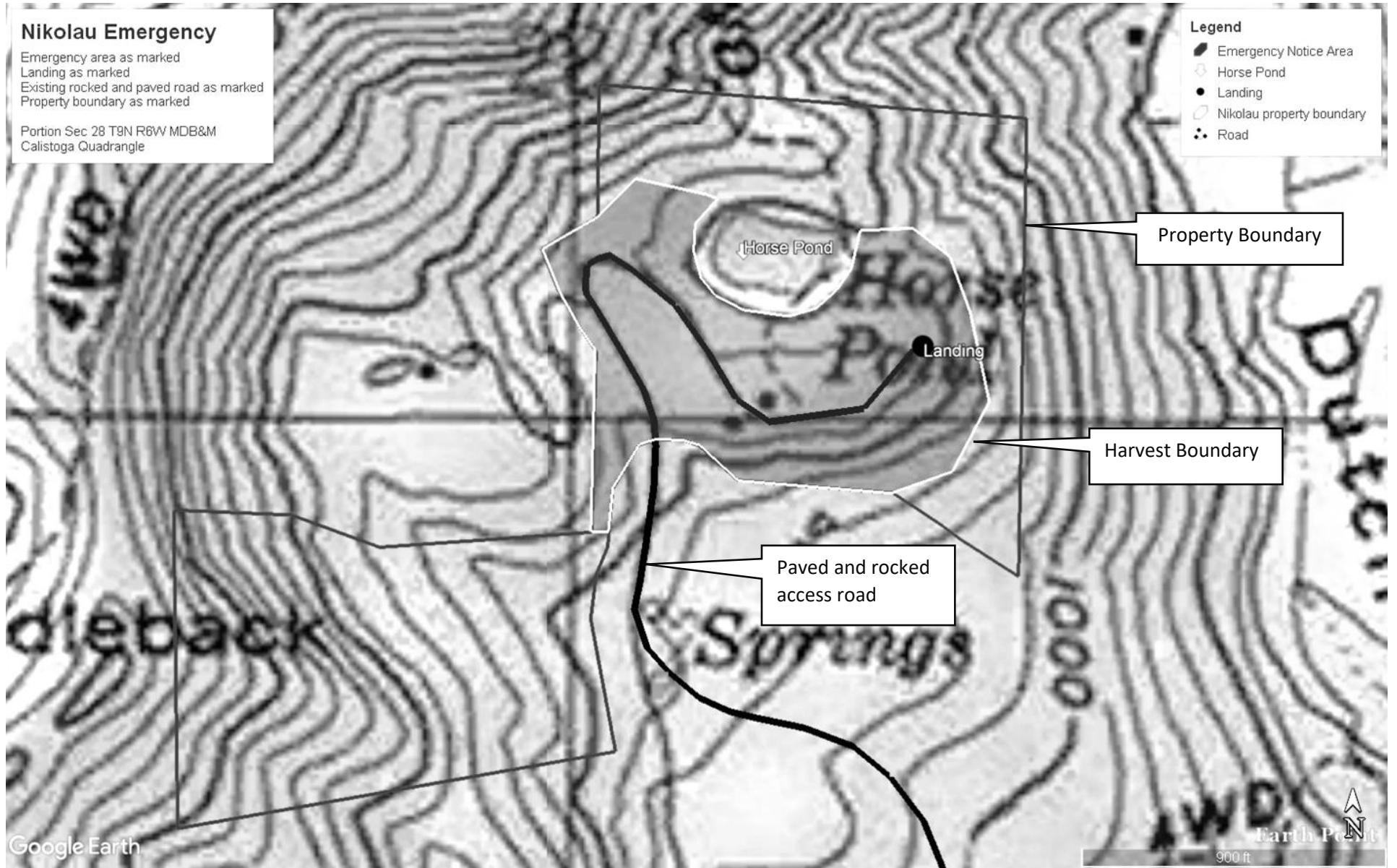
Nikolau Emergency

Emergency area as marked
Landing as marked
Existing rocked and paved road as marked
Property boundary as marked

Portion Sec 28 T9N R6W MDB&M
Calistoga Quadrangle

Legend

- Emergency Notice Area
- Horse Pond
- Landing
- Nikolau property boundary
- Road

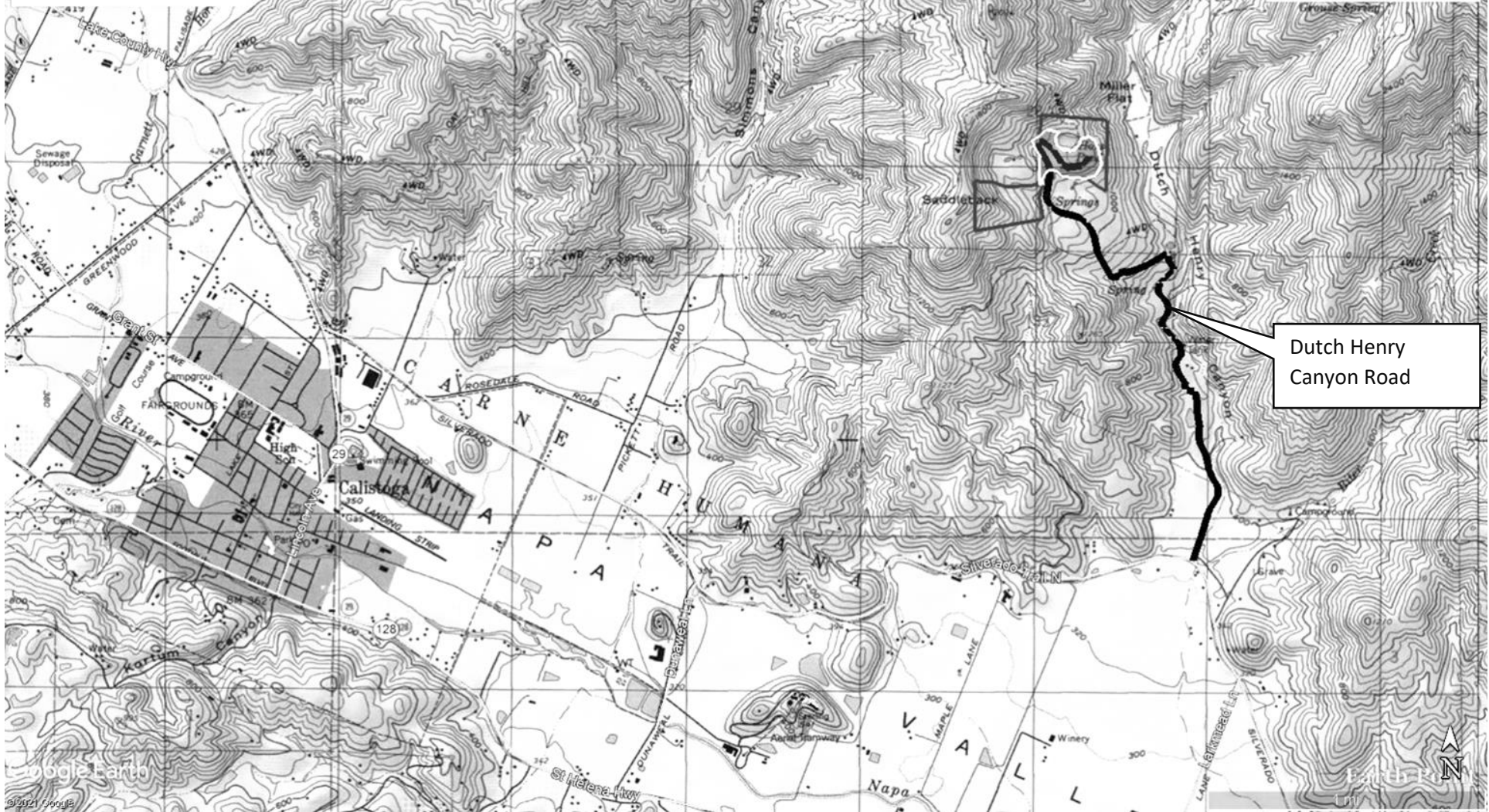


Nikolau Emergency

Project location map

Portion Sec 28 T9N R6W MDB&M
Calistoga Quadrangle

- Legend**
- Emergency Notice Area
 - Nikolau property boundary
 - Road



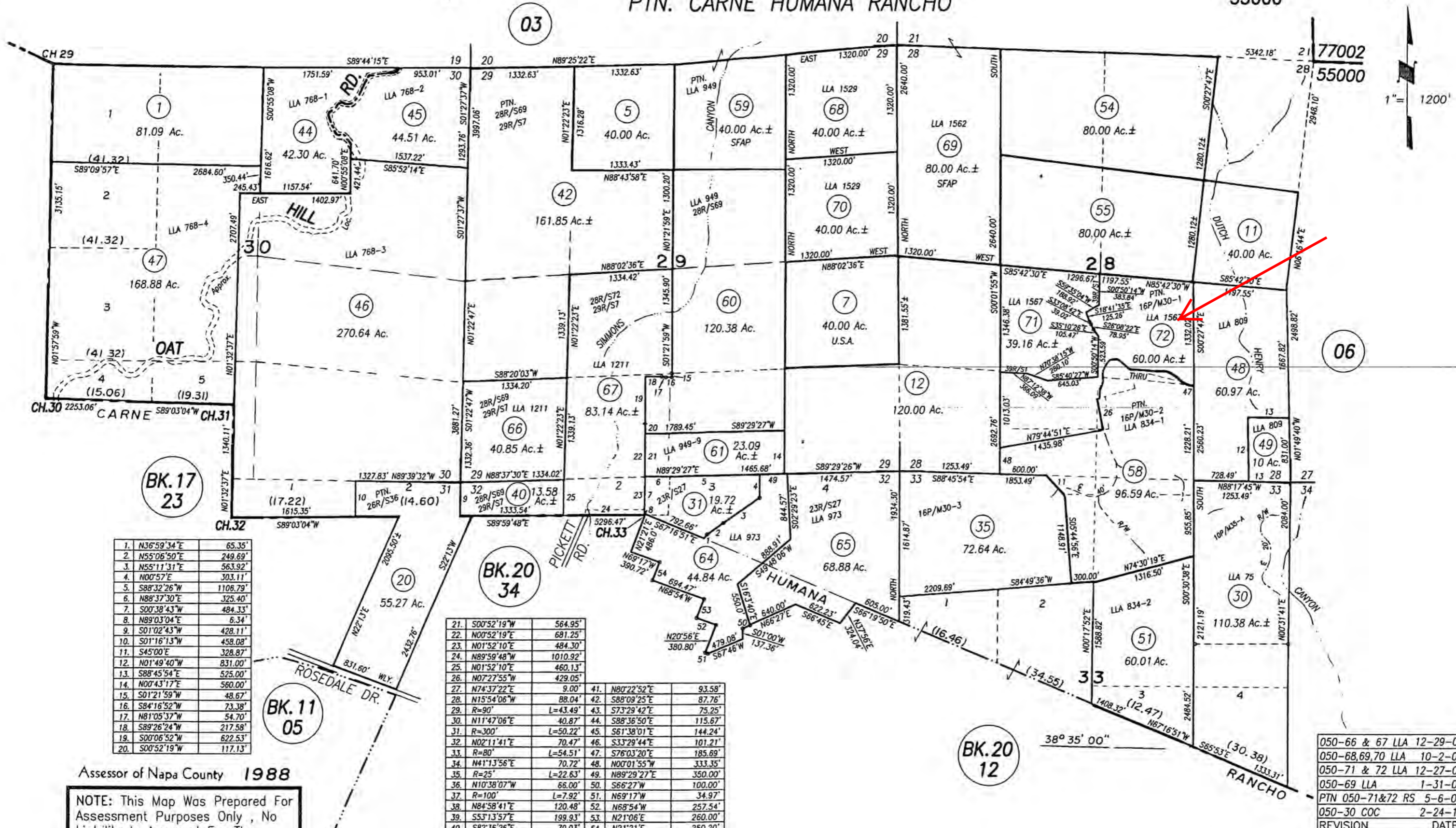
Dutch Henry
Canyon Road

COUNTY ASSESSOR'S PARCEL MAP

T.9N., R.6W., M.D.B.&M.
PTN. CARNE HUMANA RANCHO

18-05

Tax Area Code
55000



1.	N36°59'34"E	65.35'
2.	N55°06'50"E	249.69'
3.	N55°11'31"E	563.92'
4.	N00°57'E	303.11'
5.	S88°32'26"W	1106.79'
6.	N88°37'30"E	325.40'
7.	S00°38'43"W	484.33'
8.	N89°03'04"E	6.34'
9.	S01°02'43"W	428.11'
10.	S01°16'13"W	458.08'
11.	S45°00'E	328.87'
12.	N01°49'40"W	831.00'
13.	S88°45'54"E	525.00'
14.	N00°43'17"E	560.00'
15.	S01°21'59"W	48.67'
16.	S84°16'52"W	73.38'
17.	N81°05'37"W	54.70'
18.	S89°26'24"W	217.58'
19.	S00°06'52"W	622.53'
20.	S00°52'19"W	117.13'

21.	S00°52'19"W	564.95'
22.	N00°52'19"E	681.25'
23.	N01°52'10"E	484.30'
24.	N89°59'48"W	1010.92'
25.	N01°52'10"E	460.13'
26.	N07°27'55"W	429.05'
27.	N74°37'22"E	9.00'
28.	N15°54'06"W	88.04'
29.	R=90°	L=43.49'
30.	N11°47'06"E	40.87'
31.	R=300°	L=50.22'
32.	N02°11'41"E	70.47'
33.	R=80°	L=54.51'
34.	N41°13'56"E	70.72'
35.	R=25°	L=22.63'
36.	N10°38'07"W	66.00'
37.	R=100°	L=7.92'
38.	N84°58'41"E	120.48'
39.	S53°13'57"E	199.93'
40.	S82°36'26"E	70.03'
41.	N80°22'52"E	93.58'
42.	S88°09'25"E	87.76'
43.	S73°29'42"E	75.25'
44.	S88°36'50"E	115.67'
45.	S61°38'01"E	144.24'
46.	S33°29'44"E	101.21'
47.	S76°03'20"E	185.69'
48.	N00°01'55"W	333.35'
49.	N89°29'27"E	350.00'
50.	S66°27"W	100.00'
51.	N69°17"W	34.97'
52.	N68°54"W	257.54'
53.	N21°06"E	260.00'
54.	N21°21"E	250.20'

050-66 & 67	LLA 12-29-00
050-68,69,70	LLA 10-2-07
050-71 & 72	LLA 12-27-07
050-69	LLA 1-31-08
PTN 050-71&72	RS 5-6-08
050-30	COC 2-24-10
REVISION	DATE

Assessor of Napa County 1988

NOTE: This Map Was Prepared For Assessment Purposes Only, No Liability Is Assumed For The Accuracy Of The Data Delineated Hereon.

NOTE

"Information concerning archaeological sites has been removed from

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Emergency Notice Name: Nikolau Emergency Notice

pursuant to California Government Code Section 6254.10 which exempts cultural resources site location information from the California Public Records Act and provides authority for widespread state policy (not just within the California Department of Forestry and Fire Protection) to keep archaeological site location information confidential. This exemption to the Public Records Act recognizes that providing site location information to the general public may put such sites at risk from artifact hunting, excavations and/or vandalism."

Copies of the information have been sent to the following locations to facilitate review of the project:

1. CAL FIRE field unit – Santa Rosa
2. Reviewing Archaeologist, Santa Rosa (Region Office)

The original copy of this material is maintained in a confidential file at CAL FIRE's Northern Region Headquarters, 135 Ridgway Avenue, Santa Rosa, CA 95401.

From: [Santa Rosa Review Team@CALFIRE](mailto:SantaRosaReviewTeam@CALFIRE)
To: [Lopez, Cale@CALFIRE](mailto:Lopez,Cale@CALFIRE)
Subject: FW: Nikolau Emergency
Date: Saturday, August 21, 2021 1:59:34 PM
Attachments: [Nikolau Emergency 8-18-2021.pdf](#)
[CAL Nikolau complete.pdf](#)

From: Scott R. Butler <scott.butler@sbcglobal.net>
Sent: Wednesday, August 18, 2021 11:25 AM
To: Santa Rosa Review Team@CALFIRE <SantaRosaReviewTeam@fire.ca.gov>
Cc: Paul Nikolau <paulnikolau@gmail.com>; Mike Muelrath <mike@appliedcivil.com>; Galen Bullock <bullockgalen@yahoo.com>
Subject: Nikolau Emergency

Warning: this message is from an external user and should be treated with caution.

See the attached Nikolau Emergency notice and CAL

Please contact me if you have any further questions.

Thank you,
Scott

Scott R. Butler RPF #1851
Environmental Resource Management
1128 Monaghan Ct. Idaho Falls ID 83404
(707) 468-8466, fax (707) 220-0111