

Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

“WORKING FOREST MANAGEMENT PLAN”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapters 4, 5 & 6,
Articles 3, 6, 9, 13 and 14; Subchapter 7, Articles 2, 6.5, 6.95 and 7. Title 14
of the California Code of Regulations (14 CCR),**

Division 1.5, Chapter 4.5.

**Amend: §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9
[939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4,
963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038,
1090.26, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum
Number 5: Guidance on Hydrologic Disconnection, Road Drainage,
Minimization of Diversion Potential, and High Risk Crossings” (1st Edition,
revised 04/21/14)**

Adopt: §§ 1090.28 and 1094-1094.35

**INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE
REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE
REGULATION IS INTENDED TO ADDRESS (pursuant to GC §
11346.2(b)(1))...NECESSITY (pursuant to GC § 11346.2(b)(1) and
11349(a))....BENEFITS (pursuant to GC § 11346.2(b)(1))**

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, et seq. the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

Public Resources Code Section 4551 requires the Board to adopt forest practice rules and regulations to, among other things, “...assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources.”

Existing law (pursuant to the Z'berg-Nejedly Forest Practice Act):

1. Prohibits, in general, any person from conducting timber operations unless a harvesting plan, such as a timber harvest plan (THP), or Nonindustrial Timber Management Plan (NTMP), has been prepared by a Registered Professional Forester (RPF) and approved by the Department of Forestry and Fire Protection (Department or CAL FIRE). THPs and NTMPs, are considered the functional equivalent of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA).
2. Authorizes a nonindustrial tree farmer (an owner of less than 2,500 acres of timberland) with the long-term objective of an unevenaged timber stand and sustained yield to file a NTMP with the Department.
3. Requires a nonindustrial tree farmer with a NTMP to file a Notice of Timber Operations (NTO) with the Department when he or she plans to harvest timber. The NTO is effective for a maximum of one year and includes information that indicates whether the harvesting complies with the Forest Practice Act and Forest Practice Rules and conforms to the approved NTMP.
4. Provides that the NTMP run with the land and be transferred from one landowner to the next. The NTMP has very strict and short timelines for a new landowner to assume the old landowner's plan: if the new landowner does not formally assume the plan within 180 days, the plan is cancelled.

Laws on which the proposed action is based:

1. AB 904 creates the Working Forest Management Plan (WFMP) program. The WFMP is a long-term forest management plan available to nonindustrial landowners (with less than 15,000 acres of timberland) if they commit to uneven aged management and sustained yield. It also obligates the Board to adopt regulations needed to implement the provisions of AB 904 by January 1, 2016.
2. AB 2239 establishes a uniform process to ensure that a person who acquires timberlands described in a WFMP or NTMP receive notice on how to assume the plan. It also, gives discretion to (rather than mandates) the Department to cancel a WFMP or NTMP if the new landowner does not assume the plan within one year of receiving the notice.
3. SB 1345 corrects an erroneous cross-reference in PRC § 4597.22 to the regulations in the Forest Practice Rules describing the Southern Subdistrict of the Coast Forest District, which is excluded from the WFMP program.

The California State Board of Forestry and Fire Protection (Board) is proposing action:

1. To adopt an article of regulation (14 CCR Article 6.95, §§ 1094 through 1094.29 and 1094.31) to make specific the use of a Working Forest Management Plan (WFMP) and a Working Forest Harvest Notice pursuant to AB 904 chaptered in PRC §§ 4597-4597.16 and 4597.20-4597.21. Specifically, a person who intends to become a working forest landowner, as defined, would be allowed to file a WFMP with the Department with the long-term objective of an unevenaged timber stand and sustained yield through the implementation of the Plan. It would require numerous provisions including the following:
 - A plan be prepared by a registered professional forester, be public record, and contain certain information.
 - The Department to provide a minimum period for public comment, dependent on the size of the lands under the WFMP.
 - The Department to determine if the plan is accurate, complete, and in proper order.
 - The Director to return the plan if the Director determines that the plan is not in conformance, as provided.
 - The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved plan and who harvests any of the timber during a given year to file a working forest harvest notice, as defined, with the Department in writing.
 - The notice to be public record and to include certain information, including a statement that state or federally listed rare, threatened, candidate, or endangered plant or animal species have not been discovered in the harvest area since the approval of the Plan.
 - The Director to convene an interdisciplinary review team, as described, every 5 years to review an approved Plan's administrative record, plan summary information, as specified, and any other information relevant to verify that operations have been conducted in accordance with the Plan and applicable laws.
 - The Department to cancel a previously approved Plan if the Department determines that the objectives of unevenaged management and sustained yield are not being met or if there are other persistent violations, as provided.
2. To adopt 14 CCR § 1094.32 to regulate the transition of an approved NTMP into a WFMP and the expansion of acreage associated with an approved WFMP pursuant to AB 904 chaptered in PRC § 4597.17.
3. To adopt 14 CCR § 1094.33 to suggest participants may also seek, simultaneously with the preparation of a WFMP, approval of a Safe Harbor Agreement from the Department of Fish and Wildlife (DFW) and that all review costs associated with the Safe Harbor Agreement Approval process incurred by DFW be paid from the Timber Regulation and Forest Restoration Fund pursuant to AB 904 chaptered in PRC § 4597.18.

4. To adopt 14 CCR §§ 1090.28 and 1094.34, which would allow restoration projects, required as a condition in a NTMP or WFMP, that have a significant public benefit, to be eligible for State restoration grant funding pursuant to AB 904 chaptered in PRC § 4597.19.
5. To adopt § 1094.35 to disallow the application of the WFMP in the Southern Subdistrict of the Coast Forest District pursuant to AB 904 chaptered in PRC § 4597.22. PRC § 4597.22 originally contained an incorrect reference and was subsequently corrected pursuant to SB 1345 chaptered in PRC § 4597.22.
6. To amend 14 CCR § 1090.26 and adopt 14 CCR § 1094.30 regarding the change of ownership of land described in either a NTMP or a WFMP pursuant to AB 2239 chaptered in PRC §§ 4593.10 and 4597.9. Note: The balance of AB 2239 chaptered in PRC §§ 4597.2, 4597.15 and 4597.16 are related to clean up of AB 904 and are reflected in 14 CCR §§ 1094.3, 1094.7 and 1094.31, respectively.
7. To amend existing Forest Practice Rules to incorporate reference to the WFMP into existing rules in 14 CCR §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings” (1st Edition, revised 04/21/14).

The NTMP, from which the WFMP is modeled, was created by the Legislature in 1990 to allow landowners with no more than 2,500 acres to apply for a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of unevenaged forest management and proof that operations provide for sustained yield. The proposed WFMP program is similar to the NTMP program; however, it applies to nonindustrial landowners with less than 15,000 acres of timberland and contains stricter environmental standards.

Through an NTMP or WFMP, a nonindustrial timberland owner first prepares a management plan that is subject to a multi-agency review process and acts as the functional equivalent of an EIR under CEQA. The cost of preparing this management plan is greater than a typical THP, much of which is the result of the required sustained yield analysis. However, unlike a THP, which is good for no more than seven years, a NTMP and WFMP last in perpetuity and the additional cost is recaptured over time because subsequent harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the NTMP or WFMP.

In the long-term, by relieving these landowners of some of the costs and burdens of meeting the regulatory requirements designed for industrial timber companies, NTMPs and WFMPs help keep ranches and other non-industrial forest properties economically viable and make them less likely to be subdivided for housing or

converted into golf courses or vineyards. Additionally, incentivizing unevenaged management may afford increased carbon sequestration, conservation of scenic values, and protection of water quality and fish and wildlife habitat.

Today, NTMPs cover over 300,000 acres of California forests. Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. A preliminary review of timberland ownership shows that there are at least 81 landowners who would qualify under the new WFMP program. Of these 81, at least 60 used even aged management (i.e., clear cutting) at some point. These landowners would have an incentive to commit to long-term uneven aged management under the WFMP.

Additionally, NTMP landowners who are close to the NTMP's 2,500 acreage limit will have an incentive to purchase additional timberlands by transferring to the WFMP. Some NTMP landowners near the 2,500 acre limit have already indicated that they plan to acquire more timberlands if the WFMP program is enacted.

In 2003, CAL FIRE issued a report on the NTMP program. The report explained that the NTMP program provides significant benefits to the State in a number of terms including societal benefits.

- The report states that "[r]etaining our non-industrial private forest lands in forest use provides tremendous...benefits, including retention of open space, protection of watersheds, water quality and forest soils, maintenance of diverse habitat for fish and wildlife, preservation of important cultural and historical sites, and promotion of recreational opportunities."
- "These benefits are all enhanced by the commitment of forest landowners to the long term stewardship and sustainable production requirements of a NTMP. On the broad statewide scale, the overarching public benefit is in encouraging owners of these small wooded parcels to take advantage of their rich forest soils, to enrich and improve their timber stands, to manage them sustainably into the future, and cumulatively retain that part of the state's rural, working landscape that characterizes California's private timberlands."
- The 2003 report concluded that "the NTMP program is meeting the uneven-aged management requirement of the Forest Practice Act...[and given] sufficient time to implement current NTMP management prescriptions, landowners will also be able to show that they are meeting the sustained yield requirement. Therefore, [Cal Fire] has determined that the NTMP program is improving California's timberlands and recommends that the program be continued."
- Additionally, the report recommended that the NTMP acreage limit be increased to bring more timberlands into the program. "This change would benefit both landowners and the state by providing an opportunity for

these additional timberlands to be placed into a sustained yield and uneven-aged management regime." This proposed action essentially implements this recommendation by allowing larger nonindustrial timberland owners to participate in the WFMP program.

Other benefits may or may not result. These beneficial effects upon the environment could be related to fire resiliency, habitat, aesthetics, carbon sequestration and decreased timberland conversion. However, these prospective benefits are speculative, but it may be presumed, at a minimum, that the level of protective effect upon the environment will not be reduced as a result of the proposed action. The proposed action is not expected to have an effect upon the health and welfare of California residents, worker safety, the prevention of discrimination, or the promotion of fairness or social equity. Neither is the proposed action expected to result in an increase in the openness and transparency in business and government.

In conclusion, the primary purpose of the proposed action is to create the Working Forest Management Plan (WFMP) program, based on the model of the Nonindustrial Timber Management Plan (NTMP) program, to provide nonindustrial landowners (with less than 15,000 acres of timberland) greater opportunities for cost-effective timber management than currently exist through the application of a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield and stricter environmental standards (relative to the NTMP). Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. The benefits of which include:

- Making non-industrial forest properties more economically viable.
- Incentivizing unevenaged management, which may afford increased carbon sequestration, conservation of scenic values and protection of water quality and fish and wildlife habitat.
- Incentiving the purchase of additional timberlands.

The problem addressed by the proposed action is the cost of timber management. By reducing the cost of timber management the subsequent loss of timberland, due to conversion, may be reduced.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GC § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY'S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GC §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). *Note: For each adoption, amendment, or repeal provide the problem, purpose, rationale and necessity.*

The proposed action is mandated by the legislature and administration through the recent passing of AB 904, AB 2239 and SB 1345, which chaptered and subsequently amended PRC §§ 4593.10 and 4597 et seq. It was the intent of the legislature, under AB 904, to structure the Working Forest Management Plan (WFMP) based on the existing Non-Industrial Timber Management Plan (NTMP).

Explanation for why the Proposed Action Duplicates and/or Rephrases Statute

In many instances the language contained within the proposed amendments or language proposed for adoption, duplicates language within PRC §§ 4593.10 and 4597 et seq.

Since, it was the intent of the legislature, under AB 904, to structure the Working Forest Management Plan (WFMP) off of the existing Non-Industrial Timber Management Plan (NTMP), which contains duplicated language from statute (PRC § 4593 et seq.), the Board chose to duplicate statute (PRC § 4597 et seq.) in the proposed action to maintain consistency.

Duplication of statute was also necessary to satisfy the clarity standard. Duplication was used as tool to provide context and have all related information in one place so that the burden of having to switch between statute and the rules is not placed on the regulated public.

Finally, duplication of the existing NTMP regulations in the proposed action was determined to be a prudent measure because the existing NTMP regulations were developed and informed by experts in the field of forestry and were developed through a collaborative effort between landowner, industry, agency and environmental representatives and were subsequently used to develop PRC § 4597 et seq.

Additional Aggregated Explanations

The legislative intent of AB 904, pursuant to 4597(a)(3), is for the WFMP to be modelled after the NTMP program. Many of the provisions in the proposed WFMP program needed to be the same as the provisions in the NTMP program because they are similar programs, the type of regulated public is the same and

the enforcement is the same.

Finally, many of the provisions of the proposed action are based on the necessity to make it congruent with the new statutory provisions. Where the statute is made specific or interpreted an explanation, regarding why the proposed regulation is reasonably necessary to carry out the purpose and to address the problem for which it is proposed, is provided.

Amend 14 CCR § 895 Abbreviations Applicable Throughout Chapter

The proposed amendment to this subsection includes a reference to the Working Forest Harvest Plan through the abbreviation of “WFMP”. The acronym of “WFMP” has been proposed for use on numerous occasions throughout the draft regulatory proposal for purposes of brevity. It was noted in comment provided by Cal Fire that the any abbreviated terms that are utilized within the Forest Practice Rules (FPRs) need to be clearly defined within 14 CCR § 895, and therefore the Board proposes to include the defined acronym within the regulatory proposal.

Amend 14 CCR § 895.1 Definitions

The proposed amendment to this subsection includes a reference to Working Forest Management Plan (WFMP) in the definition of “Plan” pursuant to 14 CCR § 895.1. The term “Plan” is utilized throughout existing FPR’s to refer to various required harvesting documents, of which the WFMP is a required harvesting document for Working Forest Landowners pursuant to PRC § 4597 et seq. Incongruities would exist in the reference to Plan(s) in existing regulation if the Working Forest Management Plan was not properly referenced in the definition of “Plan”. This proposed amendment is substantively related to the preamble of the WFMP located in language proposed for adoption in 14 CCR 1094.

In addition, the proposed amendment to this subsection includes a reference to “WFMP” in the definition of “Current Archaeological Records Check” in 14 CCR § 895.1. The “Current Archaeological Records Check” is referenced in several locations within 14 CCR § 929 in reference to requirements for the identification and protection of cultural resources that may be affected during implementation of a WFMP. The Board proposes to update the definition of Current Archaeological Records Check for full congruity with existing regulation given that all regulatory standards of archaeological requirements pertain to the WFMP, as they do all other Plans.

Amend 14 CCR § 913.11 [933.11, 953.11](a) Maximum Sustained Production of High Quality Timber Products

The proposed amendments to this section include the incorporation of the Working Forest Management Plan into 14 CCR § 913.11(a). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for Non-Industrial Timber Management Plan (NTMPs), of which the existing regulations for the NTMP includes reference within the regulatory provisions for Maximum Sustained

Production (MSP). Given that this existing regulation addresses the NTMP, the Board proposes that this same regulatory standard should also apply to the WFMP. The Board also proposes minor grammatical revisions to existing regulatory text to properly achieve clear reference of the WFMP.

Amend 14 CCR § 913.11 [933.11, 953.11](b) Maximum Sustained Production of High Quality Timber Products

The proposed amendments to this section include the incorporation of the Working Forest Management Plan into 14 CCR § 913.11(b). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within the regulatory provisions for MSP. Given that this existing regulation addresses the NTMP, the Board proposes that this same regulatory standard should also apply to the WFMP. The Board also proposes minor grammatical revisions to existing regulatory text to properly achieve clear reference of the WFMP.

Amend 14 CCR § 913.11 [933.11, 953.11](c) Maximum Sustained Production of High Quality Timber Products

The proposed amendments to this section include the incorporation of the Working Forest Management Plan into 14 CCR § 913.11(c). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within the regulatory provisions for MSP. Given that this existing regulation addresses the NTMP, the Board proposes that this same regulatory standard should also apply to the WFMP. The Board also proposes minor grammatical revisions to existing regulatory text to properly achieve clear reference of the WFMP.

Amend 14 CCR § 916.5 [936.5, 956.5](e) Procedures for Determining Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures

The proposed amendment of these paragraphs includes the allowance for sample marking of trees proposed for harvest within Watercourse and Lake Protection Zones (WLPZ) are included within the boundaries of a proposed WFMP. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes the allowance for sample marking of WLPZ. This provision is included within the NTMP due to the large acreage of timberland, up to 2,500 acres, that could be contained within a NTMP. It was determined that the same allowance for sample marking of WLPZs may also be appropriate for WFMP since the acreage of timberland within a WFMP could reach 15,000 acres. The purpose of this proposed amendment is to allow Registered Professional Foresters (RPFs) to prepare, and landowners to pursue, a WFMP without have to conduct unnecessary upfront

work and endure unnecessary expense during the preparation of a proposed WFMP.

Amend 14 CCR § 919.9 [939.9] Northern Spotted Owl

The proposed amendments to this section include the incorporation of the Working Forest Management Plan into 14 CCR § 919.9. The legislative intent of AB 904, which enacted PRC § 4597 *et seq.*, was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within the regulatory provisions for mitigating impacts to Northern Spotted Owls. Given that this existing regulation addresses the NTMP, the Board proposes that this same regulatory standard should also apply to the WFMP.

Amend 14 CCR § 923 [943, 963](d) Intent for Logging Roads, Landings, and Logging Road Watercourse Crossings

The proposed amendments to this section include the incorporation of relevant portions of the proposed regulatory standards for the WFMP into 14 CCR § 923(d). The legislative intent of AB 904, which enacted PRC § 4597 *et seq.*, was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within this regulatory provision for developing exceptions to existing regulation through compliance with Fish and Game Code § 1600 *et seq.* and those exceptions being incorporated into a Plan through the deviation process(es). The existing regulation refers to the deviation process(es) for Timber Harvest Plans (THPs), NTMPs and Program Timber Harvest Plans (PTHP), and therefore the Board proposes that this same regulatory standard apply to the WFMP. The Board proposes to amend the existing regulation to refer to 14 CCR §§ 1094.23 and 1094.24, which are the proposed deviation processes for the WFMP.

14 CCR § 923.2 [943.2, 963.2] Design and Location of Logging Roads and Landings

Amend 14 CCR § 923.2 [943.2, 963.2](a)(5)

The proposed amendments to this section include the incorporation of an updated reference date for the Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings, 1st Edition from 10/27/14 to 04/21/15 (TRA #5). The legislative intent of AB 904, which enacted PRC § 4597 *et seq.*, was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.2(a)(5). The Board therefore

proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

Amend 14 CCR § 923.2 [943.2, 963.2](a)(6)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 *et seq.*, was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.2(a)(6). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

Amend 14 CCR § 923.3 [943.3, 963.3](a) Mapping and Identification of Logging Roads and Landings

The proposed amendments to this section include the incorporation of relevant portions of the proposed regulatory standards for the WFMP into 14 CCR § 923.3(a). The legislative intent of AB 904, which enacted PRC § 4597 *et seq.*, was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes cross reference within this regulatory provision for mapping and identification standards for logging roads and landings. Therefore, the Board proposes that this same regulatory standard applies to the WFMP. The Board proposes to amend the existing regulation to refer to 14 CCR §§ 1094.6(e)(11), (15) and (16) and 1094.6(e)(4)(A)-(E) which are the mapping and identification standards for logging roads and landings for the WFMP.

Amend 14 CCR § 923.4 [943.4, 963.4] Construction and Reconstruction of Logging Roads and Landings

The proposed amendments to this section include the incorporation of relevant portions of the proposed regulatory standards for the WFMP into 14 CCR § 923.4. The legislative intent of AB 904, which enacted PRC § 4597 *et seq.*, was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within this regulatory provision that allows for changes in designation of a road subsequent to Plan approval being incorporated into a Plan through the deviation process(es). The existing regulation refers to the deviation process(es) for THPs, NTMPs, and PTHPs. Therefore the Board proposes that this same regulatory standard apply to the WFMP. The Board proposes to amend the existing regulation to refer to 14 CCR §§ 1094.23 and 1094.24, which are the proposed deviation processes for the WFMP.

Amend 14 CCR § 923.4 [923.4, 963.4](a)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.4(a). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

14 CCR § 923.5 [943.5, 963.5] Erosion Control for Logging Roads and Landings

Amend 14 CCR § 923.5 [943.5, 963.5](a)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.5(a). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

Amend 14 CCR § 923.5 [943.5, 963.5](g)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.5(g). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

Amend 14 CCR § 923.5 [943.5, 963.5](h)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.5(h). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

14 CCR § 923.9 [943.9, 963.9] Watercourse Crossings

Amend 14 CCR § 923.9 [943.9, 963.9](m)(2)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.9(m)(2). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

Amend 14 CCR § 923.9 [943.9, 963.9](o)

The proposed amendments to this section include the incorporation of an updated reference date for the TRA #5. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within TRA #5 that provides guidance on reduction of diversion potential, hydrologic disconnection, high risk watercourse crossings and road drainage, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP and has proposed to amend the TRA #5 within this regulatory proposal, which is incorporated by reference within 14 CCR § 923.9(o). The Board therefore proposes to update this dated reference of TRA #5 for purposes of consistency within existing regulations.

Amend 14 CCR § 929 [949, 969](b) Statement of Purpose

The proposed amendments to this section include the incorporation of reference of the WFMP into 14 CCR § 929(b). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within this regulatory provision that indicates that it is the intent of this regulatory standard to provide direction to RPFs that prepare THPs NTMPs, and PTHPs or other harvesting documents on the special considerations that must be applied to timber harvesting. Therefore the Board proposes that this same regulatory standard apply to the WFMP. The Board proposes to amend the existing regulation to refer to “Working Forest Management Plans (WFMPs)” to assure full congruity.

Amend 14 CCR § 945.1(a) Statement of Purpose

The proposed amendments to this section include the incorporation of a minor grammatical update. The Board proposes to replace the word “insure” with the word “ensure” for proper context.

Amend 14 CCR § 945.1(b) Statement of Purpose

The proposed amendments to this section include the incorporation of reference of the WFMP into 14 CCR § 945.1(b). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within this regulatory provision that indicates that it is the intent of this regulatory standard to provide direction to RPFs that prepare THPs, NTMPs, and PTHPs or other harvesting documents on special considerations that must be applied to timber harvesting projects within Lake County. Therefore the Board proposes that this same regulatory standard apply to the WFMP. The Board proposes to amend the existing regulation to refer to “WFMPs” to assure full congruity.

Amend 14 CCR § 1038(h)(2) Exemption

The proposed amendments to this section include the incorporation of reference of the WFMP into 14 CCR § 1038(h)(2). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within this regulatory provision that limits the harvesting of large old trees under an exemption, unless a Habitat Conservation Plan (HCP), Sustained Yield Plan (SYP), NTMP, or Program Timberland Environmental Impact Report (PTEIR) for the area in which large old trees are proposed for harvest and the removal of such trees is in compliance with retention standards of the previously mentioned harvesting document. The Board proposes that this same regulatory standard apply to the WFMP. Given that this regulatory standard applies to the NTMP, the Board proposes to amend the existing regulation to refer to the “WFMP” to assure full congruity.

Amend 14 CCR § 1090.26(a)-(d) Change of Ownership-Timberland Owner(s)

The proposed amendment follows the enactment of AB 2239, which amended PRC § 4593.10. The proposed amendment is intended to provide congruency between the required regulatory standards for change of timberland owners for lands covered by an approved NTMP with the requirements required by state law. The regulatory revision requires timberland owner(s) to provide the acquiring timberland owner(s) with a written Transfer of Responsibilities Notice that discloses the existence of the NTMP and informs the acquiring timberland owner(s) of the need to notify the Department of the acquiring timberland owner(s) intent to assume the responsibilities of the approved NTMP. The transferring timberland owners would also be responsible for supplying Cal Fire with a copy of the Transfer of Responsibilities Notice that was provided to the acquiring timberland owner(s). Additionally, if Cal Fire discovers a transfer of ownership of timberland that is covered by an approved NTMP that the agency was not notified about, it then becomes the responsibility of Cal Fire to provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice. The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the Transfer of Responsibilities Notice from either the transferring timberland owner or Cal Fire, whichever is applicable, to notify the Department in writing of their intent to assume the responsibilities of the NTMP. If the Department does not receive notification within this period, the Department may cancel the NTMP. The proposed regulatory standards restate PRC § 4593.10.

Adopt 14 CCR § 1090.28 State Restoration Projects

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.19. The proposed amendment is intended to provide congruency between the required regulatory standards for funding of restoration activities on lands covered by an approved NTMP and with the tenants of state law. Prior to the enactment of AB 904, funding of restoration activities on lands covered by an approved NTMP was not available. The adoption of this proposed language would provide regulation to landowners indicating that such proposals are allowed. The proposed regulatory standard restates PRC § 4597.19.

Article 6.95 Working Forest Management Plan Administration

Adopt 14 CCR § 1094 Rule Application

The proposed adoption follows the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The preamble for the NTMP is located in 14 CCR § 1090, of which the proposed language for adoption contained in 14 CCR § 1094 is nearly identical, except provides reference to the WFMP rather than the NTMP. A portion of the proposed regulatory language is substantively related to the amended definition of “Plan” located in 14 CCR § 895.1 in which the inclusion of WFMP is proposed, and provides clarification on the synonymous use of the term “Plan” and “Timber Harvest Plan” within

proposed Article 6.95. This proposed language for adoption also exempts Article 6.95 from the provisions contained in 14 CCR §§ 1032.7 – 1042.

Adopt § 1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing Locations

The proposed adoption follows the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The regulation for the NTMP that addresses Timber Management Plan and Notice of Timber Operations Filing Locations is located in 14 CCR § 1090.1, of which the proposed language for adoption contained in 14 CCR 1094.1 is nearly identical, except provides reference to the WFMP rather than the NTMP. The language proposed for adoption informs WFMP Plan Submitters on where to submit a proposed WFMP and directs Plan Submitters, RPFs and Designated Agents on what regulatory standards must be met in terms of the required content of a submitted WFMP.

Adopt 14 CCR § 1094.2 (a) – (m) Definitions

The definitions proposed for adoption will apply to Article 6.95 only and therefore do not apply to other Articles contained within the FPRs.

Proposed Adoption of the Definition of “Designated Agent”

The Board proposes to adopt a definition of “Designated Agent” for the purpose of reducing the enforcement issues that Cal Fire has experienced with the management of the NTMP program. Cal Fire requested that a single point of contact is designated for each WFMP so that administrative processes and land management decisions for landowners participating in WFMPs are communicated to Cal Fire through a single point of contact, resulting in the development of a “Designated Agent” for each WFMP. Responsibilities of the Designated Agents are put forth in subsequent sections of the proposed regulatory standards.

Proposed Adoption of the Definition of “Late Successional Forest Stands”

The Board proposes to adopt a definition of “Late Successional Forest Stands” pursuant to PRC § 4597.2(g)(3). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Long Termed Sustained Yield (LTSY)”

The Board proposes to adopt a definition of “Long Termed Sustain Yield LTSY” pursuant to PRC § 4597.1(a). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Major Stand Type”

The Board proposes to adopt a definition of “Major Stand Type” pursuant to PRC § 4597.1(b). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Management Unit”

The Board proposes to adopt a definition of “Management Unit” pursuant to PRC § 4597.1(c). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Stand”

The Board proposes to adopt a definition of “Stand” pursuant to PRC § 4597.1(d). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Strata”

The Board proposes to adopt a definition of “Strata” pursuant to PRC § 4597.1(e). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Sustained Yield”

The Board proposes to adopt a definition of “Sustained Yield” pursuant to PRC § 4597.1(f). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Unevenaged Management”

The Board proposes to adopt a definition of “Unevenaged Management” pursuant to PRC § 4597.1(g). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Working Forest Harvest Notice”

The Board proposes to adopt a definition of “Working Forest Harvest Notice” pursuant to PRC § 4597.1(h) along with reference to the additional requirements as identified in the language proposed for adoption in 14 CCR § 1094.8. The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law and proposed regulatory proposed by the Board in 14 CCR § 1094.8.

Proposed Adoption of the Definition of “Working Forest Landowner”

The Board proposes to adopt a definition of “Working Forest Landowner”

pursuant to PRC § 4597.1(i). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Working Forest Management Plan”

The Board proposes to adopt a definition of “Working Forest Management Plan” pursuant to PRC § 4597.1(j). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Proposed Adoption of the Definition of “Working Forest Timberlands”

The Board proposes to adopt a definition of “Working Forest Management Plan” pursuant to PRC § 4597.1(k). The language proposed for adoption is intended to provide congruency between the required regulatory standards for this definition with the definition provided by state law.

Adopt 14 CCR § 1094.3 WFMP Submittal and Notice of Preparation

The language proposed for adoption is promulgated following the enactment of AB 904 and subsequently AB 2239, which resulted in the chaptering and revision to PRC § 4597.2, respectively. The language proposed for adoption is intended to provide congruency between the required regulatory standards for submittal of a WFMP with the requirements of state law. This proposed language states that a WFMP must be prepared by an RPF, shall be public record, and shall include the specified information contained in the proposed language contained in 14 CCR § 1094.6. This language also states that the conditions of 14 CCR § 1094.3(a) – (g) must be met

Adopt 14 CCR § 1094.3(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a WFMP shall be submitted by the person(s) who own the timberland that is included under the submitted WFMP. This proposed language restates 14 CCR § 1090.2(a) except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that when a timberland owner submits a WFMP of which the timber, or a portion thereof, is owned by another party, the timberland owner must supply a prompt written notice to the timber owner of WFMP submittal. This proposed

language restates 14 CCR § 1090.2(b), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation must be prepared and submitted to the Director if any of the conditions of 14 CCR § 1094.3(c) (1) –(3) exist. This proposed language restates 14 CCR § 1090.2(c), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(c)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation must be submitted to the Director if any of the proposed plan boundaries lie within 300 feet of property owned by another person other than the plan submitter. This proposed language restates 14 CCR § 1090.2(c)(1), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(c)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation must be submitted to the Director if any deviation changes a plan boundary where the new plan boundaries of the additional area added to the plan lies within 300 feet of property owned by another person other than the plan submitter. This proposed language restates 14 CCR § 1090.2(c)(2), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(c)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation must be submitted to the Director if any changes to the silvicultural methods in a Notice of Preparation were required

pursuant to 14 CCR § 1094.3(c)(1) or 14 CCR § 1094.3(c)(2). This proposed language restates 14 CCR § 1090.2(c)(3), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the information required by 14 CCR § 1094.3(d)(1) – (7). This proposed language restates 14 CCR § 1090.2(d), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the name(s) of the Plan Submitter associated with the WFMP. This proposed language restates 14 CCR § 1090.2(d)(1).

Adopt 14 CCR § 1094.3(d)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the legal description of the plan area, including county, and the approximate direction and distance to the plan area from the nearest community or well know landmark. This proposed language restates 14 CCR § 1090.2(d)(2), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the name of the nearest perennial blue line stream flowing through or downstream of the plan area. This proposed language restates 14 CCR § 1090.2(d)(3), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)(4)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the acreage of the WFMP area and the acreage of the Working Forest Timberlands within which timber operations under the WFMP are to be conducted. This proposed language restates 14 CCR § 1090.2(d)(4), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)(5)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the silvicultural method(s) proposed. This proposed language restates 14 CCR § 1090.2(d)(5), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)(6)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain the earliest date that the Director could approve the plan pursuant to 14 CCR 1094.17. This proposed language restates 14 CCR § 1090.2(d)(6), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(d)(7)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that a Notice of Preparation shall contain a statement that the public may review the plan at the specified Cal Fire Review Team Office and that the Director can set a per page fee for copies request by the public. This proposed language restates 14 CCR § 1090.2(d)(7), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.3(e)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that the Plan Submitter(s) is responsible for providing Cal Fire a copy of the names of all landowners who own property within 300 feet of the proposed WFMP and provides guidance on acceptable standards on how to generate the list of landowner names. This proposed language restates 14 CCR § 1090.2(e), except provides reference to the WFMP rather than the NTMP. This proposed language was also informed by PRC § 4597.3.

Adopt 14 CCR § 1094.3(f)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states that Cal Fire is responsible for mailing copies of the Notice of Preparation to all persons identified by the Plan Submitter(s) in 14 CCR § 1094.3(e). This proposed language restates 14 CCR § 1090.2(f), except provides reference to the WFMP rather than the NTMP. This proposed language was also informed by PRC § 4597.3.

Adopt 14 CCR § 1094.3(g)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on conditions that must be met prior to submittal. This proposed regulatory standard states the plan submitter is responsible for posting of the Notice of Preparation for purposes of public inspection and review. Additionally, proposed regulatory standard provide statement indicating that any special county rules would also apply in regards to the posting of the Notice of Preparation. This proposed language restates 14 CCR § 1090.2(g), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.4 Notice of Preparation-Distribution by the Director

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how the Director must distribute a Notice of Preparation. This proposed regulatory standard is a leading statement that informs the Director that a Notice of Preparation shall be distributed in a manner consistent with 14 CCR §§ 1094.4

(a) – (e) within two (2) working days of receipt. This proposed language restates 14 CCR § 1090.3, except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.4(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how the Director must distribute a Notice of Preparation. This proposed regulation would be an enforceable standard that informs the Director that a Notice of Preparation shall be distributed to the Office of the County Clerk for the county(s) in which timber operations are proposed. This proposed language restates 14 CCR § 1090.3(a), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.4(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how the Director must distribute a Notice of Preparation. This proposed regulation would be an enforceable standard that informs the Director that a Notice of Preparation shall be distributed to the local Unit headquarters. This proposed language restates 14 CCR § 1090.3(b), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.4(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how the Director must distribute a Notice of Preparation. This proposed regulation would be an enforceable standard that allows the Director to distribute the Notice of Preparation to other locations that he/she deems desirable and feasible to provide for adequate public notice. This proposed language restates 14 CCR § 1090.3(c), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.4(d)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how the Director must distribute a Notice of Preparation. This proposed regulation would be an enforceable standard that allows the Director to distribute

the Notice of Preparation as required by all other Board rules and regulations, including those for special counties. This proposed language restates 14 CCR § 1090.3(d), except provides reference to the WFMP rather than the NTMP.

Adopt 14 CCR § 1094.4(e)

The language proposed for adoption is promulgated following the enactment of AB 904. This proposed regulation would be an enforceable standard that instructs the Director to place all received Notices of Preparation on a publically available internet database. This proposed language, in part, restates PRC §4597.3.

14 CCR § 1094.5 Request for Notification of WFMP or Working Forest Harvest Notice Submission

Adopt 14 CCR § 1094.5(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how Cal Fire must respond to public requests for notification of NTMP or Notice of Timber Operations, which equates to Notification of WFMP or Working Forest Harvest Notice Submission. Therefore, this proposed language restates 14 CCR § 1090.4(a), except provides reference to the WFMP rather than the NTMP and states that each Cal Fire Review Team Office shall maintain a list of WRMPs or Working Forest Harvest Notice(s) submitted each day. This proposed language was also informed by PRC § 4597.4.

Adopt 14 CCR § 1094.5(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes standards on how Cal Fire must respond to public requests for notification of NTMP or Notice of Timber Operations, which equates to Notification of WFMP or Working Forest Harvest Notice Submission. Therefore, this proposed language restates 14 CCR § 1090.4(b), except provides reference to the WFMP rather than the NTMP and states that upon a public request for a notice of submission of a WFMP that the Director shall provide a copy of a list of WFMPs or Working Forest Harvest Notices that were submitted on the date or dates of request. This service shall be provided to the public at no charge. If a specific date or dates are not included in the public request, then the Director shall provide a copy of the lists for the preceding week. This service will be provided at no charge to the public. This proposed language was also informed by PRC § 4597.4.

Adopt 14 CCR § 1094.6 Contents of WFMP

The language proposed for adoption is promulgated following the enactment of

AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes the functions of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP and states that the function of a WFMP is to 1) provide information to the Director so that a determination of compliance with Board regulations can be made; 2) provide information and direction for timber management in compliance with the Board rules and regulations and management objective of the landowner(s); and 3) to disclose the potential effects of timber management to the public. This proposed regulatory standard also provides a leading statement that indicates to plan submitters and RPFs that in order for the function of the WFMP to be met that the plan must contain the information as required in 14 CCR § § 1094.6(a) – (kk).

Adopt 14 CCR § 1094.6(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include provisions for the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a WFMP contain the name, address and telephone number of the timberland owner(s). This proposed regulatory language is specifically structured after 14 CCR § 1090.5(a) and further informed by PRC § 4597.2(a).

Adopt 14 CCR § 1094.6(b)

The language proposed for adoption is promulgated following the enactment of AB 904. Cal Fire requested that a single point of contact is designated for each WFMP so that administrative processes and land management decisions for landowners participating in WFMPs are communicated to Cal Fire through a single point of contact, resulting in the development of a “Designated Agent” for each WFMP. Therefore, the Board proposes this regulatory standard that requires the inclusion of the name, address and telephone number of the Designated Agent, as defined in 14 CCR § 1094.2, if known at the time of submittal of a WFMP.

Adopt 14 CCR § 1094.6(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a

WFMP contain the name, address and telephone number of the timber owner(s) if different from the timberland owner(s). This proposed regulatory language is specifically structured after 14 CCR § 1090.5(b).

Adopt 14 CCR § 1094.6(d)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a WFMP contain the name, address telephone number and registration number of the RPF who prepared the plan. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(c).

Adopt 14 CCR § 1094.6(e)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include mapping requirements as a portion of the contents of the NTMP within 14 CCR 1090.5(w). Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a WFMP contain a map with a scale of no less than 2" per mile. The proposed regulatory standards also include a leading statement that informs RPFs that additional mapping standards within 14 CCR §§ 1090.6(e)(1) –(16) shall be included as a mapping requirements for a WFMP.

Adopt 14 CCR § 1094.6(e)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include mapping requirements as a portion of the contents of the NTMP within 14 CCR 1090.5(w). Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The language proposed for adoption would require that all management units within a proposed WFMP be included on a map. Additionally, a management unit would not be able to span across multiple ownerships. Each management unit would be relegated to a single ownership of divided interest, natural-persons with undivided interests, or a legally established artificial-person. This proposed revision was included at the request of Cal Fire to address issues of the Department being the mediator of disagreements between timber owners during implementation of NTMPs when a management unit is located on multiple ownerships. The Board deemed this proposed regulatory standard necessary to remediate this problem that was

brought forth by the Department. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(1) and was further informed by PRC § 4597.2(i)(1)(C).

Adopt 14 CCR § 1094.6(e)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of yarding (logging) systems if more than one type is proposed for use. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(3) and was further informed by PRC § 4597.2(i)(1)(B).

Adopt 14 CCR § 1094.6(e)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. Cal Fire stated that the Department requires that a portion of the WFMP be sample marked, by silvicultural prescription, so that a proper evaluation of proposed harvesting can be conducted. Therefore, the Board has included a proposed regulatory standard that would require mapping of boundaries of areas sample marked for each prescribed silvicultural methods to be applied. This specific requirement is not included within existing regulations for the NTMP, but rather is predicated upon a demonstrated need by Cal Fire for the purposes of review and enforcement of proposed WFMPs.

Adopt 14 CCR § 1094.6(e)(4)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all roads to be used for, or potentially impacted by, timber operations. This proposed regulatory standard also includes a leading statement that indicated that the information required in 14 CCR §§ 1094.6(e)(4)(A) – (E) shall also be included. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(4).

Adopt 14 CCR § 1094.6(e)(4)(A)

The language proposed for adoption is promulgated following the enactment of

AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all roads as permanent, seasonal, temporary, or that are proposed for abandonment. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(4)(A).

Adopt 14 CCR § 1094.6(e)(4)(B)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of roads and landings located in watercourses, lakes, WLPZs, marshes, wet meadow, or other wet areas, other than at road watercourse crossings. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(4)(B).

Adopt 14 CCR § 1094.6(e)(4)(C)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of roads that provide access to rock pits and water drafting sites, and the location of water drafting sites. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(4)(C).

Adopt 14 CCR § 1094.6(e)(4)(D)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of public roads within one-quarter mile of the harvest area. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(4)(D).

Adopt 14 CCR § 1094.6(e)(4)(E)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of the location of significant existing or potential erosion sites on all roads and landing pursuant to 14 CCR § 923.1(e). This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(4)(E).

Adopt 14 CCR § 1094.6(e)(5)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after existing regulations, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of proposed or existing landings located outside of the WLPZ that are greater than ¼ acre and would require substantial excavation during construction. This proposed regulatory language is specifically structured after 14 CCR §§ 1090.5(w)(5) and 1090.5(gg).

Adopt 14 CCR § 1094.6(e)(6)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of areas within the proposed WFMP that consist of low, moderate, high or extreme erosion hazard ratings. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(8).

Adopt 14 CCR § 1094.6(e)(7)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all Class I, II, III or IV lakes and watercourses that are located within

the boundaries of a proposed WFMP. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(9) and further informed by PRC § 4597.2.

Adopt 14 CCR § 1094.6(e)(8)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all unstable areas or slides that are located within the boundaries of a proposed WFMP. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(10).

Adopt 14 CCR § 1094.6(e)(9)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all understocked areas or areas not normally bearing timber down to at least a 20-acre minimum, or as otherwise specified in special county rules. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(11).

Adopt 14 CCR § 1094.6(e)(10)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all timber-site classes needed for determination of stocking standards to be applied. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(12) and further informed by PRC § 4597.2.

Adopt 14 CCR § 1094.6(e)(11)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of

the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all locations of logging roads and landings to be abandoned or deactivated. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(gg) – (ff).

Adopt 14 CCR § 1094.6(e)(12)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires a map of the varying soil types be provided. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(14) and further informed by PRC § 4597.2.

Adopt 14 CCR § 1094.6(e)(13)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq. The proposed regulatory standard requires mapping of all stands or strata that are considered Late Successional Forests. This proposed regulatory language restates PRC § 4597.2(g)(2).

Adopt 14 CCR § 1094.6(e)(14)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of unique areas, including Coastal Commission Special Treatment Areas or other special treatment areas and know locations of state or federally listed threatened, candidate and endangered species; rare plants; Sensitive species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d). This proposed regulatory standard, particularly as it applied to wildlife species, was developed in conjunction with the California Department of Fish and Wildlife to address the conservation of wildlife resources during implementation of WFMPs. Additionally this regulatory language restates PRC § 4597.2(e).

Adopt 14 CCR § 1094.6(e)(15)

The language proposed for adoption is promulgated following the enactment of

AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all new permanent constructed and reconstructed, and temporary logging road watercourse crossings, including those crossings to be abandoned or deactivated. This proposed regulatory language is specifically structured after 14 CCR §§ 1090.5(w)(7) and 923.9(e), with the goal of achieving congruency with existing regulations as adopted under the Road Rules, 2013.

Adopt 14 CCR § 1094.6(e)(16)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires mapping of all logging road failures on existing logging roads to be reconstructed. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(w)(6), but also includes the term "logging roads" to incorporate the defined term pursuant to 14 CCR § 895.1 and to achieve congruency with 14 CCR § 923 et seq.

Adopt 14 CCR § 1094.6(f)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a proposed WFMP contain a description of the plan area within which timber operations are to be conducted and includes a leading statement indicating that the proposed provisions set forth in 14 CCR §§ 1090.6(f)(1) – (5) are also required as plan contents. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(d) and further informed by PRC § 4597.2(b).

Adopt 14 CCR § 1094.6(f)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard

was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a proposed WFMP contain a legal description and approximate acreage of the WFMP area. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(d)(2) and further informed by PRC § 4597.2(b).

Adopt 14 CCR § 1094.6(f)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a proposed WFMP contain county name(s) in which the proposed WFMP is located. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(d)(3) and further informed by PRC § 4597.2(b).

Adopt 14 CCR § 1094.6(f)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a proposed WFMP contain the CALWATER v2.2 planning watershed number(s) in which the proposed WFMP is located. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(d)(4) and further informed by PRC § 4597.2(b).

Adopt 14 CCR § 1094.6(f)(4)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a proposed WFMP contain the name of the forest district and subdistrict (if any) in which the WFMP is located. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(e) and further informed by PRC § 4597.2(b).

Adopt 14 CCR § 1094.6(f)(5)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was

to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a proposed WFMP contain a description of present and proposed plan area uses other than timber production. This proposed regulatory language is specifically structured after 14 CCR § 1090.5(f) and further informed by PRC § 4597.2(b).

Adopt 14 CCR § 1094.6(g)

The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards for the mandatory growth and yield analysis that must be conducted by an RPF pursuant to PRC § 4597.2(c). This proposed regulation provides a leading statement to indicate to the RPF that the growth and yield analysis associated with a proposed WFMP would require the information as directed in draft language of 14 CCR §§ 1094.6(g)(1) – (3). This proposed regulatory language restates PRC § 4597.2(c).

Adopt 14 CCR § 1094.6(g)(1)

The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards for the mandatory growth and yield analysis that must be conducted by an RPF pursuant to PRC § 4597.2(c). The proposed regulatory standard indicates that an RPF would have to include discussion on the baseline forest conditions within the proposed WFMP, along with discussion of projected future conditions and identification of the planning horizon associated with the estimate of LTSY. This proposed provision is necessary to allow the Department to effectively evaluate the proposed project in regards to growth and yield and allows flexibility for RPFs and landowners to develop a LTSY that is specific to timberland covered under the proposed project. This proposed regulatory standard was in part structured after 14 CCR § 1090.5(j) and further informed by PRC § 4597.2(c)(3).

Adopt 14 CCR § 1094.6(g)(2)

The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards for the mandatory growth and yield analysis that must be conducted by an RPF pursuant to PRC § 4597.2(c). The proposed regulatory standard indicates that an RPF would have to include discussion of the type of inventory that was conducted to facilitate initial review of a proposed WFMP. This discussion must cover information on the type of cruise that was implemented (i.e. strip or plot cruise) and known reference points between plots or strips. This proposed regulatory standard was informed by PRC §§ 4597.2(c)(3) and 4597.2(f).

Adopt 14 CCR § 1094.6(g)(3)

The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards for the mandatory growth and yield

analysis that must be conducted by an RPF pursuant to PRC § 4597.2(c). The proposed regulatory standard indicates that an RPF would have to utilize projections or models for projection of growth and yield that are appropriate for both the stand conditions and the period of time necessary to estimate achievement of LTSY. The required utilization of appropriate projections and models is necessary to allow the Department to effectively evaluate the growth and yield of proposed WFMPs. This proposed regulatory standard was informed by PRC §§ 4597.2(c)(3) and 4597.2(f).

Adopt 14 CCR § 1094.6(h)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides a leading statement that the LTSY for volume projection associated with a proposed WFMP must meet the proposed regulatory standards provided in 14 CCR §1094.6(h)(1) – (3). Additionally, the RPF would be required to provide a description of the stand stratification criteria that supports the growth and yield calculations. This proposed regulatory standard restates PRC § 4597.2(c).

Adopt 14 CCR § 1094.6(h)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the statistical variation associated with inventory estimates for Major Stand Type(s) or Strata shall be within 15 percent of the mean at one standard error. This proposed regulatory standard restates PRC § 4597.2(c)(1).

Adopt 14 CCR § 1094.6(h)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the statistical variation associated with inventory estimates for Stands or Strata that make up greater than 10 percent and less than 25 percent of the WFMP area shall be within 25 percent of the mean at one standard error. This proposed regulatory standard restates PRC § 4597.2(c)(2).

Adopt 14 CCR § 1094.6(h)(3)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that growth and yield estimates utilized for determining LTSY and harvestable volumes shall be conducted for Stand(s) or Strata(s) and the proposed WFMP in totality. Estimation for LTSY would reasonably reflect constraints applicable to Working Forest Timberland and would include biologic and economic factors, while accounting for limits to productivity due to constraints imposed for consideration of other forest values. The other forest values may include, but are not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional economic activity, employment and aesthetic enjoyment. The Board determined that this regulatory proposal was necessary to

assure that a proposed LTSY was providing a balanced approach to growth and yield by addressing social, economic and physical aspects of forest management. This proposed regulatory standard was informed by 14 CCR § 913.11(2)(a)(2) and restates PRC § 4597.2(f).

Adopt 14 CCR § 1094.6(i)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption informs RPFs that a description of the property and planned activities including acres and projected growth, existing stand types, Major Stand Types or Strata, silvicultural methods(s) to be applied to Strata to achieve LTSY, project timber volumes and trees sized to be available for harvest, projected frequencies of harvest, and potential pest and protection problems would have to be included within a proposed WFMP. This language is necessary to allow the Department to effectively evaluate a proposed LTSY and assure the RPF addresses specific forest characteristics that are necessary to develop an accurate accounting of growth and yield. This proposed regulatory standard was informed by PRC § 4597.2(c) and (f).

Adopt 14 CCR § 1094.6(i)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The language proposed for adoption informs RPFs that a description of silvicultural methods(s) to be applied during the initial harvest(s), project future harvest(s) and methods(s) used in the projected growth and yield to achieve LTSY. This proposed regulatory standard was informed by 14 CCR 1090.5(i) and PRC § 4597.2(f).

Adopt 14 CCR § 1094.6(j) OPTION 1

The language proposed as an option to be selected, or modified, by the Board for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the RPF must provide an erosion control implementation plan with information as required by 14 CCR § 923.1(e). This proposed regulatory standard was informed by PRC § 4597.2(d) and is intended to provide congruity with existing regulation as adopted under the Road Rules 2013.

Adopt 14 CCR § 1094.6(j) OPTION 2

The language proposed as an option to be selected, or modified, by the Board for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the RPF must provide a description and discussion of the methods to be used to avoid significant sediment discharge to watercourses from timber operations shall be included in an erosion control implementation plan. This shall include disclosure of active erosion sites from logging roads, skid trails, crossings, or any other

structures or sites that have the potential to discharge sediment attributable to timber operations into waters of the state resulting in significant sediment discharge and violation of water quality requirements. The erosion control implementation plan shall also include a schedule to implement erosion controls that prioritizes significant existing erosion site(s). This subdivision shall not apply to the extent that the RPF provides documentation to the Department that the WFMP is in compliance with similar requirements of other applicable provisions of law. This proposed regulatory standard was informed by PRC § 4597.2(d).

Adopt 14 CCR § 1094.6(k)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the RPF would have to provide a description of special provisions that are developed to protect unique areas if unique areas are present within the proposed WFMP. This proposed regulatory standard was informed by 14 CCR 1090.5(w)(13) and restates PRC § 4597.2(e).

Adopt 14 CCR § 1094.6(l)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the RPF would have to provide a description of Late Successional Stands (LSF). The description would have to include a discussion of biological legacies and hardwoods contained within stands of LSF and include the acreage, composition, structure, and how the total acreage of LSF habitat would be maintained with no net loss of this habitat type. The proposed regulatory language clarifies that active management is not precluded within stands identified as LSF if the proposed management would maintain or enhance the overall acreage of LSF that existing within the proposed plan area. The proposed regulatory language also clarifies that an exception to no net loss of LSF may be granted in the event of catastrophic fire, insect outbreak or disease. This subsection provides a leading statement that indicates to the RPF that the description associated with LSF would also have to include the provisions set forth in 14 CCR §§ 1094.6(l)(1) – (2). This proposed regulatory standard was informed by 14 CCR § 919.16 and in part restates PRC § 4597.2(g)(1).

Adopt 14 CCR § 1094.6(l)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq.. The language proposed for adoption states that the RPF would have to provide a description of (LSF) that includes retention measures for existing biological legacies such as snags, trees with cavities or basal hollows, and down logs, and address how those legacies shall be managed over time as appropriate with the forest type, climate, and timberland owner's forest fire fuels and wildlife management objectives. This proposed regulatory standard was informed by and PRC § 4597.2(g)(1)(A).

Adopt 14 CCR § 1094.6(l)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq.. The language proposed for adoption states that the RPF would have to provide a description of (LSF) that includes hardwood tree species and how those species will be managed over time. This proposed regulatory standard was informed by 14 CCR § 919.16 and PRC § 4597.2(g)(1)(B).

Adopt 14 CCR § 1094.6(m)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. This subsection provides a leading statement that indicates to the RPF that the information required in 14 CCR §§ 1094.6(m)(1) - (2) would needed to be included in a proposed WFMP.

Adopt 14 CCR § 1094.6(m)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the RPF would have to disclose state or federally listed threatened, candidate, endangered, or rare plant or animal species located within the biological assessment area of a proposed WFMP. This disclosure would have to include discussion of the species status and their habitats, any associated take avoidance methodologies or enforceable protection measures for species and habitats. In addition, the disclosure provided by the RPF would have to identify how forest management would maintain identified species and habitats over time. This proposed regulatory standard was found necessary to address the conservation of wildlife resources during implementation of WFMPs. This proposed regulatory standard restates PRC § 4597.2(h).

Adopt 14 CCR § 1094.6(m)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the RPF would have to disclose any know locations of plant or animal species pursuant to 14 CCR § 15380(d) that are located within the biological assessment area or the proposed WFMP. This proposed regulatory standard, was developed in conjunction with the California Department of Fish and Wildlife to address the conservation of wildlife resources during implementation of WFMPs and further informed by PRC § 4597.2(h).

Adopt 14 CCR § 1094.6(m)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a

proposed WFMP contain a disclosure presence and known locations of key habitats within the WFMP or individual Sensitive Species pursuant to 14 CCR § 895.1 adjacent to or within the WFMP. This proposed regulatory standard was found necessary to address the conservation of wildlife resources during implementation of WFMPs and is specifically structured after 14 CCR § 1090.5(n) and further informed by PRC § 4597.2(h).

Adopt 14 CCR § 1094.6(n)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that a description of each management unit would have to be provided within a draft WFMP. Additionally, the regulatory standard contains a leading statement that indicates that this required description would also have to contain the provisions set forth in 14 CCR §§ 1094.6(n)(1) – (2). This proposed regulatory standard restates and PRC § 4597.2(i)(1).

Adopt 14 CCR § 1094.6(n)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that a description of each management unit would have to include a discussion of acres by Stand or Strata and estimated growth and yield for each planned harvest entry covering the period of time the LTSY plan establishes as necessary to meet growth and yield objectives. The proposed regulatory language goes on to state that growth and yield estimates may be based on weighted average of yield for the Major Stand Type(s) or Strata within the area included in the Management Unit. This proposed regulatory standard restates and PRC § 4597.2(i)(1)(A).

Adopt 14 CCR § 1094.6(n)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that a description of each management unit would have to include a discussion of the types of yarding methods that would be utilized. This proposed regulatory standard was informed by and PRC § 4597.2(i)(1)(B).

Adopt 14 CCR § 1094.6(o)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that an assessment that contains the proposed provisions in 14 CCR §§ 1094.6(o)(1) – (4) would have to be conducted where LTSY projections depict a reduction in the quadratic mean diameter of trees greater than 12” in diameter over the identified planning horizon where growth and yield are balanced. This assessment would also have to be completed where a reduced level of inventory for a Major Stand Type, Stand or

Strata that encompasses greater than 10 percent or less than 25 percent of the WFMP area is projected. This proposed regulatory standard restates PRC § 4597.2(i)(2)(A).

Adopt 14 CCR § 1094.6(o)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that the assessment required pursuant to the proposed regulatory language contained in 14 CCR § 1094.6(o) would include discussion of state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) if timber operations could adversely impact by potential changes to habitat. This proposed regulatory standard was informed by and PRC § 4597.2(i)(2)(A)(i) and through consultation with the California Department of Fish and Wildlife and is intended to provide conservation measures for wildlife species that could be negatively affected by operations under a WFMP.

Adopt 14 CCR § 1094.6(o)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that the assessment required pursuant to the proposed regulatory language contained in 14 CCR § 1094.6(o) would include discussion of species habitat needs utilizing the “WHR system” described in “A Guide to Wildlife Habitats in California,” California Department of Fish and Wildlife, 1988, or comparable typing system approved by the Director after consultation with the California Department of Fish and Wildlife. This proposed regulatory standard was informed by and PRC § 4597.2(i)(2)(A)(ii) and through consultation with the California Department of Fish and Wildlife and is necessary to provide disclosure of species habitat needs for wildlife species that may be negatively affected by operations under a WFMP.

Adopt 14 CCR § 1094.6(o)(3)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that the assessment required pursuant to the proposed regulatory language contained in 14 CCR § 1094.6(o) would include discussion of the constraints to timber management, the impact of the availability and distribution of habitats on the ownership and within the cumulative impacts assessment area identified in the plan in relation to the harvest schedule, and the impacts of the planned management activities utilizing the existing habitat as the baseline for comparison. This proposed regulatory standard was informed by and PRC § 4597.2(i)(2)(A)(iii) and is intended to provide disclosure of potential impacts of timber operations conducted under the WFMP on a temporal basis both within the plan area in contrast to the cumulative impacts assessment area.

Adopt 14 CCR § 1094.6(o)(4)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides direction to RPFs that indicates that the assessment required pursuant to the proposed regulatory language contained in 14 CCR § 1094.6(o) would include discussion of any included feasible measures planned to avoid or mitigate potentially significant adverse impacts on fish or wildlife, which can include, but is not limited to, recruitment or retention of large down logs greater than 16 inches in diameter and 20 feet in length, retention of trees with structural features such as basal hollows, cavities, large limbs, or broken tops, retention of hardwoods, and retention or recruitment of snags greater than 24 inches in diameter and 16 feet in height. This proposed regulatory standard restates PRC § 4597.2(i)(2)(A)(iv) and is intended to provide conservation measures for biological legacies and habitat elements located within the boundaries of WFMPs.

Adopt 14 CCR § 1094.6(p)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The language proposed for adoption provides direction that the RPF preparing the plan would have to include a certification within a proposed WFMP stating that he/she, or a supervised designee, has personally inspected the plan area. In addition, a certification would also be required stating that the RPF preparing the plan has clearly explained to the Working Forest Landowner(s) that the plan is a long-term commitment that may require ongoing investments, including inventory sampling and logging road maintenance, for the purpose of managing the plan. This proposed regulatory standard restates 14 CCR 1090.5(ii) and, in part, restates PRC §§ 4597.2(j) and (k). The proposed regulation is intended to clarify the professional role and standards of RPFs in regards to familiarity with the plan area and interaction with the Working Forest landowner(s).

Adopt 14 CCR § 1094.6(q)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption includes a leading statement that directs the RPF preparing the WFMP to include the proposed provisions of 14 CCR §§ 1094.6(q)(1) – (3) within a description of future schedule of inventory sampling and analysis of LTSY. The purpose of this proposed regulatory standard is to direct RPFs to the type of information that is necessary to produce a meaningful and complete analysis of the rescheduling or updating of the LTSY to assure that the projection enforceable standards of growth and yield are being met over time. This proposed regulatory standard was informed by and PRC § 4597.2(c) and PRC § 4597.2(f).

Adopt 14 CCR § 1094.6(q)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption includes a directive to the RPF preparing the WFMP that the description of the future scheduling and analysis of the LTSY would have to include commentary on site class and projected growth and yield and harvest(s). The necessity of this proposed regulatory standard to assure that RPFs take into consideration any potential changes in site class, rates of observable growth and harvesting that has, or may, occur into consideration in future LTSY projections. This proposed regulatory standard was informed by and PRC § 4597.2(c) and PRC § 4597.2(f).

Adopt 14 CCR § 1094.6(q)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption includes a directive to the RPF preparing the WFMP that the description of the future scheduling and analysis of the LTSY would have to include commentary on the original LTSY projections or model calibration and accuracy. The necessity of this proposed regulatory standard is to assure that RPFs take into consideration technical information from past projections to compare and contrast against future projections for the purposes of verification and calibration of future LTSY projections. This proposed regulatory standard was informed by and PRC § 4597.2(c) and PRC § 4597.2(f).

Adopt 14 CCR § 1094.6(q)(3)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption includes a directive to the RPF preparing the WFMP that the description of the future scheduling and analysis of the LTSY would have to include commentary on episodic events such as disease, drought cause tree mortality, windthrow, wildfire or reforestation. The necessity of this proposed regulatory standard is to allow for future projections for LTSY to take into consideration any affects from biotic or abiotic changes to the environment. It is recognized that growth and yield projections could be significantly altered based on changes in environmental conditions and therefore accounted for in LTSY projections. This proposed regulatory standard was informed by and PRC § 4597.2(c) and PRC § 4597.2(f).

Adopt 14 CCR § 1094.6(r)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that a

proposed WFMP contain a description of any cultural or historical resources known to exist with a description of possible impacts and protection methods utilized during timber operations. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(k).

Adopt 14 CCR § 1094.6(s)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP state if a conversion certificate is in effect for any portion of the proposed WFMP, the expiration date of such a certificate and the identification number of the certificate. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(l).

Adopt 14 CCR § 1094.6(t)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP state if a timber harvesting plan is on file with Cal Fire for any part of the proposed WFMP and if a report of satisfactory stocking has been issued by the Department. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(m).

Adopt 14 CCR § 1094.6(u)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of potential impacts to, and protection for, the quality and beneficial uses of water associated with the proposed WFMP. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(o).

Adopt 14 CCR § 1094.6(v)

The language proposed for adoption is promulgated following the enactment of

AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of how site preparation and stocking standards will be met. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(r).

Adopt 14 CCR § 1094.6(w)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of how slash treatment was considered for site preparation, fire protection and pest protection. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(t).

Adopt 14 CCR § 1094.6(x)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of the cumulative effects analysis with supporting information, including impact(s) of project timber operation over the life of the plan. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(u) and PRC § 4597.2(i)(2)(iii).

Adopt 14 CCR § 1094.6(y)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the Department make available a copy of the California Forest Practice Regulations (FPRs) in effect at the time of WFMP approval. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(v), with the

difference that the responsibility for providing the FPR lies with the Department rather than the plan submitter. The Department accepted the responsibility of providing this information given that the agency is the repository of the FPRs and it makes sense for the agency to provide this information in lieu of the Plan Submitter.

Adopt 14 CCR § 1094.6(z)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide explanation and justification for, and specific measures to be used for, tractor operations on unstable areas on slopes over 65% or in areas where slopes average over 50%. The proposed regulatory standard would apply to areas that also have an Erosion Hazard Rating of High or Extreme. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(y).

Adopt 14 CCR § 1094.6(aa)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide explanation and justification for tractor operations in areas designated for cable yarding. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(z).

Adopt 14 CCR § 1094.6(bb)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a winter operating plan where appropriate. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(aa).

Adopt 14 CCR § 1094.6(cc)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide explanation and justification for use of landing, logging roads and skid trails in the WLPZs of watercourses, lakes, wet meadows or other wet areas. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(bb), with minor modifications to the language to reduce redundancy while achieving congruency with 14 CCR § 923 et seq.

Adopt 14 CCR § 1094.6(dd)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide explanation and justification for any in lieu or alternative practices for WLPZs. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(cc).

Adopt 14 CCR § 1094.6(ee)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide explanation of alternatives to standard rules for harvesting and erosion control. This proposed regulatory standard is structured specifically after 14 CCR § 1090.5(dd).

Adopt 14 CCR § 1094.6(ff)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that

the RPF preparing the WFMP provide explanation and justification for landing that exceed the maximum size specified in the rules. This proposed regulatory standard is structured specifically after 14 CCR § 1090.5(ee).

Adopt 14 CCR § 1094.6(gg)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion control measures. This proposed regulatory standard is structured specifically after 14 CCR § 1090.5(p).

Adopt 14 CCR § 1094.6(hh)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of existing and proposed road systems to be used in the implementation of the WFMP, including the diameter, and the methods utilized to determine the diameter, of any permanent culvert on Class I, II, or III watercourses. This proposed regulatory standard is structured specifically after 14 CCR § 1090.5(q), but rather than requiring a mapping standard, this proposed regulation would require a description of proposed and existing roads, watercourse crossings and sizing of permanent culverts. The proposed regulatory standard was necessary to achieve congruency with 14 CCR § 923.9(e).

Adopt 14 CCR § 1094.6(ii)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the required contents of the NTMP within 14 CCR 1090.5. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard requires that the RPF preparing the WFMP provide a description of Lake, Meadows and Other Wet Areas. This proposed regulatory standard is structured specifically after 14 CCR § 1090.5(w)(9).

Adopt 14 CCR § 1094.6(jj)

This proposed regulatory standard was developed through consultation with representatives from California Licensed Foresters Association (CLFA) and Cal Fire. The purpose of this proposed language is to allow RPFs to propose a standard operation practice(s) for specific types of in-lieu practices within a proposed WFMP. The proposed language would allow the RPF to develop standard operating practices for only proposed operations as outline in the proposed language pursuant to 14 CCR §§ 1094.6(z) and 1094.6(cc). It was recognized that a WFMP, which could contain up to 15,000 acres, could be very difficult to cover the all acres with the necessary intensity to locate every in-lieu practices that would pertain to 14 CCR §§ 1094.6(z) and 1094.6(cc), which are generally the most common in-lieu practices associated with timber harvest activities. Therefore this proposed regulatory language is intended to provide flexibility to RPFs and landowners who wish to engage in the WFMP process for the standardized development of best management practices for these specific types of timber operations.

Adopt 14 CCR § 1094.6(jj)(1)

This proposed regulatory standard would require RPFs to identify a representative sample of each type of proposed standard operating practice(s), as allowed under 14 CCR 1094.6(jj), in the field with flagging because it was deemed necessary to facilitate field review by the interdisciplinary review team that is assembled by reviewing agencies. It was recognized that a WFMP, which could contain up to 15,000 acres, could be very difficult to cover the all acres with the necessary intensity to locate every in-lieu practices that would pertain to 14 CCR §§ 1094.6(z) and 1094.6(cc), which are generally the most common in-lieu practices associated with timber harvest activities. The purpose of this proposed regulation would be to allow the interdisciplinary review team the availability to inspect the proposal by the RPF to determine if the proposed Standard Operating Practice(s) is reasonable and able to be implemented.

Adopt 14 CCR § 1094.6(jj)(2)

In the instance where a standard operating practice has been developed and approved for specific timber operations pursuant to 14 CCR §§ 1094.6(z) or 1094.6(bb), but is found to be insufficient to address the environmental condition of locations within a WFMP, the RPF would then be able to develop an alternative mitigation measure as a result of this proposed regulatory standard. The developed alternative mitigation measure(s) would have to be incorporated into the approved WFMP through a deviation prior to submittal of a Working Forest Harvest Notice (WFHN) that covers the area in which the newly developed mitigation measure(s) is located. It was recognized that a WFMP, which could contain up to 15,000 acres, could be very difficult to cover the all acres with the necessary intensity to locate every in-lieu practices that would pertain to 14 CCR §§ 1094.6(z) and 1094.6(cc), which are generally the most common in-lieu practices associated with timber harvest activities. Additionally, it would be difficult to identify all locations that a developed standard operating

procedure(s) would not apply. Therefore, this proposed regulatory language was developed to provide RPFs and landowners with the necessary flexibility to fully address all necessary conditions of a specific location(s) where a standard operating practice(s) would not sufficiently work, and to provide a process in which the newly developed mitigation measures would be documented and incorporated into the approved WFMP.

Adopt 14 CCR § 1094.6(kk)

The language proposed for adoption is promulgated following the enactment of AB 904, which enacted PRC § 4597 et seq. During development of the proposed draft regulations, the Board received comment from landowners in regards to request for protection of proprietary information that may be contained within a proposed or approved WFMP. As a result of this comment, the Board has included a proposed regulatory standard that will provide landowners with the opportunity to disclose and protect certain information that may be considered proprietary. This language is structured upon existing regulation for the Sustained Yield Plan (SYP) pursuant to 14 CCR § 1091.4.5(b).

Adopt 14 CCR § 1094.7 Working Forest Harvest Notice

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for submission of a Notice of Timber Operations (NTO) subsequent to NTMP approval, but prior to timber operations within 14 CCR § 1090.6. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. In addition, other clarifying language is included. The proposed regulatory standard would require that the Designated Agent submit a WFHN prior to the harvesting of any timber to the Department. The submitted WFHN would be effective for a maximum of one (1) year from the date of filing. The Designated Agent shall notify the timberland owner(s) by certified mail that the Working Forest Harvest Notice has been submitted and shall certify that mailing to the Department. The responsible RPF that is preparing the WFHN would have to include a written declaration on behalf of the timber owner(s) within the WFHN that that states that the WFHN conforms to and meets the requirements of the approved WFMP. If these proposed regulatory standards are met, then operations may commence immediately upon filing of the WFHN. If the WFHN is submitted by mail, then operations would not be able to commence for three days after the date of mailing. This proposed regulatory standard restates 14 CCR § 1090.6, PRC § 4597.11 and PRC § 4597.15.

Adopt 14 CCR § 1094.8 Working Forest Harvest Notice Content

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was

to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would be a public record and the Department would be responsible for posting submitted WFHNs on a publically available internet database. Additionally, it states that all necessary deviations would have to be approved prior to submittal of the WFHN and also provides a leading statement that informs the RPF that a submitted WFHN would also have to contain the information provided in the proposed regulatory provisions within 14 CCR §§ 1094.8(a) – (w). The propose language pertaining to completion of all necessary deviation was requested by the Department and was found necessary to inform RPFs, Designated Agents and Plan Submitters that all necessary revisions to the WFMP that pertain to a contemplated harvest area would be completed prior to submittal of a WFHN, so that harvesting under any individual WFHN would be in full compliance with the approved WFHN. This proposed regulatory standards was informed by 14 CCR § 1090.7 and PRC §§ 4597.4 and 4597.11.

Adopt 14 CCR § 1094.8(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would have to include the name, address, and telephone number of the timberland owner(s). This proposed regulatory standards was specifically structured after by 14 CCR § 1090.7(b).

Adopt 14 CCR § 1094.8(b)

The language proposed for adoption is promulgated following the enactment of AB 904. Cal Fire requested that a single point of contact be designated for each WFMP so that administrative processes and land management decisions for landowners participating in WFMPs are communicated to Cal Fire through a single point of contact, resulting in the development of a “Designated Agent” for each WFMP. Therefore, the Board proposes this regulatory standard that requires the inclusion of the name, address and telephone number of the Designated Agent, as defined in 14 CCR § 1094.2, on each submitted WFHN.

Adopt 14 CCR § 1094.8(c)

The language proposed for adoption is promulgated following the enactment of

AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would have to include the name, address, and telephone number of the timber owner(s) if it is different than the timberland owner(s). This proposed regulatory standards, in part, restates 14 CCR § 1090.7(b) and PRC § 4597.11(a).

Adopt 14 CCR § 1094.8(d)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would have to include the name, address, telephone number, and license number of the LTO conducting timber operations pursuant to the WFHN. This proposed regulatory standard, in part, restates 14 CCR § 1090.7(b) and PRC § 4597.11(b).

Adopt 14 CCR § 1094.8(e)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would have to include the name, address, telephone number and registration number of the RPF preparing the WFHN and of the RPF responsible pursuant to 14 CCR § 1094.11 if different. This proposed regulatory standard was specifically informed in by 14 CCR § 1090.7(b) and PRC § 4597.11(c).

Adopt 14 CCR § 1094.8(f)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards

for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would have to include the legal description, including acreage, in which the work under the WFHN would occur, including the identification number of the approved WFMP. This proposed regulatory standard was specifically informed in by 14 CCR §§ 1090.7 (a) and (d), and , in part, restates PRC § 4597.11(d).

Adopt 14 CCR § 1094.8(g)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a WFHN would have to include a statement that no archaeological sites have been discovered in the harvest area since the approval of the WFMP or approved deviations. This proposed regulatory standard was specifically informed in by 14 CCR § 1090.7(g) and, in part, restates PRC § 4597.11(e).

Adopt 14 CCR § 1094.8(h)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the submitted WFHN would require a statement that state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d), have not been discovered, or are publically known, within and adjacent to the logging area, since the approval of the WFMP, unless the approved WFMP is amended pursuant to either 14 CCR § 1094.23 or 14 CCR § 1094.24, consistent with 14 CCR § 1094.8(h)(2). Additionally, after the initial year the WFMP is approved, but prior to submitting the Working Forest Harvest Notice, the RPF would have to review the California Natural Diversity Database or another public database approved by the Director after consultation with the Department of Fish and Wildlife for any species listed as state or federally listed threatened, candidate, and endangered species; rare plants;

Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) that may be located within the WFHN. This proposed regulatory standard also contains a leading statement that would require the compliance with 14 CCR §§ 1094.8(h)(1) – (2) if the WFHN is filed after the initial year the WFMP is approved. This proposed regulatory standard was developed in conjunction with the California Department of Fish and Wildlife and Cal Fire and deemed necessary to address the conservation of wildlife resources during implementation of WFMPs and associated WFHNs. The draft language was specifically informed by 14 CCR §§ 1090.7(h), 1090.7 (l) and PRC § 4597.11(f).

Adopt 14 CCR § 1094.8(h)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that for WFHNs that are submitted after the initial year that the WFMP is approved that any documented occurrences obtained from a review of public and readily available sources of species that are state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) within the biological assessment area, and outside the area of timber operations, identified in the Working Forest Harvest Notice, and not addressed in the approved plan shall be submitted to the Director as a minor deviation concurrently with the filing of a Working Forest Harvest Notice. This proposed regulatory standard was specifically informed through consultation with Cal Fire and California Department of Fish and Wildlife and deemed necessary to address the conservation of wildlife resources during implementation of WFMPs and associated WFHNs. The draft language was specifically informed by 14 CCR §§ 1090.7(h), 1090.7 (l) and PRC § 4597.11(f)(1).

Adopt 14 CCR § 1094.8(h)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that for WFHNs that are submitted after the initial year that the WFMP is approved that any documented occurrences of species that are state or federally listed threatened, candidate, and endangered species; rare plants;

Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) and discovered inside or adjacent to the area of timber operations, identified in the WFHN, and not addressed in the approved plan shall be submitted to the Director as a deviation to the WFMP. The deviation would have to be submitted and approved prior to filing a Working Forest Harvest Notice. The deviation shall contain take avoidance and other mitigation measures developed in consultation with the Department and the appropriate listing agency(s), if no such information is currently contained within the approved plan or incidental take authorization is provided by the appropriate listing agency(s). This proposed regulatory standard was specifically informed through consultation with Cal Fire and California Department of Fish and Wildlife and deemed necessary to address the conservation of wildlife resources during implementation of WFMPs and associated WFHNs. The draft language was specifically informed by 14 CCR §§ 1090.7(h), 1090.7 (l) and PRC § 4597.11(f)(2).

Adopt 14 CCR § 1094.8(i)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a statement would be required by the RPF that based upon field evaluation that no physical environmental changes in the WFHN area are present that are significant enough to require a deviation to the approved WFMP. This proposed regulatory standard was specifically structured after informed by 14 CCR § 1090.7(i) and restates PRC § 4597.11(g).

Adopt 14 CCR § 1094.8(j)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a certification by the RPF would be required in a WFHN, as well as a leading statement indicating that one of the proposed regulatory provisions of 14 CCR §§ 1094.8(j)(1) – (2) would be required within the certification. This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(l) and restates PRC § 4597.11(h).

Adopt 14 CCR § 1094.8(j)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF certification that would be required pursuant to 14 CCR § 1094.8(j)(1) may state that operations under the WFHN would protect the beneficial uses of water, including domestic water supplies, soil stability, forest productivity, and wildlife as provided by the Board rules and regulations and other applicable provisions of law. This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(l)(1) and PRC § 4597.11(h)(1).

Adopt 14 CCR § 1094.8(j)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF certification that would be required pursuant to 14 CCR § 1094.8(j)(2) may state compliance with the Board rules and regulations and the provisions of this article that were in effect at the time the WFMP was approved would not result in any significant degradation to the beneficial uses of water, including domestic water supplies, soil stability, forest productivity, or wildlife and shall protect all listed species. This statement would only apply if the RPF certifies that adherence to the current or modified Board rules and regulations would cause unreasonable additional expense to the Working Forest Landowner(s). This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(l)(2) and PRC § 4597.11(h)(2).

Adopt 14 CCR § 1094.8(k)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require special provisions to

protect unique areas, if any, within the area of timber operations. This proposed regulatory standard restates 14 CCR § 1090.7(j) and PRC § 4597.11(i).

Adopt 14 CCR § 1094.8(l)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require the expected dates of commencement and completion of timber operations during the year. This proposed regulatory standard restates 14 CCR § 1090.7(c) and PRC § 4597.11(j).

Adopt 14 CCR § 1094.8(m)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require a statement that a submitted WFHN conforms to the provisions of the approved WFMP. Additionally, the proposed regulatory standards provides direction to the RPF that explanation of how resources would be protected would be required if the RPF finds that aspects of the proposed operations are less protective that current Board rules and regulations that are active at the time of the WFHN submittal. This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(l)(2) and PRC § 4597.11(k).

Adopt 14 CCR § 1094.8(n)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require an updated erosion control implementation plan, which would be required pursuant to 14 CCR § 1094.6, that

reflects erosion control mitigation measures for the harvest area and any appurtenant roads if conditions have changed since the WFMP was approved. In addition, the WFHN would be required to contain a certification from the RPF that no additional listings of water bodies to Section 303(d) of the Clean Water Act list have occurred on the land contained within the WFMP. This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(k) and PRC § 4597.11(l).

Adopt 14 CCR § 1094.8(o)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require a description of the type of equipment that would be utilized for yarding and logging road construction. This proposed regulatory standard restates 14 CCR § 1090.7(f).

Adopt 14 CCR § 1094.8(p)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require instructions on felling, yarding, logging road construction or reconstructions, hauling, erosion control work, site preparation, erosion control maintenance, winter operations, watercourse protection measures, slash treatment and road maintenance. This proposed regulatory standard restates 14 CCR § 1090.7(k), but includes the term "logging roads" to incorporate the defined term pursuant to 14 CCR § 895.1 and to achieve congruency with 14 CCR § 923 et seq.

Adopt 14 CCR § 1094.8(q)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except

provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require a verification that the LTO has been briefed by the RPF on the content of the notice and intentions of implementation to comply with the management plan. This proposed regulatory standard restates 14 CCR § 1090.7(m).

Adopt 14 CCR § 1094.8(r)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require that the diameter of permanent culverts proposed for installation are specified. This proposed regulatory standard was specifically informed by portions of 14 CCR §§ 1090.5(w)(7) and 923.9(e).

Adopt 14 CCR § 1094.8(s)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require a description of Lakes, Wet Meadows and Other Wet Areas. This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(n)(9), but requests a description rather than a mapping standard. The proposed regulatory standard was deemed necessary to provide consistency with 14 CCR § 1094.6(ii).

Adopt 14 CCR § 1094.8(t)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a submitted WFHN would require a description any applicable standard operating procedures, pursuant to 14 CCR 1094.6(jj), that

would have to be implemented within the area covered by the WFHN. It was recognized that a WFMP, which could contain up to 15,000 acres, could be very difficult to cover the all acres with the necessary intensity to locate every in-lieu practices that would pertain to 14 CCR §§ 1094.6(z) and 1094.6(cc), which are generally the most common in-lieu practices associated with timber harvest activities. Therefore this proposed regulatory language is intended to provide flexibility to RPFs and landowners who wish to engage in the WFMP process for the standardized development of best management practices for these specific types of timber operations.

Adopt 14 CCR § 1094.8(u)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR §1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that a map that is a USGS quadrangle, or its equivalent, would be provided with a submitted WFHN. The proposed regulatory language also provides a leading statement that provides RPFs with direction that the identified provisions within 14 CCR §§ 1094.8(u) (1) – (13) shall be included on the provided map. This proposed regulatory language would allow for multiple maps, if necessary, that are in black and white. Color maps may be allowed if black and white maps are submitted that clearly depict the required items. A legend would have to be present on the map that indicates the meaning of utilized symbology. Additionally, the regulatory standard required that that all maps that are submitted with WFHNs reflect current field conditions. This proposed regulatory standard restates 14 CCR § 1090.7(n).

Adopt 14 CCR § 1094.8(u)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the boundaries of area(s) where timber operations are to occur under the Working Forest Harvest Notice. This proposed regulatory standard restates 14 CCR § 1090.7(n)(1).

Adopt 14 CCR § 1094.8(u)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the boundaries for specified regeneration methods, intermediate treatments, special harvesting methods, and alternative prescriptions are to be applied. This proposed regulatory standard restates 14 CCR § 1090.7(n)(2).

Adopt 14 CCR § 1094.8(u)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the boundaries for specified yarding systems if more than one system is to be utilized. This proposed regulatory standard restates 14 CCR § 1090.7(n)(3).

Adopt 14 CCR § 1094.8(u)(4)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Contents of NTMP in 14 CCR § 1090.5, except provides reference to the WFMP rather than the NTMP. The Board believes that the language between the required contents of a proposed WFMP and a submitted WFHN should be synonymous in most instances for purposes of clarity and consistency. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires mapping of all roads to be used for, or potentially impacted by, timber operations. This proposed regulatory standard

also includes a leading statement that indicated that the information required in 14 CCR §§ 1094.8(u)(4)(A) – (E) shall also be included. This proposed regulatory standard was specifically informed by 14 CCR §§ 1090.7(n)(4) and 1090.5(w)(4).

Adopt 14 CCR § 1094.8(u)(4)(A)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Contents of NTMP in 14 CCR § 1090.5, except provides reference to the WFMP rather than the NTMP. The Board believes that the language between the required contents of a proposed WFMP and a submitted WFHN should be synonymous in most instances for purposes of clarity and consistency. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires the depiction of the classification of all roads as permanent, seasonal, temporary, or proposed for abandonment. This proposed regulatory standard was specifically informed by 14 CCR §§ 1090.7(n)(4) and 1090.5(w)(4)(A).

Adopt 14 CCR § 1094.8(u)(4)(B)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Contents of NTMP in 14 CCR § 1090.5, except provides reference to the WFMP rather than the NTMP. The Board believes that the language between the required contents of a proposed WFMP and a submitted WFHN should be synonymous in most instances for purposes of clarity and consistency. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires the mapping of roads and landings located in watercourses, lakes, WLPZs, marshes, wet meadows, or other wet areas, other than at road watercourse crossings. This proposed regulatory standard was specifically informed by 14 CCR §§ 1090.7(n)(4) and 1090.5(w)(4)(B).

Adopt 14 CCR § 1094.8(u)(4)(C)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Contents of NTMP in 14 CCR § 1090.5, except provides reference to the WFMP rather than the NTMP. The Board believes that the language between the required contents of a proposed WFMP and a submitted WFHN should be synonymous in most instances for purposes of clarity and consistency. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires the mapping of roads that provide access to rock pits and water drafting sites, and the location of water drafting sites. This proposed regulatory standard was specifically informed by 14 CCR § 1090.5(w)(4)(C).

Adopt 14 CCR § 1094.8(u)(4)(D)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Contents of NTMP in 14 CCR § 1090.5, except provides reference to the WFMP rather than the NTMP. The Board believes that the language between the required contents of a proposed WFMP and a submitted WFHN should be synonymous in most instances for purposes of clarity and consistency. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires the mapping of public roads within a quarter mile of the harvest area. This proposed regulatory standard was specifically informed by 14 CCR §§ 1090.7(n)(4) and 1090.5(w)(4)(D).

Adopt 14 CCR § 1094.8(u)(4)(E)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this

proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Contents of NTMP in 14 CCR § 1090.5, except provides reference to the WFMP rather than the NTMP. The Board believes that the language between the required contents of a proposed WFMP and a submitted WFHN should be synonymous in most instances for purposes of clarity and consistency. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires the mapping of the location of significant existing or potential erosion sites on all roads and landings pursuant to 14 CCR 923.1(e). This proposed regulatory standard was specifically informed by 14 CCR §§ 1090.7(n)(4) and 1090.5(w)(4)(E).

Adopt 14 CCR § 1094.8(u)(5)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the location of proposed and existing landings that are located outside of the WLPZ and are greater than 1/4 acre in size or whose construction involves substantial excavation. This proposed regulatory standard, in part, restates 14 CCR § 1090.7(n)(5).

Adopt 14 CCR § 1094.8(u)(6)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the location of logging road failures on existing logging roads to be reconstructed. This proposed regulatory standard restates 14 CCR § 1090.7(n)(6).

Adopt 14 CCR § 1094.8(u)(7)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for

NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the location of all new permanent constructed and reconstructed, and temporary logging roads watercourse crossings, including those crossings to be abandoned or deactivated. The Board deemed this proposed language necessary so that the LTO would be provided all necessary instruction on a WFHN to fully implement the enforceable provisions of the approved WFMP. This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(n)(7).

Adopt 14 CCR § 1094.8(u)(8)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to designate areas of low, moderate, high or extreme erosion hazard rating if more than one exists. This proposed regulatory standard restates 14 CCR § 1090.7(n)(8).

Adopt 14 CCR § 1094.8(u)(9)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to depict the location of lakes and watercourse(s) with Class I, II, III or IV water and Wet Meadows and Other Wet Areas when operations are proposed pursuant to 14 CCR § 916.3(c). This proposed regulatory standard was specifically informed by 14 CCR § 1090.7(n)(9), with the inclusion of the Board defined term of Wet Meadows and Other Wet Areas (refer to 14 CCR § 895.1) to attain consistency with existing Board rules and regulations.

Adopt 14 CCR § 1094.8(u)(10)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to show locations of known unstable areas. This proposed regulatory standard restates 14 CCR § 1090.7(n)(10).

Adopt 14 CCR § 1094.8(u)(11)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would have to show locations of unique areas. This proposed regulatory standard restates 14 CCR § 1090.7(n)(11).

Adopt 14 CCR § 1094.8(u)(12)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the map that would be provided with a submitted WFHN, pursuant to 14 CCR § 1094.8(u), would be required to depict the locations of any applicable standard operating procedures, pursuant to 14 CCR 1094.6(jj), that would have to be implemented within the area covered by the WFHN. It was recognized that a WFMP, which could contain up to 15,000 acres, could be very difficult to cover the all acres with the necessary intensity to locate every in-lieu practices that would pertain to 14 CCR §§ 1094.6(z) and 1094.6(cc), which are generally the most common in-lieu practices associated with timber harvest activities. Therefore this proposed regulatory language is intended to provide flexibility to RPFs and landowners who wish to engage in the WFMP process for

the standardized development of best management practices for these specific types of timber operations.

Adopt 14 CCR § 1094.8(u)(13)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for contents of a NTO in 14 CCR § 1090.7. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, but also updated to provide congruency with the proposed requirements for Notice of Timber Operations Content in 14 CCR § 1090.7, except provides reference to the WFMP rather than the NTMP. Additionally, this proposed language was included within the regulatory proposal to attain congruency with the recently adopted Road Rules, 2013 (14 CCR § 923 et seq.). The proposed regulatory standard requires the mapping of the locations of logging roads, and landings, to be abandoned or deactivated. This proposed regulatory standard , in part, restates 14 CCR §§ 1090.7(gg).

Adopt 14 CCR § 1094.8(v)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. Existing regulation, pursuant to 14 CCR § 1090.5(v) require the plan submitter to provide a copy of the FPRs at the time of submission of the NTMP. Utilizing the structure of this existing regulation, the Board has proposed that the Department will be responsible to make a copy of the current FPRs at the time of WFMP approval in 14 CCR § 1094.6(y). Therefore, given the longevity of WFMPs, the dynamic nature of the FPRs, and the potential for the Department to receive many WFHNs over the life of a plan, the Board proposes that it is appropriate for the Department to also supply a copy of the current FPRs at the time of WFHN submittal as well, which is what this proposed regulation would require. This proposed regulatory standards is structured specifically after 14 CCR § 1090.5(v), with the difference that the responsibility for producing the FPR lies with the Department rather than the plan submitter.

Adopt 14 CCR § 1094.8(w)

The language proposed for adoption is promulgated following the enactment of AB 904, which enacted PRC § 4597 et seq. During development of the proposed draft regulations, the Board received comment from landowners in regards to request for protection of proprietary information that may be contained within a proposed or approved WFHN. As a result of this comment, the Board has included a proposed regulatory standard that will provide landowners with the opportunity to disclose and protect certain information that may be considered proprietary. This language is structured upon existing regulation for the

Sustained Yield Plan (SYP), pursuant to 14 CCR § 1091.4.5(b).

Adopt 14 CCR § 1094.9 WFMP Professional Judgment

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Professional Judgment in 14 CCR § 1090.8. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that where the rules or these regulations provide for the exercise of professional judgment by the RPF or the Director, if there is a disagreement and if requested by either party, they shall confer on the WFMP area during the WFMP review inspection and reach agreement, if possible, on the conditions and standards to be included in the plan. This proposed regulatory standard restates 14 CCR § 1090.8.

Adopt 14 CCR§ 1094.10 Plan Submitter(s) Responsibility

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard provides a leading statement that Plan Submitter(s) would be responsible for the provisions provided in the proposed provisions of 14 CCR §§ 1094.10(a) – (l). This proposed regulatory standard restates 14 CCR § 1090.9.

Adopt 14 CCR§ 1094.10(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states the Plan Submitter(s) would be responsible for ensuring that a RPF conduct any activities which requires a RPF. This proposed regulatory standard restates 14 CCR § 1090.9(a).

Adopt 14 CCR§ 1094.10(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards

for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states the Plan Submitter(s) would be responsible for providing the RPF preparing the plan or deviations with complete and correct information regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the planning and conduct of timber operations. This proposed regulatory standard restates 14 CCR § 1090.9(b).

Adopt 14 CCR§ 1094.10(c)

The Board proposes to adopt a regulatory standard that states that the Plan Submitter(s) would be responsible for filing a minor deviation with the Department that identifies a Designated Agent that represents the Plan Submitter(s) at least five days prior to filing the first WFHN, unless already identified in the WFMP. This proposed language was developed in consultation with the Department and is intended to reduce the enforcement issues that Cal Fire has experienced with the management of the NTMP program, of which the WFMP is modeled after, by having a single point of contact that is designated for each WFMP. The Designated Agent would act in the capacity of a liaison between the timberland owner(s) and the Department in matters pertaining to various administrative processes and land management decisions as outlined in 14 CCR § 1094 et seq.

Adopt 14 CCR§ 1094.10(d)

The Board proposes to adopt a regulatory standard that states that the Plan Submitter(s) would be responsible for filing a minor deviation with the Department that identifies a change to the Designated Agent that is associated with an approved WFMP. This proposed language was developed in consultation with the Department and is intended to reduce the enforcement issues that Cal Fire has experienced with the management of the NTMP program, of which the WFMP is modeled after, by having a single point of contact that is designated for each WFMP. The Designated Agent would act in the capacity of a liaison between the timberland owner(s) and the Department in matter pertaining to various administrative processes and land management decisions as outlined in 14 CCR § 1094 et seq.

Adopt 14 CCR§ 1094.10(d)(1)

The Board proposes to adopt a regulatory standard that states that the Plan Submitter(s) would be responsible for filing a minor deviation pursuant to 14 CCR § 1094.10(d) within five days of the change of the Designated Agent if active timber operations are occurring. This proposed language was developed in consultation with the Department and is intended to reduce the enforcement issues that Cal Fire has experienced with the management of the NTMP program, of which the WFMP is modeled after, by having a single point of contact that is designated for each WFMP. The Designated Agent would act in the capacity of a liaison between the timberland owner(s) and the Department in

matters pertaining to various administrative processes and land management decisions as outlined in 14 CCR § 1094 et seq.

Adopt 14 CCR§ 1094.10(d)(2)

The Board proposes to adopt a regulatory standard that states that the Plan Submitter(s) would be responsible for filing a minor deviation pursuant to 14 CCR § 1094.10(d) within thirty days of the change of the Designated Agent if no active timber operations are occurring. This proposed language was developed in consultation with the Department and is intended to reduce the enforcement issues that Cal Fire has experienced with the management of the NTMP program, of which the WFMP is modeled after, by having a single point of contact that is designated for each WFMP. The Designated Agent would act in the capacity of a liaison between the timberland owner(s) and the Department in matters pertaining to various administrative processes and land management decisions as outlined in 14 CCR § 1094 et seq.

Adopt 14 CCR§ 1094.10(e)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Plan Submitter(s) would be responsible for signing the WFMP and certifying that they have knowledge of the plan contents and the requirements of 14 CCR § 1094.10. This proposed regulatory standard was specifically informed by 14 CCR § 1090.9(c).

Adopt 14 CCR§ 1094.10(f)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Plan Submitter(s) would be responsible for filing a minor deviation within five working days if there is a change in RPF responsibilities as they pertain to implementation of the approved WFMP or if there is a substitution of RPF responsibilities. The proposed regulatory standard would require that the minor deviation submitted to the Department contain the RPF's name and registration number, address, and subsequent responsibilities for any RPF required field work, preparation of deviations, or operation supervision. This proposed regulatory standard , in part, restates 14 CCR § 1090.9(d).

Adopt 14 CCR§ 1094.10(g)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Plan Submitter(s) would be responsible for providing a copy of the approved WFMP and WFHN to the LTO. This proposed regulatory standard restates 14 CCR § 1090.9(e).

Adopt 14 CCR§ 1094.10(h)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Plan Submitter(s) would be responsible for notifying the Director prior to commencement of site preparation operations. The requirements of this notification would be met if a burning permit is obtained by the Plan Submitter(s). This proposed regulatory standard restates 14 CCR § 1090.9(f).

Adopt 14 CCR§ 1094.10(i)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Plan Submitter(s) Responsibility in 14 CCR § 1090.9. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Plan Submitter(s) would be responsible for providing the RPF preparing the WFHN and the LTO each a copy of the current WFMP and subsequent deviation(s). This proposed regulatory standard restates 14 CCR § 1090.9(g).

Adopt 14 CCR§ 1094.10(j)

The language proposed for adoption is promulgated following the enactment of AB 904, which enacted PRC § 4597 et seq. During development of the draft regulatory proposal pursuant to PRC § 4597 et seq., it was requested by Cal Fire to include a provision that would require the Plan Submitter(s) to notify the Director of any revisions to LTO responsibility so that the Department could adequately enforce the standards of LTO responsibilities as intended by all

parties of interest. Therefore, the Board has included this draft regulatory standard that states that the Plan Submitter would be responsible for the notifying the Director of any changes(s) in LTO responsibilities in writing.

Adopt 14 CCR§ 1094.10(k)

The Board proposes to adopt a regulatory standard that states that the Plan Submitter(s) would be responsible for providing the RPF preparing the Working Forest Harvest Notice and LTO(s) each a copy of the current Lake or Streambed Alteration Agreement, as appropriate, pursuant to Section 1600 et seq. of the Fish and Game Code that covers activities subject to this jurisdiction of activities covered under the Working Forest Harvest Notice. This proposed language was developed in consultation with the California Department and Fish and Wildlife and is intended that both the responsible RPF and LTO would have copies of all approved components of an approved WFMP, including any approved Streambed Alteration Agreements pursuant to Section 1600 of the Fish and Game Code. It is possible that specific enforceable measures within an approved Section 1600 permit are not included in an approved WFMP, and therefore it was determined necessary to develop a proposed regulatory standard to assure that individuals that are involved in the implementation of a WFMP have all appropriate documentation to assure compliance with all enforcement standards.

Adopt 14 CCR§ 1094.10(l)

The language proposed for adoption is promulgated following the enactment of AB 904, which enacted PRC § 4597 et seq. During development of the draft regulatory proposal pursuant to PRC § 4597 et seq., it was requested by Cal Fire and landowner representatives to include a provision that would allow the Plan Submitter(s) to delegated certain responsibilities to an identified Designated Agent. Cal Fire has requested that a single point of contact is designated for each WFMP so that administrative processes and land management decisions for landowners participating in WFMPs are communicated to Cal Fire through a single point of contact. Therefore, the Board has included this draft regulatory standard that states that the Plan Submitter would have the ability to delegate responsibilities, as outlined in 14 CCR § 1094.10(f) –(k), with written notification to the Director.

**Adopt 14 CCR § 1094.11(a) Registered Professional Foresters
Responsibility**

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Registered Professional Forester Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF who prepares and signs a plan

would be responsible for the accuracy and completeness of the plans contents. This proposed regulatory standard restates 14 CCR § 1090.10(a).

Adopt 14 CCR § 1094.11(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard provides a leading statement that states that the RPF would have to adhere to the responsibilities provided for in 14 CCR §§ 1094.11(b)(1) and (2). This proposed regulatory standard restates 14 CCR § 1090.10(b).

Adopt 14 CCR § 1094.11(b)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF would be required to inform the Director and landowner(s) by phone, letter or email if he or she will be attending the review inspection. This proposed regulatory standard restates 14 CCR § 1090.10(b)(1), except provides the ability for email communication, which reflects the contemporary and ubiquitous use of digital communication between RPFs and Cal Fire.

Adopt 14 CCR § 1094.11(b)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF would be required to provide the landowner(s) a copy of the Board rules and regulations in effect on the date of the WFMP approval. This proposed regulatory standard restates 14 CCR § 1090.10(b)(2).

Adopt 14 CCR § 1094.11(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards

for RPF Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF who prepares a WFHN would be required to list or describe in the WFHN any work which would be performed by the RPF or the RPF's Supervised Designee. This may include, but is not limited to, field work in identifying watercourse and lake protection zones or special treatment areas, marking trees, or other activities. The RPF is only responsible for the activities required of the RPF by the Board rules and regulations and those activities for which he or she is employed. This proposed regulatory standard restates 14 CCR § 1090.10(c).

Adopt 14 CCR § 1094.11(d)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF preparing the WFHN would be required to inform the plan submitter(s) and Designated Agent in writing of their responsibility pursuant to 14 CCR § 1094.10, for compliance with the requirements of the Act and, where applicable, Board rules and regulations regarding site preparation, stocking, and maintenance of logging roads, landings, and erosion control facilities. This proposed regulatory restates 14 CCR § 1090.10(d).

Adopt 14 CCR § 1094.11(e)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF who prepares the WFMP or prepares the WFHN, or any other RPF who is employed by the owner(s) or operator(s), would be required to report to the owner or operator if there are deviations from the WFMP that, in the RPF's judgment, threaten the attainment of the resources conservation standards of the WFMP. This proposed regulatory standard restates PRC § 4597.13.

Adopt 14 CCR § 1094.11(f)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10, although this regulation does not

address RPF on-site presence. 14 CCR § 1035.1 Registered Professional Foresters Responsibility for Timber Harvest Plans does provide a provision for RPF on-site presence. This proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the THP. The proposed regulatory standard states that the RPF(s) retained by the plan submitter(s) to provide professional forestry advice throughout the timber operations would have to be present, or ensure that the RPF's Supervised Designee is present, on the logging area at a sufficient frequency to know the progress of operations and advise the LTO(s) and timberland owner(s), but not less than once during the life of the operations conducted under a Working Forest Harvest Notice(s). This proposed regulatory standard restates 14 CCR 1035.1(e).

Adopt 14 CCR § 1094.11(g)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for RPF Responsibility in 14 CCR § 1090.10 although this regulation does not address withdrawing RPF professional services. 14 CCR § 1035.1 Registered Professional Foresters Responsibility for Timber Harvest Plans does provide a provision for withdrawing RPF professional services, therefore this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the THP. The proposed regulatory standard states that the RPF would be required to notify without delay, in writing, the LTO(s), the plan submitter(s), the Designated Agent and the Department of a decision to withdraw professional services from the plan. This was deemed necessary so that all parties of interest involved in an approved WFMP would be apprised of the change in RPF supervision. This proposed regulatory standard restates 14 CCR 1035.1(g).

Adopt 14 CCR § 1094.11(h)

The language proposed for adoption is promulgated following the enactment of AB 904, which enacted PRC § 4597 et seq. During development of the draft regulatory proposal, the Board received comment from landowner representatives that confidentiality between a RPF and landowner(s), timber owner(s), LTO(s), should be able to be kept confidential. Therefore, the Board has proposed this regulatory standard that states that all disclosures made between a RPF and an affected party in regards to RPF responsibility may be kept confidential. Although this regulatory standard is not included in language from existing regulation for the NTMP, it is addressed within the PTHP. This proposed regulatory standard was specifically structured after 14 CCR 1092.12(f).

Adopt 14 CCR § 1094.12(a) Interaction Between RPF and LTO on Working Forest Harvest Notice

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Interaction Between RPF and LTO on Notice of Timber Operations (NTO) in 14 CCR § 1090.11. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the RPF, or Supervised Designee, and LTO would be required to meet prior to the commencement of operations under a submitted WFHN. This meeting could occur in the field if requested by either the RPF or LTO. If any deviation is incorporated into the WFMP after the first meeting, then another meeting, of which could occur in the field upon request by either the RPF or LTO, would be required to occur. Written documentation of this meeting would be required to be submitted to the Department. The proposed regulatory standard also provides a leading statement that states that the intent of the RPF/LTO meeting is to assure that the LTO is apprised on the proposed provisions set forth in 14 CCR §§ 1094.12(a)(1) and (2). This proposed regulatory standard was specifically informed by 14 CCR § 1090.11.

Adopt 14 CCR § 1094.12(a)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Interaction Between RPF and LTO on NTO in 14 CCR § 1090.11. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that during the meeting, pursuant to 14 CCR § 1094.12(a), the RPF would be required to advise the LTO on any sensitive on-site conditions requiring special care during operations. This proposed regulatory standard restates 14 CCR § 1090.11(a).

Adopt 14 CCR § 1094.12(a)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Interaction Between RPF and LTO on NTO in 14 CCR § 1090.11. The NTO associated with a NTMP is similar to that of a WFHN that is associated with a WFMP. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the

NTMP. The proposed regulatory standard states that during the meeting, pursuant to 14 CCR § 1094.12(a), the RPF would be required to advise the LTO in regards to the intent and applicable provisions of the approved WFHN, including any deviations. This proposed regulatory standard restates 14 CCR § 1090.11(b).

Adopt 14 CCR § 1094.13 Licensed Timber Operator Responsibilities

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Licensed Timber Operator Responsibility in 14 CCR § 1090.12. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard provides a leading statement that the LTO would have to comply with 14 CCR §§ 1094.13(a) – (c) in regards to their responsibilities associated with WFMPs. This proposed regulatory standard was specifically informed by 14 CCR § 1090.12.

Adopt 14 CCR § 1094.13(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Licensed Timber Operator Responsibility in 14 CCR § 1090.12. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that it would be the responsibility of the LTO to inform the responsible RPF and Plan Submitter(s), either in writing or orally, of any site conditions in the LTO's opinion that would prevent implementation of the WFHN. This proposed regulatory standard restates 14 CCR § 1090.12(a).

Adopt 14 CCR § 1094.13(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Licensed Timber Operator Responsibility in 14 CCR § 1090.12. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that it would be the responsibility of the LTO to keep a copy of the applicable approved WFHN and any applicable deviations available for reference at the site of active timber operations. This proposed regulatory standard was specifically informed by 14 CCR § 1090.12(b).

Adopt 14 CCR § 1094.13(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Licensed Timber Operator Responsibility in 14 CCR § 1090.12. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that it would be the responsibility of the LTO to comply with all provisions of the Forest Practices Act, Board rules and regulations, the applicable WFHN and any approved deviations during operations under an approved WFMP. This proposed regulatory standard restates 14 CCR § 1090.12(c).

Adopt 14 CCR§ 1094.14 Notification of Commencement of Operations

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Licensed Timber Operator Responsibility in 14 CCR § 1090.13. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that it would be the responsibility of the Designated Agent to notify Cal Fire of the start of timber operations within fifteen days prior, and not later than the day of commencement of operations. This notification would be required to be by telephone, mail, or email and directed to the appropriate Cal Fire Unit Headquarters, Forest Practice Inspector or other designated personnel. This proposed regulatory standard was specifically informed by 14 CCR § 1090.13, except provides the ability for email communication, which reflects the contemporary and ubiquitous use of digital communication between the regulated public and Cal Fire.

Adopt 14 CCR § 1094.15(a) Notice of WFMP Filing

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that it would be the responsibility of the Department to prepare a notice of filing, which would contain the basic information contained in the Notice of Preparation pursuant to 14 CCR §1094.3. It would also be required that the notice of filing would have to contain the WFMP number that was assigned by the Department. This proposed regulatory standard restates 14 CCR § 1090.16(a) and was informed by PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the require notice of filing, pursuant to 14 CCR § 1094.15(a), would have to be transmitted to all identified entities or databases as identified in 14 CCR §§ 1094.15(b)(1) – (7). This proposed regulatory standard was specifically informed by 14 CCR § 1090.16(b) and PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing, pursuant to 14 CCR § 1094.15(a), would have to be transmitted the Plan Submitter. This proposed regulatory standard restates 14 CCR § 1090.16(b)(1) and informed by PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing, pursuant to 14 CCR § 1094.15(a), would have to be transmitted to the office of the County Clerk of the county(s) in which the operations are proposed and posted at the normal place for posting environmental notices. This proposed regulatory standard restates 14 CCR § 1090.16(b)(2) and informed by PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides

reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing, pursuant to 14 CCR § 1094.15(a), would have to be transmitted to the local Cal Fire Unit headquarters for posting. This proposed regulatory standard restates 14 CCR § 1090.16(b)(3) and informed by PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(4)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing, pursuant to 14 CCR § 1094.15(a), could be posted, at the Directors discretion, in other locations that may seem desirable and feasible to provide adequate public notice. This proposed regulatory standard was specifically informed by 14 CCR § 1090.16(b)(4) and PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(5)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing, pursuant to 14 CCR § 1094.15(a), would be transmitted to all public agencies having custodial responsibility for lands within 300 feet of the proposed WFMP boundary. This proposed regulatory standard restates 14 CCR § 1090.16(b)(5) and informed by PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(6)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing, pursuant to 14 CCR § 1094.15(a), would be transmitted to publically available internet database. This proposed regulatory standard, in part, restates PRC § 4597.4.

Adopt 14 CCR § 1094.15(b)(7)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing pursuant, to 14 CCR § 1094.15(a), would be transmitted to any person who requests notifications in writing. This proposed regulatory standard , in part, restates PRC § 4597.4.

Adopt 14 CCR § 1094.15(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice NTMP of Filing in 14 CCR § 1090.16. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the required notice of filing pursuant to 14 CCR § 1094.15(a) could be transmitted via internet based email in lieu of regular mail. This proposed regulatory standard was specifically informed by PRC § 4597.4 and developed through consultation with Cal Fire. This proposed regulatory standard is intended to increase efficiency for Department staff when processing a notice of filing.

14 CCR § 1094.16 Agency and Public Review of the WFMP

Adopt 14 CCR § 1094.16(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that upon receipt of the proposed WFMP, the Department would be required to place the proposed plan, or a true copy of the proposed plan, in a location available for public inspection in the county in which timber operations are proposed under the plan or on a publically available internet database. For the purpose of interdisciplinary review, the Department would also have to transmit a copy to the Department of Conservation, the Department of Fish and Wildlife, the appropriate California Regional Water Quality Control Board, the county planning agency, and all other agencies having jurisdiction by law over natural resources affected by the plan. The Department would be required to

invite, consider, and respond in writing to comments received from public agencies to which the plan has been transmitted and would have to consult with those agencies at their request. This proposed regulatory standard is intended to increase efficiency for Department staff when processing a notice of filing. This proposed regulatory standard was specifically informed by 14 CCR § 1090.17(a) and restates PRC § 4597.5.

Adopt 14 CCR § 1094.16(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Director would be required to transmit a copy of any specified plan to any person who has made a written request for the document. This proposed regulatory standard restates 14 CCR § 1090.17(b).

Adopt 14 CCR § 1094.16(c)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Department would be required to bill persons for the cost of providing copies of request WFMP and that the monies would be paid to the Department. This proposed regulatory standard restates 14 CCR § 1090.17(c).

Adopt 14 CCR § 1094.16(d)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language provides a leading statement indicating that the Director would be required to follow the provisions of 14 CCR §§ 1094.16(d)(1) - (6) when significant new information, as defined in 14 CCR § 895.1 is added to the plan during plan review or during the Director's Determination period. This proposed regulatory standard restates 14 CCR § 1090.17(f).

Adopt 14 CCR § 1094.16(d)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Director would be required to recirculate only those portions of the plan that have been modified when significant changes are limited to only a few sections the plan. This proposed regulatory standard restates 14 CCR § 1090.17(f)(1).

Adopt 14 CCR § 1094.16(d)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Director would be required to recirculate the entire plan when the significant changes are not limited to only a few sections of the proposed WFMP. This proposed regulatory standard restates 14 CCR § 1090.17(f)(2).

Adopt 14 CCR § 1094.16(d)(3)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Director would be required to prepare a Letter of Recirculation. Additionally this regulatory proposal provides a leading statement that informs the Director that the information pursuant to 14 CCR §§1094.16(d)(3)(A) – (F) would be required to be in the Letter of Recirculation. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3).

Adopt 14 CCR § 1094.16(d)(3)(A)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this

proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain a brief description of the proposed project, including the information as identified in 14 CCR §§ 1094.16(d)(3)(A)(1) – (6). This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A).

Adopt 14 CCR § 1094.16(d)(3)(A)1.

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the Plan number and county(s) in which the plan is located. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A)1.

Adopt 14 CCR § 1094.16(d)(3)(A)2.

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the names of the timberland owners(s) and the Plan Submitter(s). This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A)2.

Adopt 14 CCR § 1094.16(d)(3)(A)3.

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the location of the plan area by county, section, township and range. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A)3.

Adopt 14 CCR § 1094.16(d)(3)(A)4.

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the name of the nearest major watercourse or CALWATER v2.2 ID, which is the current version of CALWATER. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A)4.

Adopt 14 CCR § 1094.16(d)(3)(A)5.

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the acres proposed for harvest. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A)5.

Adopt 14 CCR § 1094.16(d)(3)(A)6.

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the silvicultural system to be used. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(A)6.

Adopt 14 CCR § 1094.16(d)(3)(B)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except

provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain a summary of changes made to the plan and a brief description of significant new information contained in the plan. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(B).

Adopt 14 CCR § 1094.16(d)(3)(C)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain clarification as to whether the entire plan or only those recirculated portions of the plan are open for public comment. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(C).

Adopt 14 CCR § 1094.16(d)(3)(D)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the starting and ending dates for the review period during which public comments will be received. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(D).

Adopt 14 CCR § 1094.16(d)(3)(E)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the date, time and place of any scheduled public meetings when known by the lead agency at the time of notice. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(E).

Adopt 14 CCR § 1094.16(d)(3)(F)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to contain the address where copies of the plan record is available for public review. This proposed regulatory standard restates 14 CCR § 1090.17(f)(3)(F).

Adopt 14 CCR § 1094.16(d)(4)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Letter of Recirculation that would be required pursuant to 14 CCR § 1094.16(d)(3) would have to be sent to all review team members; any agency(s), person(s), or organization(s) that commented on the plan, and all landowner(s) who received a Notice of Preparation. This proposed regulatory standard restates 14 CCR § 1090.17(f)(4).

Adopt 14 CCR § 1094.16(d)(5)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Department would have to respond to comments in response to the Letter of Recirculation if one of the provisions set forth in the proposed regulatory standards of 14 CCR § 1094.16(d)(5)(A) – (B) are met. This proposed regulatory standard restates 14 CCR § 1090.17(f)(5).

Adopt 14 CCR § 1094.16(d)(5)(A)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this

proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Department would have to respond to comment in response to the Letter of Recirculation if the comments received during the initial circulation period relate to the sections or portions of the plan that were revised and recirculated. This proposed regulatory standard restates 14 CCR § 1090.17(f)(5)(A).

Adopt 14 CCR § 1094.16(d)(5)(B)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Department would have to respond to comment in response to the Letter of Recirculation if the comments received during recirculation period that relate to the sections or portions of the plan that were revised and recirculated. This proposed regulatory standard restates 14 CCR § 1090.17(f)(5)(B).

Adopt 14 CCR § 1094.16(d)(6)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Agency and Public Review of the NTMP in 14 CCR § 1090.17. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory language states that the Department would have to include a Notice of Recirculation pursuant to 14 CCR § 1032.9 along with the Notice of Filing. This proposed regulatory standard restates 14 CCR § 1090.17(f)(6).

Adopt 14 CCR § 1094.17 Director's Determination

Adopt 14 CCR § 1094.17(a)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department would be required to provide a minimum time for public comment, starting from the date of receipt of the WFMP and provides a leading statement that indicates that the minimum allowed time for public comment would be required to meet the provisions in the proposed regulatory standards of 14 CCR §§ 1094.17(a)(1) - (3). This proposed regulatory standard restates PRC § 4597.6(a).

Adopt 14 CCR § 1094.17(a)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department would be required to provide a minimum of 90 days for public comment starting from the date of receipt of a WFMP that is less than 5,000 acres. This proposed regulatory standard was specifically informed by PRC § 4597.6(a)(1).

Adopt 14 CCR § 1094.17(a)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department would be required to provide a minimum of 110 days for public comment starting from the date of receipt of a WFMP that is between 5,000 and less than 10,000 acres. This proposed regulatory standard restates PRC § 4597.6(a)(2).

Adopt 14 CCR § 1094.17(a)(3)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department would be required to provide a minimum of 130 days for public comment starting from the date of receipt of a WFMP that is between 10,000 and 15,000 acres. This proposed regulatory standard restates PRC § 4597.6(a)(3).

Adopt 14 CCR § 1094.17(b)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption provides a leading statement that indicates that the proposed regulatory standards of 14 CCR §§ 1094.17(b)(1) – (5) would have to be met prior to approval of a filed WFMP. This proposed regulatory standard restates PRC § 4597.6(b).

Adopt 14 CCR § 1094.17(b)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department, prior to approval, would be required to determine if a submitted WFMP is accurate, complete, and in proper order within 30 working days, or within 40 working days if a Road Management Plan pursuant to 14 CCR § 1093 is appended. The submitted WFMP would be required to be filed if the plan is found in conformance with the FPRs. A submitted WFMP that is found to not be accurate, complete, and in proper order would be required to be returned to the Plan Submitter(s) with an explanation that includes provisions for resubmitting the plan. This proposed regulatory standard restates PRC § 4597.6(b)(1).

Adopt 14 CCR § 1094.17(b)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department, prior to approval, would be required to initiate the initial inspection within twenty working days from date of filing a submitted WFMP. Additionally the proposed regulatory standard indicates that the initial inspection would have to be completed within 30 working days from date of filing a submitted WFMP. This proposed regulatory standard restates PRC § 4597.6(b)(2).

Adopt 14 CCR § 1094.17(b)(3)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Department, prior to approval, would be required to conduct the final interagency review of a filed WFMP within forty five working days subsequent to completing the initial inspection. This proposed regulatory standard restates PRC § 4597.6(b)(3).

Adopt 14 CCR § 1094.17(b)(4)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the public comment period shall end twenty working days after the completion of the final interagency review of the plan or until the requirement of the proposed regulatory standard in 14 CCR § 1094.17(a) is met. The public comment period would be required to be extended to the longer of the two identified timelines. This proposed regulatory standard restates PRC § 4597.6(b)(4).

Adopt 14 CCR § 1094.17(b)(5)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that after the final interagency review and public comment period has ended, the Department would be required have up to thirty working days to review the public input, to consider recommendations and mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the plan is in conformance with the applicable Board rules and regulations and other applicable provisions of law. This proposed regulatory standard restates PRC § 4597.6(b)(5).

Adopt 14 CCR § 1094.17(c)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that if after final interagency review the Director determines that the plan is not in conformance with the Board rules and regulations, the Director would be required to deny and return the plan, stating the reasons for the denial and advising the Plan Submitter of the person's right to a hearing before the

Board. This proposed regulatory standard restates PRC § 4597.6(c).

Adopt 14 CCR § 1094.17(d)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that if the Director does not act within the time periods provided in 14 CCR § 1094.17(b), the Director and the Working Forest Landowner(s) submitting the WFMP would be required to negotiate and mutually agreed upon a longer period for the Director to review the plan. If a longer period cannot be mutually agreed upon, the WFMP would be denied and returned to the Working Forest Landowner(s) submitting the plan. This proposed regulatory standard restates PRC § 4597.6(d).

Adopt 14 CCR § 1094.17(e)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that provisions pursuant to 14 CCR §§ 1094.17(e)(1) – (4) apply to the appeal of a denied WFMP. This proposed regulatory standard was specifically informed by PRC § 4597.6(e).

Adopt 14 CCR § 1094.17(e)(1)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that a Working forest landowner(s) to whom a plan is denied pursuant to 14 CCR §§ 1094.17(c) or 1094.17(d) may request, within thirty working days from the receipt of the plan, a public hearing before the Board. The Board would be required to schedule a public hearing to review the plan to determine if the plan is in conformance with the Board rules and regulations and this article. This proposed regulatory standard restates PRC § 4597.6(e)(1).

Adopt 14 CCR § 1094.17(e)(2)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that the Board would be required to take action within thirty days from the Working Forest Landowner(s) filing an appeal pursuant to 14 CCR § 1094.17(d)(1). Additionally this proposed regulatory provision would allow for a longer period of time to schedule a hearing if the timeline is agreed upon by the Board and the Working Forest Landowner(s) who filed the appeal. This proposed regulatory standard restates PRC § 4597.6(e)(2).

Adopt 14 CCR § 1094.17(e)(3)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that if the Director's decision to deny the plan is overturned by the Board, the Board shall prepare findings and its rationale for overturning the decision, and return the plan to the Department for approval by the Director. This

proposed regulatory standard restates PRC § 4597.6(e)(3).

Adopt 14 CCR § 1094.17(e)(4)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption states that if the plan is not approved on appeal to the Board, the Director, within ten working days of Board action, shall advise the plan submitter(s) regarding changes needed that would achieve compliance with this article and other applicable provisions of the law. The plan submitter(s) would have forty five working days from the date of the notification letter, or longer, if mutually agreeable to the Department and the plan submitter(s) to revise the plan to bring it into full conformance with the Board rules and regulations and this article. Upon receipt of the information requested of the plan submitter(s), the Department would be required to recirculate the plan and reopen the public comment period for thirty working days. Prior to determining whether to approve the proposed revised plan, the Director would have thirty working days to review public input and consider recommendations and mitigation measures of other agencies, and to respond in writing to issues raised. This proposed regulatory standard restates PRC § 4597.6(e)(4).

Adopt 14 CCR § 1094.18 Review Teams to be Established to Review WFMP

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Review Teams to be Established to Review Timber Management Plan in 14 CCR §1090.19. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Director would be required to establish an interdisciplinary review to review WFMP(s) and assist the Director in the evaluation of proposed WFMP(s) and its impacts on the environment. The Review Team composition, function, tasks and procedures shall be the same as those described in 14 CCR § 1037.5. This proposed regulatory standard restates 14 CCR § 1090.19.

Adopt 14 CCR § 1094.19 Nonconformance of WFMP

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Nonconformance of NTMP in 14 CCR §1090.20. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that if the Director determines that a plan is not in conformance with the Board rules and regulations, the plan would be returned in accordance with 14 CCR § 1054. In addition, the Director would be required to state any changes

and reasonable conditions that in the Director's professional judgment are needed to bring the plan into conformance with the applicable Board rules and regulations and offer to confer with the RPF in order to reach agreement on the conditions necessary to bring the plan into conformance. This proposed regulatory standard restates 14 CCR § 1090.20 and was informed by PRC § 4597.6(c).

Adopt 14 CCR § 1094.20 Conformance of WFMP

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Conformance of NTMP in 14 CCR § 1090.21. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that if the Director determines that a proposed WFMP is in conformance with Board rules and regulations, then the person submitting the plan would be notified timber operations as described in the approved WFMP may only commence after submission of a Working Forest Harvest Notice as prescribed in the proposed regulatory provisions of 14 CCR § 1094.7. This proposed regulatory standard was specifically informed by 14 CCR § 1090.21.

Adopt 14 CCR § 1094.21 Notice of Conformance of WFMP

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Notice of Conformance of the NTMP in 14 CCR § 1090.22. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that the Director would be required to transmit a notice of conformance of an approved WFMP to agencies and persons identified in 14 CCR § 1094.16 and for posting at places identified in 14 CCR § 1094.15 within ten days of WFMP approval. A copy of the notice of conformance would have to be filed with the Secretary of Resources and would be required to include a written response of the Director that indicates significant environmental points raised during the review process. This proposed regulatory standard restates 14 CCR § 1090.22.

Adopt 14 CCR § 1094.22 Public Inspection

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Public Inspection in 14 CCR § 1090.23. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference

to the WFMP rather than the NTMP. The proposed regulatory standard states that Notices of Conformance, pursuant to 14 CCR § 1094.21 and notices of approval by the Board, pursuant to 14 CCR § 1054, would be required to be available for public inspection, and a list of such notices would be posted on a weekly basis in the Office of the Resources Agency. Each list would be required to remain posted for a period of thirty days. This proposed regulatory standard restates 14 CCR § 1090.23.

14 CCR § 1094.23 Substantial Deviations

Adopt 14 CCR § 1094.23(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Amendments in 14 CCR § 1090.24 and was referenced during the development on this regulatory standard. The proposed regulatory standard states that a Designated Agent may submit a proposed deviation, as prepared by the RPF, to the approved plan. No action could occur that substantially deviates, as defined by the Board, from the approved plan until the substantial deviation has been approved by the Director. In addition this proposed regulatory provision provides a leading statement that informs the Director that one of the actions pursuant to 14 CCR §§ 1094.23(1) – (2) would have to occur upon submittal of a substantial deviation. This proposed regulatory standard was specifically informed by 14 CCR § 1090.24 and restates PRC § 4597.7, but specifies that the Designated Agent would be the submitter, which addresses the concern expressed by Cal Fire, for a single point of contact for approved WFMPs.

Adopt 14 CCR § 1094.23(a)(1)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The proposed regulatory standard states that the Director may find that a submitted substantial deviation is in compliance with the current Board rules and regulations. The proposed regulatory standard restates PRC § 4597.7(a).

Adopt 14 CCR § 1094.23(a)(2)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The proposed regulatory standard states that the Director may find that a submitted substantial deviation is in compliance with the Board rules and regulations that were in effect at the time of the WFMP approval. Additionally this proposed regulatory standard provides a leading statement informing the Director that such a finding can only occur if the provisions of 14 CCR §§ 1094.23(a)(2)(A) or (B) are met. The proposed regulatory standard restates PRC § 4597.7(b).

Adopt 14 CCR § 1094.23(a)(2)(A)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The proposed regulatory standard states that the Director may find that a submitted substantial deviation is in compliance with the Board rules and regulations that were in effect at the time of the WFMP approval if adherence to new or modified Board rules and regulations would cause unreasonable additional expense to the Working Forest Landowner(s). The proposed regulatory standard was specifically informed b restates PRC § 4597.7(b)(1).

Adopt 14 CCR § 1094.23(a)(2)(B)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The proposed regulatory standard states that the Director may find that a submitted substantial deviation is in compliance with the Board rules and regulations that were in effect at the time of the WFMP approval if compliance with those regulatory standards would not result in any significant degradation to the beneficial uses of water, soil stability, forest productivity, or wildlife. The proposed regulatory standard restates PRC § 4597.7(b)(2).

Adopt 14 CCR § 1094.23(b)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The proposed regulatory standard states review timelines for substantial deviations of WFMPs would be required to conform to the direction provided in PRC § 4582.7, except for substantial deviations that add acreage covered by the original WFMP that exceeds 10 percent or 500 acres, whichever is greater. Substantial deviations that add acreage in excess of 10 percent or 500 acres would have to be reviewed pursuant to the procedures specified in 14 CCR § 1094.17. The proposed regulatory standard restates PRC § 4597.7(c).

Adopt 14 CCR § 1094.23(c)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. For this reason the Board found it necessary to restate the previously adopted definition of substantial deviation (refer to 14 CCR § 895.1) to clarify which actions associated with a WFMP would be considered a substantial deviation. The proposed regulatory standard states that changes to an approved WFMP would be presumed to be substantial deviations if they could have a significant effect on the conduct of timber operations and potentially could have a significant adverse effect on timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment. This proposed regulatory standard also provides a leading statement that informs RPFs, landowners and the Department that a deviation could also be considered a substantial deviation if one of the provisions of 14 CCR §§ 1094.23(c)(1) – (14) are proposed. The proposed regulatory standard, in part, restates 14 CCR § 895.1 and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(1)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in location of timber harvesting operations within the WFMP area would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(2)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that enlargement of the WFMP area would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(3)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that a change in volume planned to be harvested exceeding ten percent as project by the LTSY would be presumed to be substantial deviation. Based on comment provided by the Department, the Board found it necessary to address deviations in harvest volumes that exceed 10 percent of the original LTSY projection to be of sufficient variance to require a substantial deviation. The review associated with a substantial deviation would allow for the Department to assure that there are no substantial environmental affects with the proposed harvestable volumes. The proposed regulatory standard is informed by 14 CCR § 895.1 and PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(4)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in the silvicultural method and cutting system on any portion of an approved WFMP would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(5)

The proposed adoption follows the enactment of AB 904, which chaptered PRC §

4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in the type or location of yarding system or basic type of equipment utilized during implementation of an approved WFMP would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(6)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads incorporating one of the proposed regulatory standards of 14 CCR §§ 1094.23(c)(6)(A) – (F) within an approved WFMP would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(6)(A)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads within a WLPZ or where sidecast would be extended into a WLPZ would be presumed to be substantial deviations. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(6)(B)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads located within an area with extreme erosion hazard rating would be presumed to be substantial deviations. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(6)(C)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of

providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads located on areas where the average side slope exceeds 50 percent would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(6)(D)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads located within an unstable area, areas of active soil movement or landslides would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(6)(E)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviations. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads with an increase in road gradient allowed by the District Rules as an exception and not provided for in the original WFMP would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(7)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that change in location, nature or increase in length of proposed logging roads that extends greater than 600 feet that was not approved in the original WFMP would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(8)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that

any use of existing roads not shown in the original plan when reconstruction work to allow for vehicle travel will be substantial or when substantial work on an existing road means more than minor repair and dressing of the traveling surface and removal of vegetation to allow for vehicle passage would be presumed to be substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(9)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that use of any logging roads not shown in the approved WFMP which would affect the key habitat, not previously discussed in the plan, of state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) would be presumed to be substantial deviation. The proposed regulatory standard was specifically informed by 14 CCR § 895.1 and PRC § 4597.7 along with consultation with California Department of Fish and Wildlife for the protection and conservation of wildlife resources from potential adverse impacts from operations conducted under an approved WFMP.

Adopt 14 CCR § 1094.23(c)(10)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that enlargement of landings that was not justified in the approved WFMP would be presumed to be a substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(11)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that any changes in operation within, or designation of, Watercourse or Lake Protection Zones would be presumed to be a substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(12)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of

providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that downgrading the classification of a watercourse located within an approved WFMP would be presumed to be a substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(13)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that a change to winter operations, where summer operations were previously specified within an approved WFMP, would be presumed to be a substantial deviation. The proposed regulatory standard , in part, restates 14 CCR § 895.1 (definition of substantial deviation) and is informed by PRC § 4597.7.

Adopt 14 CCR § 1094.23(c)(14)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.7. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to development and submittal of substantial deviation. The proposed regulatory standard states that changes to the erosion control implementation plan as a result of operations to implement the provisions of the approved erosion control implementation plan would not be presumed to be a substantial deviation. The proposed regulatory standard was developed within input from landowner representatives and Cal Fire and is intended to support a process where upgrading of infrastructure located within an approved WFMP can be documented within a updated erosion control implementation plan with minimal effort from the RPF and minimal cost to the Working Forest Landowner(s).

Adopt 14 CCR § 1094.24 Report of Minor Deviations

Adopt 14 CCR § 1094.24(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. In Definitions of 14 CCR § 895.1, there is a provided definition of Minor Deviation which applies to the NTMP. Therefore, this proposed regulatory standard was structured after this existing regulation. The proposed regulatory standard states that Minor Deviations would mean any change to an approved WFMP that is minor in scope which can reasonably be presumed not to make a significant change in the conduct of timber operations and which can reasonably be expected not to significantly adversely affect timberland productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or to result in a violation of the applicable

water quality control plan. This supplied definition is consistent with the existing definition of Minor Deviation as it applies to all FPRs, with the addition of reference to "water quality control plans" and is intended to provide consistency and clarity to Minor Deviations as they apply to an approved WFMP. The reference the significant affects per the applicable water quality control plan was included based on comment from the North Coast Regional Water Quality Control Board. The Board found it necessary to include this language to highlight that revisions to a WFMP that impacts the beneficial uses of water could not be made per a minor deviation. This proposed regulatory standard restates 14 CCR § 895.1, and is informed by PRC § 4597.8.

Adopt 14 CCR § 1094.24(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include the regulatory standards for Report of Minor Deviations in 14 CCR § 1090.25. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that Minor Deviations may be undertaken by the person who submitted the WFMP or Working Forest Harvest Notice without submission of a minor deviation to the plan and would be required to be reported immediately in writing to the Director. Actions described in 14 CCR § 1094.23 which are normally presumed to be Substantial Deviations may, in a given instance, be a minor deviation. Actions listed as substantial deviations in 14 CCR § 1094.23, but considered to be minor deviation by the submitter(s), may be undertaken only if the person who submitted the plan or the Designated Agent submits the proposed deviation in writing to the Director for review and receives approval. Approval would be given if the Director determines that the proposed minor deviation conforms to the standards provided in 14 CCR § 1094.24(a). The Director shall have five working days to act on the application. If the Director or the representative of the Director does not act within five working days of receipt of such a deviation, timber operations may commence pursuant to such minor deviation. This proposed regulatory standard restates 14 CCR § 1090.25, and is informed by PRC § 4597.8.

Adopt 14 CCR § 1094.24(c)

The language proposed for adoption is promulgated following the enactment of AB 904, which chaptered PRC § 4597 et seq. The proposed regulatory standard allows newly adopted Board rules or regulations to be incorporated into an approved WFMP through a Minor Deviation. This proposed provision was developed in consultation with landowners and Cal Fire representatives and is intended to introduce a simplified process of incorporating newly developed Board rules and regulations into an approved WFMP, if found necessary with minimal effort by RPFs and minimal costs to Working Forest Landowner(s).

14 CCR § 1094.25 Report of Completion of Work Described in WFMP; Partial Completion Report

Adopt 14 CCR § 1094.25(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4585 provides statutory guidance on Report of Completion of Work Described in plan; Partial Completion Report that applies to both Timber Harvest Plans (THPs) and NTMPs . Therefore, this proposed regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4585 applying to WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to completion reports and partial completion reports for the purpose of clarity and consistency. The proposed regulatory standard states that the Designated Agent would be responsible for filing a completion report with Cal Fire within one month after the work described in the WFHN is complete. Completed work excludes work for stocking, site preparation, or maintenance of drainage facilities and soil stabilization. The proposed regulatory standard restates PRC § 4585(a).

Adopt 14 CCR § 1094.25(b)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4585 provides statutory guidance on Report of Completion of Work Described in plan; Partial Completion Report that applies to both THPs and NTMPs. Therefore, this proposed regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4585 applying to WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to completion reports and partial completion reports for the purpose of clarity and consistency. The proposed regulatory standard states that if all of the work described in the plan has not been completed, a report may be filed annually with respect to a portion of the area covered by the plan which has been completed. The portion completed shall be adequately identified on a map submitted with the report. The proposed regulatory standard restates PRC § 4585(b).

Adopt 14 CCR § 1094.26 Inspection of Completed Work

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4586 provides statutory guidance on Inspection of Completed Work that applies to both THP and NTMPs. Therefore, this proposed

regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4586 applying to the WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to completion reports and partial completion reports for the purpose of clarity and consistency. The proposed regulatory standard states that the Director would be required to determine, by inspection, within six months of the receipt of the work completion report specified in 14 CCR § 1094.25 whether the work described in the report has been properly completed in conformity with the Board rules and regulations and the provisions in this article. If the work has been completed, the Director would be required to issue a report of satisfactory completion of the work. If not, the Director would take such corrective action as the Director determines to be appropriate in accordance with Article 8 of the Forest Practices Act. The proposed regulatory standard restates PRC § 4586.

14 CCR § 1094.27 Stocking Report and Minimum Stocking Standards

Adopt 14 CCR § 1094.27(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4587 provides statutory guidance on Stocking Reports, standardized sampling procedure; waiver; regulations; operative date that applies to both THP and NTMPs. Therefore, this proposed regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4587 applying to WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to stocking reports and minimum stocking standards for the purpose of clarity and consistency. The proposed regulatory standard states that within five years after the completion of timber operations, or as otherwise specified in the rules, a report of stocking on the entire area logged under a WFHN and shown on a revised map would be required to be filed with the Director by the timber owner(s) or the Designated Agent. If stocking is required to be met upon completion of timber operations the stocking report would have to be submitted within six months of the completion of operations. Additionally, this proposed regulation provides a leading statement that informs the timber owner(s) or Designated Agent that the minimum acceptable stocking standards on logged areas which were acceptably stocked prior to harvest are those specified in the Coast, Northern, and Southern Forest District rules, but if not otherwise specified then the minimum standards of 14 CCR §§ 1094.27(1) – (2) would apply. The proposed regulatory standard, in part, restates PRC § 4587(a).

Adopt 14 CCR § 1094.27(a)(1)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was

to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4561 provides statutory guidance on Stocking standards, management, exemption that applies to all commercial harvesting under THPs and NTMPs. Therefore, this proposed regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4561 applying to the WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to stocking reports and minimum stocking standards for the purpose of clarity and consistency. The proposed regulatory standard states that on Site I timberlands as defined by the Board, the average residual basal area, measured in stems one inch or larger in diameter would be required to retain at least 85 square feet per acre or on Site II or lower would be at least 50 sq. ft. per acre. The proposed regulatory standard restates PRC § 4561(b)(1).

Adopt 14 CCR § 1094.27(a)(2)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4561 provides statutory guidance on Stocking standards, management exemption that applies to all commercial harvesting under THPs and NTMPs. Therefore, this proposed regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4561 applying to WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to stocking reports and minimum stocking standards for the purpose of clarity and consistency. The proposed regulatory standard states that in lieu of meeting the minimum stocking standards of 14 CCR §1094.27(a)(1), the harvested area could contain an average point count of 300 per acre on Site I, II, and III lands or 150 on Site IV and V lands as specified in PRC § 4561. The proposed regulatory standard was specifically informed by PRC § 4561(a).

Adopt 14 CCR § 1094.28 Inspection of Stocking

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing statute or regulation that applies to NTMPs. PRC § 4588 provides statutory guidance on Inspection of stocking; report of satisfactory completion that applies to all commercial harvesting under THPs and NTMPs. Therefore, this proposed regulatory standard was structured after this existing law, but refers to WFMPs in lieu of plans. The Board has proposed to amend the definition of Plan pursuant to 14 CCR § 895.1, to include the WFMP, which would result in PRC § 4588 applying to WFMPs, but Cal Fire requested that regulation be codified for the WFMP in regards to inspection of stocking for the purpose of clarity and consistency. The proposed regulatory standard states that within six months of the receipt of the

stocking report, the Director would be required to determine, by inspection, whether the stocking has been properly completed. If so, the Director would issue a report of satisfactory completion of stocking. If not, the Director shall take such corrective action as the Director deems appropriate in accordance with the provisions of Article 8 of the Forest Practices Act. The proposed regulatory standard restates PRC § 4588.

14 CCR § 1094.29 Five (5) Year Review of WFMP

Adopt 14 CCR § 1094.29(a)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible for conducting. The proposed regulatory standard states that the Department would be required to publish a public notice indicating that the five year review of a WFMP will commence at least thirty days prior to each five year anniversary date of a WFMP approval. The published notice shall indicate that public comment on the five year review shall be accepted during the thirty day period. The public may submit to the review team additional information relevant to the purpose of the five year review and the review team may consider this information when conducting its review. Additionally, the proposed provision provides a leading statement that states that the Director would be required distribute copies of the five year review public notice to all entities as provided for in 14 CCR §§ 1094.29(a)(1) – (4). The proposed regulatory standard was specifically informed by PRC § 4597.12(c).

Adopt 14 CCR § 1094.29(a)(1)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the public notice that would be required to be published by the Department pursuant to 14 CCR § 1094.29(a) would be distributed to the Office of the County Clerk of the county(s) in which the approved WFMP resides. The proposed regulatory standard was specifically informed by PRC § 4597.12(c).

Adopt 14 CCR § 1094.29(a)(2)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the public notice that would be required to be published by the Department pursuant to 14 CCR § 1094.29(a) would be distributed to the local Cal Fire Unit Headquarters for posting. The proposed regulatory standard was specifically informed by PRC § 4597.12(c).

Adopt 14 CCR § 1094.29(a)(3)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the public notice that would be required to be published by the Department pursuant to 14 CCR § 1094.29(a) would be distributed to other locations that the Director deems feasible and desirable for providing adequate public notice. The proposed regulatory standard was specifically informed by PRC § 4597.12(c).

Adopt 14 CCR § 1094.29(a)(4)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the public notice that would be required to be published by the Department pursuant to 14 CCR § 1094.29(a) would be distributed to a publically available internet database. The proposed regulatory standard was specifically informed by PRC § 4597.12(c).

Adopt 14 CCR § 1094.29(b)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the Director would be required to prepare a five year summary and convene a meeting with the interdisciplinary review team, pursuant to 14 CCR § 1037.5, within thirty days of each five year anniversary of a WFMP approval to review the plan's administrative record, information obtained pursuant to 14 CCR § 1094.29(c), and any other information relevant to verify that completed or current operation(s) have been conducted in accordance with the plan and applicable laws and regulations. The Department would be required to provide the public, in writing or on a publically available internet database, a copy of the plan summary. Participation by review team agencies would be at the discretion of each agency. If at this meeting a member of the review team determines that a field inspection is necessary to verify that operations have been conducted in accordance with the plan and applicable laws and regulations, then a field inspection may be conducted within sixty days of each five year anniversary date of WFMP approval. The proposed regulatory standard was specifically informed by PRC § 4597.12(a) and through consultation with representatives from Cal Fire and landowner advocacy groups.

Adopt 14 CCR § 1094.29(c)

The proposed adoption follows the enactment of AB 904, which chaptered PRC §

4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that for the purposes of 14 CCR § 1094.29(b), each five year review shall allow the review team to analyze information including the number of Working Forest Harvest Notices, the acreage operated under each Working Forest Harvest Notice, the violations received, the volume harvested in relation to projections of harvest in the WFMP and to determine if operations under Working Forest Harvest Notice(s) were conducted in compliance with the content and procedures in the WFMP. The review team would be required analyze any significant episodic events occurring during the previous five years including disease and drought caused tree mortality, windthrow, wildfire and landslides. If the Department or a review team agency does not have direct access to information needed for the five year summary, the Department may require the Working Forest Landowner(s) to provide this information. The Department would be required to notify the Working Forest Landowner(s) of the findings of the five year review. The proposed regulatory standard was specifically informed by PRC § 4597.12(b) and through consultation with representatives from Cal Fire and landowner advocacy groups.

Adopt 14 CCR § 1094.29(d)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that if notices of violation have been issued, or the five year review indicates potentially significant adverse impacts to the environment may occur from continuance of the WFMP, or if Cal Fire is presented with a fair argument that a project may have a significant adverse effect on the environment, the Department would be required to provide written comments that a review of the WFMP content and procedures may be necessary. The Director would have to state any changes and reasonable conditions in the Director's professional judgment that are needed to bring operations into compliance with the applicable Board rules and regulations and offer to confer with the Designated Agent in order to reach agreement on the conditions necessary to bring the operations into compliance and to mitigate significant adverse effects on the environment identified during the five year review. Failure to implement the changes or reasonable conditions provided by the Director or developed in conference with the Designated Agent may result in cancellation of the WFMP pursuant to 14 CCR §1094.31(a). The proposed regulatory standard was specifically informed by PRC § 4597.12 and through consultation with representatives from Cal Fire and landowner advocacy groups.

Adopt 14 CCR § 1094.29(e)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose

of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. During development of the regulatory proposal, the Board received comment from landowner representatives that a timeline for the completion of the review should be incorporated to the draft regulations, so that landowner were assured that the review would be completed in a timely manner. The proposed regulatory standard states that the Department shall have sixty days from each five year anniversary after WFMP approval to finalize the findings of the five year review, unless a field visit occurs. If a field visit is initiated, then the Department would have up to one hundred and five days from each anniversary of WFMP approval to complete the findings of each five year review. The proposed regulatory standard was specifically informed by PRC § 4597.12.

Adopt 14 CCR § 1094.29(f)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the Department's findings of the five year review shall be distributed on a publically available internet database. The proposed regulatory standard was specifically informed by PRC § 4597.12.

Adopt 14 CCR § 1094.29(g)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the five year review of each WFMP that Cal Fire will be responsible to conduct. The proposed regulatory standard states that the provision within 14 CCR § 1094.29 does not authorize the public disclosure of proprietary information without first obtaining the Working Forest Landowner's consent. Proprietary information would be treated consistent with PRC § 21160 and Government Code § 6254.7. The proposed regulatory standard restates PRC § 4597.12(d).

Adopt 14 CCR § 1094.30 Change of Timberland Owner(s)

Adopt 14 CCR § 1094.30(a)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 and subsequently AB 2239, which specifically amended PRC § 4597.9. Although it was the intent of AB 904 to develop the WFMP after the structure of existing regulation for NTMPs, the existing regulation for NTMPs in regards to change of ownership under 14 CCR 1090.26 is also proposed for revision by the Board in this rulemaking effort as a result of the tenants of AB 2239. Therefore the existing regulatory structure for the NTMP was not utilized in this case, and the Board relied upon statute and consultation with Cal Fire to inform the development of this regulatory proposal. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable

standards to the change of ownership of timberland that is included within an approved WFMP. The proposed regulatory standard states that upon a change of ownership of the land described in the WFMP, the transferring timberland owner(s) would be required to provide the acquiring timberland owner(s) with a written Transfer of Responsibilities Notice that discloses the existence of the WFMP and informs the acquiring timberland owner(s) of the need to notify the Department of the acquiring timberland owner(s) intent to assume the responsibilities of the WFMP. The transferring timberland owner(s) would also be required to send the Department a copy of the Transfer of Responsibilities Notice provided to the acquiring timberland owner(s). The proposed regulatory standard was specifically informed by consultation with Cal Fire and PRC § 4597.9.

Adopt 14 CCR § 1094.30(b)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. and AB 2239, which specifically amended PRC § 4597.9. Although it was the intent of AB 904 to develop the WFMP after the structure of existing regulation for NTMPs, the existing regulation for NTMPs in regards to change of ownership under 14 CCR 1090.26 is also proposed for revision by the Board in this rulemaking effort as a result of the tenants of AB 2239. Therefore the existing regulatory structure for the NTMP was not utilized in this case, and the Board relied upon statute and consultation with Cal Fire to inform the development of this regulatory proposal. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the change of ownership of timberland that is included within an approved WFMP. The proposed regulatory standard states that if the transferring timberland owner(s) fails to provide the Notice required in the 14 CCR § 1094.30(a) and the Department discovers the change of ownership, the Department would be required to provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice. The transferring timberland owner(s) shall also send the Department a copy of the Transfer of Responsibilities Notice provided to the acquiring timberland owner(s). The proposed regulatory standard was specifically informed by consultation with Cal Fire and PRC § 4597.9.

Adopt 14 CCR § 1094.30(c)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. and AB 2239, which specifically amended PRC § 4597.9. Although it was the intent of AB 904 to develop the WFMP after the structure of existing regulation for NTMPs, the existing regulation for NTMPs in regards to change of ownership under 14 CCR 1090.26 is also proposed for revision by the Board in this rulemaking effort as a result of the tenants of AB 2239. Therefore the existing regulatory structure for the NTMP was not utilized in this case, and the Board relied upon statute and consultation with Cal Fire to inform the development of this regulatory proposal. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the change of ownership of timberland that is included within an approved WFMP. The proposed regulatory standard states that the acquiring timberland owner(s)

would have one year from the date of receipt of the Transfer of Responsibilities Notice pursuant to either 14 CCR § 1094.30(a) or 14 CCR § 1094.30(b), whichever is applicable, to notify the Department in writing of their intent to assume the responsibilities of the WFMP. If the Department does not receive notification within this period, the Department may cancel the WFMP. The proposed regulatory standard was specifically informed by consultation with Cal Fire and PRC § 4597.9.

Adopt 14 CCR § 1094.30(d)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. and AB 2239, which specifically amended PRC § 4597.9. Although it was the intent of AB 904 to develop the WFMP after the structure of existing regulation for NTMPs, the existing regulation for NTMPs in regards to change of ownership under 14 CCR 1090.26 is also proposed for revision by the Board in this rulemaking effort as a result of the tenants of AB 2239. Therefore the existing regulatory structure for the NTMP was not utilized in this case, and the Board relied upon statute and consultation with Cal Fire to inform the development of this regulatory proposal. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the change of ownership of timberland that is included within an approved WFMP. The proposed regulatory standard states that upon the transfer of ownership, the timberland owner(s) shall identify a Designated Agent pursuant to 14 CCR § 1094.10. The proposed regulatory standard was specifically informed by consultation with Cal Fire and PRC § 4597.9.

Adopt 14 CCR § 1094.30(e)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. and AB 2239, which specifically amended PRC § 4597.9. Although it was the intent of AB 904 to develop the WFMP after the structure of existing regulation for NTMPs, the existing regulation for NTMPs in regards to change of ownership under 14 CCR 1090.26 is also proposed for revision by the Board in this rulemaking effort as a result of the tenants of AB 2239. Therefore the existing regulatory structure for the NTMP was not utilized in this case, and the Board relied upon statute to inform the development of this regulatory proposal. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the change of ownership of timberland that is included within an approved WFMP. The proposed regulatory standard states that a violation of 14 CCR § 1094.30 does not constitute a crime.

Adopt 14 CCR § 1094.30(f)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. and AB 2239, which specifically amended PRC § 4597.9. Although it was the intent of AB 904 to develop the WFMP after the structure of existing regulation for NTMPs, the existing regulation for NTMPs in regards to change of ownership under 14 CCR 1090.26 is also proposed for revision by the Board in this rulemaking effort as a result of the tenants of AB 2239. Therefore the existing

regulatory structure for the NTMP was not utilized in this case, and the Board relied upon statute and consultation with Cal Fire to inform the development of this regulatory proposal. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to the change of ownership of timberland that is included within an approved WFMP. The proposed regulatory standard states that after a plan is found in conformance with the Board rules and regulations, the Director may file a Notice of Stocking Requirements on the property with the recorder of the county within which the plan is located if any area logged under a WFHN has not had a report of satisfactory stocking issued by the Director.

14 CCR § 1094.31 Cancellation of Plans

Adopt 14 CCR § 1094.31(a)

The language proposed for adoption is promulgated following the enactment of AB 904. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP include Cancellation of Plans within 14 CCR 1090.27. Therefore, this proposed regulatory standard was structured after this existing regulation, except provides reference to the WFMP rather than the NTMP. The proposed regulatory standard states that Working Forest Landowner(s) may cancel the WFMP by submitting a written notice to the Department. Once timber operations have commenced pursuant to a WFHN, cancellation is not effective on land covered by the WFHN until a report of satisfactory completion has been issued pursuant to PRC §§ 4585, 4586 and 4587. This proposed regulatory standards is structured specifically after 14 CCR § 1090.27 and restates PRC § 4597.10.

Adopt 14 CCR § 1094.31(b)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to cancellation of WFMPs. The proposed regulatory standard states that if the Department determines that the objectives of Unevenaged Management and Sustained Yield are not being met by a Working Forest Landowner(s), or there are other persistent violations detected that are not being corrected, the Department would be required to cancel a previously approved WFMP and any further timber operations under the plan would be terminated. In making a determination to cancel a plan, the Department may cite the findings of a review conducted pursuant to PRC § Section 4597.12 and 14 CCR § 1094.29. Cancellation of the plan may be appealed by the plan submitter(s) or the Designated Agent utilizing the process pursuant to PRC § 4597.6(e)(1) and 14 CCR § 1094.17(e). The proposed regulatory standard restates PRC § 4597.16.

14 CCR § 1094.32 Transition or Expansion of Plans

Adopt 14 CCR § 1094.32(a)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to transition or expansion of WFMPs. The proposed regulatory standard states that if a landowner with an approved NTMP with less than 2,500 acres of timberland expands the total timberland ownership to 2,500 or more acres of timberland through acquisition of additional timberland they may transition into a WFMP through a substantial deviation to the NTMP. The proposed regulatory standard restates PRC § 4597.17.

Adopt 14 CCR § 1094.32(a)(1)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to transition or expansion of WFMPs. The proposed regulatory standard states that operations may continue under an approved NTMP for a period of one year after the acquisition of the property that would result in exceeding 2,500 acres of timberland, if the landowner notifies the Director in writing of their intent to transition to a WFMP. The Director may grant up to an additional one year of operations under the previously approved NTMP to landowners who demonstrate substantial work has been conducted by a RPF(s) towards transitioning to a WFMP. The proposed regulatory standard was specifically informed by PRC § 4597.17 and consultation with representatives from Cal Fire and landowner advocacy groups.

Adopt 14 CCR § 1094.32(a)(2)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to transition or expansion of WFMPs. The proposed regulatory standard states that if the landowners who wish to transition to a WFMP from a NTMP are unable to demonstrate that substantial work is being conducted by an RPF towards transitioning to a WFMP then the Department would cancel the NTMP. The proposed regulatory standard was specifically informed by PRC § 4597.17 and consultation with representatives from Cal Fire and landowner advocacy groups.

Adopt 14 CCR § 1094.32(a)(3)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to transition or expansion of WFMPs. The proposed regulatory standard states that the RPF responsible for preparation of the substantial deviation to transition an approved NTMP to a WFMP would be required to review the contents of this article

including, but not limited to, 14 CCR §§ 1094.1 – 1094.3, 1094.6, 1094.10 - 1094.12, 1094.23, 1094.24 and 1094.32 to assure that all required information is included and addressed in the proposed substantial deviation prior to submittal to the Director. The proposed regulatory standard was specifically informed by PRC § 4597.17 and consultation with representatives from Cal Fire and landowner advocacy groups.

Adopt 14 CCR § 1094.32(b)

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards to transition or expansion of WFMPs. The proposed regulatory standard states that a Working Forest Landowner with an existing WFMP may expand the acreage of the WFMP pursuant to the process described in 14 CCR § 1094.23. The proposed regulatory standard restates PRC § 4597.17 and was informed by consultation with representatives from Cal Fire.

Adopt § 1094.33 Safe Harbor Agreement

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq. The language proposed for adoption was developed for the purpose of providing additional clarity and enforceable standards for a landowner(s) to obtain coverage under a Safe Harbor Agreement with the California Department of Fish and Wildlife. The proposed regulatory standard states that a participating landowner(s), in conjunction with the preparation of an application for a WFMP filed with the Department, may also seek approval of a Safe Harbor Agreement from the Department of Fish and Wildlife, pursuant to Article 3.7 (commencing with Section 2089.2) of Chapter 1.5 of Division 3 of the Fish and Game Code. All review costs associated with the Safe Harbor Agreement approval process incurred by the Department of Fish and Wildlife pursuant to this section shall be paid from the fund created in PRC § 4629.3. The proposed regulatory standard restates PRC § 4597.18.

Adopt 14 CCR § 1094.34 State Restoration Projects

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597.19. The proposed amendment is intended to provide congruency between the required regulatory standards for funding of restoration activities on lands covered by an approved WFMP and with the tenants of state law. Prior to the enactment of AB 904, funding of restoration activities on lands covered by an approved WFMP was not available. The adoption of this proposed language would provide regulation to landowners indicating that such proposals are allowed. The proposed regulatory standard restates PRC § 4597.19.

Adopt § 1094.35 Southern Subdistrict

The proposed adoption follows the enactment of AB 904, which chaptered PRC § 4597 et seq., and subsequently AB 1345, which amended PRC § 4597.22. The language proposed for adoption was developed for the purpose of providing

additional clarity and enforceable standards for the availability for landowner(s) within the Southern Subdistrict of the Coast District to obtain a Working Forest Management Plan. The proposed regulatory standard states the WFMP shall not apply to the Southern Subdistrict of the Coast Forest District, as defined in Section 14 CCR § 895.1. The proposed regulatory restates PRC § 4597.22.

Amend § 1104.1(i)(2) Conversion Exemptions

The proposed amendments to this section include the incorporation of the WFMP into 14 CCR § 1104.1(i)(2). The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP includes reference within this regulatory provision which indicates that large old trees may be harvested in the instances including, but not limited to, a HCP, SYP, NTMP or PTEIR addresses the large old tree retention for the areas in which the trees are proposed for removal and such removal is in compliance with the retention standards of the previously mentioned management document. The Board deemed that this existing regulation should also apply to the WFMP. Therefore, the Board proposes to amend the existing regulation to refer to “WFMP” for purposes of congruency.

Amend § 1115.3 Conduct of Hearing

The proposed amendments to this section include the incorporation of the WFMP into 14 CCR § 1115.3. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs, of which the existing regulations for the NTMP, as well as a THP. Cal Fire shall conduct a public hearing in a timely fashion if one is requested. The existing regulation indicates that the Departmental representative hosting the meeting should be familiar with the plan under review and that the public hearing is an integral portion of the project review. All public comments at the hearing shall be electronically recorded by the Department, and any person is able to record the hearing if they wish. The existing regulation states that the Department will not take any action with regard to approval or disapproval of the project during the hearing and that the Department representative responsible for hosting the meeting shall provide a written report of the hearing to the Departmental employee responsible for approval or disapproval of the project under review. The Department is responsible for written responses to significant issues raised during the hearing. The Board deemed that this regulatory standard should also apply to the WFMP. Therefore, the Board proposes to amend the existing regulation to refer to “WFMP” in several locations for purposes of congruency. Additionally, the Board proposes minor grammatical revisions for purposes of clarity and to insert the acronym “NTMP” and “THP” in lieu of Non-Industrial Timber Management Plan or Timber Harvesting Plan for purposes of efficiency.

Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings (1st Edition, revised 04/21/14)

C. Design and Treatment Measures to Achieve Hydrologic Disconnection

The proposed amendments to this section include the incorporation of the WFMP into Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings (1st Edition, revised 04/21/14), specifically into bullet point 3 of Design and Treatment Measures to Achieve Hydrologic Disconnection. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP includes reference, within this technical rule addendum, that provides guidance on spacing of ditch drains, as it applies to THPs, NTMPs, and PTHPs. The Board deemed that this existing technical rule addendum should also apply to the WFMP. Therefore, the Board proposes to amend the existing technical rule addendum to include WFMP for purposes of congruency.

Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings (1st Edition, revised 04/21/14)

C. Logging Road Outsloping and Installation of Rolling Dips

The proposed amendments to this section include the incorporation of the WFMP into Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings (1st Edition, revised 04/21/14), specifically into the final paragraph of Logging Road Outsloping and Installation of Rolling Dips. The legislative intent of AB 904, which enacted PRC § 4597 et seq., was to structure the development of the WFMP from the existing regulations for NTMPs. The existing regulations for the NTMP includes reference, within this technical rule addendum, that provides guidance on ousloping of roads and installation of rolling dips, as it applies to THPs, NTMPs, and PTHPs. The Board believes that this existing technical rule addendum should also apply to the WFMP. Therefore, the Board proposes to amend the final paragraph of this identified section of the existing technical rule addendum to include WFMP for purposes of congruency.

ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D))

The proposed action is not likely to create or eliminate jobs within the State of California. The proposed action would develop a new permitting vehicle, known as the Working Forest Management Plan (WFMP), for Working Forest Landowners, that would streamline the current permitting structure that landowners who own greater than 2,500 acres, but less than 15,000 acres, of timberland must currently utilize. Regardless of the type of permitting vehicle landowners utilize, these landowners would still require the services of entities including, Registered Professional Foresters, Licensed Timber Operators, Professional Biologists, Professional Botanists and Professional Geologists. The professionals working for various state and local agencies, required to review and enforce the proposed action may increase, but an estimate would be speculative depending on the extent that WFMPs supplant the submission of THPs. Therefore, the number of jobs related to implementation of the State's Forest Practice Program, in the public or private sector, is not likely to change as a result of the proposed action.

The proposed action is not likely to create new businesses or eliminate existing businesses within the State of California. The proposed action would develop a new permitting vehicle, known as the Working Forest Management Plan (WFMP), for Working Forest Landowners, that would streamline the current permitting structure that landowners who own greater than 2,500 acres, but less than 15,000 acres, of timberland must currently utilize. Regardless of what type of permitting vehicle landowners utilize, these landowners would still require the services of businesses, such as consulting firms, that provide professional support for commercial timber harvest activities. Additionally, the lumber mills, trucking companies, Licensed Timber Operators would still be required in their current capacity; therefore no loss of business is likely to occur as a result of the proposed action. Finally, it is likely that the existing business community that support and manage commercial timber harvest activities is sufficient to manage any and all commercial timber harvest activities that may occur under WFMPs, therefore no new businesses would likely be generated as a result of the proposed action. The projection is that commercial timber management will continue to occur at current scales across the State regardless of the outcome of the proposed action.

The proposed action will not likely result in the expansion of businesses currently doing business within the State. The primary purpose of the proposed action is to create the Working Forest Management Plan (WFMP) program, based on the model of the Nonindustrial Timber Management Plan (NTMP) program, to provide nonindustrial landowners (with less than 15,000 acres of timberland) greater opportunities for cost-effective timber management than currently exist through the application of a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield and stricter environmental standards (relative to the NTMP). Commercial timber

management will continue at current scales across the state with no discernible expansion or contraction as a result of the proposed action.

The proposed action may have a beneficial effect on the environment. These beneficial effects upon the environment could be related to fire resiliency, habitat, aesthetics, carbon sequestration and decreased timberland conversion. However, these prospective benefits are speculative, but it may be presumed, at a minimum, that the level of protective effect upon the environment will not be reduced as a result of the proposed action. The proposed action is not expected to have an effect upon the health and welfare of California residents, worker safety, the prevention of discrimination, or the promotion of fairness or social equity. Neither is the proposed action expected to result in an increase in the openness and transparency in business and government.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.3(b)(3))

The Board of Forestry and Fire Protection relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action.

1. Assembly Floor Analysis on AB 904 prepared by Mario DeBernardo. September 6, 2013.
<http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>
2. Senate Appropriations Committee Fiscal Summary on AB 904 prepared by Marie Liu. September 3, 2013.
<http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml>
3. Davis, Lawrence S. and K. Norman Johnson. *Forest Management*. McGraw-Hill Book Company, 1987. Third edition.
4. California Department of Forestry and Fire Protection. *Non-industrial Timberland Management Plan Growth and Yield Guidelines*. March, 2006.
5. Excerpts from the Public Resources Code (PRC), 2014: §§ 752, 753, 4528.5, 4551, 4551.5, 4552, 4553, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4585-4588, 4593.10, 4597-4597.22, 4601, 4629.3, 21000(g), 21092 and 21160.
6. Excerpts from Government Code (GOV), 2015: § 6254.7
7. Excerpts from Title 14 of the California Code of Regulations (14 CCR), 2014: §§ 895, 895.1, 912.7 [932.7, 952.7], 913.2, 913.11 [933.11, 953.11], 916.3, 916.4, 916.5 [936.5, 956.5], 919.9 [939.9], 919.11, 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 936.4 [936.4, 956.4], 945.1, 1032.9, 1032.10, 1035-1035.4, 1037.5, 1038, 1054, 1071, 1090-1090.28, 1092, 1093, 1094-1094.35, 1104.1, 1115.3, and 15380(d).
8. Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings”

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GC § 11346.2(b)(4)(A) and (B)):

- **ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR**
- **ALTERNATIVES THAT ARE LESS BURDENSOME AND EQUALLY EFFECTIVE IN ACHIEVING THE PURPOSES OF THE REGULATION IN A MANNER THAT ENSURES FULL COMPLIANCE WITH THE AUTHORIZING STATUTE OR OTHER LAW BEING IMPLEMENTED OR MADE SPECIFIC BY THE PROPOSED REGULATION**

The Board has considered the following alternatives and rejected all but alternative #4.

Alternative #1: No Action

This alternative would result in not adopting new Forest Practice Rules to make specific the WFMP program or amending the existing Forest Practice Rules to incorporate reference to the WFMP. Further, this alternative would result in not amending the existing Forest Practice Rules to make specific parts of the NTMP program to reflect the most current statute.

This alternative was rejected because the Board is compelled by PRC § 4597.20, to act to implement PRC § 4597 et seq., chaptered as a consequence of the passage of AB 904, by January 1, 2016. Although there is no deadline for action associated with the sections of the PRC chaptered as a consequence of the passage of AB 2239 and SB 1345, the Board rejected the no action alternative in order to capitalize on the significant effort associated with obligations set forth in PRC § 4597.20.

Alternative #2: Take Action to Increase the Specificity of the Regulation Needed to Implement the Statute

This alternative would increase the specificity of the regulation needed to implement the statute.

The Board rejected increasing the specificity of the regulation needed to implement the statute in recognition of the diversity in timberland, management and mitigations, to allow the final level of prescription to be developed by the participants familiar with the site specific, on the ground conditions. The Board found that increasing the specificity, relative to the proposed action, did not provide enough flexibility to participants to meet the statutory requirements in alternative ways that were more site-specific and at least as effective.

Alternative #3: Take Action to Decrease the Specificity of the Regulation Needed to Implement the Statute

This alternative would decrease the specificity of the regulation needed to implement the statute. This alternative would provide maximum flexibility for participants allowing them to develop performance based standards to implement the statute.

The Board rejected decreasing the specificity of the regulation needed to implement the statute because the Board found that a minimum level of prescriptive standards were needed to implement the statute. Decreasing the specificity would generate broader interpretation by the participants and may result in enforcement complications for the Department, who must have the ability to enforce regulatory prescriptive standards for the protection of the public trust resources. It is important to note that the proposed action does include the option for Registered Professional Foresters (RPF) to develop alternative prescriptions, practices, mitigations etc. to take the place of certain prescriptive standards. This effectively offers the RPFs the ability to develop a performance based alternative, but must provide equal to or greater protection than the Forest Practice Rules. These provisions were included because the Board does recognize that prescriptive standards do not work effectively for all circumstances. It would then be incumbent upon the RPF to explain and justify why the prescriptive standard is not compatible with the proposed project and provides discretion to the Director to approve such proposals.

Alternative #4: Take Action as Proposed and Modified through the Formal Public Review and Comment Process

This alternative would result in adopting new Forest Practice Rules to make specific the WFMP program and amending the existing Forest Practice Rules to incorporate reference to the WFMP. Further, this alternative would result in amending the existing Forest Practice Rules to make specific parts of the NTMP program to reflect the most current statute. The proposed action is a mix of performance based and prescriptive standards as is the entire Forest Practice Rules.

This is the preferred alternative as it fulfills the obligations, specified in statute, of the Board and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of the proposed action. Public and Agency representatives have reviewed the proposed action and provided input, which is reflected therein. The Board struck a balance between performance based and prescriptive standards. The Board found that a minimum level of prescriptive standards were needed to implement the statute. However, the proposed action does include the option for RPFs to develop alternative prescriptions, practices, mitigations etc. to take the place of certain prescriptive standards. This effectively offers the RPFs the ability to develop a performance based alternative, but must provide equal to or greater protection than Forest Practice Rules. These provisions were included because the Board

does recognize that prescriptive standards do not work effectively for all circumstances. It would then be incumbent upon the RPF to explain and justify why the prescriptive standard is not compatible with the proposed project and provides discretion to the Director to approve such proposals.

The Board finds that none of the following alternatives:

- Would have any adverse impact on small business.
- Would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation than the proposed action.
- Would be more effective in carrying out the purpose for which the action is proposed and would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Prescriptive Standards versus Performance Based Standards (pursuant to GC §§11340.1(a), 11346.2(b)(1) 11346.2(b)(4)(A)):

The regulation does not mandate the use of specific technologies or equipment, but does prescribe specific actions or procedures. The proposed action is, in fact, a mix of performance based and prescriptive standards as is the entire Forest Practice Rules. Alternative #3 considered increasing performance based standards relative to prescriptive standards, but was rejected for the reasons described above. Bottom line, the increasing of performance based standards was not reasonably expected to be as effective and less burdensome. Alternative #4 is preferred for the reasons described above and serves as the explanation for why prescriptive standards are required.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5))

The proposed action will not have a significant adverse economic impact on business, including small business, as defined in GOV § 11342.610. One reason is that the WFMP program to be established by the proposed action is voluntary. The proposed action would develop a new permitting vehicle, known as the Working Forest Management Plan (WFMP), that would streamline the current permitting structure that landowners who own greater than 2,500 acres, but less than 15,000 acres, of timberland must currently utilize. Regardless of what type of permitting vehicle landowners utilize, these landowners would still require the services of businesses, such as consulting firms, that provide professional support for commercial timber harvest activities. Additionally, the lumber mills, trucking companies, Licensed Timber Operators would still be required in their current capacity; therefore no loss of business is likely to occur as a result of the proposed action. The projection is that commercial timber management will

continue to occur at current scales across the State regardless of the outcome of the proposed action.

DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6))

The Code of Federal Regulations. Based has been reviewed and based on this research, the Board found that the proposed action neither conflicts with, nor duplicates Federal regulations. There are no comparable Federal regulations for timber harvesting on State or private lands.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The California Environmental Quality Act (CEQA) requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified project. The Board's rulemaking process has been certified by the Secretary of Resources as meeting the requirements of PRC § 21080.5.

The proposed action would be an added element to the State's comprehensive Forest Practice Program under which all commercial timber management is regulated. The Board's Forest Practice Rules along with the Department oversight of rule compliance function expressly to prevent adverse environmental effects.

Harvesting plans (THPs, NTMPs, WFMPs etc.) contain a mix of avoidance and mitigation measures that are required by the Forest Practice Rules or are specifically designed by a licensed Registered Professional Forester (RPF) to reduce the risk for potential adverse effects. They also contain a comprehensive cumulative effects analysis utilized in part to identify potential risks and effects to aid in the RPF's avoidance and mitigation measure development.

State representatives review every harvesting plan prior to a decision as to approval or denial. Local and federal agency representatives are also involved in the review process. State representatives continue with compliance inspections of approved plans until the conclusion of the plan's lifespan. Where Forest Practice Rule standards or approved plan provisions have been violated, specified corrective and/or punitive enforcement measures, including but not limited to financial penalties, are imposed upon the identified offender(s).

In summary, the proposed action will not result in significant adverse environmental effects. The proposed action is an element of a comprehensive avoidance and mitigation program for commercial timber harvesting activities.