

**Board of Forestry and Fire Protection  
Title 14 of the California Code of Regulations**

**[Published July 22, 2011]**

**NOTICE OF PROPOSED RULEMAKING**

**Recirculation and Review of Plan by Director, 2011**

**Title 14 of the California Code of Regulations (14 CCR):**

The Board of Forestry and Fire Protection (Board) proposes to amend and adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

**Amend**

§ 895.1 Definitions

§ 898.1 Review of Plan by Director

§ 1037.3 Agency and Public Review

§ 1090.17 Agency and Public Review for the NTMP

§ 1092.18 Agency and Public Review for the PTHP

**PUBLIC HEARING**

The Board will hold a public hearing starting at 8:00 A.M., on Wednesday, September 14, 2011, at the Resources Building Auditorium, 1<sup>st</sup> Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., Tuesday September 6, 2011. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does

not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: George Gentry  
Executive Officer  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

## **AUTHORITY AND REFERENCE**

Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code.  
Reference: Sections 4511, 4512, 4513, 4521.3, 4551, 4551.5, 4552, 4553, 4554, 4554.5, 4581, 4582 and 21080.5, Public Resources Code.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The proposed regulation adds the definition of “Significant New Information” to the Forest Practice Rules to improve consistency with California Environmental Quality Act requirements. It also removes from 14 CCR § 898.1 the review procedure for Significant New Information, and places it in Sections 1037.3 (THPs), 1090.17 (NTMPs), and 1092.18 (PTHPs) so that all review procedures for each harvesting document are in one location, rather than separate ones.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None are known.
- Potential cost impact on private persons or directly affected businesses: The Board is not aware of any potential cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on small business: None.
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not create or eliminate jobs within California.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed Rules do not conflict with, or duplicate Federal regulations.

## **BUSINESS REPORTING REQUIREMENT**

The regulation does not require a report, which shall apply to businesses.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a) (13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: George Gentry  
Executive Officer  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-8007

The designated backup person in the event Mr. Gentry is not available, Mr. Eric Huff, Assistant Executive Officer, at the above address and phone (916) 653-8007.

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action, using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above

address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

/s/ Christopher Zimny

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Christopher Zimny  
Regulations Coordinator  
Board of Forestry and Fire Protection

## **INITIAL STATEMENT OF REASONS**

**Recirculation and Review of Plan by Director, 2011**

**[Published July 22, 2011]**

**Title 14 of the California Code of Regulations (14 CCR):**

### **Amend:**

**§ 895.1 Definitions**

**§ 898.1 Review of Plan by Director**

**§ 1037.3 Agency and Public Review**

**§ 1090.17 Agency and Public Review for the NTMP**

**§ 1092.18 Agency and Public Review for the PTHP**

### **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATIONS ARE INTENDED TO ADDRESS**

The California Department of Forestry & Fire Protection (CAL FIRE) approved Timber Harvest Plan 219 (THP 219). The Joy Road Area Forest and Watershed Association (the Association<sup>1</sup>) filed a petition for writ of mandate seeking to reverse approval of THP 219 (Sonoma County Super. Ct. No. SCV 229850). This case was then appealed to the First Appellate District of the State of California. Some of the findings of the court were as follows:

*“Second, CDF highlights differences regarding the method of giving public notice required by CEQA with the notice method tailored to suit the timber industry which is set forth in the Forest Practice Act. For example, CEQA requires that notice of the filing of an EIR be published (PRC § 21092, subd. (b)(3)(A)) or posted for thirty days. (§ 21092.3). The Forest Practice Act, by contrast, requires mailed notice to interested parties but does not require publication. (§ 4582.3; Forestry Rules, § 1037.1 & 1037.3.) CDF does not explain, however, how these distinctions between the two statutes prevent CDF from complying with the substantive CEQA requirement at issue in this case, i.e., that when significant new information is added to an environmental report, the public and interested parties are entitled to notice of that new information and the opportunity to comment thereon.....”*

*“....As this court has held in the past, CEQA and the Forest Practice Act “are not in conflict, but rather supplement each other and, therefore, must be*

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*harmonized.” (Natural Resources Defense Council, Inc. v. Arcata Nat. Corp. (1976) 59 Cal.App.3d 959, 965 (NRDC).).....”*

*“.....Although we find no case directly on point, our conclusion is consistent with Ultramar, Inc. v. South Coast Air Quality Management Dist. (1993) 17 Cal.App.4th 689 (Ultramar), a case holding that a certified regulatory program must comply with section 21091, CEQA’s 30-day public comment requirement.....”*

*“.....Like CDF, AQMD’s regulatory program was certified. Therefore, AQMD prepared an “EA,” an abbreviated environmental report, in lieu of an EIR, as part of its procedure for adopting the HF rule. (Ultramar, supra, 17 Cal.App.4th at p. 696.) The draft EA was circulated to industrial users of HF and other interested members of the public and a deadline for submitting comments on the draft was set for March 25, 1991. Shortly thereafter, AQMD discovered that a chapter of the EA addressing the cumulative environmental impacts of the proposed HF rule was not sent to all interested parties. AQMD then mailed the relevant chapter to everyone on the mailing list but it did not extend the deadline for submitting comments, “thereby effectively making the comment period less than 30 days.” (Id. at p. 697.)”*

"Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish & Game Com.(1989) 214 Cal.App.3d 1043).

Current regulations state that:

*898.1 (d) If the Director, before the public comment period has ended, finds that a plan cannot be approved without a change in the conduct of timber operations, the Director shall, consistent with the rules and procedures adopted by the Board, communicate with the preparer of the plan, explain any probable causes*

*for disapproval and suggest possible mitigation measures. The preparer of the plan shall then have the opportunity to respond to the Director and provide appropriate mitigation measures prior to the end of the public comment period. Any substantial deviations (as described in 895.1), except as covered in 1040, in the conduct of a timber operation, or the inclusion of significant new information, made between the close of public comment and the date of the Director's decision will require returning the plan to the review team and reopening the public comment period for ten working days. Public members who participated in the review of the plan will be notified of the significant changes in the conduct of the timber operation and/or the significant new information and the reopening of the comment period.*

## **SPECIFIC PURPOSE OF THE REGULATION**

The regulation allows for CEQA and the Forest Practice Act to supplement each other and be harmonized (Natural Resources Defense Council, Inc. v. Arcata Nat. Corp. (1976) 59 Cal.App.3d 959, 965 (NRDC).), and allows for reorganization of procedures into efficient groupings.

The regulation adds to 14 CCR § 895.1 the definition of “Significant New Information” consistent with CEQA. It also removes from 14 CCR § 898.1 the review procedure for Significant New Information, and places it in Sections 1037.3 (THPs), 1090.17 (NTMPs), and 1092.18 (PTHPs) so that all review procedures for each harvesting document are in one location, rather than separate ones.

## **ALTERNATIVES TO THE REGULATIONS CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The Board has considered several alternatives to the proposed regulation.

### **Alternative 1: No Amendments to the existing FPRs.**

This alternative would cause no change to the current Forest Practice Rules thereby leaving conflicts and unclear meanings between FPRs and CEQA. This alternative does not meet the Board or Statutory intent to promote harmonization of the Forest Practice Rules and CEQA. It is therefore rejected, as this alternative would not contribute to the purpose and necessity of the proposed action.

### **Alternative 2: Make only changes necessary to address the Joy Road Court decision.**

This alternative would achieve harmonization of the FPRs and CEQA, but would leave recirculation requirements for each harvesting document in two locations.

It would therefore no contribute to clearer understanding, as the public would have to refer to multiple locations for information. It is therefore rejected.

**Alternative 3: Make changes to harmonize with CEQA, and reorganize review sections into logical structure.**

This alternative would achieve harmonization of the FPRs and CEQA, and would logically reorganize recirculation requirements for each harvesting document in one location. This is the preferred alternative.

**POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS**

The Board has not identified any significant adverse environmental effects as a result of the proposed rules. The proposed rule change contributes to improving public review of significant new information related to a Timber Harvesting Plan.

**ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The Board staff estimated the regulation should not have any adverse economic impact on any business. Compliance with CEQA is already required.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The State Board of Forestry and Fire Protection consulted the following listed information and/or publications as referenced in this *Initial Statement of Reasons*. Unless otherwise noted in this *Initial Statement of Reasons*, the Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

1. JOY ROAD AREA FOREST AND WATERSHED ASSOCIATION, Plaintiff and Appellant, CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION, Sonoma County Super. Ct. No. SCV 229850).

## **Government Code § 11346.2(b)(6): Duplication with federal regulation**

In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Initial Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

### **PROPOSED TEXT**

The proposed revisions or additions to the existing rule language are represented in the following manner:

The following revisions or additions to the existing rule language are represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations,  
and

~~strikeout~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.

1                    Recirculation and Review of Plan by Director, 2011

2                    [45 day Notice Published July 22, 2011]

3                    **Title 14 of the California Code of Regulations (14 CCR):**

4

5 **Amend**

6 § 895.1 Definitions

7 § 898.1 Review of Plan by Director

8 § 1037.3 Agency and Public Review

9 § 1090.17 Agency and Public Review for the NTMP

10 § 1092.18 Agency and Public Review for the PTHP

11

12 **Amend § 895.1. Definitions.**

13

14 **\*\*\*\*Significant archaeological or historical site \*\*\*\***

15

16 **\*\*\*\*Significant new information means substantial changes in the plan**  
17 **or environmental setting, as well as additional data or other**  
18 **information. New data or information added to a plan is not**  
19 **"significant" unless the plan is changed in a way that deprives the**  
20 **public of a meaningful opportunity to comment upon a substantial**  
21 **adverse environmental effect of the plan or a feasible way to mitigate**  
22 **or avoid such an effect (including a feasible project alternative)**  
23 **that the plan's proponents have declined to implement. "Significant**  
24 **new information" requiring recirculation includes, for example, a**  
25 **disclosure showing that:**

1           (1) A new significant environmental impact would result from the  
2 plan or from a new mitigation measure proposed to be implemented.

3           (2) A substantial increase in the severity of an environmental  
4 impact would result unless mitigation measures are adopted that reduce  
5 the impact to a level of insignificance.

6           (3) A feasible project alternative or mitigation measure  
7 considerably different from others previously analyzed would clearly  
8 lessen the significant environmental impacts of the plan, but the  
9 plan's proponents decline to adopt it.

10           (4) The plan was so fundamentally and basically inadequate and  
11 conclusory in nature that meaningful public review and comment were  
12 precluded.

13  
14           **Silviculture** is the theory and practice of controlling the  
15 establishment, composition and growth of forests.\*\*\*\*\*

16  
17 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5,  
18 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code.  
19 Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6,  
20 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and  
21 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed  
22 following Section 15387 of Title 14 Cal. Code of Regulations), and  
23 Laupheimer v. State(1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.  
24  
25

1 Amend § 898.1. Review of Plan by Director.

2 (d) In reviewing plans, if the Director, ~~before the public~~  
3 ~~comment period has ended,~~ finds that a plan cannot be approved without  
4 a change in the conduct of timber operations, the Director shall,  
5 consistent with the rules and procedures adopted by the Board,  
6 communicate with the preparer of the plan, explain any probable causes  
7 for disapproval and suggest possible mitigation measures. The preparer  
8 of the plan shall then have the opportunity to respond to the Director  
9 and provide appropriate mitigation measures prior to the end of the  
10 public comment period.

11 ~~Any substantial deviations (as described in 895.1), except as~~  
12 ~~covered in 1040, in the conduct of a timber operation, or the inclusion~~  
13 ~~of significant new information, made between the close of public~~  
14 ~~comment and the date of the Director's decision will require returning~~  
15 ~~the plan to the review team and reopening the public comment period for~~  
16 ~~ten working days. Public members who participated in the review of the~~  
17 ~~plan will be notified of the significant changes in the conduct of the~~  
18 ~~timber operation and/or the significant new information and the~~  
19 ~~reopening of the comment period.~~

20  
21 Note: Authority cited: Section 4582, Public Resources Code. Reference:  
22 Sections 4555, 4582.7 and 4582.75, Public Resources Code; Sections  
23 51101, 51102 and 51115.1, Government Code; and Laupheimer v. State  
24 (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.  
25

1 **Amend § 1037.3. Agency and Public Review.**

2 (a) Upon receipt of the filed plan in accordance with 14 CCR 1037,  
3 the Director shall place it, or a true copy thereof, in a file  
4 available for public inspection, and shall transmit a copy to the  
5 Department of Fish and Game, the appropriate California Regional Water  
6 Quality Control Board, the Department of Conservation, Division of  
7 Mines and Geology [California Geological Survey], the Department of  
8 Parks and Recreation, the county planning agency and, if the areas are  
9 within their jurisdiction, to the California Tahoe Regional Planning  
10 Agency and the California Coastal Commission.

11 (b) The Director shall also transmit a copy of any specific plan to  
12 any person who has made a written request therefor.

13 (c) The Department shall bill such persons for the cost of providing  
14 such copies and such monies shall be paid to the Department.

15 (d) The Director shall invite written comments, and will consider  
16 these comments. All comments regarding plans shall be in writing and  
17 shall be addressed to the Director at the appropriate CAL FIRE Review  
18 Team Office where the plan is filed. Comments from reviewing public  
19 agencies shall be considered based on the comments' substance, and  
20 specificity, and in relation to the commenting agencies' area(s) of  
21 expertise and statutory mandate, as well as the level of  
22 documentation, explanation or other support provided with the  
23 comments.

24 (e) Any substantial deviation in the plan or the inclusion of  
25 significant new information (as described in 14 CCR § 895.1), made  
during the Director's review of the plan shall require recirculation  
as described in this section and reopening or extending the public  
comment period for a minimum of thirty days.

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

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

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

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

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

5                           1. The Plan number and County.

6                           2. The names of the timberland owner and the Plan  
7 Submitter.

8                           3. The location of the plan area by county, section,  
9 township, and range.

10                          4. The name of the nearest major watercourse or CAL  
11 Watershed ID.

12                           5. The acres proposed to be harvested.

13                           6. The silvicultural systems to be used.

14                   (B) A summary of changes made to the plan and a brief  
15 description of significant new information contained in the plan.

16                   (C) Clarification as to whether the entire plan or only  
17 those recirculated portions of the plan, are open for public comment.

18                   (D) The starting and ending dates for the review period  
19 during which public comments will be received.

20                   (E) The date, time, and place of any scheduled public  
21 meetings when known by the lead agency at the time of notice.

22                   (F) The address where copies of the plan record is  
23 available for public review.

24           (4) The Letter of Recirculation shall be sent to all review team  
25 members; any agency, person, or organization that commented on the

1 plan; and all landowners who received a Notice of Intent (or  
2 Preparation).

3 (5) The Department need only respond to:

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

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

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

12  
13  
14 Note: Authority cited: Sections 4551 and 4552, Public Resources Code.  
15 Reference: Sections 4582.6, 4582.7 and 4582.75, Public Resources Code.

1 Amend § 1090.17 Agency and Public Review for the NTMP

2  
3 (a) Upon receipt of the filed plan in accordance with 14 CCR  
4 1090.16, the Director shall place it, or a true copy thereof, in a  
5 file available for public inspection, and shall transmit a copy to the  
6 Department of Fish and Game, the Department of Conservation, Division  
7 of Mines and Geology [California Geological Survey], and to the  
8 appropriate California Regional Water Quality Control Board, the  
9 Department of Parks and Recreation, the county planning agency and, if  
10 the areas are within their jurisdiction, to the California Tahoe  
11 Regional Planning Agency and the California Coastal Commission and all  
12 other agencies having jurisdiction by law over natural resources  
13 affected by the plan.

14 (b) The Director shall also transmit a copy of any specific plan to  
15 any person who has made a written request therefore.

16 (c) The Department shall bill such persons for the cost of providing  
17 such copies and such monies shall be paid to the Department.

18 (d) The Director shall invite written comments, and will consider  
19 these comments. All comments regarding plans shall be in writing and  
20 shall be addressed to the Director at the appropriate CAL FIRE Review  
21 Team Office where the plan is filed.

22 (e) Any substantial deviation in the plan or the inclusion of  
23 significant new information (as described in 14 CCR § 895.1), made  
24 during the Director's review of the plan shall require recirculation  
25 as described in this section and reopening or extending the public  
comment period for a minimum of thirty days.

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

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

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

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

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

3                   1. The Plan number and County.

4                   2. The names of the timberland owner and the Plan  
5 Submitter.

6                   3. The location of the plan area by county,  
7 section, township, and range.

8                   4. The name of the nearest major watercourse or CAL  
9 Watershed ID.

10                   5. The acres proposed to be harvested.

11                   6. The silvicultural systems to be used.

12           (B) A summary of changes made to the plan and a brief  
13 description of significant new information contained in the plan.

14           (C) Clarification as to whether the entire plan or only  
15 those recirculated portions of the plan, are open for public comment.

16           (D) The starting and ending dates for the review period  
17 during which public comments will be received.

18           (E) The date, time, and place of any scheduled public  
19 meetings when known by the lead agency at the time of notice.

20           (F) The address where copies of the plan record is  
21 available for public review.

22           (4) The Letter of Recirculation shall be sent to all review team  
23 members; any agency, person, or organization that commented on the  
24 plan; and all landowners who received a Notice of Intent (or  
25 Preparation).

(5) The Department need only respond to:

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

4           (B) Comments received during the recirculation period that  
5 relate to the sections or portions of the plan that were revised and  
6 recirculated.

7           (6) The Department shall include with the Notice of Submissions,  
8 a Notice of Recirculation pursuant to 14 CCR § 1032.9.

9  
10 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13, Sections 4551  
11 and 4593.7, Public Resources Code. Reference: Sections 4593, 4593.4  
12 and 4593.7, Public Resources Code.

13 **Amend 1092.18 Agency and Public Review for the PTHP**

14  
15       **(a)** Upon filing a PTHP in accordance with 14 CCR § 1092.16 the  
16 Director shall place it, or a true copy thereof, in a file available  
17 for public inspection, and shall transmit a copy to the Department of  
18 Fish and Game, the appropriate California Regional Water Quality  
19 Control Board, the Department of Conservation, Division of Mines and  
20 Geology [California Geological Survey], the Department of Parks and  
21 Recreation, the county planning agency and, if the areas are within  
22 their jurisdiction, to the California Tahoe Regional Planning Agency  
23 and the California Coastal Commission.

19 **(b)** The Director shall also transmit a copy of any specific PTHP to  
any person who has made a written request.

20 **(c)** The Department shall bill such persons for the cost of providing  
such copies and such monies shall be paid to the Department.

21 **(d)** The Director shall invite written comments, and will consider  
22 these comments. All comments should address any areas where there is a  
23 question of consistency with the PTEIR, the Act, the applicable rules  
of the Board and any other applicable legal requirements. All comments  
shall be in writing and shall be addressed to the Director at the  
applicable CAL FIRE Review Team Office where the PTHP was filed.

24 **(e)** Any substantial deviation in the plan or the inclusion of  
25 significant new information (as described in 14 CCR § 895.1), made  
during the Director's review of the plan shall require recirculation

1 as described in this section and reopening or extending the public  
2 comment period for a minimum of thirty days.

3 (f) The Director shall take the following steps when significant new  
4 information is added to the plan during the course of plan review or  
5 during the Director's Determination period.

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

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

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

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

15 1. The Plan number and County.

16 2. The names of the timberland owner and the Plan  
17 Submitter.

18 3. The location of the plan area by county,  
19 section, township, and range.

20 4. The name of the nearest major watercourse or CAL  
21 Watershed ID.

22 5. The acres proposed to be harvested.

23 6. The silvicultural systems to be used.

24 (B) A summary of changes made to the plan and a brief  
25 description of significant new information contained in the plan.

1           (C) Clarification as to whether the entire plan or only  
2 those recirculated portions of the plan, are open for public comment.

3           (D) The starting and ending dates for the review period  
4 during which public comments will be received.

5           (E) The date, time, and place of any scheduled public  
6 meetings when known by the lead agency at the time of notice.

7           (F) The address where copies of the plan record is  
8 available for public review.

9           (4) The Letter of Recirculation shall be sent to all review team  
10 members; any agency, person, or organization that commented on the  
11 plan; and all landowners who received a Notice of Intent (or  
12 Preparation).

13           (5) The Department need only respond to:

14           (A) Comments received during the initial circulation period  
15 that relate to sections or portions of the plan that were not revised  
16 and recirculated, and

17           (B) Comments received during the recirculation period that  
18 relate to the sections or portions of the plan that were revised and  
19 recirculated.

20           (6) The Department shall include with the Notice of Submissions,  
21 a Notice of Recirculation pursuant to 14 CCR § 1032.9.

22  
23 Note: Authority cited: Sections 4551 and 4552, Public Resources Code.  
24 Reference: Sections 4582.7 and 4582.75, Public Resources Code.  
25