

1 **Board of Forestry and Fire Protection**

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3 **Title 14 of the California Code of Regulations (CCR) Division 1.5, Chapter 4**

4 **Subchapter 7, Article 6.5 Pending NTMP Amendments**

5 **(Pending NTMP Amendments)**

6  
7 **Article 6.5 Nonindustrial Timber Management Plan Administration**

8  
9 **§ 1090. Rule Application.**

10 Where the abbreviation THP, the term Timber Harvesting Plan, or the word Plan is used in  
11 chapter 4, subchapters 1 through 6 and chapter 4.5 it shall also mean Nonindustrial Timber  
12 Management Plan as specified in article 7.5 of the Public Resources Code. In subchapter 7 this  
13 equivalency will occur for all sections except §§ 1031 through ~~1042~~ 1037.5 and 1039 through  
14 1042.

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16 Note: Authority cited: Stats 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

17 Reference: Sections 4593 and 4593.3, Public Resources Code.

18  
19 **§ 1090.5. Contents of NTMP.**

20 The Plan shall serve three functions:

21 (1) to provide information the Director needs to determine whether the proposed NTMP

22 conforms to the Rules of the Board;

23 (2) to provide information and direction for timber management so it complies with the Rules of

24 the Board and the management objectives of the landowner; and

1 (3) to disclose the potential Effects of timber management to the public. For the Plan to serve  
2 these functions, it shall, as a minimum, contain the following information:

3 (a) Name, address, and telephone number of the Timberland Owner(s) or and dDesignated  
4 aAgent if known at the time of NTMP submission if there is more than one Timberland Owner

5 (b) Name, address, and telephone number of the Timber Owner(s) (If different).

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

8 (d) A description of the Plan area within which Timber Operations are to be conducted. The  
9 description shall include the following:

10 (1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s),

11 (2) township, range, and section number(s),

12 (3) county name(s),

13 (4) CALWATER 2.2 Planning Watershed number(s), and

14 (5) approximate acreage.

15 (e) The forest District and Subdistrict (if any) in which the NTMP is located.

16 (f) A description of present and proposed Plan area uses other than timber production.

17 (g) A description by management units(s) of the timber stand characteristics including  
18 Species composition, age classes, projected growth, present Stocking level, present volume  
19 per acre, size class distribution, stand management history, and potential pest or protection  
20 problems. The description shall provide the basis for the information provided.

21 (h) A description by management unit(s) of the proposed management objectives, including  
22 a discussion of projected timber volumes and sizes available for timber harvesting,  
23 managed.

24 (i) A description by management unit(s) of proposed activities to achieve the management  
25 objectives. This must include

- 1 (1) projected frequencies of harvest,  
2 (2) silvicultural prescriptions for harvesting,  
3 (3) type of Yarding systems to be used for each area,  
4 (4) anticipated interim management activities which may result in rule compliance  
5 questions (i.e. Erosion Control maintenance).

6 (j) The period of time over which growth will be balanced with harvest.

7 (k) A description of any cultural or historical resources known to exist with a description of  
8 possible impacts and protection methods to be used during Timber Operations.

9 (l) Whether a Timberland conversion certificate is in effect, its date of expiration, and its  
10 identification number.

11 (m) Whether a timber harvesting Plan is on file with the Department for any part of the Plan  
12 area and if a Report of Satisfactory Stocking has been issued by the Department (show Plan  
13 number).

14 (n) Information on the presence and protection of any known key habitat or individuals of  
15 any threatened or endangered plant or animal Species that are listed in the CDFW  
16 inventories prepared pursuant to the F&GC or any Species of special concern as designated  
17 by the Board in these Rules.

18 (o) A description of potential impacts and protections for the quality and Beneficial Uses of  
19 waters within Watercourses, Lakes, and wet areas.

20 (p) A description of soils, surface erosion hazard, mass wasting erosion hazard, and Erosion  
21 Control measures.

22 (q) A description of the existing and proposed road system to be used in implementation of  
23 the management Plan.

24 (r) A description of how the Site Preparation standards and Stocking Standards will be met.  
25

1 (s) A description of the proposed Yarding methods including protection of residual trees,  
2 Watercourse crossings, operation on Unstable Areas.

3 (t) A description of Slash treatment for Site Preparation, fire protection and pest protection  
4 consideration.

5 (u) A description of the cumulative Effects analysis with supporting information, including  
6 impact of projected harvesting over the life of the Plan.

7 (v) A copy of the forest practice regulations in effect at the time of submission.

8 (w) On a USGS quadrangle or equivalent topographical map of a scale not less than 2" to  
9 the mile, the following information shall be clearly provided. Additional maps may be  
10 required to show specific details, and may be planimetric. Color coding shall not be used. A  
11 legend shall be included indicating the meaning of the symbols used. See the District Rules  
12 for the appropriate minimum mapping acreages.

13 (1) boundaries of management Plan(s) and management unit(s).

14 (2) boundaries of Regeneration Methods, Intermediate Treatments, special Harvesting  
15 Methods, and Alternative Prescriptions that are to be applied.

16 (3) boundaries of Yarding (logging) systems, if more than one system is to be used.

17 (4) Location of all roads to be used for, or potentially impacted by, Timber Operations.

18 This shall include:

19 (A) The classification of all roads as permanent, seasonal, temporary, or proposed  
20 for Abandonment.

21 (B) Roads and Landings located in Watercourses, Lakes, WLPZs, marshes, Wet  
22 Meadows and Other Wet Areas, other than at road Watercourse crossings.

23 (C) Roads that provide access to rock pits and water drafting sites, and the location  
24 of water drafting sites.

25 (D) Public Roads within one-quarter (1/4) mile of the Harvest Area.

1 (E) The location of Significant Existing or Potential Erosion Sites on all roads and  
2 Landings pursuant to 14 CCR § 923.1(e).

3 (5) probable location of proposed and existing Landings in the Watercourse and Lake  
4 protection zone, and Landings outside the zone that are greater than 1/4 acre in size or  
5 whose construction involves substantial excavation.

6 (6) Road Failures on existing roads to be reconstructed.

7 (7) location of all existing and proposed Permanent Watercourse Crossing drainage  
8 structures and temporary crossings on Class I and II Watercourses on roads; if a  
9 permanent culvert is involved, its minimum Diameter shall be provided.

10 (8) location of area(s) of high or extreme Erosion Hazard Rating.

11 (9) location of all Watercourses with Class I, II, III, or IV waters.

12 (10) location of known Unstable Areas or slides.

13 (11) location of understocked areas and other areas not normally bearing timber to at  
14 least a 20-acre minimum, or as specified in the District Rules.

15 (12) location of boundaries of timber-site classes needed for determination of Stocking  
16 Standards to be applied, down to at least a 10- acre minimum or as specified in the  
17 District Rules.

18 (13) location of Unique Areas including, Coastal Commission Special Treatment Areas or  
19 any special treatment area.

20 (14) A soils map where available.

21 (x) Any additional information that is submitted on separate pages shall be clearly marked  
22 "Plan addendum" and shall bear the date on which it was prepared.

23 (y) Explanation and justification for, and specific measures to be used for, Tractor  
24 Operations on Unstable Areas, on slopes over 65%, and on areas where slopes average  
25 over 50% and the EHR is high or extreme.

1 (z) Explanation and justification for Tractor Operations in areas designated for Cable  
2 Yarding.

3 (aa) Winter Period operating Plan where appropriate.

4 (bb) Explanation and justification for use of Watercourse, marshes, Wet Meadows, and  
5 Other Wet Areas as Landings, roads, or skid trails.

6 (cc) Explanation and justification of any in-lieu or alternative practices for Watercourse and  
7 Lake protection.

8 (dd) Explanation of alternatives to standard Rules for harvesting and Erosion Control.

9 (ee) Explanation and justification for Landings that exceed the maximum size specified in  
10 the Rules.

11 (ff) Any other information required by the Rules or the Act to be included in the Plan. The  
12 District Rules provide for exceptions and alternatives to standard requirements that require  
13 inclusion of information in the NTHP.

14 (gg) On a map complying with 14 CCR § 1090.5(w), the locations and classifications of  
15 Logging Roads, Logging Road Watercourse crossings, and Landings to be abandoned or  
16 deactivated shall be shown.

17 (hh) A certification by the RPF preparing the Plan that he, she, or a designee personally  
18 inspected the area.

19 (ii) Boundaries of areas sample marked for each silvicultural method.

20 (jj) Constructed and reconstructed logging roads and landings.

21 (kk) Logging road grades greater than 15 percent for over 200 continuous feet or logging  
22 road grades exceeding 20 percent.

23 (ll) Logging roads across and landings on unstable areas or connected headwall swales.

24 (mm) Excess material disposal sites on slopes greater than 40 percent or on active unstable  
25 areas.

1 (nn) Logging roads and landings across slopes greater than 65 percent for 100 lineal feet or  
2 more.

3 (oo) Logging roads and landings across slopes greater than 50 percent for 100 lineal feet or  
4 more within 100 feet of the boundary of a WLPZ.

5 (pp) New or to be abandoned logging road crossings.

6 (qq) Main ridge tops on the logging area suitable for fire suppression efforts that will require  
7 felling of snags.

8 (rr) Late Successional Forest Stands or Strata. (note: Strata is not a defined term in the  
9 FPA)

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11 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.3, Public  
12 Resources Code. Reference: Sections 4593 and 4593.3, Public Resources Code.

13  
14 **§ 1090.6. Notice of Timber Operations.**

15 Following confirmation by the nonindustrial tree farmer that all necessary field work is functional  
16 and useable (including, flagging or Marking), the nonindustrial tree farmer who owns, leases or  
17 otherwise controls or operates on all or any portion of any timberland within the boundaries of  
18 an approved Nonindustrial Timber Management Plan or their Designated Agent if applicable,  
19 shall submit a Notice of Timber Operations including the certification required by PRC § 4594.6  
20 to the appropriate CAL FIRE Review Team Office. The nonindustrial tree farmer or Designated  
21 Agent shall notify the Department and shall certify that mailing to the Department. Timber  
22 Operations may commence immediately unless the notice has been filed by mailing, in which  
23 Case operations may commence 3 days after the notice has been mailed.

1 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4594, Public  
2 Resources Code. Reference: Section 4594, Public Resources Code.

3  
4 **§ 1090.7. Notice of Timber Operations Content.**

5 The purpose of the Notice of Timber Operations is to provide guidance for implementation of the  
6 standards and protective measures in the approved NTMP or most recent amended NTMP and  
7 the applicable Rules of the Board. For the Notice to serve these functions, it shall as a  
8 minimum, contain the following:

9 (a) Identification number of the NTMP

10 (b) The name and address and phone number of the Timberland owner, the Timber Owner,  
11 the Designated Agent, the RPF, the LTO and number, the Person responsible for on the  
12 ground supervision of the Timber Operations.

13 (c) Expected dates of commencement and completion of Timber Operations.

14 (d) A legal description (Section, Township, Range) of the area of the NTMP on which Timber  
15 Operations will be conducted.

16 (e) Identification of silvicultural prescriptions to be applied.

17 (f) The type of heavy equipment to be used for Yarding or road construction.

18 (g) A statement that no archeological sites have been discovered in the Harvest Area since  
19 the approval of the NTMP.

20 (h) A statement that no Listed Species has been discovered in the Cumulative Impacts  
21 assessment area since the approval of the NTMP.

22 (i) A statement that there have been no physical environmental changes in the Cumulative  
23 Impacts assessment area that are so significant as to require any amendment of the NTMP.

24 (j) Special provisions, if any, to protect any Unique Area within the area of Timber  
25 Operations.



1 (k) Instructions on felling, Yarding, road construction or reconstructions, hauling, Erosion  
2 Control work, Site Preparation, Erosion Control maintenance, winter operations,  
3 Watercourse protection measures and Slash treatment.

4 (l) A certification by the RPF that the notice as submitted will carry out

5 (1) the best management practices for the protection of the Beneficial Uses of water, soil  
6 stability, forest productivity, and wildlife as required by the current Rules of the Board, or

7 (2) is consistent with the Plan and will not result in significant degradation of the  
8 Beneficial Uses of water, soil stability, forest productivity, or wildlife or be in violation of  
9 applicable legal requirements.

10 (m) A verification that the LTO has been briefed by the RPF on the content of the notice and  
11 intentions of implementation to comply with the management Plan.

12 (n) On a USGS quadrangle or equivalent map of a scale not less than 2" to the mile, the  
13 following information reflecting current conditions pertinent to the Notice of Operations shall  
14 be clearly provided. Additional maps may be required to show specific details, and may be  
15 planimetric. Color coding shall not be used. A legend shall be included indicating the  
16 meaning of the symbols used. See the District Rules for the appropriate minimum mapping  
17 acreages.

18 (1) Boundaries of area to be harvested (quadrangle map or its equivalent).

19 (2) Boundaries of areas for specified Regeneration Methods, Intermediate Treatments,  
20 special Harvesting Methods, and Alternative Prescriptions that are to be applied.

21 (3) Boundaries of areas for specified Yarding (logging) systems, if more than one system  
22 is to be used.

23 (4) Location of Public Roads within the Notice area, and private roads appurtenant to the  
24 Timber Operations where such roads are under the ownership or control of the  
25

1 Timberland owner, and are contiguous with the Notice area, and classification of all  
2 proposed and existing Logging Roads as permanent, seasonal, or Temporary Roads.

3 (5) Location of proposed and existing Landings in the Watercourse and Lake Protection  
4 Zone, and Landings outside the zone that are greater than 1/4 acre in size or whose  
5 construction involves substantial excavation.

6 (6) Road Failures on existing roads to be reconstructed.

7 (7) Location of all existing and proposed Watercourse crossings on logging and Tractor  
8 Roads; if a permanent culvert is involved, its minimum Diameter shall be provided.

9 (8) Designate areas of high or extreme Erosion Hazard Rating, if more than one.

10 (9) Location of Watercourse with Class I, II, III or IV waters.

11 (10) Location of known Unstable Areas or slides.

12 (11) Location of Unique Areas.

13 (o) Any other information the Board provides by regulation to meet its Rules and the  
14 standards of this chapter.

15 (p) A statement that the Notice of Timber Operations conforms to the provisions of the  
16 approved NTMP.

17 (q) Location of all roads.

18 (1) classification of all roads.

19 (2) WLPZ roads and landings.

20 (3) rock pits and water drafting sites.

21 (4) Public roads within one-quarter mile of the harvest area.

22 (5) The location of significant existing or potential erosion sites.

23 (r) Excess material disposal sites on slopes greater than 40 percent or on active unstable  
24 areas.

25 (s) Tractor road watercourse crossings (except dry, temporary Class III).

1 (t) Main ridge tops on the logging area suitable for fire suppression efforts that will require  
2 felling of snags.

3 (u) Logging roads and landings to be abandoned or deactivated.

4 (v) Standard operating practices.

5  
6 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4594, Public  
7 Resources Code. Reference: Section 4594, Public Resources Code.

8  
9 **§ 1090.9. Plan Submitter Responsibility.**

10 The Plan submitter, or successor in interest, shall:

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

12 (b) Provide the RPF preparing the Plan or amendments with complete and correct  
13 information regarding pertinent legal rights to, interests in, and responsibilities for land,  
14 timber, and access as these affect the planning and conduct of Timber Operations.

15 (c) Sign the NTMP certifying knowledge of the Plan contents and the requirements of this  
16 section.

17 (d) Within five (5) working days of change in RPF responsibilities for NTMP implementation  
18 or substitution of another RPF, file with the Director a notice which states the RPF's name  
19 and registration number, address, and subsequent responsibilities for any RPF required field  
20 work, amendment preparation, or operation supervision. Corporations need not file  
21 notification because the RPF of record on each document is the responsible Person.

22 (e) Provide a copy of the approved NTMP and Notice of Timber Operations to the LTO.

23 (f) Notify the Director prior to commencement of Site Preparation operations. Receipt of a  
24 burning permit is sufficient notice.

1 (g) Provide the RPF preparing the Notice and LTO each a copy of the current NTMP and  
2 subsequent amendments.

3 (h) File with the Director a minor deviation identifying a Designated Agent that represents  
4 the plan submitter(s) at least five (5) days prior to filing the first Notice of Timber Operations,  
5 unless already identified in the NTMP.

6 (i) File with the director a minor deviation identifying a change in the Designated Agent;

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

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

9 (3) The plan submitter(s), or successor(s) in interest, may delegate responsibility for 14

10 CCR § 1090.9(d) – (g) to the Designated Agent, with written notification to the director.

11  
12 Note: Authority Cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources  
13 Code. Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

14  
15 **§ 1090.10. Registered Professional Forester Responsibility.**

16 (a) Upon submission of a NTMP, the RPF who prepares and signs a Plan is responsible for  
17 the accuracy and completeness of its contents.

18 (b) The RPF preparing the Plan shall:

19 (1) inform the Director and landowner by phone or letter if he or she will be attending the  
20 review inspection; and

21 (2) provide the landowner a copy of the Rules of the Board in effect on the date of NTMP  
22 approval.

23 (c) The RPF preparing the Notice shall list or describe in the Notice any work which will be  
24 performed by the RPF Notice preparer or Supervised Designee. This may include, but is not  
25 limited to, field work in identifying Watercourse and Lake Protection Zones or Special

1 Treatment Areas, Marking trees, or other activities. The RPF is only responsible for the  
2 activities required of the RPF by the Rules of the Board and those activities for which he or  
3 she is employed.

4 (d) The RPF preparing the Notice shall, in writing, inform the Plan submitter~~(s)~~ or  
5 Designated Agent of their responsibility pursuant to 14 CCR § 1090.9 of this Article for  
6 compliance with the requirements of the Act and, where applicable, Board Rules regarding  
7 Site Preparation, Stocking, and maintenance of roads, Landings, and Erosion Control  
8 facilities.

9 (e) The RPF shall without delay notify, in writing, the LTO(s), the plan submitter or the  
10 Designated Agent, and the Department of a decision to withdraw professional services from  
11 the Plan.

12  
13 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources  
14 Code. Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

15  
16 **§ 1090.13. Notification of Commencement of Operations.**

17 For each Notice of Timber Operations submitted, within fifteen days before, and not later than  
18 the day of the startup of a timber operation, the Submitter of the Notice or Designated Agent,  
19 ~~unless the NTMP identifies another Person as responsible,~~ shall notify CAL FIRE of the start of  
20 timber operations. The notification, by telephone or by mail, shall be directed to the appropriate  
21 CAL FIRE Unit Headquarters, Forest Practice Inspector, or other designated personnel.

22  
23  
24 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources  
25 Code. Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

1  
2 **§ 1090.25. Report Minor Deviations.**

3 Minor Deviations may be undertaken by the Person who submitted the NTMP or Notice without  
4 submission of an amendment to the Plan and shall be reported immediately in writing to the  
5 Director.

6 Actions described in 14 CCR § 1090.14 which are normally presumed to be Substantial  
7 Deviations may, in a given instance, be Minor Deviations. Actions listed as Substantial  
8 Deviations in 14 CCR § 1090.14 but considered to be minor by the submitter, may be  
9 undertaken only if the Person who submitted the Plan or the Designated Agent submits the  
10 proposed deviation in writing to the Director for review and receives approval.

11 Approval shall be given if the Director determines that the proposed minor deviation conforms to  
12 the standards provided in 14 CCR § 1090.14(a). The Director shall have 5 working days to act  
13 on the application. If the Director or the representative of the Director does not act within 5  
14 working days of receipt of such a deviation, Timber Operations may commence pursuant to  
15 such amendment.

16  
17 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.9, Public  
18 Resources Code. Reference: Sections 4593, 4593.8 and 4593.9, Public Resources Code.

19  
20 **§ 1090.26. Change of Timberland Owner(s).**

21 (a) Upon a change of ownership of the land described in the NTMP, the transferring  
22 Timberland owner(s) shall provide the acquiring Timberland owner(s) or the Designated  
23 Agent with a written Transfer of Responsibilities Notice that discloses the existence of the  
24 NTMP and informs the acquiring Timberland owner(s) of the need to notify the Department  
25 of the acquiring Timberland owner's(s') intent to assume the responsibilities of the NTMP.

1 The transferring Timberland owner(s) shall also send the Department a copy of the Transfer  
2 of Responsibilities Notice provided to the acquiring Timberland owner(s).

3 (b) If the transferring Timberland owner(s) fails to provide the Notice required in 14 CCR §  
4 1090.26(a) and the Department discovers the change of ownership, the Department shall  
5 provide the acquiring Timberland owner(s) with the Transfer of Responsibilities Notice.

6 (c) The acquiring Timberland owner(s) shall have one (1) year from the date of receipt of the  
7 Transfer of Responsibilities Notice pursuant to either 14 CCR § 1090.26(a) or 14 CCR §  
8 1090.26(b), whichever is applicable, to notify the Department in writing of their intent to  
9 assume the responsibilities of the NTMP. If the Department does not receive notification  
10 within this period, the Department may cancel the NTMP.

11 (d) A violation of this section by a Timberland owner(s) does not constitute a crime pursuant  
12 to PRC § 4601.

13 (e) After a Plan is found in conformance with the Board Rules, the Director may file a Notice  
14 of Stocking Requirements on the property with the recorder of the county within which the  
15 Plan is located if any area logged under a Notice of Timber Operations has not had a report  
16 of satisfactory Stocking issued by the Director.

17  
18 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.10, Public  
19 Resources Code. Reference: Sections 4593, 4593.4 and 4593.10, Public Resources Code.