

1 | **BOARD OF FORESTRY AND FIRE PROTECTION**

2 |  
3 | **FEBRUARY 17, 2014 DRAFT**

4 |  
5 | **"WORKING FOREST MANAGEMENT PLAN"**

6 |  
7 | Where the abbreviation THP, the term Timber Harvesting Plan, or the word plan is used in Chapter 4,  
8 | Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as  
9 | specified in Article 7.75 of the PRC. In Subchapter 7 this equivalency will occur for all sections except  
10 | 1031 through 1042.

11 |  
12 | **1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing Locations**

13 | The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed timber  
14 | operations provided for by Article 7.75, Chapter 8, Part 2, Division 4 of the PRC (commencing with Sec.  
15 | ~~4593~~4597) shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office  
16 | having jurisdiction for the timber operations, and shall contain the information specified in 14 CCR §  
17 | 1094.65. [NOTE: For CAL FIRE Review Team Office addresses, see 14 CCR § 1032.]

18 |  
19 | **1094.2 Definitions**

20 | The following definitions apply to this article:

21 | (a) "Late succession forest stands" - means stands of dominant and predominant trees that meet the  
22 | criteria of the California Wildlife Habitat Relationships System class 5D, 5M, or 6 with an open,  
23 | moderate, or dense canopy closure classification, often with multiple canopy layers, and are at least 10  
24 | acres in size. Functional characteristics of late succession forest stands include large decadent trees,  
25 | snags, and large down logs.

26 | (b) "Long-term sustained yield" (LTSY) means the average annual growth sustainable by the inventory  
27 | predicted at the end of a 100-year planning horizon, or a shorter planning horizon if the forest  
28 | encompassed by the WFMP has reached a balance between growth and yield.

**Comment [WU1]:** Slightly modified language from 4597.2 to fit structure of a definition.

**Comment [SLF 2nd2]:** Inserted the abbreviation throughout document

1 (c) "Major stand type" means a stand that occupies an area equal to or greater than 25 percent of a  
2 WFMP.

3 (d) "Management unit" means a geographically identifiable area delineated for silviculture or  
4 management purposes. A management unit is intended to reflect an area scheduled for harvest under  
5 the plan in any given year, but may also be designated to address specific resource sensitivities.

6 (e) "Stand" means a geographically identifiable group of trees sufficiently uniform in age-class  
7 distribution, composition, and structure and growing on a site of sufficiently uniform quality to be a  
8 distinguishable unit.

9 (f) "Strata" means a grouping of similar stands defined for silvicultural or management purposes, usually  
10 according to similarities in stand composition, structure, and age.

11 (g) "Sustained yield" means the yield of commercial wood that an area of commercial timberland can  
12 produce continuously at a given intensity of management consistent with required environmental  
13 protection and that is professionally planned to achieve over time a balance between growth and  
14 removal. Sustained yield management implies continuous production planned so as to achieve, at the  
15 earliest practical time, a balance between growth and harvest.

16 (h) "Uneven aged management" means forest management with the goal of establishing a well-stocked  
17 stand of various age classes, which permits the periodic harvest of individual or small groups of trees to  
18 achieve sustained yield objectives of the WFMP, and provide for regeneration of trees and maintenance  
19 of age class structure.

20 (i) "Working Forest Harvest Notice" means notice of timber harvest operations, pursuant to an approved  
21 WFMP, which meets the requirements of Section 4597.11.

22 (j) "Working forest landowner" means an owner of timberland with less than 15,000 acres who has an  
23 approved WFMP and is not primarily engaged in the manufacture of forest products.

24 (k) "Working forest management plan" (WFMP) means a management plan for working forest  
25 timmerlands, with objectives of maintaining, restoring, or creating uneven aged managed timber stand  
26 conditions, achieving sustained yield, and promoting forestland stewardship that protects watersheds,  
27 fisheries and wildlife habitats, and other important values.

1 | (l) "Working forest timberlands" means timberlands owned by a working forest landowner.

2

3 | **1094.3 WFMP Submittal and Notice of Preparation**

4 | A WFMP ~~working forest management plan~~ may be submitted with the Ddepartment in writing by a  
5 | person who intends to become a working forest landowner with the long-term objective of an uneven  
6 | aged timber stand and sustained yield through the implementation of a WFMP ~~working forest~~  
7 | management plan. The WFMP ~~management plan~~ shall be prepared by a RP ~~Registered professional~~  
8 | forester. It shall be public record and shall include all of the specified in 14 CCR §1094.6;

Comment [WU3]: Changed filed to submitted;

Comment [WU4]: 4597.2 with revised clarification of reference to 1094.6 (WFMP Contents)

9 | (a) A plan shall be submitted by the person who owns the timberland included in the plan.

10 | (b) Where the timber is owned by parties other than the landowner, the landowner shall give prompt  
11 | written notice of such plan to those parties.

12 | (c) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Preparation to  
13 | Harvest Timber (Notice of Preparation).

14 | (1) If any proposed plan boundary lies within 300 ft. of any property owned by any person other  
15 | than the plan submitter, or

16 | (2) With any plan amendment that changes a plan boundary so that the new boundary lies  
17 | within 300 ft. of any property owned by any person other than the plan submitter, or

18 | (3) With any plan amendment that changes the silvicultural method if a Notice of Preparation  
19 | was required for the plan by condition (1) or (2) above.

20 | (d) A Notice of Preparation shall include the following information:

21 | (1) The name of the plan submitter.

22 | (2) The location of the plan area by county, section, township, and range, and the approximate  
23 | direction and distance to the plan area from the nearest community or well-known landmark.

24 | (3) The name of the nearest perennial blue line stream flowing through or downstream from the  
25 | plan area.

26 | (4) The acreage of the area to be included in the plan.

27 | (5) The silvicultural method(s) proposed.

1 (6) The estimated earliest date that the Director may approve the plan as he/she has indicated  
2 in the WFMP instructions.

3 (7) A statement that the public may review the plan at the specified CAL FIRE Review Team  
4 Office and a reasonable per page copy fee may be set by the Director for additional copies.

5 (e) The person submitting the plan shall furnish to the Department at the time of submission of the plan,  
6 a list of all persons, including their mailing addresses, who hold legal or equitable title to property within  
7 300 ft. of the plan boundary. Either a list compiled from the latest equalized assessment roll or a list  
8 provided by a title insurance company doing business in California shall be deemed sufficient for  
9 compliance with the subsection.

10 (f) The Department shall mail copies of the Notice of Preparation within two working days of receipt of  
11 the plan to all persons identified in (e) above.

12 (g) Prior to plan submission, the person submitting the plan shall post a copy of the Notice of  
13 Preparation at a conspicuous location that is easily visible to the public and near the plan site.

14 Notwithstanding other Board rules, the notices required by ~~Section 14 CCR § 1032.10~~ of article ~~6-5-2.0~~  
15 shall be completed prior to submission of the WFMP, and within counties with special rules, (14CCR,  
16 Subchapter 4, Art. 13, Subchapter 6, Art. 13) the noticing requirements will be the same as for a THP.  
17

**Comment [WU5]:** Article 6.5 changed to 2.0 for correct reference. This needs to be revised in the NTMP language as well. Wrong citation 1090.2. Possibly strike reference to article completely and refer to 14 CCR 1032.10 only.

18 **1094.4 Notice of Preparation-Distribution by Director**

19 The Director shall distribute copies of each Notice of Preparation within two working days of receipt to:

20 (a) The Office of the County Clerk of the county in which operations are proposed for posting at the  
21 customary place for posting environmental affairs.

22 (b) The local ~~Ranger~~ Unit headquarters for posting.

**Comment [WU6]:** Deleted "Ranger" and left unit. Seems like a more contemporary reference.

23 (c) At such other locations as the Director may deem desirable and feasible to provide adequate public  
24 notice.

25 (d) Any additional distribution of the ~~notice~~ Notice of Preparation required by the rules of the Board for  
26 individual counties.  
27

1 **1094.5 Request for Notification of WFMP or Working Forest Harvest Notice Submission**

2 (a) Each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Working Forest  
3 Harvest Notice Notice of Timber Operations submitted each day.  
4 (b) When any person requests notice of submissions of timber management plans WFMPs, the Director  
5 shall provide the person, free of charge, with a copy of the list of WFMPs or Notices of Timber  
6 Operations Working Forest Harvest Notices- submitted on the date or dates requested. If no specific date  
7 is requested, a copy of the lists for the preceding week shall be provided.  
8

Comment [WU7]: Both CAL FIRE and CDF are referenced in the plead. Select one or the other for consistency.

Comment [WU8]: Should this be Notice of Filing

Comment [SLF 2nd9]: Maybe Notice of Preparation, will need to determine intent.

9 **1094.6 Contents of WFMP**

10 The WFMP plan shall serve three functions: 1) to provide information the Director needs to determine  
11 whether the proposed WFMP conforms to the rules of the Board; 2) to provide information and  
12 direction for timber management so it complies with the rules of the Board and the management  
13 objectives of the landowner; and 3) to disclose the potential effects of timber management to the  
14 public. For the WFMP plan to serve these functions, it shall, as a minimum, contain the following  
15 information:

- 16 (a) The Name, address and telephone number of the timberland owner(s) or designated agent.
- 17 (b) Name, address, and telephone number of the timber owner(s) (if different).
- 18 (c) Name, address, telephone number, and registration number of RPF who prepared the plan.
- 19 (d) A description of the plan area within which timber operations are to be conducted. The description  
20 shall include the following:

21 (e) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per  
22 mile, indicating the location of all streams, the location of all proposed and existing logging truck roads,  
23 and the boundaries of all site I classification timberlands to be stocked in accordance with subdivision

Comment [WU10]: Added language from 1090.5. Reference of map scale not included in 4597.2.

24 (b) of Section 4561. In addition this map(s) shall include:

Comment [WU11]: Did not include language of mapping of other site classes. Discretion is provided to the Board on this detail. If Board decides that other stocking standards are required for various site classes, the language will be reinserted.

- 25 (1) Boundaries of WFMP management plan(s) and management unit(s).
- 26 (2) Boundaries of yarding (logging) systems, if more than one system is to be used.

Comment [WU12]: This language was inserted to provide clarity for other mapping provisions for the WFMP. Some of these provisions are current standards for NTMPs and required by the FPRs.

Comment [WU13]: Deleted Management Plans. No reference to Management Plans for WFMP.

- 1 (3) Location of public roads within the plan area, and private roads appurtenant to the timber  
2 operations where such roads are under the ownership or control of the timberland owner and are  
3 contiguous with the plan area, and classification of all proposed and existing logging roads as  
4 permanent, seasonal, or temporary roads.
- 5 (4) Probable location of proposed and existing landings in the watercourse and lake protection  
6 zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction involves  
7 substantial excavation.
- 8 (5) Location of area(s) of high or extreme erosion hazard rating.
- 9 (6) Location of all watercourses with Class I, II, III, or IV waters.
- 10 (7) Location of known unstable areas or slides.
- 11 (8) Location of understocked areas and other areas not normally bearing timber to at least a 20-  
12 acre minimum, or as specified in the district rules.
- 13 (9) The locations and classifications of roads, watercourse crossings, and landings to be  
14 abandoned shall be shown.
- 15 (10) A soils map where available.
- 16 (d) A description of the plan area within which timber operations are to be conducted. The description  
17 shall include the following:
- 18 (1) township, range, and section number(s),  
19 (2) county name(s),  
20 (3) CALWATER 2.2 planning watershed number(s), and  
21 ~~(5) approximate acreage.~~  
22 (4) The forest district and subdistrict (if any) in which the WFMP is located.  
23 (5) A description of present and proposed plan area uses other than timber production.
- 24 (6) A description by the RPF registered professional forester of the inventory design and timber  
25 stand stratification criteria that demonstrates that the inventory supporting the growth and yield  
26 calculations used to determine LTSY long term sustained yield for the WFMPs working forest  
27 management plans meets the following minimum standards:

1 (A) For major stand or strata, the inventory estimate shall be within 15 percent of the  
2 mean at one standard error.

3 (B) For stand or strata that make up greater than 10 percent and less than 25 percent of  
4 the WFMPworking forest management plan area, the estimate shall be no greater than 25  
5 percent of the mean at one standard error.

6 (C) Inventory estimates and growth and yield shall be projected for the purposes of  
7 determining LTSYlong term sustained yield and volumes available for harvest by stand or strata  
8 and aggregated for the area covered by the WFMPworking forest management plan to develop  
9 the LTSYlong term sustained yield estimate. LTSYLong term sustained yield estimates shall  
10 reasonably reflect constraints applicable to the working forest timberlands on forest  
11 management activities.

**Comment [SLF 2nd14]:** Reasonably reflect constraints? Might need to develop text in Committee

12 (7) A description and discussion of the methods to be used to avoid significant sediment  
13 discharge to watercourses from timber operations. This shall include disclosure of active erosion sites  
14 from roads, skid trails, crossings, or any other structures or sites that have the potential to discharge  
15 sediment attributable to timber operations into waters of the state in an amount deleterious to the  
16 beneficial uses of water, an erosion control implementation plan, and a schedule to implement erosion  
17 controls that prioritizes significant existing erosion site. This subdivision shall not apply to the extent  
18 that the RPFregistered professional forester provides documentation to the Ddepartment that the  
19 WFMPworking forest management plan is in compliance with similar requirements of other applicable  
20 provisions of law.

**Comment [WU15]:** Replaced "major sources of sediment" from 4597.2 with significant existing erosion site for consistency with ASP and Road Rules. Did not include "potential" due to 4597.2 directing only "major" sites.

21 (8) Special provisions to protect unique areas, if any, within the boundaries of the proposed  
22 WFMP areaworking forest management plan.

23 (9) A description of the property and planned activities including acres and projected growth,  
24 existing stand types, major stand types or strata, its current projected growth by strata, silvicultural  
25 applications to be applied to strata to achieve LTSYlong term sustained yield, projected timber volumes  
26 and tree sizes to be available for harvest, and projected frequencies of harvest.

1           (10) A description of late succession forest stands in the plan area and how the total acreage of  
2 this type of habitat will be maintained across the plan area under a constraint of no net loss. Nothing in  
3 this requirement shall be interpreted to preclude active management on any given acre of an approved  
4 plan if the management is conducted in a manner that maintains or enhances the overall acreage of late  
5 succession forest stands that existed in the plan area upon initial plan approval. An exception to the no  
6 net loss constraint may be granted in the event of a catastrophic loss due to emergency factors such as  
7 wildfire, insect, and disease activity. The description shall include the following:

8                   (A) Retention measures for existing biological legacies such as snags, trees with cavities  
9 or basal hollows, and down logs, and address how those legacies shall be managed over time  
10 appropriate with the forest type, climate, and landowner’s forest fire fuels and wildlife  
11 management objectives.

12                   (B) Hardwood tree species and how they will be managed over time.

13           (11) Late succession forest stand types or strata shall be mapped.

14           (12) Disclosure of state or federally listed threatened, candidate, endangered, or rare plant or  
15 animal species located within the biological assessment area, their status and habitats, take avoidance  
16 methodologies, enforceable protection measures for species and habitats in the WFMP area, and how  
17 forest management will maintain these over time.

**Comment [SLF 2nd16]:** Added text for clarification

18           (13) A description of the following for each management unit:

19                   (A) Acres by stand or strata and estimated growth and yield for each planned harvest  
20 entry covering the period of time the LTSY ~~long term sustained yield~~ plan establishes as  
21 necessary to meet growth and yield objectives. The growth and yield estimates may be based on  
22 weighted average of yield for the stand types or strata within the area included in the  
23 management unit.

24                   (B) Yarding methods to be used.

25           (14) Management units shall be mapped.

26           (15) For LTSY ~~long term sustained yield~~ projections, pursuant to 14 CCR 1094.d(6), that project a  
27 reduction, over 100-year planning horizon or shorter planning horizon until growth and yield are

**Comment [WU17]:** Changed “subsection c to 14 CCR 1094.d(6) for clarity. Could potentially strike completely.

1 balanced, in quadratic mean diameter of trees greater than 12 inches in diameter or a reduced level of  
2 inventory for a major stand type or for a stand or strata that make up greater than 10 percent and less  
3 than 25 percent of the WFMP ~~working forest management plan~~ area, an assessment shall be included  
4 that does all of the following:

5 (A) Addresses candidate, threatened, endangered, and sensitive species, and other fish  
6 and wildlife species that timber operations could adversely impact by potential changes to  
7 habitat.

8 (B) Addresses species habitat needs utilizing the "WHR system" described in "A Guide to  
9 Wildlife Habitats in California," California Department of Fish and Wildlife, 1988, or comparable  
10 typing system.

11 (C) Addresses constraints to timber management, the impact of the availability and  
12 distribution of habitats on the ownership and within the cumulative impacts assessment area  
13 identified in the plan in relation to the harvest schedule, and the impacts of the planned  
14 management activities utilizing the existing habitat as the baseline for comparison.

15 (16) Discusses and includes feasible measures planned to avoid or mitigate potentially  
16 significant adverse impacts on fish or wildlife, which can include, but is not limited to, recruitment or  
17 retention of large down logs greater than 16 inches in diameter and 20 feet in length, retention of trees  
18 with structural features such as basal hollows, cavities, large limbs, or broken tops, retention of  
19 hardwoods, and retention or recruitment of snags greater than 24 inches in diameter and 16 feet in  
20 height.

21 (17) A certification by the RPF ~~registered professional forester~~ preparing the plan that the  
22 RPF ~~forester~~ or a designee has personally inspected the plan area and has clearly explained to the  
23 working forest landowner that the plan is a long-term commitment that may require ongoing  
24 investments, including inventory sampling and road maintenance, for the purpose of managing the plan.

25 (18) Any other information the board requires by regulation to meet its rules and the standards  
26 of this chapter.

27 (1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s),

**Comment [SLF 2nd18]:** Added text to clarify planning horizon consistent with portions of document. We will discuss in Committee.

**Comment [SLF 2nd19]:** Will delete following discussions in Committee.

1 ~~(g) A description by management unit(s) of the timber stand characteristics including species~~  
2 ~~composition, age classes, projected growth, present stocking level, present volume per acre, size class~~  
3 ~~distribution, stand management history, and potential pest or protection problems. The description shall~~  
4 ~~provide the basis for the information provided.~~

5 ~~(h) A description by management unit(s) of the proposed management objectives, including a discussion~~  
6 ~~of projected timber volumes and sizes available for timber harvesting.~~

7 ~~(i) A description by management unit(s) of proposed activities to achieve the management objectives.~~  
8 ~~This must include: 1) projected frequencies of harvest, 2) silvicultural prescriptions for harvesting, 3)~~  
9 ~~type of yarding systems to be used for each area; 4) anticipated interim management activities which~~  
10 ~~may result in rule compliance questions (i.e. erosion control maintenance).~~

11 ~~(j) The period of time over which growth will be balanced with harvest.~~

12 ~~(c) A description by the registered professional forester of the inventory design and timber stand~~  
13 ~~stratification criteria that demonstrates that the inventory supporting the growth and yield calculations~~  
14 ~~used to determine long term sustained yield for the working forest management plans meets~~  
15 ~~the following minimum standards:~~

16 ~~(1) For major stand or strata, the inventory estimate shall be within 15 percent of the mean at one~~  
17 ~~standard error.~~

18 ~~(2) For stand or strata that make up greater than 10 percent and less than 25 percent of the working~~  
19 ~~forest management plan area, the estimate shall be no greater than 25 percent of the mean at one~~  
20 ~~standard error.~~

21 ~~(3) Inventory estimates and growth and yield shall be projected for the purposes of determining long-~~  
22 ~~term sustained yield and volumes available for harvest by stand or strata and aggregated for the area~~  
23 ~~covered by the working forest management plan to develop the long term sustained yield~~  
24 ~~estimate. Long term sustained yield estimates shall reasonably reflect constraints applicable to the~~  
25 ~~working forest timberlands on forest management activities.~~

26 (19) A description of any cultural or historical resources known to exist with a description of  
27 possible impacts and protection methods to be used during timber operations.

1 (20) Whether a timberland conversion certificate is in effect, its date of expiration, and its  
2 identification number.

3 (21) Whether a timber harvesting plan is on file with the Department for any part of the plan  
4 area and if a Report of Satisfactory Stocking has been issued by the Department (show plan number).

5 ~~(n) Information on the presence and protection of any known key habitat or individuals of any  
6 threatened or endangered plant or animal species that are listed in DFG inventories prepared pursuant  
7 to the F&GC or any species of special concern as designated by the Board in these rules.~~

8 ~~\_\_\_\_\_ (1) Disclosure of state or federally listed threatened, candidate, endangered, or rare plant or  
9 animal species located within the biological assessment area, their status and habitats, take avoidance  
10 methodologies, enforceable protection measures for species and habitats, and how forest management  
11 will maintain these over time.~~

12 (22) A description of potential impacts and protections for the quality and beneficial uses of  
13 waters within watercourses, lakes, and wet areas.

14 ~~(p) A description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion control  
15 measures.~~

16 ~~\_\_\_\_\_ (d) A description and discussion of the methods to be used to avoid significant sediment  
17 discharge to watercourses from timber operations. This shall include disclosure of active erosion sites  
18 from roads, skid trails, crossings, or any other structures or sites that have the potential to discharge  
19 sediment attributable to timber operations into waters of the state in an amount deleterious to the  
20 beneficial uses of water, an erosion control implementation plan, and a schedule to implement erosion  
21 controls that prioritizes major sources of erosion. This subdivision shall not apply to the extent that the  
22 registered professional forester provides documentation to the department that the working forest  
23 management plan is in compliance with similar requirements of other applicable provisions of law.~~

24  
25 ~~(q) A description of the existing and proposed road system to be used in implementation of the  
26 management plan.~~

27 (23) A description of how the site preparation standards and stocking standards will be met.

1 ~~(s) A description of the proposed yarding methods including protection of residual trees, watercourse~~  
2 ~~crossings, operation on unstable areas.~~

3 (24) A description of slash treatment for site preparation, fire protection and pest protection  
4 consideration.

5 (25) A description of the cumulative effects analysis with supporting information, including  
6 impact of projected harvesting over the life of the plan.

7 (26) A copy of the forest practice regulations in effect at the time of submission.

8 ~~(w) On a USGS quadrangle or equivalent topographical map of a scale not less than 2" to the mile, the~~  
9 ~~following information shall be clearly provided. Additional maps may be required to show specific~~  
10 ~~details, and may be planimetric. Color coding shall not be used. A legend shall be included indicating the~~  
11 ~~meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages.~~

Comment [SLF 2nd20]: Covered under 1094.6

12 ~~(1) Boundaries of management plan(s) and management unit(s).~~

Comment [WU21]: Moved to mapping requirements per 1094.6

13 ~~(2) Boundaries of regeneration methods, intermediate treatments, special harvesting methods, and~~  
14 ~~alternative prescriptions that are to be applied.~~

15 ~~(3) Boundaries of yarding (logging) systems, if more than one system is to be used.~~

16 ~~(z) Location of public roads within the plan area, and private roads appurtenant to the timber operations~~  
17 ~~where such roads are under the ownership or control of the timberland owner and are contiguous with~~  
18 ~~the plan area, and classification of all proposed and existing logging roads as permanent, seasonal, or~~  
19 ~~temporary roads.~~

20 ~~(aa) Probable location of proposed and existing landings in the watercourse and lake protection zone,~~  
21 ~~and landings outside the zone that are greater than 1/4 acre in size or whose construction involves~~  
22 ~~substantial excavation.~~

Comment [WU22]: Moved to mapping requirements per 1094.6

23 ~~(6) Road failures on existing roads to be reconstructed.~~

24 ~~(7) Location of all existing and proposed permanent watercourse crossing drainage structures and~~  
25 ~~temporary crossings on Class I and II watercourses on roads; if a permanent culvert is involved, its~~  
26 ~~minimum diameter shall be provided.~~

27

- 1 ~~(bb) Location of area(s) of high or extreme erosion hazard rating.~~
- 2 ~~(cc) Location of all watercourses with Class I, II, III, or IV waters.~~
- 3 ~~(dd) Location of known unstable areas or slides.~~
- 4 ~~(ee) Location of understocked areas and other areas not normally bearing timber to at least a 20-acre~~
- 5 ~~minimum, or as specified in the district rules.~~
- 6 ~~(12) Location of boundaries of timber site classes needed for determination of stocking standards to be~~
- 7 ~~applied, down to at least a 10-acre minimum or as specified in the district rules.~~
- 8 ~~(13) Location of unique areas including, Coastal Commission Special Treatment Areas or any special~~
- 9 ~~treatment area.~~
- 10 ~~(ff) A soils map where available.~~
- 11 ~~(x) Any additional information that is submitted on separate pages shall be clearly marked "plan~~
- 12 ~~addendum" and shall bear the date on which it was prepared.~~
- 13 (27) Explanation and justification for, and specific measures to be used for, tractor operations on
- 14 unstable areas, on slopes over 65%, and on areas where slopes average over 50% and the EHR is high or
- 15 extreme.
- 16 (28) Explanation and justification for tractor operations in areas designated for cable yarding.
- 17 (29) Winter period operating plan where appropriate.
- 18 (30) Explanation and justification for use of watercourse, marshes, wet meadows, and other wet
- 19 areas as loadings, roads, or skid trails.
- 20 (31) Explanation and justification of any in-lieu or alternative practices for watercourse and lake
- 21 protection.
- 22 (32) Explanation of alternatives to standard rules for harvesting and erosion control.
- 23 (33) Explanation and justification for landings that exceed the maximum size specified in the
- 24 rules.

Comment [WU23]: Moved to mapping requirements per 1094.6

Comment [WU24]: Moved to mapping requirements per 1094.6

Comment [WU25]: Consider doing per Working Forest Harvest Notices vs for entire plan areas up front. Possibly include Standard Operating Procedures or General provisions for these sensitive conditions.

25 **1094.7 Working Forest Harvest Notice**

26 The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion

27 of any timberland within the boundaries of an approved WFMP working forest management plan, and

Comment [WU26]: 4597.11

1 who plans to harvest any of the timber during a given year, shall file a Working Forest Harvest  
2 Notice with the Department in writing. A Working Forest Harvest Notice shall be filed prior to the  
3 harvesting of any timber and shall be effective for a maximum of one year from the date of filing. If the  
4 person who files the Working Forest Harvest Notice is not the owner of the timberland, the person  
5 filing the notice shall notify the timberland owner by certified mail that the Working Forest Harvest  
6 Notice has been submitted and shall certify that mailing to the Department.

7 Notwithstanding any other provisions of this chapter, if a Registered professional forester certifies by  
8 written declaration, on behalf of the timber owner or operator, that the Working Forest Harvest  
9 Notice conforms to and meets the requirements of the approved WFMP working forest management  
10 plan under which it is filed, timber operations may commence immediately. If the notice has been filed  
11 by mailing, operations may commence three days after the Working Forest Harvest Notice has been  
12 mailed. Cancellation of the plan may be appealed by the plan submitter or landowner utilizing the  
13 process prescribed in paragraph (1) of subdivision (c) of Section 4597.6.

14 Following confirmation by the nonindustrial tree farmer that all necessary field work is functional and  
15 useable (including flagging or marking), the nonindustrial tree farmer who owns, leases, or otherwise  
16 controls or operates on all or any portion of any timberland within the boundaries of an approved  
17 Timber Management Plan shall submit a Notice of Timber Operations including the certification required  
18 by PRC § 4594.6 to the appropriate CAL FIRE Review Team Office. Timber operations may commence  
19 immediately unless the notice has been filed by mailing, in which case operations may commence three  
20 days after the notice has been mailed.

21  
22 **1094.8 Working Forest Harvest Notice Content**

23 The Working Forest Harvest Notice shall be a public record and shall include all of the following  
24 information:

- 25  
26 (a) Name, address, and telephone number of the timberland owner(s) or designated agent.  
27 ~~(b) The name, and address, and telephone number of the timber owner(s) (if different);~~

Comment [WU27]: 4597.15

Comment [WU28]: I don't think this is the appropriate place for this language.

Comment [SLF 2nd29]: Various text was added to be consistent to information required in WFMP that was different than the NFMP format.

Comment [WU30]: 4597.11

1 ~~(cb) The Name, and~~ address, and telephone number of the licensed timber operator.

2 ~~(de) The Name and address, and registration number of of the RPF~~ registered professional forester  
3 ~~preparing the WFMP~~ working forest management plan.

4 ~~(ee) A description of the land on which the work is proposed to be done including the (1) Identification~~  
5 number of the WFMP;

6 ~~(fe) A statement that no archaeological sites have been discovered in the harvest area since the~~  
7 ~~approval of the WFMP~~ working forest management plan.

8 ~~(gf) A statement that state or federally listed rare, threatened, candidate, or endangered plant or animal~~  
9 ~~species have not been discovered in the harvest area since the approval of the WFMP~~ working forest  
10 ~~management plan. After the initial year the plan is approved, p~~rior to submitting the Working Forest  
11 ~~Harvest Notice, a~~ review shall be conducted of the California Natural Diversity Database or other public  
12 ~~databases for any species listed as threatened, endangered, candidate, or rare, or species that meet the~~  
13 ~~criteria of endangered or rare as provided in 14 CCR 15380~~ Section 15380 of Title 14 of the California  
14 ~~Code of Regulations, shall be conducted after the initial year after the plan is approved. When a Working~~  
15 ~~Forest Harvest Notice notice of operations is filed after the initial year the plan is approved ,it shall~~  
16 ~~comply with the following:~~

17 (1) Documented occurrences obtained from a review of public and readily available sources of  
18 species state or federally listed as threatened, endangered, candidate, or rare within the biological  
19 assessment area and outside the area identified in the ~~W~~working Fforest Hharvest Nnotice not  
20 addressed in the approved plan shall be submitted to the Director as a minor deviation concurrently  
21 with the filing of a ~~W~~working Fforest Hharvest Nnotice.

22 (2) Occurrences of species that are state or federally listed as threatened, endangered,  
23 candidate, or rare discovered inside the area identified in the ~~W~~working Fforest Hharvest Nnotice not  
24 addressed in the approved plan shall be submitted to the Director as an amendment to the plan prior  
25 to filing a ~~W~~working Fforest Hharvest Nnotice. The amendment shall contain take avoidance and  
26 mitigation measures if no such information is currently contained within the approved plan.

Comment [WU31]: Inserted "Licensed"

Comment [SLF 2nd32]: This was reworded from the statute for clarity.

Comment [SLF 2nd33]: This was deleted as it is not clear what an outside area is?

1 (hg) A statement that there are no physical environmental changes in the Working Forest Harvest Notice  
2 area harvest area that -are so significant as to require any amendment of the WFMPworking forest  
3 management plan.

4 (ih) A certification by the RPFregistered professional forester that states either of the following:  
5 (1) The Working Forest Harvest Notice as carried out will protect the beneficial uses of water,  
6 soil stability, forest productivity, and wildlife as provided by the rules and regulations of the Bboard and  
7 other applicable provisions of law.

8 (2) Compliance with the rules and regulations of the Bboard and the provisions of this chapter  
9 that were in effect at the time the WFMPworking forest management plan was approved will not result  
10 in any significant degradation to the beneficial uses of water, soil stability, forest productivity, or  
11 wildlife. This paragraph shall only apply if the RPFforester certifies that adherence to current or  
12 modified rules and regulations of the Bboard would cause unreasonable additional expense to the  
13 working forest landowner.

14 (ji) Special provisions to protect unique areas, if any, within the area of timber operations.

15 (kj) The expected dates of commencement and completion of timber operations during the year.

16 (lk) A statement that the Working Forest Harvestharvesting Notice conforms to the provisions of the  
17 approved WFMP-management plan. If any aspects of the proposed operation are less protective than  
18 the current forest practices rules, an explanation of the deviation and how resource values will be  
19 adequately protected.

20 (ml) An update on erosion control mitigation measures for the harvest area and any appurtenant roads  
21 if conditions have changed since the working forest management plan was approved and a certification  
22 from the RPFregistered professional forester that no additional listings of water bodies to the Section  
23 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on the lands of the plan.

24 (nm) Any other information the Bboard provides by regulation to meet its rules and the standards of this  
25 chapter and other applicable provisions ~~flaw~~.

26 ~~The purpose of the Notice of Timber Operations is to provide guidance for implementation of the~~  
27 ~~standards and protective measures in the approved WFMP or most recent amended WFMP and the~~

**Comment [SLF 2nd34]:** This sentence needs discussion as to what portion of rule does it apply? I believe, but do not know, that this paragraph is part of (2).

**Comment [SLF 2nd35]:** We will continue to discuss this in Committee.

1 applicable rules of the Board. For the Notice to serve these functions, it shall as a minimum, contain the  
2 following:

3 ~~(m)~~ In addition, the Working Forest Harvest Notice shall include:

4 ~~(1) Identification number of the WFMP;~~

5 ~~(2) The name and address and phone number of the timberland owner, the timber owner, the  
6 RPF, the Licensed Timber Operator and number, and the person responsible for on the ground  
7 supervision of the timber operations.~~

8 ~~(c) Expected dates of commencement and completion of timber operations.~~

9 ~~(d) A legal description land use survey of the area of the WFMP on which timber operations will be  
10 conducted.~~

11 ~~(e) Identification of silvicultural prescriptions to be applied.~~

12 ~~(13) The type of heavy equipment to be used for yarding or road construction.~~

13 ~~(g) A statement that no archeological sites have been discovered in the harvest area since the approval  
14 of the WFMP.~~

15 ~~(h) A statement that no listed species has been discovered in the cumulative impacts assessment area  
16 since the approval of the WFMP.~~

17 ~~(i) A statement that there have been no physical environmental changes in the cumulative impacts  
18 assessment area that are so significant as to require any amendment of the WFMP.~~

19 ~~(j) Special provisions, if any, to protect any unique area within the area of timber operations.~~

20 ~~(24) Instructions on felling, yarding, road construction or reconstructions, hauling, erosion  
21 control work, site preparation, erosion control maintenance, winter operations, watercourse protection  
22 measures and slash treatment.~~

23 ~~(l) A certification by the RPF that the notice as submitted will carry out:~~

24 ~~(1) The best management practices for the protection of the beneficial uses of water, soil stability, forest  
25 productivity, and wildlife as required by the current rules of the Board, or~~

26 ~~(2) Is consistent with the plan and will not result in significant degradation of the beneficial uses of  
27 water, soil stability, forest productivity, or wildlife or be in violation of applicable legal requirements.~~

**Comment [WU36]:** This is new language for purposes of direction. Contents below are existing from 1090.7

**Comment [WU37]:** Consider utilizing the term "type of equipment" in lieu method of yarding and roads construction.

**Comment [WU38]:** Potentially add reference to 1094.6 for Standard Operating Procedures for operations on steep slopes tractor in Cable of operations if language is developed.

1 (35) A verification that the LTO has been briefed by the RPF on the content of the notice and  
2 intentions of implementation to comply with the management plan.

3 (n) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the following  
4 information pertinent to the Working Forest Harvest Notice shall be clearly provided. Additional maps  
5 may be required to show specific details, and may be planimetric. Color coding shall not be used. A  
6 legend shall be included indicating the meaning of the symbols used. See the district rules for the  
7 appropriate minimum mapping acreages.

8 (1) Boundaries of area to be harvested (~~quadrangle map or its equivalent~~).

9 (2) Boundaries of areas for specified regeneration methods, intermediate treatments, special  
10 harvesting methods, and alternative prescriptions that are to be applied.

11 (3) Boundaries of areas for specified yarding (logging) systems, if more than one system is to be  
12 used.

13 (4) Location of public roads within the Working Forest Harvest Notice area, and private roads  
14 appurtenant to the timber operations where such roads are under the ownership or control of the  
15 timberland owner, and are contiguous with the Notice area, and classification all proposed and existing  
16 logging roads as permanent, seasonal, or temporary roads.

17 (5) Location of proposed and existing landings in the watercourse and lake protection zone, and  
18 landings outside the zone that are greater than 1/4 acre in size or whose construction involves  
19 substantial excavation.

20 (6) Road failures on existing roads to be reconstructed.

21 (7) Location of all existing and proposed watercourse crossings on logging and tractor roads; if a  
22 permanent culvert is involved, its minimum diameter shall be provided.

23 (8) Designate areas of high or extreme erosion hazard rating, if more than one.

24 (9) Location of watercourse with Class I, II, III or IV waters.

25 (10) Location of known unstable areas or slides.

26 (11) Location of unique areas.

**Comment [WU39]:** Delete regeneration methods to alleviate need to map uneven aged silviculture.

**Comment [WU40]:** Possibly all EHR ratings.

1 ~~(e) Any other information the Board provides by regulation to meet its rules and the standards of this~~  
2 ~~chapter.~~

3 ~~(p) A statement that the Notice of Timber Operations conforms to the provisions of the approved~~  
4 ~~WFMP.~~

5 **1094.9 WFMP Professional Judgment**

6 Where the rules or these regulations provide for the exercise of professional judgment by the RPF or the  
7 Director, if there is a disagreement and if requested by either party, they shall confer on the WFMP area  
8 during the WFMP review inspection and reach agreement, if possible, on the conditions and standards  
9 to be included in the plan.

10 **1094.10 Plan Submitter Responsibility**

11 The plan submitter, or successor in interest, shall:

12 (a) Ensure that an RPF conducts any activities which require an RPF.

13 (b) Provide the RPF preparing the plan or amendments with complete and correct information regarding  
14 pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the  
15 planning and conduct of timber operations.

16 (c) Sign the WFMP certifying knowledge of the plan contents and the requirements of this section.

17 (d) Within five (5) working days of change in RPF responsibilities for WFMP implementation or  
18 substitution of another RPF, file with the Director a notice which states the RPF's name and registration  
19 number, address, and subsequent responsibilities for any RPF required field work, amendment  
20 preparation, or operation supervision. Corporations need not file notification because the RPF of record  
21 on each document is the responsible person.

22 (e) Provide a copy of the approved WFMP and Working Forest Harvest Notice to the LTO.

23 (f) Notify the Director prior to commencement of site preparation operations. Receipt of a burning  
24 permit is sufficient notice.

25 (g) Provide the RPF preparing the Working Forest Harvest Notice and LTO each a copy of the current  
26 WFMP and subsequent amendments.

27

**Comment [SLF 2nd41]:** Clarify organizations the need not file.

1 **1094.11 Registered Professional Forester Responsibility**

2 (a) Upon submission of a WFMP, the RPF who prepares and signs a plan is responsible for the accuracy  
3 and completeness of its contents.

4 (b) The RPF preparing the plan shall: 1) Inform the Director and landowner by phone or letter if he or  
5 she will be attending the review inspection; and 2) Provide the landowner a copy of the rules of the  
6 Board in effect on the date of WFMP approval.

7 (c) The RPF preparing the Notice of Preparation shall list or describe in the Notice of Preparation any  
8 work which will be performed by the RPF ~~Notice preparer~~ or supervised designee. This may include, but  
9 is not limited  
10 to, field work in identifying watercourse and lake protection zones or special treatment areas, marking  
11 trees, or other activities. The RPF is only responsible for the activities required of the RPF by the rules of  
12 the Board and those activities for which he or she is employed.

13 (d) The RPF preparing the Notice of Preparation shall, in writing, inform the plan submitter(s) of their  
14 responsibility pursuant to Section [1094.9] of [this] Article [6.5] for compliance with the requirements of  
15 the Act and, where applicable, Board rules regarding site preparation, stocking, and maintenance of  
16 roads, landings, and erosion control facilities. [NOTE: CAL FIRE will be working with the Board, Barclays  
17 and OAL to correct the language in this Section (d).]

18 (e) ~~The RPF registered professional forester who prepares the WFMP working forest management plan or~~  
19 ~~prepares the Working Forest Harvest Notice of harvest, or any other RPF registered professional~~  
20 ~~forester who is employed by the owner or operator, shall report to the owner or operator if there are~~  
21 ~~deviations from the WFMP plan that, in the RPFs forester's judgment, threaten the attainment of the~~  
22 ~~resources conservation standards of the WFMP plan.~~

Comment [WU42]: 4597.13

23  
24 **1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice ~~Notice of Timber~~**  
25 **Operations**

26 From the ~~start of the preparation of the Notice of Timber Operation~~ Working Forest Harvest Notice  
27 preparation, but before commencement of operations, the responsible RPF, shall meet with either the

1 LTO, or supervised designee, who will be on the ground and directly responsible for the harvesting  
2 operation. The meeting shall be on site if requested by either the RPF or LTO. If any amendment is  
3 incorporated to the ~~notice~~ Working Forest Harvest Notice by an RPF after the first meeting, that RPF or  
4 supervised designee shall comply with the intent of this section by explaining relevant changes to the  
5 LTO; if requested by either the RPF or LTO, another on-site meeting shall take place.

6 The intent of any such meeting is to assure that the LTO:

- 7 (a) Is advised of any sensitive on-site conditions requiring special care during operations.  
8 (b) Is advised regarding the intent and applicable provisions of the approved ~~notice~~ Working Forest  
9 Harvest Notice including amendments.

10

#### 11 **1094.13 Licensed Timber Operator Responsibilities**

12 Each Licensed Timber Operator shall:

- 13 (a) Inform the responsible RPF and plan submitter, either in writing or orally, of any site conditions  
14 which in the LTO's opinion prevent implementation of the Working Forest Harvest Notice ~~Notice~~.  
15 (b) Keep a copy of the applicable approved Working Forest Harvest Notice ~~Notice~~ and amendments  
16 available for reference at the site of active timber operations.  
17 (c) Comply with all provisions of the Act, Board rules and regulations, the applicable Working Forest  
18 Harvest Notice ~~Notice~~ and any approved amendments.

19

#### 20 **1094.14 Notification of Commencement of Operations**

21 For each Working Forest Harvest Notice submitted, within fifteen days before, and not later than the  
22 day of the start up of a timber operations, the Submitter of the Working Forest Harvest Notice ~~Notice~~,  
23 unless the WFMP identifies another person as responsible, shall notify CAL FIRE ~~CDF~~ of the start of  
24 timber operations. The notification, by telephone or by mail, shall be directed to the appropriate ~~CDF~~  
25 ~~Ranger~~ Unit Headquarters, Forest Practice Inspector, or other designated personnel.

26

#### 27 **1094.15 WFMP Deviations**

1 (a) "Minor deviations" means any change, minor in scope, in a plan which can reasonably be presumed  
2 not to make a significant change in the conduct of timber operations and which can reasonably be  
3 expected not to significantly adversely affect timberland productivity or values relating to soil, water  
4 quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or to result  
5 in a violation of the applicable water quality control plan.

6 (b) All other changes are presumed to be substantial deviations because they could significantly affect  
7 the conduct of timber operations and potentially could have a significant adverse effect on timber  
8 productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage,  
9 recreation, and aesthetic enjoyment. Such actions include, but are not limited to:

10 (1) Change in location of timber harvesting operations or enlargement of the area or volume  
11 planned to be cut.

12 (2) Change in the silvicultural method and cutting system on any portion of the plan area.

13 (3) Change in type or location of logging (yarding) system or basic type of equipment.

14 (4) Change in location, nature or increase in length of proposed logging roads incorporating one  
15 or more of the following criteria:

16 (A) Any road in a Watercourse or Lake Protection Zone or where sidecast will extend  
17 into the Watercourse or Lake Protection Zone.

18 (B) Any road located in an extreme Erosion Hazard Rating area.

19 (C) Any road where the average side slope exceeds 50%.

20 (D) Any road where unstable areas, active soil movement, or slide areas must be  
21 traversed.

22 (E) Any increase in gradient allowed by the District Rules as an exception and not  
23 provided for in the original plan.

24 (F) Any road extension of more than 600 ft. (182.9m).

25 (5) Any use of existing roads not shown in the original plan when reconstruction work to allow for  
26 vehicle travel will be substantial. Substantial work on an existing road means more than minor repair  
27 and dressing of the travel surface and removal of vegetation to allow for vehicle passage.

- 1 (6) Use of any roads not shown in the plan which would affect the key habitat of rare or endangered
- 2 species or other critical wildlife habitat.
- 3 (7) Enlargement of landings where such enlargement was not justified in the ~~original~~ plan.
- 4 (8) Any change of operation in, or designation of, the Watercourse or Lake Protection Zone.
- 5 (9) Any downgrading of ~~w~~Watercourse classification.
- 6 (10) A change to winter operation where summer operation was previously specified.

7

8 **1094.16 Notice of WFMP Filing**

- 9 (a) The Director shall prepare a notice of filing which shall contain the basic information contained in the
- 10 Notice of Preparation (14 CCR 1094.3) plus the assigned timber management plan number.
- 11 (b) Within two working days of the date the plan is filed, the Director shall transmit copies of the Notice
- 12 of Filing to:

- 13 (1) The person submitting the plan.
- 14 (2) The office of the County Clerk of the county in which the operations are proposed. The
- 15 ~~notice~~ Notice of Filing shall be posted at the normal place for posting environmental notices.
- 16 (3) The local ~~Ranger~~ Unit headquarters for posting.
- 17 (4) At such other locations as the Director may deem desirable and feasible to provide adequate
- 18 public notice.
- 19 (5) All public agencies having custodial responsibility for lands within 300 ft. of the WFMP
- 20 boundary.

- 21 (6) An Internet-based notification
- 22 (7) To any person who requests notifications -in writing.

23 **1094.17 Agency and Public Review for the WFMP**

24 Upon receipt of the proposed WFMP working forest management plan, the Ddepartment shall place the

25 proposed plan, or a true copy of the proposed plan, in a location or on an Internet Web site available for

26 public inspection in the county in which timber operations are proposed under the plan. For the purpose

27 of interdisciplinary review, the department shall also transmit a copy to the Department of

Comment [WU43]: Language from 4597.3

Comment [WU44]: May have to add language from 4597 (5)(b). To be discussed.

1 Conservation, the Department of Fish and Wildlife, the appropriate California regional water quality  
2 control board, the county planning agency, and all other agencies having jurisdiction by law over natural  
3 resources affected by the plan. The Department shall invite, consider, and respond in writing to  
4 comments received from public agencies to which the plan has been transmitted and shall consult with  
5 those agencies at their request.

Comment [WU45]: Inserted from 4597.5

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

8 (a) The Department shall bill such persons for the cost of providing such copies and such monies shall be  
9 paid to the Department.

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

13 ~~(e) Any substantial deviation in the plan or the inclusion of significant new information (as described in~~  
14 ~~14 CCR 5 895.1), made during the Director's review of the plan shall require recirculation as described in~~  
15 ~~this section and reopening or extending the public comment period for a minimum of thirty days.~~

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

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

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

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

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

25 (1) The Plan number and County.

26 (2) The names of the timberland owner and the Plan Submitter.

27 (3) The location of the plan area by county, section, township, and range.

(4) The name of the nearest major watercourse or CAL Watershed V2.2 ID.

(5) The acres proposed to be harvested.

(6) The silvicultural systems to be used.

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

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

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

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

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

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

(d) The Department need only respond to:

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

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

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

Comment [WU46]: Should this be Notice of Filing instead of submission?

**1094.18 Director's Determination**

The Department shall provide a time period for public comment, starting from the date of the receipt of a WFMP, as follows:

Comment [WU47]: 4597.6

(a) Ninety days for a WFMP for less than 5,000 acres.

1 (b) One hundred ten days for a WFMP for between 5,000 and 9,999 acres.

Comment [WU48]: Intent was < 10,000 acres

2 (c) One hundred thirty days for a WFMP for between 10,000 and 14,999 acres.

Comment [WU49]: Intent and addition of time should state 130 to 140 days. Discuss in committee.

3 (d) Before a WFMP may be approved, all of the following requirements shall be met:

4 (1) Within 30 working days of the receipt of a WFMP, or within 40 working days of the receipt of  
5 a plan to which a road management plan, pursuant to 14 CCR § 1093, is appended, the Department shall  
6 determine if the plan is accurate, complete, and in proper order, and if so, the plan shall be filed. An  
7 unfiled plan shall be returned to the applicant with an explanation that includes provisions for  
8 resubmitting the plan.

Comment [WU50]: 4597.6

9 (2) The initial inspection shall be initiated within 20 working days from the date of filing of the  
10 WFMP, and completed no more than 30 working days from the date of filing.

11 (3) Upon completion of the initial inspection, the Department shall have up to 45 working days  
12 to conduct the final interagency review of the plan.

13 (4) The public comment period shall end 20 working days after the completion of the final  
14 interagency review of the plan or until the requirement in subdivision (a) is met, whichever is greater.

15 (5) After the final interagency review and public comment period has ended, the Department  
16 shall have up to 30 working days to review the public input, to consider recommendations and  
17 mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the  
18 plan is in conformance with the applicable rules adopted by the Board and other applicable provisions of  
19 law.

20 (e) If after final interagency review the Director determines that the plan is not in conformance with the  
21 rules and regulations of the Board or this chapter, the Director shall deny and return the plan, stating  
22 the reasons for the denial and advising the person submitting the plan of the person's right to a hearing  
23 before the Board.

24 (1) If the Director does not act within the time periods provided in paragraphs (1) through (5) in  
25 subdivision (b), the Director and the working forest landowner submitting the WFMP shall negotiate and  
26 mutually agree upon a longer period for the Director to review the plan. If a longer period cannot be

1 mutually agreed upon, the WFMP shall be deemed denied and returned to the working forest  
2 landowner submitting the plan.

3 (2) A working forest landowner to whom a plan is denied pursuant to subdivision (c) or (d) may  
4 request, within 30 working days from the receipt of the plan, a public hearing before the Board. The  
5 Board shall schedule a public hearing to review the plan to determine if the plan is in conformance with  
6 the rules and regulations of the Board and this chapter.

7 (f) Board action shall take place within 30 working days from the filing of the appeal, or a longer period  
8 mutually agreed upon by the board and the person filing the appeal.

9 (g) If the Director's decision to deny the plan is overturned by the Board, the Board shall prepare  
10 findings and its rationale for overturning the decision, and return the plan to the Department for  
11 approval by the Director.

Comment [WU51]: 4597.6

12 (h) If the plan is not approved on appeal to the Board, the Director, within 10 working days of Board  
13 action, shall advise the plan submitter regarding changes needed that would achieve compliance with  
14 this chapter and other applicable provisions of the law. The plan submitter shall have 45 working days  
15 from the date of the notification letter, or longer, if mutually agreeable to the Department and the plan  
16 submitter to revise the plan to bring it into full conformance with the rules and regulations of the Board  
17 and this chapter. Upon receipt of the information requested of the plan submitter, the Department  
18 shall recirculate the plan and reopen the public comment period for 30 working days. Prior to  
19 determining whether to approve the proposed revised plan, the Director shall have 30 working days to  
20 review public input and consider recommendations and mitigation measures of other agencies, and to  
21 respond in writing to issues raised.

22  
23 **1094.19 Review Teams to be Established to Review Timber Management Plan**

24 Interdisciplinary review teams shall be established by the Director to review plans and assist the Director  
25 in the evaluation of proposed timber management plan(s) and its impacts on the environment. The  
26 Review Team composition, function, tasks and procedures shall be the same as those described in 14  
27 CCR § 1037.5.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**1094.20 Nonconformance of WFMP**

If the Director determines that a plan is not in conformance with the rules of the Board the plan shall be returned in accordance with 14 CCR § 1054. In addition, the Director shall state any changes and reasonable conditions that in the Director's professional judgment are needed to bring the plan into conformance with the applicable rules of the Board and offer to confer with the RPF in order to reach agreement on the conditions necessary to bring the plan into conformance.

**1094.21 Conformance of WFMP**

If the Director determines that the plan is in conformance with the rules of the Board, then the person submitting the plan shall be notified timber operations thereunder may only commence after submission of a Working Forest Harvest Notice as prescribed in 14 CCR § 1094.7.

**1094.22 Notice of Conformance of the WFMP**

Within ten working days of the date a plan is found in conformance, the Director shall transmit a notice thereof to the agencies and persons referred to in 14 CCR 1094.17 and for posting at the places named in 14 CCR 1094.16. A copy of the notice shall be filed with the Secretary for Resources. The notice of conformance shall include a written response of the Director to significant environmental points raised during the evaluation process.

**1094.23 Public Inspection**

Notices of Conformance, pursuant to 14 CCR 1094.22 and notices of approval by the Board, pursuant to 14 CCR 1054, shall be available for public inspection, and a list of such notices shall be posted on a weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of 30 days.

**1094.24 Amendment**

1 The working forest landowner may submit a proposed amendment to the approved plan and shall not  
2 take any action that substantially deviates, as defined by the Board, from the approved plan until the  
3 amendment has been filed with the Director and the Director has determined, after completion of  
4 the interagency review and public comment period, either of the following:

5 (a) The amendment is in compliance with the current rules and regulations of the Board and the  
6 provisions of this chapter.

7 (b) The amendment is in compliance with the rules and regulations of the Board and the provisions of  
8 this chapter that were in effect at the time the WFMP working forest management plan was approved.

9 The Director may only make this determination if the RPF registered professional forester explains,  
10 justifies, and certifies both of the following:

11 (1) The adherence to new or modified rules and regulations of the Board would cause  
12 unreasonable additional expense to the working forest landowner.

13 (2) Compliance with the rules and regulations of the Board and the provisions of this chapter  
14 that were in effect at the time the WFMP working forest management plan was approved will not result  
15 in any significant degradation to the beneficial uses of water, soil stability, forest productivity, or  
16 wildlife.

17 (c) Review timelines for substantial deviations of WFMP working forest management plans shall  
18 conform to the direction provided in Section 4582.7, except for amendments that add acreage covered  
19 by the original WFMP working forest management plan that exceeds 10 percent or 500 acres, whichever  
20 is greater. -Amendments that add acreage in excess of 10 percent or 500 acres shall be reviewed  
21 pursuant to the procedures specified in Section 4597.6.

22 Amendments proposing substantial deviation from an original plan shall be submitted to the Director in  
23 writing by the person who submitted the original plan, or the successor in interest. Substantial  
24 deviations shall not be undertaken until such amendment has been filed and acted upon by the Director  
25 in the manner as required in Article 6.5 of Subchapter 7 of these rules for the original plan.

26  
27 **1094.25 Report of Minor Deviations**

1 Minor deviations may be undertaken by the person who submitted the WFMP or Working Forest  
2 Harvest Notice without submission of an amendment to the plan and shall be reported  
3 immediately in writing to the Director. Actions described in 14 CCR § 1094.15 which are normally  
4 presumed to be substantial deviations may, in a given instance, be minor deviations. Actions listed as  
5 substantial deviations in 14 CCR § 1094.15 but considered to be minor by the submitter, may be  
6 undertaken only if the person who submitted the plan submits the proposed deviation in writing to the  
7 Director for review and receives approval. Approval shall be given if the Director determines that the  
8 proposed minor deviation conforms to the standards provided in 14 CCR § 1094.15(a). The Director shall  
9 have 5 working days to act on the application. If the Director or the representative of the Director does  
10 not act within 5 working days of receipt of such a deviation, timber operations may commence pursuant  
11 to such amendment.

#### 13 **1094.26 Five (5) year review of WFMP**

14 (a) For an approved WFMP working forest management plan, the Director shall convene a meeting with  
15 the interdisciplinary review team shall be the same as those described in 14 CCR 1037.5, every five years  
16 to review the plan's administrative record, information obtained pursuant to subdivision (b), and any  
17 other information relevant to verify that operations have been conducted in accordance with the plan  
18 and applicable laws and regulations. Participation by review team agencies shall be at the discretion of  
19 each agency. If at this meeting a member of the review team determines that a field inspection is  
20 necessary to verify that operations have been conducted in accordance with the plan and applicable  
21 laws and regulations, then a field inspection may be conducted.

Comment [WU53]: 4597.12

22 (b) For the purposes of subdivision (a), the board, in consultation with the review team agencies, shall  
23 adopt regulations that require the department to develop a plan summary before each five-year review  
24 shall that allows the review team to analyze information including; but not limited to, the number of  
25 Working Forest Harvest Notices notices of timber operations, the acreage operated under each Working  
26 Forest Harvest Notice, the violations received, and the volume harvested in relation to projections  
27 of harvest in the WFMP plan. If the Department or a review team agency does not have direct access to

Comment [WU54]: Language modified from statute to provide for regulatory standard. The Dept shall develop a plan summary, for the purposes of subdivision a, that shall include: Discuss in committee.

1 information needed for the WFMP plan summary, the Department may require the landowner to  
2 provide this information.

**Comment [SLF 2nd55]:** Added 1-4 to try to capture discussion in Committee from Chico meeting.

3 (1) The 5-year review shall include a certification by an RPF that the WFMP and any Working  
4 Forest Harvest Notices are in compliance with WFMP.

5 (2) The 5-year review shall review the Working Forest Harvest Notices compliance with the  
6 WFMP and,

7 (3) Only if violations are received or the 5-year review indicate potentially significant impact to  
8 public trust resources may occur from continuance of the WFMP, or if CAL FIRE is presented with a fair  
9 argument that a project may have a significant effect on the environment, will the Department provide  
10 written comments that a review of the WFMP content and procedures may be necessary.

**Comment [WU56]:** Fair argument language is taken from CEQA Guideline 15064(f)(1). Review of 1051.1(d) (MTHP) may be useful to develop language for this portion of WFMP.

11 (4) The Department shall have 30 working days to conduct the 5-year review and determine if  
12 the WFMP is in compliance with the content and procedures in the WFMP and notify the working forest  
13 landowner.

14 (c) For the purpose of allowing the public to monitor a WFMP working forest management plan, the  
15 Department shall provide the public, in writing or on its Internet Web site, notice of each five-year  
16 review and a copy of the plan summary. The public may submit to the review team additional  
17 information relevant to the purpose of the five-year review and the review team may consider this  
18 information when conducting its review.

19 (d) This section does not authorize the public disclosure of proprietary information without first  
20 obtaining the landowner's consent.

## 22 **1094.27 Change of Ownership**

23 In the event of a change of ownership of the land described in the WFMP working forest management  
24 plan, the working forest landowner shall notify the new landowner of the existence of the plan and the  
25 need to notify the Department of the new landowner's intent regarding assumption of the plan.  
26 Notification shall be in writing with a copy to the Department of the new landowner's intent regarding  
27 assumption of the plan. The new landowner shall have one year from the date of the receipt of the

**Comment [WU57]:** 4597.9

1 notification by the Department to notify the Department in writing of his or her assumption of the  
2 plan. If the Department does not receive notification within this period, the plan shall expire one year  
3 from the date the new landowner is advised by the Department of the necessity to assume the plan.  
4 Any change in ownership of land must be reported to the Director by the new landowner within 180  
5 days of the date such change is recorded in the county where the property is located. Also, before the  
6 passage of title, it shall be responsibility of the seller to notify the purchaser of either the timber or  
7 timberland of their responsibility for compliance with the stocking standards of the Act and the rules of  
8 the Board. After a plan is found in conformance with the rules and regulations of the Board, the  
9 Director may file a Notice of Stocking Requirements on the property with the recorder of the county  
10 within which the plan is located if any area logged under a Notice of Timber Operations Working Forest  
11 Harvest Notice has not had a report of satisfactory stocking issued by the Director.

12  
13 **1094.28 Cancellation of Plans**

14 All parties, who submitted plans or their successors, must sign the request to the Director for  
15 cancellation of a plan. Once cutting has commenced, the plan may not be canceled except as to lands  
16 not harvested. The working forest landowner may cancel the WFMP working forest management plan  
17 by submitting a written notice to the Department. Once timber operations have commenced pursuant  
18 to a Working Forest Harvest Notice, cancellation is not effective on land covered by the notice until  
19 a report of satisfactory completion has been issued pursuant to Sections 4585, 4586, and 4587.

Comment [WU58]: 4597.10

20 (a) If the Department determines that the objectives of uneven aged management and sustained yield  
21 are not being met by a working forest landowner, or there are other persistent violations detected that  
22 are not being corrected, the Department shall cancel a previously approved WFMP and any further  
23 timber operations under the plan shall be terminated. In making a determination to cancel a plan, the  
24 Department may cite the findings of a review conducted pursuant to Section 4597.12. Cancellation of  
25 the plan may be appealed by the plan submitter or landowner utilizing the process prescribed in  
26 paragraph (1) of subdivision (e) of Section 4597.6.

Comment [WU59]: 4597.16

Comment [WU60]: From 4597.15. This language was seemingly chaptered in the wrong location. Consistent with language from 4597.16.

1 **1094.29 Expansion of Plans**  
2 If a landowner with a NTMP or a WFMP with less than 2,500 acres of timberland expands his or her total  
3 timberland ownership to 2,500 or more acres of timberland, the landowner may transition into a  
4 working forest management plan for more than 2,500 acres of timberland through an amendment to  
5 the plan. The Board shall adopt regulations that establish this amendment process.

Comment [WU61]: 4597.17

Comment [WU62]: These regulations have to be developed in committee.

6  
7 **1094.30 Safe Harbor agreement**  
8 A participating landowner with an approved MNTMP may also seek approval of a Safe Harbor  
9 Agreement from the Department of Fish and Wildlife and/or United State Fish and Wildlife Service. All  
10 review costs associated with the Safe Harbor Agreement approval process incurred by the Department  
11 of Fish and Wildlife pursuant to this section shall be paid from the fund created in Section 4629.3.

Comment [WU63]: 4597.8 revised. Added USFWS. Modified statutory language because citation of code does not seem necessary. If found necessary, also include 64 FR 32706 under Section 10(a)(1)(a) of Federal Endangered Species Act. Also considered including Natural Community Conservation Plan (NCCP) F&GC 2800.

12 **1094.31 State Restoration Projects**  
13 Notwithstanding any other law, if a person with a WFMP- ~~or a NTMP~~ applies for state restoration grant  
14 funding for a restoration project that has a significant public benefit, the application shall not be  
15 summarily denied on the basis that the project is a required condition of the harvesting plan.

Comment [WU64]: Deleted NTMP from 4597.19. Will have to eventually amend NTMP language to include this provision.

16 **1094.32 Southern Subdistrict**  
17 This WFMP shall not apply to the Southern Subdistrict of the Coast Forest District, as defined in Section  
18 14 CCR § 895.1.

Comment [WU65]: Replaced 845 from 4597.22 with 895.1. Wrong citation in statute.