

FINAL STATEMENT OF REASONS

Recirculation and Review of Plan by Director, 2011

[Adopted September 14, 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

UPDATED INFORMATION: OVERVIEW OF FINAL ADOPTED REGULATORY ACTION

The regulation is intended to address the legal findings of the First Appellate District of the California Court of Appeal in the matter of *Joy Road Area Forest and Watershed Association v. California Department of Forestry and Fire Protection*. This litigation resulted from the California Department of Forestry & Fire Protection's (hereafter "CAL FIRE") approval of a Timber Harvest Plan (THP) in Sonoma County. In response to this approval, "The Joy Road Area Forest and Watershed Association" (hereafter "Joy Road Association") filed a petition for writ of mandate in Sonoma County Superior Court seeking to reverse approval of this THP (Case No. SCV 229850). The superior court decision on the writ was then appealed to the First Appellate District of the California Court of Appeal. Some of the findings of the First Appellate District Court were as follows:

Second, CDF [CAL FIRE] 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 [CAL FIRE] does not explain, however, how these distinctions between the two statutes prevent CDF [CAL FIRE] 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...

[Underline added for emphasis.]

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 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.**

[Underline added for emphasis.]

Like CDF [CAL FIRE], 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.) [Underline added for emphasis.]

Based upon the First Appellate District Court’s findings then, “significant new information” that would require recirculation of a THP would include 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 [THP] 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).

Title 14, California Code of Regulations, Section 898.1(d) (California Forest Practice Rules) state as follows with regard to “significant new information:”

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. [Underline added for emphasis.]

However, the California Forest Practice Rules do not currently contain a definition of the term, “significant new information.” Further, the location of the underlined portion of the rule section provided above is such that the intended application of the rule regarding “significant new information” to all types of timber harvesting planning documents is not sufficiently clear.

The specific purpose of the regulation is to allow for the California Environmental Quality Act (CEQA) and the Forest Practice Act to supplement each other and be harmonized in accordance with the previously mentioned findings of the First Appellate District of the California Court of Appeal. The regulation defines the term “significant new information” and reorganizes the requirements associated with that term into Forest Practice Rule sections that apply to specific types of timber harvesting plans for the sake of efficiency and improved clarity.

Specifically, the regulation adds to 14 CCR Section 895.1 the definition of “significant new information” consistent with CEQA. It also removes from 14 CCR Section 898.1 the review procedure for “significant new information”, and places it in 14 CCR Sections 1037.3 (specific to THPs), 1090.17 (specific to Non-industrial Timber Management Plans or “NTMPs”), and 1092.18 (specific to Program Timber Harvesting Plans or “PTHPs”).

On September 14, 2011, following a noticed public hearing and several years of deliberations in the California Board of Forestry and Fire Protection's Policy Committee, the Board adopted the proposed regulatory amendments to remedy the issues identified above.

FINDINGS

- The term "significant new information" is an important component of the State Forest Practice Rules as a result of litigation, but has heretofore not been specifically defined for the benefit of the regulated public.
- The First Appellate District of the California Court of Appeal has held that harmonization of the Forest Practice Act and CEQA must be achieved where the presence of "significant new information" in a timber harvest planning document has been revealed.
- Where "significant new information" related to a specific timber harvest planning document has been revealed, that information must be re-circulated to the general public for review and possible comment.
- Currently, the California Forest Practice Rules, Title 14 California Code of Regulations, do not clarify for the benefit of the regulated public the timber harvesting plan recirculation requirements for specific types of timber harvest planning documents such as THPs, NTMPs, and PTHPs.

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 Forest Practice Rules.

This alternative would cause no change to the current Forest Practice Rules thereby leaving conflicts and unclear meanings between the Forest Practice Rules and CEQA. This alternative would not 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 those regulatory amendments necessary to address the First Appellate District Court decision.

This alternative would achieve harmonization of the Forest Practice Rules and CEQA, but would leave recirculation requirements for each harvesting document in two locations. It would therefore not 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 Forest Practice Rules Sections into logical structure.

This alternative would achieve harmonization of the Forest Practice Rules and CEQA. It would also logically reorganize recirculation requirements for each type of harvesting plan document into a corresponding and specific location. This is the preferred alternative adopted by the Board.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any significant adverse environmental effects that could result from the proposed regulatory amendments. The proposed regulatory amendments would likely contribute to improving public review of “significant new information” related to specific timber harvest planning documents.

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 potential adverse impact on small businesses.

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

The Board has estimated that the proposed regulation will not have any adverse economic impact on any business. Compliance with CEQA is already required and the proposed regulatory amendments only serve to clarify this existing requirement.

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).

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 cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business.
- Significant effect on housing costs: None are known.
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- The proposed rules do not conflict with, or duplicate Federal regulations.

Pursuant to Government Code 11346.2(b)(6): 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 *Final Statement of Reasons*; the Board has

directed staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

PUBLIC WRITTEN COMMENTS AND RESPONSE FOR 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED JULY 22, 2011

The source of comments is identified as the first number in the comment's identification; the second number is the individual comment extracted from the commenter's correspondence.

Commenter 1 – California Department of Forestry and Fire Protection

Comment L1-1: Cal Fire supports the rule package.

"CAL FIRE supports the rule package. CAL FIRE has reported on this needed change in its past reports to the Board of Forestry and Fire Protection's (BOF's) Policy Committee."

Response:

The Board appreciates CAL FIRE's support and assistance in the preparation of the adopted regulation.

Rule Text Edit: No

PUBLIC HEARING SPEAKER COMMENTS AND RESPONSE FOR 45 DAY NOTICE HEARING DATED SEPTEMBER 14, 2011

Comment S1-1 Jodi Frediani, Citizens for Responsible Forest Management

Commenter explained that she had recently reviewed a harvesting plan in which the professional forester had submitted new pages for inclusion in the plan. Cal Fire accepted those pages for inclusion without recirculation of the plan to the public. The Cal Fire representative explained that the new pages were improvements to the protections included in the plan and that recirculation was not appropriate.

The commenter also provided an example of a timber harvesting plan amendment that was approved despite the contention that a Golden Eagle could be affected by amended helicopter yarding operations.

The commenter questioned the proposed definition of "significant new information" as well as why Cal Fire would be the agency making the determination as to what information would be considered "significant new information."

BOF response: The rule proposal is intended to harmonize the provisions of the California Environmental Quality Act with the Forest Practice Act pursuant to a decision by the First Appellate District of the California Court of Appeal. Accordingly, the definition of “significant new information” was constructed to be consistent with the expression of the term as it appears in CEQA. Cal Fire is the lead agency for review and approval of timber harvesting plans. Pursuant to both the Forest Practice Act and CEQA, Cal Fire, as the lead agency, is the appropriate entity for determination of what constitutes “significant new information.”

Rule Text Edit: No

1 Recirculation and Review of Plan by Director, 2011

2 [Adopted September 14, 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.

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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