

1 Special Conditions Requiring Disapproval of Plans, 2010

2 [15 Day Notice Published September 14, 2010]

3 Amend

4 14 CCR § 898.2. Special Conditions Requiring Disapproval of Plans.

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6 The Director shall disapprove a plan as not conforming to the rules
7 of the Board if any one of the following conditions exist:

8 (a) Boundaries of the area to be harvested are not clearly
9 delineated in the plan.

10 (b) Public acquisition of the parcel for purposes which would be
11 impaired by timber harvesting, is legislatively authorized, funded and
12 imminent.

13 (c) There is evidence that the information contained in the plan is
14 incorrect, incomplete or misleading in a material way, or is
15 insufficient to evaluate significant environmental effects. The
16 sufficiency of the information provided in a THP to evaluate
17 significant environmental effects shall be judged in light of what is
18 reasonable and necessary.

19 (d) Implementation of the plan as proposed would result in either a
20 "taking" or finding of jeopardy of wildlife species listed as rare,
21 threatened or endangered by the Fish and Game Commission, the National
22 Marine Fisheries Service, or Fish and Wildlife Service, or would cause
23 significant, long-term damage to listed species. The Director is not
24 required to disapprove a plan which would result in a "taking" if the
25 "taking" is incidental and is authorized by a wildlife agency acting
within its authority under state or federal endangered species acts.

(e) Implementation of the plan would irreparably damage plant
species listed as rare or endangered by the Department of Fish and
Game and when the timber owner fails to comply with F&GC 1913.

(f) Implementation of the plan as proposed would result in the
taking of an individual Northern Spotted Owl prohibited by the Federal
Endangered Species Act.

(g) Implementation of the plan as proposed would not achieve maximum
sustained production of high quality timber products as provided for
by the rules of the Board, and by the intent of the Act.

(h) Implementation of the plan as proposed would cause a violation
of any requirement of an applicable water quality control plan adopted
or approved by the State Water Resources Control Board.

(i) Implementation of the plan as proposed would result in
significant adverse slope stability impacts that could affect public
safety ~~the health and safety of the public~~ as determined by the
California Geological Survey.

1 Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources
2 Code. Reference: Sections 2053, 2080.1, 2090-2097, 2830 and 2835, Fish
3 and Game Code; Sections 4555, 4582.7 and 4582.75, Public Resources
4 Code; Section 51115.1, Government Code; the federal Endangered Species
5 Act of 1973, 16 U.S.C. Section 1531 et seq.; and Laupheimer v. State
6 (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.
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