

1 **BOARD OF FORESTRY AND FIRE PROTECTION**

2  
3 **September 16, 2014 DRAFT**

4  
5 **"WORKING FOREST MANAGEMENT PLAN"**

6 **Article 1**

7 **895.1 Definitions:**

8 **\*\*\*\*\*Plan** means:

- 9 (a) Timber Harvesting Plan (THP) as described in PRC 4582.
- 10 (b) Nonindustrial Timber Management Plan (NTMP) as described in PRC 4593.2(e).
- 11 (c) Program Timber Harvesting Plan (PTHP) as described in 14 CCR 1092 and 1092.1.
- 12 (d) Working Forest Management Plan (WFMP) as described in PRC 4597.\*\*\*\*\*

13  
14 **Article 6**

15 **916.5 [936.5, 956.5] Procedure for Determining Watercourse and Lake Protection Zone (WLPZ) Widths**  
16 **and Protective Measures**

17 **\*\*\*\*\* (e)** The letter designations shown in the "Protective Measures and Widths" column in Table I  
18 correspond to the following:\*\*\*\*\*

19 **\*\*\*\*\* "B"** WLPZ shall be clearly identified on the ground by an RPF or supervised designee, with paint,  
20 flagging, or other suitable means, prior to the start of timber operations. In watersheds with listed  
21 anadromous salmonids, on the ground identification of the WLPZ shall be completed prior to the  
22 preharvest inspection. For all nonindustrial timber management plans and Working Forest Management  
23 Plans, sample identification of the WLPZ prior to the preharvest inspection may be allowed. The sample  
24 shall be based upon a field examination and be consistent with the applicable provisions of 14 CCR §§  
25 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the  
26 WLPZ. The Director shall determine if the sample identification is adequate for plan evaluation during  
27 the preharvest inspection. If sample identification is allowed, the remaining WLPZ shall be identified by  
28 an RPF or supervised designee prior to the start of timber operations within or adjacent to the WLPZ.  
29 The RPF shall notify the Department when the WLPZ has been identified.\*\*\*\*\*

1 \*\*\*\*\* "D" To ensure retention of shade canopy filter strip properties of the WLPZ and the maintenance  
2 of a multi-storied stand for protection of values described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)],  
3 residual or harvest trees shall be marked, including a base mark below the cut-line within the WLPZ by  
4 the RPF, or supervised designee. Outside of watersheds with listed anadromous salmonids, sample  
5 marking prior to the preharvest inspection is satisfactory in those cases where the Director determines it  
6 is adequate for plan evaluation. When sample marking has been used, the remaining WLPZ shall be  
7 marked in advance of falling operations by the RPF, or supervised designee. In watersheds with *[[listed*  
8 *anadromous salmonids]*, trees shall be marked in advance of the preharvest inspection. For all  
9 nonindustrial timber management plans and Working Forest Management Plans, sample marking of the  
10 WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field  
11 examination and shall be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and  
12 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall  
13 determine if the sample mark is adequate for plan evaluation during the preharvest inspection. If  
14 sample marking is allowed, the remaining WLPZ shall be marked by an RPF, or supervised designee, prior  
15 to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department  
16 when the WLPZ has been identified.

17 "E" To ensure retention of shade canopy filter strip properties of the WLPZ and the  
18 maintenance of a multi-storied stand for protection of values described in 14 CCR § 916.4(b) [936.4(b),  
19 956.4(b)], residual or harvest trees shall be marked, including a base mark below the cut line, within the  
20 WLPZ by the RPF or supervised designee. Outside of watersheds with listed anadromous salmonids,  
21 tree marking shall be done prior to timber falling operations. In watersheds with listed anadromous  
22 salmonids, trees shall be marked in advance of the preharvest inspection. In watersheds with listed  
23 anadromous salmonids, trees shall be marked in advance of the preharvest inspection. For all  
24 nonindustrial timber management plans and Working Forest Management Plans, sample marking of the  
25 WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field  
26 examination and shall be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and  
27 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall

1 determine if the sample mark is adequate for plan evaluation during the preharvest inspection. If  
2 sample marking is allowed, the remaining WLPZ shall be marked by an RPF or supervised designee prior  
3 to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department  
4 when the WLPZ has been identified.\*\*\*\*\*

5 **Article 6.5**

6 **1090.26 Change of Ownership Timberland Owner(s)**

7 (a) Upon change of ownership of the land described in the NTMP, the transferring timberland owner(s)  
8 shall provide the acquiring timberland owner(s) with written Transfer of Responsibilities Notice that  
9 discloses the existence of the NTMP and informs the acquiring timberland owner(s) of the need to notify  
10 the Department of the acquiring timberland owner(s) intent to assume the responsibilities of the NTMP.  
11 The transferring timberland owner(s) shall also send the Department a copy of the Transfer of  
12 Responsibilities Notice provided to the acquiring timberland owner(s).

**Comment [MRD11]:** Revised language to reflect the intent of AB 2239.

13 (b) If the transferring timberland owner(s) fails to provide the notice required in the 14 CCR § 1090.26(a)  
14 and the Department discovers the change of ownership, the Department shall provide the acquiring  
15 timberland owner(s) with the Transfer of Responsibilities Notice.

16 (c) The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the Transfer of  
17 Responsibilities Notice pursuant to either 14 CCR § 1090.26(a) or 14 CCR § 1090.26(b), whichever is  
18 applicable, to notify the Department in writing of their intent to assume the responsibilities of the  
19 NTMP. If the Department does not receive notification within this period, the Department may cancel  
20 the NTMP.

21 (d) A violation of this section by a timberland owner(s) does not constitute a crime pursuant to PRC  
22 4601.

23 ~~Any change in ownership of land must be reported to the Director by the new landowner within 180~~  
24 ~~days of the date such change is recorded in the county where the property is located. Also, before the~~  
25 ~~passage of title, it shall be responsibility of the seller to notify the purchaser of either the timber or~~  
26 ~~timberland of their responsibility for compliance with the stocking standards of the Act and the rules of~~

1 | ~~the Board.~~

2 | After a plan is found in conformance with the rules and regulations of the Board, the Director may file  
3 | a Notice of Stocking Requirements on the property with the recorder of the county within which the  
4 | plan is located if any area logged under a Notice of Timber Operations has not had a report of  
5 | satisfactory stocking issued by the Director.

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7 |

8 | **1090.28 State Restoration Projects**

9 | Notwithstanding any other law, if a person with a NTMP applies for state restoration grant funding for a  
10 | restoration project that has a significant public benefit, the application shall not be summarily denied on  
11 | the basis that the project is a required condition of the harvesting plan.

**Comment [MRD12]:** Language inserted to amend NTMP regulations pursuant to 4597.19.

12 |

13 | **Article 6.6**

14 | Where the abbreviation THP, the term Timber Harvesting Plan, or the word plan is used in Chapter 4,  
15 | Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as  
16 | specified in Article 6.6 of the PRC. In Subchapter 7 this equivalency will occur for all sections except 1031  
17 | through 1042 that are not referenced in this Article, or as otherwise specified.

18 |

19 | **1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing Locations**

20 | The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed timber  
21 | operations provided for by Article 6.6, Chapter 8, Part 2, Division 4 of the PRC (commencing with Sec.  
22 | 4597) shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office  
23 | having jurisdiction for the timber operations, and shall contain the information specified in 14 CCR §  
24 | 1094.6 and 1094.8. [NOTE: For CAL FIRE Review Team Office addresses, see 14 CCR § 1032.]

25 |

26 | **1094.2 Definitions**

1 The following definitions apply to this article:

2 (a) "Designated agent" – means a -person who has been granted sole authority by the Working forest  
3 landowner(s), of a submitted or approved WFMP, to act on behalf of the plan submitter(s).

4 (b) "Late succession forest stands" - means stands of dominant and predominant trees that meet the  
5 criteria of the California Wildlife Habitat Relationships System class 5D, 5M, or 6 with an open,  
6 moderate, or dense canopy closure classification, often with multiple canopy layers, and are at least 10  
7 acres in size. Functional characteristics of late succession forest stands include large decadent trees,  
8 snags, and large down logs.

9 (c) "Long-term sustained yield" (LTSY) means the average annual growth sustainable by the inventory  
10 predicted at the end of a 100-year planning horizon, or a shorter planning horizon if the forest  
11 encompassed by the WFMP has reached a balance between growth and yield.

12 (d) "Major stand type" means a stand that occupies an area equal to or greater than 25 percent of a  
13 WFMP.

14 (e) "Management unit" means a geographically identifiable area delineated for silviculture or  
15 management purposes. A management unit is intended to reflect an area scheduled for harvest under  
16 the plan in any given year, but may also be designated to address specific resource sensitivities.

17 (f) "Stand" means a geographically identifiable group of trees sufficiently uniform in age-class  
18 distribution, composition, and structure and growing on a site of sufficiently uniform quality to be a  
19 distinguishable unit.

20 (g) "Strata" means a grouping of similar stands defined for silvicultural or management purposes, usually  
21 according to similarities in stand composition, structure, and age.

22 (h) "Sustained yield" means the yield of commercial wood that an area of commercial timberland can  
23 produce continuously at a given intensity of management consistent with required environmental  
24 protection and that is professionally planned to achieve over time a balance between growth and  
25 removal. Sustained yield management implies continuous production planned so as to achieve, at the  
26 earliest practical time, a balance between growth and harvest.

**Comment [MRD13]:** "natural" deleted during July Workshop per landowner comment.

**Comment [MRD14]:** "and shall assume the plan submitter(s) responsibility." deleted during July Workshop per CAL FIRE comment.

1 (i) "Uneven aged management" means forest management with the goal of establishing a well-stocked  
2 stand of various age classes, which permits the periodic harvest of individual or small groups of trees to  
3 achieve sustained yield objectives of the WFMP, and provide for regeneration of trees and maintenance  
4 of age class structure.

5 (j) "Working Forest Harvest Notice" means notice of timber harvest operations, pursuant to an approved  
6 WFMP, which meets the requirements of Section 4597.11.

7 (k) "Working forest landowner" means an owner of timberland with less than 15,000 acres of  
8 timberland who has an approved WFMP and is not primarily engaged in the manufacture of forest  
9 products.

**Comment [MRD15]:** Added during July Workshop.

10 (l) "Working forest management plan" (WFMP) means a management plan for working forest  
11 timberlands, with objectives of maintaining, restoring, or creating uneven aged managed timber stand  
12 conditions, achieving sustained yield, and promoting forestland stewardship that protects watersheds,  
13 fisheries and wildlife habitats, and other important values. Other important values include maintained  
14 forest ecosystem processes and services. A WFMP shall not exceed be less than 15,000 acres of  
15 timberland.

**Comment [MRD16]:** Included per DFW comment on June 17<sup>th</sup>, Committee Meeting.

**Comment [MRD17]:** Added during July Workshop.

16 (m) "Working forest timberlands" means timberlands owned by a Working forest landowner(s).

17  
18 **1094.3 WFMP Submittal and Notice of Preparation**

19 A WFMP may be submitted with to the Department in writing by a person who intends to become a  
20 Working forest landowner(s) with the long-term objectives of promoting forestland stewardship, an  
21 uneven aged timber stand(s) and sustained yield through the implementation of a WFMP. The WFMP  
22 shall be prepared by a RPF, ~~it~~ shall be public record, and shall include all of the specified information ~~in~~  
23 pursuant to 14 CCR §1094.6:

**Comment [MRD18]:** Revision made during June 17<sup>th</sup> committee meeting.

**Comment [WU9]:** PRC 4597.2

- 24 (a) A plan shall be submitted by the person(s) who owns the timberland included in the plan.  
25 (b) Where the timber is owned by parties other than the ~~landowner~~ timberland owner(s), the ~~landowner~~  
26 timberland owner(s) shall give prompt written notice of such plan to those parties.

1 | (c) The plan submitter(s) shall prepare and submit to the Director, with the plan, a Notice of Preparation  
2 | to Harvest Timber (Notice of Preparation).

3 | (1) If any proposed plan boundary lies within 300 ft. of any property owned by any person other  
4 | than the plan submitter(s), or

5 | (2) With any ~~plan amendment~~ deviation that changes a plan boundary so that the new boundary  
6 | lies within 300 ft. of any property owned by any person other than the plan submitter(s), or

7 | (3) With any ~~plan amendment~~ deviation that changes the silvicultural method if a Notice of  
8 | Preparation was required for the plan by condition (1) or (2) above.

9 | (d) A Notice of Preparation shall include the following information:

10 | (1) The name(s) of the plan submitter(s) or Designated agent.

**Comment [MRD110]:** Added during the July Workshop per CAL FIRE comment.

11 | (2) The location of the plan area by county, section, township, and range, and the approximate  
12 | direction and distance to the plan area from the nearest community or well-known landmark.

13 | (3) The name of the nearest perennial blue line stream flowing through or downstream from the  
14 | plan area.

15 | (4) The acreage of the WFMP area ~~to be included in the plan~~ and the acreage of the working  
16 | forest timberlands within which timber operations under the WFMP are to be conducted.

**Comment [MRD111]:** Revision made per DFW comments on June 17<sup>th</sup>, committee meeting.

17 | (5) The silvicultural method(s) proposed.

18 | (6) The estimated earliest date that the Director may approve the plan as he/she has indicated  
19 | in the WFMP instructions as specified in 14 CCR § 1094.17.

20 | (7) A statement that the public may review the plan at the specified CAL FIRE Review Team  
21 | Office and a reasonable per page copy fee may be set by the Director for additional copies.

22 | (e) The person(s) submitting the plan shall furnish to the Department at the time of submission of the  
23 | plan, a list of all persons, including their mailing addresses, who hold legal or equitable title to property  
24 | within 300 ft. of the plan boundary. Either a list compiled from the latest equalized assessment roll or a  
25 | list provided by a title insurance company doing business in California shall be deemed sufficient for  
26 | compliance with the subsection.

1 (f) The Department shall mail copies of the Notice of Preparation within two (2) working days of receipt  
2 of the plan to all persons identified in (e) above.

3 (g) Prior to plan submission, the person submitting the plan shall post a copy of the Notice of  
4 Preparation at a conspicuous location that is easily visible to the public and near the plan site.  
5 Notwithstanding other Board rules and regulations, the notices required by 14 CCR § 1032.10 of article  
6 2.0 shall be completed prior to submission of the WFMP, and within counties with special rules, (14CCR,  
7 Subchapter 4, Art. 13, Subchapter 6, Art. 13) the noticing requirements will be the same as for a THP.

8  
9 **1094.4 Notice of Preparation-Distribution by Director**

10 The Director shall distribute copies of each Notice of Preparation within two (2) working days of receipt  
11 to:

12 (a) The Office of the County Clerk of the county in which operations are proposed for posting at the  
13 customary place for posting environmental affairs.

14 (b) The local Unit headquarters for posting.

15 (c) At such other locations as the Director may deem desirable and feasible to provide adequate public  
16 notice.

17 (d) Any additional distribution of the Notice of Preparation required by the Board rules and regulations  
18 for individual counties.

19 (e) A publically available internet database.

20  
21 **1094.5 Request for Notification of WFMP or Working Forest Harvest Notice Submission**

22 (a) Each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Working Forest  
23 Harvest Notice(s) submitted each day.

24 (b) When any person requests a -notice of submission of a WFMPs, the Director shall provide the person,  
25 free of charge, with a copy of the list of WFMPs or Working Forest Harvest Notice(s) submitted on the  
26 date or dates requested. If no specific date is requested, a copy of the lists for the preceding week shall  
27 be provided.

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**1094.6 Contents of WFMP**

The WFMP shall serve three functions: 1) to provide information the Director needs to determine whether the proposed WFMP conforms to the Board rules and regulations; 2) to provide information and direction for timber management so it complies with the Board rules and regulations and the management objectives of the landowner; and 3) to disclose the potential effects of timber management to the public. For the WFMP to serve these functions, it shall, at a minimum, contain the following information:

(a) Name, address and telephone number of the timberland owner(s) ~~or and designated~~ Designated agent. ~~pursuant to 1094.10.~~

(b) Name, address, and telephone number of the timber owner(s) (if different).

(c) Name, address, telephone number, and registration number of RPF who prepared the plan.

~~(d) A description of the plan area within which timber operations are to be conducted. The description shall include the following:~~

~~(d) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per mile, indicating the location of all streams, the location of all proposed and existing logging truck roads. ~~and the boundaries of all site I classification timberlands to be stocked in accordance with subdivision (b) of Section 4561.~~ In addition this map(s) shall include:~~

~~(1) Boundaries of WFMP management unit(s). Boundaries of management units shall not exceed a single ownership which can include, but is not limited to, entities comprised as a single ownership of divided interest, natural-persons with undivided interests, or a legally established artificial-person (such as limited liability companies, corporations, partnerships, or trusts).~~

~~(2) Boundaries of yarding (logging) systems, if more than one (1) system is to be used.~~

~~(3) Location of public roads within the plan area, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timberland owner and are contiguous with the plan area, and classification of all proposed and existing logging roads as permanent, seasonal, or temporary roads.~~

**Comment [MRD112]:** Per committee discussion during May Workshop and CAL FIRE comment.

1 | (4) Probable location of proposed and existing landings in the watercourse and lake protection  
2 | zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction involves  
3 | substantial excavation.

**Comment [MRD113]:** Deleted per August Committee meeting per Coast Action Group Comment dated 8/20/14.

4 | (5) Location of area(s) of low, moderate, high or extreme erosion hazard ratings.  
5 | (6) Location of all lakes and watercourses with Class I, II, III, or IV waters.  
6 | (7) Location of known unstable areas or slides.  
7 | (8) Location of understocked areas and other areas not normally bearing timber to at least a 20-  
8 | acre minimum, or as specified in the district rules.  
9 | (9) Location of boundaries of timber-site classes needed for determination of stocking standards  
10 | to be applied. ~~down to at least a 2010 acre minimum or as specified in the district rules.~~

**Comment [MRD114]:** Added during July Workshop per DFW comment.

11 | (10) The locations and classifications of roads, watercourse crossings, and landings to be  
12 | abandoned shall be shown.  
13 | (11) A soils map where available.  
14 | (12) Late Successional Forest stands or strata  
15 | (13) Location of unique areas including Coastal Commission Special Treatment Areas or other  
16 | special treatment areas and known locations of state or federally listed threatened, candidate, and  
17 | endangered species; rare plants; Sensitive species pursuant to 14 CCR § 895.1; and species that meet  
18 | the criteria under 14 CCR § Section 15380(d).

**Comment [MRD115]:** Language added per Committee discussion on June 17. DFW Comment.

19 | (14) Location of all existing and proposed permanent watercourse crossing drainage structures,  
20 | and temporary crossings on Class I and II watercourses on roads.  
21 | (15) Locations of road failures on existing roads to be reconstructed.  
22 | (16) Locations of active erosion control sites.  
23 | (17) Location of active erosion sites pursuant 1094.6(e)(8).

24 | (e) A description of the plan area within which timber operations are to be conducted, except as  
25 | otherwise specified. The description shall include the following:

**Comment [MRD116]:** Added per committee discussion in July. CAL FIRE oral comment.

26 | (1) Township, range, and section number(s) and approximate plan acreage,  
27 | (2) County name(s).

1 (3) CALWATER v2.2 planning watershed number(s), and  
2 (4) The forest district and subdistrict (if any) in which the WFMP is located.  
3 (5) A description of present and proposed plan area uses other than timber production.  
4 (6) A description by the RPF of the inventory design and standards which, at a minimum, shall  
5 include:  
6 \_\_\_\_\_ (A) The baseline conditions found on the WFMP including the future conditions and  
7 planning horizon associated with the estimate of LTSY.  
8 \_\_\_\_\_ (B) Describe the design of inventory plots or strips, cruise lines and reference points  
9 between plots or strips, that are sufficient to facilitate initial review of the WFMP.  
10 \_\_\_\_\_ (C) The type of projections or models used for projecting growth and yield shall be  
11 appropriate for stand conditions and the period of time necessary to estimate achievement of LTSY.  
12 (7) A description of the inventory design and timber stand stratification criteria that  
13 demonstrates that the inventory supporting the growth and yield calculations used to determine LTSY  
14 by volume for the WFMPs meets the following minimum standards:

15 (A) For major stand or strata, the inventory estimate shall be within 15 percent of the  
16 mean at one (1) standard error.

17 (B) For stand or strata that make up greater than 10 percent and less than 25 percent of  
18 the WFMP area, the estimate shall be no greater than 25 percent of the mean at one (1)  
19 standard error.

20 (C) Inventory estimates and growth and yield shall be projected for the purposes of  
21 determining LTSY and volumes available for harvest by stand or strata and aggregated for the  
22 area covered by the WFMP to develop the LTSY estimate. LTSY estimates shall reasonably  
23 reflect constraints applicable to the working forest timberlands on forest management  
24 activities. Reasonable constraints shall include biologic and economic factors, while accounting  
25 for limits on productivity due to constraints imposed from consideration of other forest values,  
26 including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional  
27 economic activity, employment and aesthetic enjoyment.

**Comment [MRD117]:** Language added per Committee discussion on June 17. DFW comment.

1 (8) A description and discussion of the methods to be used to avoid significant sediment  
2 discharge to watercourses from timber operations. This shall include disclosure of active erosion sites  
3 from roads, skid trails, crossings, or any other structures or sites that have the potential to discharge  
4 sediment attributable to timber operations into waters of the state resulting in significant sediment  
5 discharge and violation of water quality requirements. ~~an amount deleterious to the beneficial uses of~~  
6 water, a The WFMP shall also include an erosion control implementation plan and a schedule to  
7 implement erosion controls that prioritizes significant existing erosion site(s). This subdivision shall not  
8 apply to the extent that the RPF provides documentation to the Department that the WFMP is in  
9 compliance with similar requirements of other applicable provisions of law.

10 (9) Special provisions to protect unique areas, if any, within the WFMP area.

11 (10) A description of the property and planned activities including acres and projected growth,  
12 existing stand types, major stand types or strata, its current projected growth by strata, silvicultural  
13 applications method(s) to be applied to strata to achieve LTSY, projected timber volumes and tree sizes  
14 to be available for harvest, and projected frequencies of harvest.

15 (A) Silvicultural method(s) to be applied during the initial harvest(s), projected future  
16 harvest(s) and method(s) used in the projected growth and yield to achieve LTSY.

17 (11) A description of late succession forest stands, including their biological legacies and  
18 hardwoods, in the plan area, and how the total their acreage, composition, structure, and how the  
19 total acreage of this type of habitat will be maintained across the plan area under a constraint of no net  
20 loss. Nothing in this requirement shall be interpreted to preclude active management on any given acre  
21 of an approved plan if the management is conducted in a manner that maintains or enhances the overall  
22 acreage of late succession forest stands that existed in the plan area upon initial plan approval. An  
23 exception to the no net loss constraint may be granted in the event of a catastrophic loss due to  
24 emergency factors such as wildfire, insect, and disease activity. The description shall include the  
25 following:

26 (A) Retention measures for existing biological legacies such as snags, trees with cavities  
27 or basal hollows, and down logs, and address how management of those legacies shall be

**Comment [MRD118]:** Added during July Workshop per DFW comment.

1 managed over time as appropriate with the forest type, climate, and landowner's forest fire  
2 fuels and wildlife management objectives.

3 (B) Hardwood tree species and how they will be managed over time.

4 ~~(11) Late succession forest stand types or strata shall be mapped.~~

5 (12) Disclosure of:

6 (A) State or federally listed threatened, candidate, endangered, or rare plant or animal  
7 species located known locations within the biological assessment area and the WFMP, their  
8 status and habitats, take avoidance methodologies, enforceable protection measures for species  
9 within or adjacent to the WFMP and habitats within the WFMP area, and how forest  
10 management will maintain species and habitats these over time;

11 (B) Any known locations of plant or animal species pursuant to 14 CCR § 15380(d)

12 within the biological assessment area and the WFMP;

13 (C) Information on the presence and known locations of key habitats within the WFMP  
14 or individual species Board sensitive species Sensitive species pursuant to 14 CCR § 895.1  
15 adjacent to or within the WFMP.

16 (13) A description of the following for each management unit:

17 (A) Acres by stand or strata and estimated growth and yield for each planned harvest  
18 entry covering the period of time the LTSY plan establishes as necessary to meet growth and  
19 yield objectives. The growth and yield estimates may be based on weighted average of yield for  
20 the stand types or strata within the area included in the management unit.

21 (B) Yarding methods to be used.

22 (14) Management units shall be mapped.

23 (14) For LTSY projections, pursuant to 14 CCR 1094.6(e)(6), that project a reduction, over 100-  
24 year planning horizon or shorter planning horizon until growth and yield are balanced, in quadratic  
25 mean diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a major  
26 stand type or for a stand or strata that make up greater than 10 percent and less than 25 percent of the  
27 WFMP area, an assessment shall be included that does all of the following:

**Comment [MRD119]:** Language added per Committee discussion on June 17. DFW comment.

**Comment [MRD120]:** Added per discussion in July Workshop.

**Comment [MRD121]:** Deleted " within the WFMP", which was added language. Deleted per DFW comment. June 17 committee meeting.

**Comment [MRD122]:** Language added per Committee discussion on June 17. DFW comment.

**Comment [MRD123]: Staff note:** Added Board sensitive species as a qualifier. Without a qualifier this is requirement becomes all inclusive. Similar language as required by Notice in 1094.8.

**Comment [MRD124]:** Language added per discussion at July Workshop.

**Comment [MRD125]:** Deleted. Covered under mapping standards.

1 (A) Addresses state or federally listed threatened, candidate, and endangered species;  
2 rare plants; Sensitive species pursuant to 14 CCR § 895.1; and species that meet the criteria  
3 under 14 CCR § Section 15380(d), that timber operations could adversely impact by potential  
4 changes to habitat.

**Comment [MRD126]:** Language added per committee discussion on June 17, 2014.

5 (B) Addresses species habitat needs utilizing the “WHR system” described in “A Guide to  
6 Wildlife Habitats in California,” California Department of Fish and Wildlife, 1988, or comparable  
7 typing system approved by the Director after consultation with the California Department of  
8 Fish and Wildlife.

**Comment [MRD127]:** Language added per July Workshop and DFW comment.

9 (C) Addresses constraints to timber management, the impact of the availability and  
10 distribution of habitats on the ownership and within the cumulative impacts assessment area  
11 identified in the plan in relation to the harvest schedule, and the impacts of the planned  
12 management activities utilizing the existing habitat as the baseline for comparison.

13 (D) Discusses and includes feasible measures planned to avoid or mitigate potentially  
14 significant adverse impacts on fish or wildlife, which can include, but is not limited to,  
15 recruitment or retention of large down logs greater than 16 inches in diameter and 20 feet in  
16 length, retention of trees with structural features such as basal hollows, cavities, large limbs, or  
17 broken tops, retention of hardwoods, and retention or recruitment of snags greater than 24  
18 inches in diameter and 16 feet in height.

19 (15) A certification by the RPF preparing the plan that the RPF or a designee has personally  
20 inspected the plan area and has clearly explained to the Working forest landowner(s) that the plan is a  
21 long-term commitment that may require ongoing investments, including inventory sampling and road  
22 maintenance, for the purpose of managing the plan.

23 ~~(16) Any other information the board requires by regulation to meet its rules and the standards~~  
24 ~~of this chapter.~~

25 (16) The WFMP shall describe a future schedule of inventory sampling and analysis of LTSY,  
26 which shall consider:

27 \_\_\_\_\_ (A) Site class, projected growth and yield and harvest(s).

- 1           (B) Original projections or model calibration and accuracy.
- 2           (C) Episodic events including disease and drought caused tree mortality, windthrow, fire  
3 and reforestation.
- 4           (17) A description of any cultural or historical resources known to exist with a description of  
5 possible impacts and protection methods to be used during timber operations.
- 6           (18) Whether a timberland conversion certificate is in effect, its date of expiration, and its  
7 identification number.
- 8           (19) Whether a timber harvesting plan is on file with the Department for any part of the plan  
9 area and if a Report of Satisfactory Stocking has been issued by the Department (show plan number).
- 10           (20) A description of potential impacts to, and protections, for the quality and beneficial uses of  
11 water.s within watercourses, lakes, and wet areas.
- 12           (21) A description of how the site preparation standards and stocking standards will be met.
- 13           (22) A description of slash treatment for site preparation, fire protection and pest protection  
14 consideration.
- 15           (23) A description of the cumulative effects analysis with supporting information, including  
16 impact of projected harvesting over the life of the plan.
- 17           (25) A copy of the forest practice regulations in effect at the time of submission or provide  
18 payment to CALFIRE for the cost of a current California Forest Practice Rulebook at the time of Plan  
19 approval.
- 20           (24) The Department shall make available a copy of the California Forest Practice Regulations in  
21 effect at the time of WFMP approval.
- 22           (25) Explanation and justification for, and specific measures to be used for, tractor operations on  
23 unstable areas, on slopes over 65%, and on areas where slopes average over 50% and the EHR is high or  
24 extreme.
- 25           (26) Explanation and justification for tractor operations in areas designated for cable yarding.
- 26           (27) Winter period operating plan where appropriate.

1 (28) Explanation and justification for use of landings, roads and skid trails in watercourses,  
2 marshes, or wet meadows protection zones. , and other wet areas as landings, roads, or skid trails.  
3 (29) Explanation and justification of any in-lieu or alternative practices for watercourse and lake  
4 protection.  
5 (30) Explanation of alternatives to standard rules for harvesting and erosion control.  
6 (31) Explanation and justification for landings that exceed the maximum size specified in the  
7 rules.  
8 (32) A description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion  
9 control measures.  
10 (33) A description of the existing and proposed road system to be used in implementation of the  
11 WFMP, including the diameter of any permanent culverts on Class I, II, or III watercourse.  
12 (34) A description of lakes, Wet Meadows and Other Wet Areas.  
13 (35) A RPF may propose, and the Director may approve, a standard operating practice(s) that  
14 could be utilized in site-specific locations during future operations under an approved WFMP.  
15 Standard operating practices are limited to contents pursuant to 14 CCR §§ 1094.6(e)(25) and  
16 1094.6(e)(28).  
17 (A) A representative sample of each type of proposed standard operating practice(s) shall be  
18 flagged in the field by the RPF, or supervised designee, and available for field review by the  
19 interdisciplinary review team.  
20 (B) For locations where the prescribed standard operating practice(s) will not adequately  
21 address the site specific conditions, the RPF, through consultation with the multi-disciplinary review  
22 team, may develop alternative mitigations that shall be incorporated into the WFMP through a deviation  
23 prior to submittal of a Working Forest Harvest Notice for the area in which the developed mitigation  
24 measure(s) applies to is located.

**Comment [MRD128]:** Language added per DFW comment during May Workshop.

**Comment [MRD129]:** Language inserted by Staff. Standard operating procedure.

26 **1094.7 Working Forest Harvest Notice**

1 ~~The working forest landowner~~ Designated agent who owns, leases, or otherwise controls or operates  
2 ~~on all or any portion of any timberland within the boundaries of an approved WFMP, and who plans to~~  
3 ~~harvest any of the timber during a given year, shall file a Working Forest Harvest Notice with the~~  
4 Department in writing. A Working Forest Harvest Notice shall be filed prior to the harvesting of any  
5 timber and shall be effective for a maximum of one (1) year from the date of filing. ~~if the~~The Designated  
6 agent ~~person who files the Working Forest Harvest Notice is not the owner of the timberland, the~~  
7 ~~person filing the notice shall notify the timberland owner(s) by certified mail that the Working Forest~~  
8 Harvest Notice has been submitted and shall certify that mailing to the Department.  
9 Notwithstanding any other provisions of this chapter article, if when a RPF certifies by written  
10 declaration, on behalf of the timber owner(s) or operator(s), that the Working Forest Harvest Notice  
11 conforms to and meets the requirements of the approved WFMP under which it is filed. Timber  
12 operations may commence immediately upon filing of a Working Forest Harvest Notice. If the Working  
13 Forest Harvest Notice has been filed by mailing, operations may commence three days after the  
14 Working Forest Harvest Notice has been mailed.

Comment [MRD130]: Language deleted per Workshop discussion in July. CAL FIRE comment.

Comment [WU31]: 4597.11

Comment [WU32]: 4597.15

16 **1094.8 Working Forest Harvest Notice Content**

17 The Working Forest Harvest Notice shall be a public record, including Department posting on a publically  
18 available internet database. All necessary amendments deviations shall be approved by the Director  
19 prior to submission of a Working Forest Harvest Notice. and The Working Forest Harvest Notice shall  
20 include all of the following information:  
21 (a) Name, address, and telephone number of the timberland owner(s) and Designated agent.  
22 (b) Name, address, and telephone number of the timber owner(s) (if different).  
23 (c) Name, address, and telephone number and registration license number of the licensed timber  
24 operator(s) conducting operations as per the Working Forest Harvest Notice.  
25 (d) Name, and address, telephone number and registration number of the RPF preparing the  
26 WFMP Working Forest Harvest Notice and the name, address, and registration number of the RPF  
27 responsible pursuant to 14 CCR § 1035(e) and (f) 1094.11 if different.

Comment [MRD133]: Language revised per Committee Workshop discussion in July and CAL FIRE comment.

1 (e) A current legal description of the land, including acreage, on which the work is proposed to be done  
2 including the identification number of the WFMP.

3 (f) A statement that no archaeological sites have been discovered in the harvest area since the approval  
4 of the WFMP.

5 (g) Unless the approved WFMP is amended pursuant to either 14 CCR § 1094.23 or 14 CCR § 1094.24,  
6 consistent with 14 CCR § 1094.8(g)(2), Aa statement that state or federally listed threatened, candidate,  
7 and endangered species; rare plants; Sensitive species pursuant to 14 CCR § 895.1; and species that  
8 meet the criteria under 14 CCR § Section 15380(d), have not been discovered, or publically known, in  
9 the within and adjacent to the harvest area logging area since the approval of the WFMP. After the  
10 initial year the plan is approved, prior to submitting the Working Forest Harvest Notice, a review shall be  
11 conducted of the California Natural Diversity Database or another other public databases approved by  
12 the Director after consultation with the Department of Fish and Wildlife for any species listed as state or  
13 federally listed threatened, candidate, and endangered species; rare plants; Sensitive species pursuant  
14 to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d), threatened, endangered,  
15 candidate, or rare, or species that meet the criteria of endangered or rare as provided in 14 CCR §  
16 15380. When a Working Forest Harvest Notice is filed, and after the initial year the plan is approved, it  
17 shall comply with the following:

18 (1) Documented occurrences obtained from a review of public and readily available sources of  
19 species state or federally listed as species that are state or federally listed threatened, candidate, and  
20 endangered species; rare plants; Sensitive species pursuant to 14 CCR § 895.1; and species that meet  
21 the criteria under 14 CCR § Section 15380(d) threatened, endangered, candidate, or rare within the  
22 biological assessment area, and outside the area of timber operations,, identified in the Working Forest  
23 Harvest Notice, and not addressed in the approved plan shall be submitted to the Director as a minor  
24 deviation concurrently with the filing of a Working Forest Harvest Notice.

25 (2) Documented occurrences of species that are state or federally listed threatened, candidate,  
26 and endangered species; rare plants; Sensitive species pursuant to 14 CCR § 895.1; and species that  
27 meet the criteria under 14 CCR § Section 15380(d) and state or federally listed as threatened,

**Comment [MRD134]:** Language added per committee discussion on June 17 and amended during July Workshop in July.

**Comment [MRD135]:** Language added per committee discussion during July Workshop and DFW comment.

**Comment [MRD136]:** Added per discussion in July Workshop and per DFW comment.

**Comment [MRD137]:** Language added per Committee discussion on June 17. DFW Comment.

**Comment [MRD138]:** Language added per Committee discussions on June 17.

**Comment [MRD139]:** Added during July Workshop discussion and DFW comment.

1 endangered, candidate, or rare, discovered inside or adjacent to the area of timber operations,  
2 identified in the Working Forest Harvest Notice, and not addressed in the approved plan shall be  
3 submitted to the Director as an amendment-deviation to the plan WFMP, prior to filing a Working Forest  
4 Harvest Notice. The amendment deviation shall contain take avoidance and other mitigation measures  
5 developed in consultation with the Department and the appropriate listing agency(s), if no such  
6 information is currently contained within the approved plan or incidental take authorization is provided  
7 by the appropriate listing agency(s).

**Comment [MRD140]:** "Deviation" inserted for consistency with 1094.23 and/or 1094.24.

**Comment [MRD141]:** Language added per committee discussion on June 17<sup>th</sup>, 2014. DFW comment.

8 (h) A statement that, based on a field evaluation, there are no physical environmental changes in the  
9 Working Forest Harvest Notice area that are so significant as to require any amendment-deviation of the  
10 WFMP.

11 (i) A certification by the RPF that states either of the following:

12 (1) The Working Forest Harvest Notice as carried out will protect the beneficial uses of water,  
13 including domestic water supplies, soil stability, forest productivity, and wildlife as provided by the  
14 Board rules and regulations and other applicable provisions of law.

**Comment [MRD142]:** Language added per July workshop.

15 (2) Compliance with the Board rules and regulations and the provisions of this chapter article  
16 that were in effect at the time the WFMP was approved will not result in any significant degradation to  
17 the beneficial uses of water, including domestic water supplies, soil stability, forest productivity, or  
18 wildlife and shall protect all listed species. This paragraph shall only apply if the RPF certifies that  
19 adherence to current or modified Board rules and regulations would cause unreasonable additional  
20 expense to the Working forest landowner(s).

**Comment [MRD143]:** Added during July Workshop.

21 (j) Special provisions to protect unique areas, if any, within the area of timber operations.

22 (k) The expected dates of commencement and completion of timber operations during the year.

23 (l) A statement that the Working Forest Harvest Notice conforms to the provisions of the approved  
24 WFMP. If any aspects of the proposed operation are less protective than the current forest practices  
25 rules, an explanation of the deviation and how resource values will be adequately protected.

26 (m) An updated erosion control implementation plan that reflects ~~on~~ erosion control mitigation  
27 measures for the harvest area and any appurtenant roads if conditions have changed since the Working

1 ~~Forest Management Plan-WFMP~~ was approved and a certification from the RPF that no additional  
2 listings of water bodies to the Section 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313(d)) list have  
3 occurred on the lands of the plan.  
4 ~~(n) Any other information the Board provides by regulation to meet its rules and the standards of this~~  
5 ~~chapter and other applicable provisions of law. law.~~  
6 ~~(n) The type of heavy equipment to be used for yarding or road construction.~~  
7 ~~(o) Instructions on felling, yarding, road construction or reconstructions, hauling, erosion control work,~~  
8 ~~site preparation, erosion control maintenance, winter operations, watercourse protection measures and~~  
9 ~~slash treatment and road maintenance.~~  
10 ~~(p) A verification that the LTO has been briefed by the RPF on the content of the notice and intentions of~~  
11 ~~implementation to comply with the management plan.~~  
12 ~~(q) A description of lakes, Wet Meadows and Other Wet Areas.~~  
13 ~~(r) Description of the standard operation practice(s) to be implemented within the area covered under~~  
14 ~~the Working Forest Harvest Notice.~~  
15 ~~(s) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the following~~  
16 ~~information pertinent to the Working Forest Harvest Notice shall be clearly provided. Additional maps~~  
17 ~~may be required to show specific details, and may be planimetric. Color coding maps shall not be used~~  
18 ~~unless additional black and white maps are provided to clearly show the same features. Color coding~~  
19 ~~shall not be used. A legend shall be included indicating the meaning of the symbols used. See the district~~  
20 ~~rules for the appropriate minimum mapping acreages. Maps shall be updated to reflect current field~~  
21 ~~conditions.~~  
22 ~~(1) Boundaries of area(s) to be harvested where timber operations are to occur under the~~  
23 ~~Working Forest Harvest Notice.~~  
24 ~~(2) Boundaries of areas for specified regeneration methods, intermediate treatments, special~~  
25 ~~harvesting methods, and alternative prescriptions that are to be applied.~~  
26 ~~(3) Boundaries of areas for specified yarding (logging) systems, if more than one (1) system is to~~  
27 ~~be used.~~

**Comment [MRD144]:** Language added per comment by DFW on June 17, 2014.

**Comment [MRD145]:** Language inserted by Staff. Standard operating procedure.

1 (4) Location of public roads within the Working Forest Harvest Notice area, and private roads  
2 appurtenant to the timber operations where such roads are under the ownership or control of the  
3 timberland owner(s), and are contiguous with the Notice-Working Forest Harvest Notice area. ~~and The~~  
4 current classification of all proposed and existing logging roads as permanent, seasonal, or temporary  
5 roads shall be included.

6 (5) Location of proposed and existing landings in the watercourse and lake protection zone, and  
7 landings outside the zone that are greater than 1/4 acre in size or whose construction involves  
8 substantial excavation.

9 (6) Location of Road failures on existing roads to be reconstructed.

10 (7) Location of all existing and proposed watercourse crossings on logging and tractor roads; if a  
11 permanent culvert is involved, its minimum diameter shall be provided.

12 (8) Designate areas of low, moderate, high or extreme erosion hazard rating, if more than one  
13 (1).

14 (9) Location of lakes and watercourse(s) with Class I, II, III or IV waters; and wet meadows and  
15 other wet areas when operations are proposed pursuant to 14 CCR § 916.3(c).

**Comment [MRD146]:** Language added during July Workshop and DFW comment.

16 (10) Location of known unstable areas or slides.

17 (11) Location of unique areas.

18 (12) Location(s) of standard operation practice(s) to be implemented within the area covered  
19 under the Working Forest Harvest Notice.

**Comment [MRD147]:** Language inserted by Staff. Standard operating procedure.

20 (s) The Department shall make available a copy of the California Forest Practice Regulations, or portions  
21 thereof, that apply to each filed Working Forest Harvest Notice.

22

23 **1094.9 WFMP Professional Judgment**

24 Where the rules or these regulations provide for the exercise of professional judgment by the RPF or the  
25 Director, if there is a disagreement and if requested by either party, they shall confer on the WFMP area  
26 during the WFMP review inspection and reach agreement, if possible, on the conditions and standards  
27 to be included in the plan.

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**1094.10 Plan Submitter(s) Responsibility**

The plan submitter(s), or successor in interest, shall:

(a) Ensure that a RPF conducts any activities which require a RPF.

(b) Provide the RPF preparing the plan or ~~amendments~~ deviations with complete and correct information regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the planning and conduct of timber operations.

(c) File with the Director a minor deviation identifying a Designated agent that represents the plan submitter(s) at least five (5) days prior to filing the first Working Forest Notice.

~~(d) Within five (5) working days of change in the Designated agent responsibilities, file with the Director a notice which identifies a newly Designated agent~~

(d) File with the Director a minor deviation identifying a change in the Designated agent:

(1) Within five (5) days if active timber operations are occurring.

(2) Within thirty (30) days if no active timber operations are occurring.

(e) Sign the WFMP certifying knowledge of the plan contents and the requirements of this section.

(f) Within five (5) working days of change in RPF responsibilities for WFMP implementation or substitution of another RPF, file with the Director a ~~notice~~ minor deviation which states the RPF's name and registration number, address, and subsequent responsibilities for any RPF required field work, ~~amendment preparation~~ preparation of deviations, or operation supervision. ~~Corporations need not file notification because the RPF of record on each document is the responsible person.~~

(g) Provide a copy of the approved WFMP and Working Forest Harvest Notice to the LTO.

(h) Notify the Director prior to commencement of site preparation operations. Receipt of a burning permit is sufficient notice.

(i) Provide the RPF preparing the Working Forest Harvest Notice and LTO each a copy of the current WFMP and subsequent deviation.

(j) Any change in LTO responsibilities shall be provided to the Director in writing.

**Comment [MRD148]:** Staff changes to Plan Submitter identification and changes.

**Comment [MRD149]:** Language revised during July Workshop per CAL FIRE comment.

1 (k) Provide the RPF preparing the Working Forest Harvest Notice and LTO(s) each a copy of the current  
2 Lake or Streambed Alteration Agreement, as appropriate, pursuant to Section 1600 et seq. of the Fish  
3 and Game Code that covers activities subject to this jurisdiction of activities covered under the Working  
4 Forest Harvest Notice.

**Comment [MRD150]:** Language added per committee discussion on June 17<sup>th</sup>, 2014. DFW Comment.

6 **1094.11 Registered Professional Forester Responsibility**

7 (a) Upon submission of a WFMP, the RPF who prepares and signs a plan is responsible for the accuracy  
8 and completeness of its contents.

9 (b) The RPF preparing the plan shall: 1) Inform the Director and landowner(s) by phone or letter if he or  
10 she will be attending the review inspection; and 2) Provide the landowner(s) a copy of the Board rules  
11 and regulations in effect on the date of WFMP approval.

12 (c) The RPF preparing the Notice of Preparation shall list or describe in the Notice of Preparation any  
13 work which will be performed by the RPF or supervised designee. This may include, but is not limited  
14 to, field work in identifying watercourse and lake protection zones or special treatment areas, marking  
15 trees, or other activities. The RPF is only responsible for the activities required of the RPF by the Board  
16 rules and regulations and those activities for which he or she is employed.

17 (d) The RPF preparing the Notice of Preparation shall, in writing, inform the plan submitter(s) and  
18 Designated agent of their responsibility pursuant to ~~Section [1094.9] of [this] Article [6.5]~~ 14 CCR §  
19 1094.10, for compliance with the requirements of the Act and, where applicable, Board rules and  
20 regulations regarding site preparation, stocking, and maintenance of roads, landings, and erosion  
21 control facilities. [NOTE: CAL FIRE will be working with the Board, Barclays and OAL to correct the  
22 language in this Section (d).]

23 (e) The RPF who prepares the WFMP or prepares the Working Forest Harvest Notice, or any other RPF  
24 who is employed by the owner(s) or operator(s), shall report to the owner or operator if there are  
25 deviations from the WFMP that, in the RPFs judgment, threaten the attainment of the resources  
26 conservation standards of the WFMP.

**Comment [WU51]:** 4597.13

1 (f) A RPF(s) retained by the plan submitter(s) to provide professional forestry advice throughout the  
2 timber operations shall be present, or ensure that the RPF's supervised designee is present, on the  
3 logging area at a sufficient frequency to know the progress of operations and advise the LTO and  
4 timberland owner(s), but not less than once during the life of the operations conducted under a  
5 Working Forest Harvest Notice(s).

**Comment [MRD152]:** Added per CAL FIRE comment subsequent to July Workshop. The reference to "Plan" from 1035.1 (f) has been modified to "operations under a Working Forest Harvest Notice".

6 (g) The RPF shall without delay notify in writing the LTO, the plan submitter(s), and the Department of a  
7 decision to withdraw professional services from the plan.

**Comment [MRD153]:** Added by staff for consistency purposes with 1035.1.

#### 9 **1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice**

10 From the start of the Working Forest Harvest Notice preparation, but before commencement of  
11 operations, the responsible RPF shall meet with either the LTO, or supervised designee, who will be on  
12 the ground and directly responsible for the harvesting operation. The meeting shall be on site if  
13 requested by either the RPF or LTO. If any ~~amendment~~ deviation is incorporated to the Working Forest  
14 Harvest Notice by a RPF after the first meeting, that RPF or supervised designee shall comply with the  
15 intent of this section by explaining relevant changes to the LTO; if requested by either the RPF or LTO,  
16 another on-site meeting shall take place. Written documentation of LTO/RPF meetings required under  
17 this provision shall be submitted to the Department. The intent of any such meeting is to assure that  
18 the LTO:

19 (a) Is advised of any sensitive on-site conditions requiring special care during operations.

20 (b) Is advised regarding the intent and applicable provisions of the approved Working Forest Harvest  
21 Notice including ~~amendments~~ deviations.

#### 23 **1094.13 Licensed Timber Operator Responsibilities**

24 Each Licensed Timber Operator shall:

25 (a) Inform the responsible RPF and plan submitter(s), either in writing or orally, of any site conditions  
26 which in the LTO's opinion prevent implementation of the Working Forest Harvest Notice.

1 (b) Keep a copy of the applicable approved Working Forest Harvest Notice and ~~amendments~~ deviations  
2 available for reference at the site of active timber operations.

3 (c) Comply with all provisions of the Act, Board rules and regulations, the applicable Working Forest  
4 Harvest Notice and any approved ~~amendments~~ deviations.

5  
6 **1094.14 Notification of Commencement of Operations**

7 For each Working Forest Harvest Notice submitted, within fifteen (15) days before, and not later than  
8 the day of the start up of a timber operations, the ~~Designated agent submitter(s) of the Working Forest~~  
9 ~~Harvest Notice, unless the WFMP identifies another person as responsible,~~ shall notify CAL FIRE of the  
10 start of timber operations. The notification, by telephone or by mail, shall be directed to the appropriate  
11 CAL FIRE Unit Headquarters, Forest Practice Inspector, or other designated personnel.

**Comment [MRD154]:** Revised by staff to have Designated agent replace "another person as responsible."

12  
13 **1094.15 WFMP Deviations**

14 (a) "Minor deviations" means any change, minor in scope, in a plan which can reasonably be presumed  
15 not to make a significant change in the conduct of timber operations and which can reasonably be  
16 expected not to significantly adversely affect timberland productivity or values relating to soil, water  
17 quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or to result  
18 in a violation of the applicable water quality control plan.

19 (b) All other changes are presumed to be substantial deviations because they could significantly affect  
20 the conduct of timber operations and potentially could have a significant adverse effect on timber  
21 productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage,  
22 recreation, and aesthetic enjoyment. Such actions include, but are not limited to:

23 (1) Change in location of timber harvesting operations or enlargement of the area or volume  
24 planned to be cut.

25 (2) Change in the silvicultural method and cutting system on any portion of the plan area.

26 (3) Change in type or location of logging (yarding) system or basic type of equipment.

- 1 ~~(4) Change in location, nature or increase in length of proposed logging roads incorporating one~~  
2 ~~or more of the following criteria:~~
- 3 ~~(A) Any road in a Watercourse or Lake Protection Zone or where sidecast will extend~~  
4 ~~into the Watercourse or Lake Protection Zone.~~
- 5 ~~(B) Any road located in an extreme Erosion Hazard Rating area.~~
- 6 ~~(C) Any road where the average side slope exceeds 50%.~~
- 7 ~~(D) Any road where unstable areas, active soil movement, or slide areas must be~~  
8 ~~traversed.~~
- 9 ~~(E) Any increase in gradient allowed by the District Rules as an exception and not~~  
10 ~~provided for in the original plan.~~
- 11 ~~(F) Any road extension of more than 600 ft. (182.9m).~~
- 12 ~~(5) Any use of existing roads not shown in the original plan when reconstruction work to allow for~~  
13 ~~vehicle travel will be substantial. Substantial work on an existing road means more than minor repair~~  
14 ~~and dressing of the travel surface and removal of vegetation to allow for vehicle passage.~~
- 15 ~~(6) Use of any roads not shown in the plan which would affect the key habitat of rare or endangered~~  
16 ~~species or other critical wildlife habitat.~~
- 17 ~~(7) Enlargement of landings where such enlargement was not justified in the plan.~~
- 18 ~~(8) Any change of operation in, or designation of, the Watercourse or Lake Protection Zone.~~
- 19 ~~(9) Any downgrading of watercourse classification.~~
- 20 ~~(10) A change to winter operation where summer operation was previously specified.~~

- 21
- 22 **1094.15 Notice of WFMP Filing**
- 23 ~~(a) The Director shall prepare a notice of filing which shall contain the basic information contained in the~~  
24 ~~Notice of Preparation pursuant to 14 CCR § 1094.3, plus the assigned timber management plan WFMP~~  
25 ~~number.~~
- 26 ~~(b) Within two (2) working days of the date the plan is filed, the Director shall transmit copies of the~~  
27 ~~Notice of Filing to:~~

- 1           (1) The person submitting the plan.
- 2           (2) The office of the County Clerk of the county in which the operations are proposed. The  
3 Notice of Filing shall be posted at the normal place for posting environmental notices.
- 4           (3) The local CAL FIRE Unit headquarters for posting.
- 5           (4) At such other locations as the Director may deem desirable and feasible to provide adequate  
6 public notice.
- 7           (5) All public agencies having custodial responsibility for lands within 300 ft. of the WFMP  
8 boundary.
- 9           (6) A publically available internet database.
- 10           (7) To any person who requests notifications in writing.
- 11 (c) Notice of Filing may be transmitted through internet-based e-mail.

**Comment [WU55]:** Language from 4597.3

12

13 **1094.16 Agency and Public Review for the WFMP**

**Comment [WU56]:** May have to add language from 4597 (5)(b). To be discussed.

14 Upon receipt of the proposed WFMP, the Department shall place the proposed plan, or a true copy of  
15 the proposed plan, in a location ~~or on an internet web site~~ available for public inspection in the county  
16 in which timber operations are proposed under the plan or on a publically available internet database.

17 For the purpose of interdisciplinary review, the Department shall also transmit a copy to the  
18 Department of Conservation, the Department of Fish and Wildlife, the appropriate California regional  
19 water quality control board, the county planning agency, and all other agencies having jurisdiction by  
20 law over natural resources affected by the plan. The Department shall invite, consider, and respond in  
21 writing to comments received from public agencies to which the plan has been transmitted and shall  
22 consult with those agencies at their request.

**Comment [WU57]:** Inserted from 4597.5

- 23 (a) The Director shall also transmit a copy of any specific plan to any person who has made a written  
24 request therefore.
- 25 (b) The Department shall bill such persons for the cost of providing such copies and such monies shall  
26 be paid to the Department.

1 (c) The Director shall take the following steps when significant new information is added to the plan  
2 during the course of plan review or during the Director's Determination period.

3 (1) When significant changes are limited to a few sections or portions of the plan, the  
4 Department need only recirculate the sections or portions that have been modified.

5 (2) When significant changes are not limited to a few sections of the plan, the Department shall  
6 recirculate the entire plan.

7 (3) The Department shall prepare a Letter of Recirculation which shall include:

8 (A) A brief description of the proposed project and its location. Such information shall  
9 include:

10 (i) The Plan number and county(s).  
11 (ii) The names of the timberland owner(s) and the plan submitter(s).  
12 (iii) The location of the plan area by county, section, township, and range.  
13 (iv) The name of the nearest major watercourse or CAL-WatershedWATER v2.2  
14 ID.

15 (v) The acres proposed to be harvested.  
16 (vi) The silvicultural systems to be used.  
17 (vii) A summary of changes made to the plan and a brief description of  
18 significant new information contained in the plan.

19 (viii) Clarification as to whether the entire plan or only those recirculated  
20 portions of the plan, are open for public comment.

21 (ix) The starting and ending dates for the review period during which public  
22 comments will be received.

23 (x) The date, time, and place of any scheduled public meetings when known by  
24 the lead agency at the time of notice.

25 (xi) The address where copies of the plan record is available for public review.

1 (d) The Letter of Recirculation shall be sent to all review team members; any agency, person, or  
2 organization that commented on the plan; and all landowners who received a Notice of Intent (or  
3 Preparation).

4 (e) The Department need only respond to:

5 (1) Comments received during the initial circulation period that relate to sections or portions of  
6 the plan that were not revised and recirculated, and

7 (2) Comments received during the recirculation period that relate to the sections or portions of  
8 the plan that were revised and recirculated.

9 (f) The Department shall include with the Notice of Submissions Filing, a Notice of Recirculation pursuant  
10 to 14 CCR § 1032.9.

11

12 **1094.17 Director's Determination**

13 The Department shall provide a minimum time period for public comment, starting from the date of the  
14 receipt of a WFMP, as follows:

15 (a) Ninety (90) days for a WFMP for less than 5,000 acres.

16 (b) One hundred ten (110) days for a WFMP for between 5,000 and 9,999 less than 10,000 acres.

17 (c) One hundred thirty days (130) for a WFMP for between 10,000 and 14,999 15,000 acres.

18 (d) Before a WFMP may be approved, all of the following requirements shall be met:

19 (1) Within thirty (30) working days of the receipt of a WFMP, or within forty (40) working days of  
20 the receipt of a plan to which a road management plan pursuant to 14 CCR § 1093 is appended, the

21 Department shall determine if the plan is accurate, complete, and in proper order, and if so, the plan  
22 shall be filed. An unfiled plan shall be returned to the applicant plan submitter(s) with an explanation

23 that includes provisions for resubmitting the plan.

24 (2) The initial inspection shall be initiated within twenty (20) working days from the date of filing  
25 of the WFMP, and completed no more than thirty (30) working days from the date of filing.

26 (3) Upon completion of the initial inspection, the Department shall have up to forty five (45)  
27 working days to conduct the final interagency review of the plan.

**Comment [WU58]:** 4597.6

**Comment [WU59]:** Intent and addition of time should state 130 to 140 days. Discuss in committee.

**Department Comment #25:** 1094.18 (a) (1)(2)(3) should be considered a minimum period and indicated that period may be longer. Committee should review entire comment in Department letter.

**Comment [WU60]:** 4597.6

1 (4) The public comment period shall end twenty (20) working days after the completion of the  
2 final interagency review of the plan or until the requirement in subdivision (a) is met, whichever is  
3 greater.

4 (5) After the final interagency review and public comment period has ended, the Department  
5 shall have up to thirty (30) working days to review the public input, to consider recommendations and  
6 mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the  
7 plan is in conformance with the applicable Board rules and regulations and other applicable provisions  
8 of law.

9 (e) If after final interagency review the Director determines that the plan is not in conformance with the  
10 Board rules and regulations or this chapter/article, the Director shall deny and return the plan, stating the  
11 reasons for the denial and advising the person submitting the plan of the person's right to a hearing  
12 before the Board.

13 (1) If the Director does not act within the time periods provided in 14 CCR §  
14 1094.17(d) paragraphs (1) through (5) in subdivision (b), the Director and the Working forest  
15 landowner(s) submitting the WFMP shall negotiate and mutually agree upon a longer period for the  
16 Director to review the plan. If a longer period cannot be mutually agreed upon, the WFMP shall be  
17 deemed denied and returned to the Working forest landowner(s) submitting the plan.

**Comment [MRD161]:** Referenced modified for consistency.

18 (2) A Working forest landowner(s) to whom a plan is denied pursuant to subdivision (c) or (d)  
19 may request, within thirty (30) working days from the receipt of the plan, a public hearing before the  
20 Board. The Board shall schedule a public hearing to review the plan to determine if the plan is in  
21 conformance with the Board rules and regulations and this chapter/article.

22 (f) Board action shall take place within thirty (30) working days from the filing of the appeal, or a longer  
23 period mutually agreed upon by the Board and the person filing the appeal.

24 (g) If the Director's decision to deny the plan is overturned by the Board, the Board shall prepare  
25 findings and its rationale for overturning the decision, and return the plan to the Department for  
26 approval by the Director.

**Comment [WU62]:** 4597.6

1 | (h) If the plan is not approved on appeal to the Board, the Director, within ten (10) working days of  
2 | Board action, shall advise the plan submitter(s) regarding changes needed that would achieve  
3 | compliance with this ~~chapter~~ article and other applicable provisions of the law. The plan submitter(s)  
4 | shall have forty five (45) working days from the date of the notification letter, or longer, if mutually  
5 | agreeable to the Department and the plan submitter(s) to revise the plan to bring it into full  
6 | conformance with the Board rules and regulations and this ~~chapter~~ article. Upon receipt of the  
7 | information requested of the plan submitter(s), the Department shall recirculate the plan and reopen  
8 | the public comment period for thirty (30) working days. Prior to determining whether to approve the  
9 | proposed revised plan, the Director shall have thirty (30) working days to review public input and  
10 | consider recommendations and mitigation measures of other agencies, and to respond in writing to  
11 | issues raised.

12  
13 | **1094.18 Review Teams to be Established to Review Timber Management Plan**

14 | Interdisciplinary review teams shall be established by the Director to review plans and assist the Director  
15 | in the evaluation of proposed ~~timber management plan~~ WFMP(s) and its impacts on the environment.  
16 | The Review Team composition, function, tasks and procedures shall be the same as those described in  
17 | 14 CCR § 1037.5.

18  
19 | **1094.19 Nonconformance of WFMP**

20 | If the Director determines that a plan is not in conformance with the Board rules and regulations, the  
21 | plan shall be returned in accordance with 14 CCR § 1054. In addition, the Director shall state any  
22 | changes and reasonable conditions that in the Director's professional judgment are needed to bring the  
23 | plan into conformance with the applicable ~~rules of the~~ Board rules and regulations and offer to confer  
24 | with the RPF in order to reach agreement on the conditions necessary to bring the plan into  
25 | conformance.

26  
27 | **1094.20 Conformance of WFMP**

1 If the Director determines that the plan is in conformance with Board rules and regulations, then the  
2 person submitting the plan shall be notified timber operations thereunder may only commence after  
3 submission of a Working Forest Harvest Notice as prescribed in 14 CCR § 1094.7.

4  
5 **1094.21 Notice of Conformance of the WFMP**

6 Within ten (10) working days of the date a plan is found in conformance, the Director shall transmit a  
7 notice thereof to the agencies and persons referred to in 14 CCR § 1094.16 and for posting at the places  
8 named in 14 CCR § 1094.15. A copy of the notice shall be filed with the Secretary of Resources. The  
9 Notice of Conformance shall include a written response of the Director to significant environmental  
10 points raised during the evaluation process.

11  
12 **1094.22 Public Inspection**

13 Notices of Conformance, pursuant to 14 CCR § 1094.21 and notices of approval by the Board, pursuant  
14 to 14 CCR § 1054, shall be available for public inspection, and a list of such notices shall be posted on a  
15 weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of  
16 thirty (30) days.

17  
18 **1094.23 ~~Amendment~~Substantial Deviation**

19 The ~~Working forest landowner~~Designated agent may submit a proposed ~~amendment~~ deviation, as  
20 prepared by the RPF, to the approved plan. No action shall occur that substantially deviates, as defined  
21 by the Board, from the approved plan until the ~~amendment~~ substantial deviation has been approved by  
22 the Director. The Director shall determine, after completion of the interagency review and public  
23 comment period, either of the following:

24 (a) The ~~amendment~~ substantial deviation is in compliance with the current Board rules and regulations  
25 and provisions in this ~~chapter~~ article.

1 (b) The amendment substantial deviation is in compliance with the Board rules and regulations and  
2 provisions in this chapter article that were in effect at the time the WFMP was approved. The Director  
3 may only make this determination if the a RPF explains, justifies, and certifies both of the following:

4 (1) The adherence to new or modified Board rules and regulations would cause unreasonable  
5 additional expense to the Working forest landowner(s).

6 (2) Compliance with the Board rules and regulations and provisions in this chapter article that  
7 were in effect at the time the WFMP was approved will not result in any significant degradation to the  
8 beneficial uses of water, soil stability, forest productivity, or wildlife.

9 (c) Review timelines for substantial deviations of WFMPs shall conform to the direction provided in  
10 Section 4582.7, except for amendments substantial deviations that add acreage covered by the original  
11 WFMP that exceeds 10 percent or 500 acres, whichever is greater. Amendments Substantial deviations  
12 that add acreage in excess of 10 percent or 500 acres shall be reviewed pursuant to the procedures  
13 specified in Section 4597.6.

14 (d) The following Changes are presumed to be substantial deviations because if they could have a  
15 significant significantly affect on the conduct of timber operations and potentially could have a  
16 significant adverse effect on timber productivity or values relating to soil, water quality, watershed,  
17 wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment. Such actions may include, but  
18 are not limited to:

19 (1) Change in location of timber harvesting operations or enlargement of the area or volume  
20 planned to be cut.

21 (2) Change in the silvicultural method and cutting system on any portion of the plan area.

22 (3) Change in type or location of logging (yarding) system or basic type of equipment.

23 (4) Change in location, nature or increase in length of proposed logging roads incorporating one  
24 or more of the following criteria:

25 (A) Any road in a Watercourse or Lake Protection Zone or where sidecast will extend  
26 into the Watercourse or Lake Protection Zone.

27 (B) Any road located in an extreme Erosion Hazard Rating area.

**Comment [MRD163]: Department Comment #27:** Subsection (c) should be under a section regarding the review process of an amendment and not under a section regarding determination of an amendment.

**Comment [MRD164]:** Revised language per July Workshop.

1 (C) Any road where the average side slope exceeds 50%.

2 (D) Any road where unstable areas, active soil movement, or slide areas must be  
3 traversed.

4 (E) Any increase in gradient allowed by the District Rules as an exception and not  
5 provided for in the original plan.

6 (F) Any road extension of more than 600 ft. (182.9m).

7 (5) Any use of existing roads not shown in the original plan when reconstruction work to allow  
8 for vehicle travel will be substantial. Substantial work on an existing road means more than minor repair  
9 and dressing of the travel surface and removal of vegetation to allow for vehicle passage.

10 (6) Use of any roads not shown in the plan which would affect the key habitat, not previously  
11 discussed in the plan, of state or federally listed threatened, candidate, and endangered species; rare  
12 plants; Sensitive species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR §  
13 Section 15380(d).

14 ~~rare or endangered species or other critical wildlife habitat.~~

15 (7) Enlargement of landings where such enlargement was not justified in the plan.

16 (8) Any change of operation within, or designation of, Watercourse or Lake Protection Zones.

17 (9) Any downgrading of watercourse classification.

18 (10) A change to winter operations where summer operations were previously specified.

19 (11) A change to the erosion control implementation plan. Changes to the erosion control  
20 implementation plan as a result of operations to implement the provisions of the approved erosion  
21 control implementation plan shall not be considered a substantial deviation.

**Comment [MRD165]:** Language added per committee discussion on June 17<sup>th</sup>, 2014.

**Comment [MRD166]:** Language added during committee Workshop in July. CCRWQCB comment.

22  
23 **1094.24 Report of Minor Deviations**

24 (a) "Minor deviations" means any change, minor in scope, in a plan which can reasonably be presumed  
25 not to make a significant change in the conduct of timber operations and which can reasonably be  
26 expected not to significantly adversely affect timberland productivity or values relating to soil, water

1 quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or to result  
2 in a violation of the applicable water quality control plan.

3 (b) Minor deviations may be undertaken by the person who submitted the WFMP or Working Forest  
4 Harvest Notice without submission of a ~~amendment~~ minor deviation to the plan and shall be reported  
5 immediately in writing to the Director. Actions described in 14 CCR § 1094.23 which are normally  
6 presumed to be substantial deviations may, in a given instance, be a minor deviation. Actions listed as  
7 substantial deviations in 14 CCR § 1094.23, but considered to be minor deviation by the submitter(s),  
8 may be undertaken only if the person who submitted the plan submits the proposed deviation in writing  
9 to the Director for review and receives approval. Approval shall be given if the Director determines that  
10 the proposed minor deviation conforms to the standards provided in 14 CCR § 1094.24(a). The Director  
11 shall have five (5) working days to act on the application. If the Director or the representative of the  
12 Director does not act within five (5) working days of receipt of such a deviation, timber operations may  
13 commence pursuant to such ~~amendment~~ minor deviation.

14 (c) Newly adopted Board rules or regulations may be incorporated into an approved WFMP through a  
15 minor deviation.

16  
17 **1094.25 Report of completion of work described in WFMP; Partial completion report**

18 (a) Within one (1) month after completion of the work described in the Working Forest Harvest  
19 Notice, excluding work for stocking, site preparation, or maintenance of drainage facilities and soil  
20 stabilization treatments on skid trails, roads, and landings after the plan period, a report shall be filed by  
21 the timber owner(s) or the ~~owner's~~ plan submitter(s) Designated agent with the Department that all  
22 work, except stocking, site preparation, or maintenance of drainage facilities and soil stabilization  
23 treatments, has been completed.

24 (b) If all of the work described in the plan has not been completed, a report may be filed annually with  
25 respect to a portion of the area covered by the plan which has been completed. The portion completed  
26 shall be adequately identified on a map submitted with the report.

27

1 **1094.26 Inspection of completed work**

2 Within six (6) months of the receipt of the work completion report specified in 14 CCR § 1094.25, the  
3 Director shall determine, by inspection, whether the work described in the report has been properly  
4 completed in conformity with the Board rules and regulations and the standards of this article. If the  
5 work has been so completed, the Director shall issue a report of satisfactory completion of the work. If  
6 not, the Director shall take such corrective action as he or she determines to be appropriate in  
7 accordance with Article 8 (commencing with Section 4601).

8  
9 **1094.27 Stocking Report and Minimum Stocking Standards**

10 Within five (5) years after the completion of timber operations or as otherwise specified in the rules, a  
11 report of stocking on the entire area logged under a Working Forest Harvest Notice and shown on a  
12 revised map shall be filed with the Director by the timber owner(s) or the plan submitter(s) Designated  
13 agent . If stocking is required to be met upon completion of timber operations the stocking report shall  
14 be submitted within six (6) months of the completion of operations.

15 The minimum acceptable stocking standards on logged areas which were acceptably stocked prior to  
16 harvest are those specified in the Coast, Northern, and Southern Forest District rules. If not otherwise  
17 specified, the following minimum standards apply:

18 (a) On Site I timberlands as defined by the Board, the average residual basal area, measured in stems  
19 one inch or larger in diameter shall be at least 85 square feet per acre; or on Site II or lower shall be at  
20 least 50 sq. ft. per acre; or

21 (b) The area contains an average point count of 300 per acre on Site I, II, and III lands or 150 on Site IV  
22 and V lands as specified in PRC 4561.

23 See 14 CCR § 912.7, 932.7 and 952.7 for information for the point count values of various size trees and  
24 for determining how sprouts will be counted toward meeting stocking requirements.

25  
26 **1094.28 Inspection of Stocking**

27 Within six (6) months of the receipt of the stocking report, the Director shall determine, by inspection,

1 whether the stocking has been properly completed. If so, he shall issue a report of satisfactory  
2 completion of stocking. If not, he shall take such corrective action as he deems appropriate in  
3 accordance with the provisions of Article 8 (commencing with Section 4601) of this chapter.

4  
5 **1094.29 Five (5) year review of WFMP**

6 (a) The Department shall publish a public notice, that the five (5) year review of the WFMP shall  
7 commence at least thirty (30) days prior to each five (5) year anniversary date of the a WFMP approval.  
8 The published notice shall indicate that public comment on the five (5) year review shall be accepted  
9 during the thirty (30) day period. The public may submit to the review team additional information  
10 relevant to the purpose of the five (5) year review and the review team may consider this information  
11 when conducting its review. The Director shall distribute copies of the five (5) year review public notice  
12 to:

- 13 (1) The Office of the County Clerk of the county(s) in which the approved WFMP resides;
- 14 (2) The local CAL FIRE Unit headquarters for posting;
- 15 (3) At such other locations as the Director may deem desirable and feasible to provide adequate  
16 public notice;
- 17 (4) An publically available internet database.

18 (b) ~~For an approved WFMP, t~~The Director shall prepare a five (5) year summary and convene a meeting  
19 with the interdisciplinary review team , pursuant to 14 CCR § 1037.5, within thirty (30) days of each five  
20 (5) year anniversary of a WFMP approval and convene a meeting with the interdisciplinary review team  
21 shall be the same as those described in pursuant to 14 CCR § 1037.5, every five (5) years to to review the  
22 plan's administrative record, information obtained pursuant to 14 CCR § 1094.29(b), subdivision (b), and  
23 any other information relevant to verify that current conditions and completed or current operation(s)  
24 that operations have been conducted in accordance with the plan and applicable laws and regulations.  
25 The Department shall provide the public, in writing or on a publically available internet database, a copy  
26 of the plan summary. Participation by review team agencies shall be at the discretion of each agency. If  
27 at this meeting a member of the review team determines that a field inspection is necessary to verify

**Comment [MRD167]:** Language added per committee discussion and direction on June 17, 2014.

**Comment [WU68]:** 4597.12

1 that operations have been conducted in accordance with the plan and applicable laws and regulations,  
2 then a field inspection may be conducted within 60 days of each five (5) year anniversary date of WFMP  
3 approval.

**Comment [MRD169]:** Added language per Committee discussions on June 17, 2014.

4 (c) For the purposes of 14 CCR § 1094.29(a) subdivision (a), each five (5) year review shall allow the  
5 review team to analyze information including the number of Working Forest Harvest Notices, the  
6 acreage operated under each Working Forest Harvest Notice, the violations received, and the volume  
7 harvested in relation to projections of harvest in the WFMP and to determine if operations under  
8 Working Forest Harvest Notice(s) were conducted in compliance with the content and procedures in the  
9 WFMP. The review team shall also analyze any significant episodic events occurring during the previous  
10 five (5) years including disease and drought caused tree mortality, windthrow, and wildfire and  
11 landslides. If the Department or a review team agency does not have direct access to information  
12 needed for the WFMP summary, the Department may require the landowner(s) to provide this  
13 information. The Department shall notify the landowner(s) of the findings of the five (5) year review.

**Comment [WU70]:** The Dept shall develop a plan summary, for the purposes of subdivision a, that shall include: Discuss in committee.

14 ~~(1) The 5-year review shall include a certification by an RPF that states that, based on a field~~  
15 ~~review of harvest(s) and completion(s), the WFMP and any Working Forest Harvest Notices are in~~  
16 ~~compliance with WFMP~~

17 ~~(2) The 5-year review shall review the Working Forest Harvest Notices compliance with the~~  
18 ~~WFMP and,~~

19 ~~(1) Only if violations are received notices of violation have been issued, or the five (5)-year~~  
20 ~~review indicates potentially significant adverse impacts to the environment to public trust resources~~  
21 ~~may occur from continuance of the WFMP, or if CAL FIRE is presented with a fair argument that a~~  
22 ~~project may have a significant adverse effect on the environment, will the Department shall provide~~  
23 ~~written comments that a review of the WFMP content and procedures may be necessary. The Director~~  
24 ~~shall state any changes and reasonable conditions in the Director's professional judgment are needed to~~  
25 ~~bring operations into compliance with the applicable Board rules and regulations and offer to confer~~  
26 ~~with the Designated agent in order to reach agreement on the conditions necessary to bring the~~

**Comment [MRD171]:** Staff revised language to frame and define the "review" associated with the second tier of the 5 year review. Completed with input from the Department.

**Comment [WU72]:** Fair argument language is taken from CEQA Guideline 15064(f)(1). Review of 1051.1(d) (MTHP) may be useful to develop language for this portion of WFMP.

1 operations into compliance and to mitigate significant adverse effects on the environment identified  
2 during the 5 year review.

3 (A) Failures to implement the changes or reasonable conditions provided by the Director or  
4 developed in conference with the Designated agent may result in cancellation of the WFMP pursuant  
5 1094.31(a).

6 (2) The Department shall have thirty (30) working days to conduct the five (5) year review and  
7 determine if the WFMP is operations under Working Forest Harvest Notice were conducted in  
8 compliance with the content and procedures in the WFMP and notify the working forest landowner(s).

9 (c) For the purpose of allowing the public to monitor a WFMP, the Department shall provide the public,  
10 in writing or on its Internet Web site, notice of each five (5) year review and a copy of the plan summary.  
11 The public may submit to the review team additional information relevant to the purpose of the five (5)  
12 year review and the review team may consider this information when conducting its review.

13 (d) This section does not authorize the public disclosure of proprietary information without first  
14 obtaining the landowner's consent. Proprietary information shall be treated consistent with PRC 21160.

15  
16 **1094.30 Change of Ownership****Timberland Owner(s)**

17 (a) Upon change of ownership of the land described in the WFMP, the transferring timberland owner(s)  
18 shall provide the acquiring timberland owner(s) with written Transfer of Responsibilities Notice that  
19 discloses the existence of the WFMP and informs the acquiring timberland owner(s) of the need to  
20 notify the Department of the acquiring timberland owner(s) intent to assume the responsibilities of the  
21 WFMP. The transferring timberland owner(s) shall also send the Department a copy of the Transfer of  
22 Responsibilities Notice provided to the acquiring timberland owner(s).

23 (b) If the transferring timberland owner(s) fails to provide the notice required in the 14 CCR § 1094.30(a)  
24 and the Department discovers the change of ownership, the Department shall provide the acquiring  
25 timberland owner(s) with the Transfer of Responsibilities Notice.

26 (c) The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the Transfer of  
27 Responsibilities Notice pursuant to either 14 CCR § 1094.30(a) or 14 CCR § 1094.30(b), whichever is

**Comment [MRD173]:** Language added under consultation with the Department.

**Comment [MRD174]:** Revised language to reflect the intent of AB 2239.

1 applicable, to notify the Department in writing of their intent to assume the responsibilities of the  
2 WFMP. If the Department does not receive notification within this period, the Department may cancel  
3 the WFMP.

4 (d) Upon transfer of ownership, the timberland owner(s) shall identify a Designated agent pursuant to  
5 14 CCR § 1094.10.

6 (e) A violation of this section by a timberland owner(s) does not constitute a crime pursuant to PRC  
7 4601.

8  
9 In the event of a change of ownership timberland owner(s) of the land described in the WFMP, the  
10 Working forest landowner(s) shall notify the new timber landownertimberland owner(s) of the existence  
11 of the plan and the need to notify the Department of the new landowner's timberland owner(s) intent  
12 regarding assumption of the plan. Notification shall be in writing with a copy to the Department of the  
13 new landowner's timberland owner(s) intent regarding assumption of the plan. The new landowner  
14 timberland owner(s) shall have one (1) year from the date of the receipt of the notification by the  
15 Department to notify the Department in writing and the Designated agent of his or her intent regarding  
16 assumption of the plan. If the Department does not receive notification within this period, the plan shall  
17 expire one (1) year from the date the new landowner timberland owner(s) is advised by the Department  
18 of the necessity to assume the plan. If the new timberland owner(s) does not assume the  
19 responsibilities as plan submitter(s), then a RPF or Designated agent shall submit an amendment minor  
20 deviation to remove that portion of the plan.

21 -(f)After a plan is found in conformance with the Board rules and regulations, the Director may file a  
22 Notice of Stocking Requirements on the property with the recorder of the county within which the plan  
23 is located if any area logged under a Working Forest Harvest Notice has not had a report of satisfactory  
24 stocking issued by the Director.

25  
26  
27

Comment [WU75]: 4597.9

1 **1094.31 Cancellation of Plans**

2 The Working forest landowner(s) may cancel the WFMP by submitting a written notice to the  
3 Department. Once timber operations have commenced pursuant to a Working Forest Harvest Notice,  
4 cancellation is not effective on land covered by the Working Forest Harvest Notice until a report of  
5 satisfactory completion has been issued pursuant to Sections 4585, 4586, and 4587.

6 (a) If the Department determines that the objectives of uneven aged management and sustained yield  
7 are not being met by a Working forest landowner(s), or there are other persistent violations detected  
8 that are not being corrected, the Department shall cancel a previously approved WFMP and any further  
9 timber operations under the plan shall be terminated. In making a determination to cancel a plan, the  
10 Department may cite the findings of a review conducted pursuant to Section 4597.12. Cancellation of  
11 the plan may be appealed by the plan submitter(s) or landowner(s) utilizing the process prescribed in  
12 paragraph (1) of subdivision (e) of Section 4597.6.

Comment [WU76]: 4597.16

13  
14 **1094.32 ~~Expansion of Plans~~ Transition or Expansion of Plans**

15 If a landowner with an approved NTMP or a WFMP with less than 2,500 acres of timberland expands the  
16 total timberland ownership to 2,500 or more acres of timberland through acquisition of additional  
17 timberland may transition into a WFMP for more than 2,500 acres of timberland through a amendment  
18 substantial deviation to the plan NTMP. Operations may continue under an approved NTMP for a period  
19 of one (1) year after filing an amendment substantial deviation to transition the approved NTMP to a  
20 WFMP the sale of the property that would result in exceeding 2,500 acres of timberland is recorded in  
21 the county where the property is located and the landowner notifies the Director in writing of their  
22 intent to transition to a WFMP. The Director may grant up to an additional one (1) year of operations  
23 under the previously approved NTMP to landowners who demonstrate substantial work has been  
24 conducted by a RPF(s) towards transitioning to a WFMP. The lack of demonstration of substantial work  
25 being conducted by an RPF toward transitioning to a WFMP shall result in cancellation of the NTMP by  
26 the Department.

Comment [WU77]: 4597.17

Comment [MRD178]: "amendment" replaced with "substantial deviation" in four location of this section.

Comment [MRD179]: Language revised by staff to address the concern of a NTMP becoming invalidated upon purchase of additional timberland.

1 (a) The RPF responsible for preparation of the ~~amendment~~ substantial deviation to transition an  
2 approved NTMP to a WFMP shall review the contents of this article including, but not limited to,  
3 sections 1094.1 – 1094.3, 1094.6, 1094.10 -1094.12, 1094.23, 1094.24 and 1094.32 to assure that all  
4 required information is included and addressed in the proposed ~~amendment~~ substantial deviation prior  
5 to submittal to the Director.

6 ~~The Board shall adopt regulations that establish this amendment process.~~

7 (b) A landowner with an existing WFMP may expand the acreage of the WFMP pursuant to the process  
8 described in 1094.23.

9  
10 **1094.33 Safe Harbor agreement**

11 A participating landowner(s), in conjunction with the preparation of an application for a WFMP filed  
12 with the Department, may also seek approval of a Safe Harbor Agreement from the Department of Fish  
13 and Wildlife, pursuant to Article 3.7 (commencing with Section 2089.2) of Chapter 1.5 of Division 3 of  
14 the Fish and Game Code. All review costs associated with the Safe Harbor Agreement approval process  
15 incurred by the Department of Fish and Wildlife pursuant to this section shall be paid from the fund  
16 created in Section 4629.3.

17  
18 **1094.34 State Restoration Projects**

19 Notwithstanding any other law, if a person with a WFMP applies for state restoration grant funding for a  
20 restoration project that has a significant public benefit, the application shall not be summarily denied on  
21 the basis that the project is a required condition of the harvesting plan.

22  
23 **1094.35 Southern Subdistrict**

24 This WFMP shall not apply to the Southern Subdistrict of the Coast Forest District, as defined in Section  
25 14 CCR § 895.1.

Comment [WU80]: 4597.18