

1 **Revised final rule language**

2 **Request for Renewal of Approved SYPs, 2009**

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

4 **[Final Adoption August 5, 2009]**

5 **[Approved by OAL October 26, 2009]**

6 **Amend:**

7 § 1091.9 SYP Effective Period

8 **Adopt:**

9 § 1091.15 Request for Renewal of Approved Sustained Yield Plans

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11 **1091.8 Compliance and Effectiveness Evaluation.**

12 The SYP shall include provisions for determining the compliance with and effectiveness of the
13 measures adopted in the SYP to mitigate or avoid significant environmental effects. Such
14 provisions may include evaluation by the SYP submitter and evaluation of affected areas with
15 representative conditions. Progress reports shall be provided periodically to CDF at their
16 request. Such evaluations shall be developed in consultation with the Director and
17 appropriate review agencies.

18 **1091.9 SYP Effective Period.**

19 The effective period of a SYP shall be no more than ten years. Renewal of a previously
20 approved SYP may be granted for a successive ten-year period following agency and public
21 review and upon approval of the Director pursuant to 14 CCR § 1091.15.

22 Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference: Section
23 4551.3, Public Resources Code.

24 **1091.10 Review of Sustained Yield Plan (SYP).*******

1 *******1091.15 Requests for Renewal of Approved Sustained Yield Plans**

2 A currently approved SYP may be renewed for a successive ten-year period subject to the
3 review and approval of the Director. The Director's determination shall be based upon multi-
4 disciplinary review and evaluation of the elements of the successive SYP submission to
5 determine if the successive SYP satisfies the requirements of MSP, identifies potentially
6 significant adverse impacts, and includes feasible mitigation measures for avoidance or
7 minimization of such impacts. The submitter is encouraged to consult with review team
8 agencies prior to submission of a successive SYP for review by the Director.

9 A request for renewal of an approved SYP shall be submitted to the Director no less than six
10 months prior to expiration of the previously approved SYP and shall be subject to the review
11 timelines specified in 14 CCR § 1091.15, subsections (b) - (f). In the event that the Director
12 cannot meet the specified review timelines and the previously approved SYP expires prior to
13 approval of the successive SYP, the submitter may continue to operate under a THP pursuant
14 to 14 CCR § 913.11 [933.11, 953.11], subsection (c) while the request for SYP renewal
15 remains under review by the Director.

16 (a) Requests for renewal of an approved SYP shall comply with the SYP content
17 requirements specified in Article 6.75 of Subchapter 7, and shall identify the general nature
18 and location within the document of each substantive difference between the successive SYP
19 submission and the previous approved SYP document. Substantive differences include
20 changes in long term sustained yield estimates for achieving MSP, changes in fish, wildlife,
21 and watershed assessment; and proposed changes to previously approved mitigations,
22 resource protection measures, or operation standards.

23 (b) Within 20 days of the receipt of a successive SYP submission, the Director shall
24 determine if the document is complete, accurate, and in proper order. If so, the successive
25 SYP submission shall be filed. If the document is not acceptable for filing, the Director shall

1 return it to the submitter with a written explanation of the deficiencies. Where the Director
2 does not make this determination within 20 days, the successive SYP shall be deemed filed.

3 (c) Once the successive SYP document has been accepted for filing, the Director shall have
4 60 days or longer, as mutually agreed to by the submitter, to conduct agency and public
5 review of the successive SYP.

6 (d) Public Notice of Request for Renewal of Approved SYP. The Director shall transmit
7 notice to the public and agencies consistent with the noticing requirements of 14 CCR §
8 1037.5 and § 1037.1, subsections (b)(1) – (5). The Notice shall advise the public of the name
9 of the submitter, geographic location of the successive SYP, location(s) where a copy of the
10 successive SYP document can be reviewed or obtained, and when and where the public
11 hearing will be held.

12 (e) Public Hearing. The Director shall hold a public hearing on the successive SYP
13 submission within 30 days from the start of the public review period. The submitter shall
14 participate with the Director in that hearing. The Director shall make a copy of the final draft of
15 the successive SYP document available for public review no sooner than 15 days prior to the
16 close of the agency and public review period.

17 (f) Director's Determination Period. At the end of the public review and comment period, the
18 Director shall have 15 days to review public input, consider recommendations and mitigation
19 measures of other public agencies, respond in writing to the issues raised, and determine if
20 the successive SYP is in conformance with the rules. If the document is found to be in
21 conformance, it shall be approved by the Director.

22 (g) Disapproval of Successive SYP. If the Director does not approve a successive SYP, the
23 Director shall provide written reasons for disapproval that conform with the requirements of 14
24 CCR § 1054. Appeal of the Director's decision on a successive SYP submission shall be
25 conducted pursuant to 14 CCR § 1091.11.

1 Note: Authority cited: Sections 4551, 4553 and 4561, Public Resources Code. Reference:
2 Sections 4151.3, 4551.5, 4561, 21003 and 21068.5, Public Resources Code.

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4 **Article 6.8 Program EIR and THP*******
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