Board of Forestry and Fire Protection

"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.

<u>Amend:</u>

§ 895	**Abbreviations Applicable Throughout Chapter**
§ 895.1	**Definitions**
§ 913.11 [933.11, 953.11]	**Maximum Sustained Production of High Quality Timber Products**
§ 916.5 [936.5, 956.5]	**Procedures for Determining Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures**
§ 919.9 [939.9]	**Northern Spotted Owl**
§ 923 [943, 963]	**Intent for Logging Roads, Landings, and Logging Road Watercourse Crossings**
§923.2 [943.2, 963.2]	**Design and Location of Logging Roads and Landings**
§ 923.3 [943.3, 963.3]	**Mapping and Identification of Logging Roads and Landings**
§ 923.4 [943.4, 963.4]	**Construction and Reconstruction of Logging Roads and Landings**
§ 923.5 [943.5, 963.5]	**Erosion Control for Logging Roads and Landings**

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§ 923.9 [943.9, 963.9] **Watercourse Crossings**

§ 929 [949, 969] **Statement of Purpose**

§ 945.1 **Statement of Purpose**

§ 1038 **Exemption**

§ 1090.26 **Change of ~~Ownership~~ Timberland Owner(s)**

§ 1104.1 **Conversion Exemptions**

§ 1115.3 **Conduct of Hearing**

"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 10/27/14)~~ (1st Edition, revised 04/21/15)

Adopt:

§ 1090.28 **State Restoration Projects**

Article 6.95 **Working Forest Management Plan Administration**

§ 1094 **Rule Application**

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

§ 1094.2 **Definitions**

§ 1094.3 **WFMP Submittal and Notice of Preparation**

§ 1094.4 **Notice of Preparation-Distribution by the Director**

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

§ 1094.6 **Contents of WFMP**

§ 1094.7 **Working Forest Harvest Notice**

§ 1094.8 **Working Forest Harvest Notice Content**

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§ 1094.9 WFMP Professional Judgment

§ 1094.10 Plan Submitter(s) Responsibility

§ 1094.11 Registered Professional Foresters Responsibility

§ 1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice

§ 1094.13 Licensed Timber Operator Responsibilities

§ 1094.14 Notification of Commencement of Operations

§ 1094.15 Notice of WFMP Filing

§ 1094.16 Agency and Public Review of the WFMP

§ 1094.17 Director's Determination

§ 1094.18 Review Teams to be Established to Review WFMP

§ 1094.19 Nonconformance of WFMP

§ 1094.20 Conformance of WFMP

§ 1094.21 Notice of Conformance of WFMP

§ 1094.22 Public Inspection

§ 1094.23 Substantial Deviations

§ 1094.24 Report of Minor Deviations

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

§ 1094.26 Inspection of Completed Work

§ 1094.27 Stocking Report and Minimum Stocking Standards

§ 1094.28 Inspection of Stocking

§ 1094.29 Five (5) Year Review of WFMP

§ 1094.30 Change of Timberland Owner(s)

§ 1094.31 Cancellation of Plans

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§ 1094.32 Transition or Expansion of Plans

§ 1094.33 Safe Harbor Agreement

§ 1094.34 State Restoration Projects

§ 1094.35 Southern Subdistrict

895 Abbreviations Applicable Throughout Chapter

***** W true cardinal direction West

WFMP Working Forest Management Plan *****

*****Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597, Public Resources Code.*****

895.1 Definitions

***** **"Current Archaeological Records Check"** means a review of the State's archaeological and historic resource files conducted at the appropriate Information Center of the California Historical Resource Information System for the area which could be affected by timber operations. The Office of Historic Preservation, which is within the Department of Parks and Recreation, has the address for the regional Information Center a person must contact. The records check must have been conducted within five years prior to the date a THP, NTMP, WFMP, or Emergency Notice of 3 acres or more is submitted to the Director.*****

***** **"Plan"** means:

(a) Timber Harvesting Plan (THP) as described in PRC § 4582.

(b) Nonindustrial Timber Management Plan (NTMP) as described in PRC § 4593.2(e).

(c) Program Timber Harvesting Plan (PTHP) as described in 14 CCR §§ 1092 and

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(d) Working Forest Management Plan (WFMP) as described in PRC § 4597.1*****

***** "Rules", pursuant to PRC § 4525.5, means the district forest practice rules adopted by the board, pursuant to the Administrative Procedure Act.*****

*****Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5, 4525.7, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 4597.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and *Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection*, Sonoma County Superior Court No. SCV 229850.*****

913.11 [933.11, 953.11] Maximum Sustained Production of High Quality Timber Products

The goal of this section is to achieve Maximum Sustained Production of High Quality Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or (b) or (c) in a THP, SYP, ~~or~~ NTMP or WFMP, or as otherwise provided in Article 6.8, Subchapter 7, Chapter 4, Division 1.5, Title 14 of the California Code of Regulations.

(a) Where a Sustained Yield Plan (14 CCR § 1091.1), a ~~or Nonindustrial Timber Management Plan (~~NTMP~~)~~, or a WFMP has not been approved for an ownership, MSP will be achieved by:*****

*****(b) Where a SYP, ~~or~~ NTMP, or WFMP is submitted for an ownership, an approved SYP , ~~or~~ NTMP, or WFMP achieves MSP by providing sustainable harvest yields established by

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the landowner which will support the production level of those high quality timber products the landowner selects while at the same time:*****

*****(c) In a THP, ~~or~~ NTMP, or WFMP, MSP is achieved by:*****

*****Note: Authority cited: Sections 4551 and 4554.5, Public Resources Code. Reference: Sections 4513, 4551.5, 4561, 4597 and 21080.5, Public Resources Code.*****

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

*****(**e**) The letter designations shown in the "Protective Measures and Widths" column in Table I correspond to the following:*****

*****"**B**" WLPZ shall be clearly identified on the ground by an RPF or supervised designee, with paint, flagging, or other suitable means, prior to the start of timber operations. In watersheds with listed anadromous salmonids, on the ground identification of the WLPZ shall be completed prior to the preharvest inspection. For all ~~nonindustrial timber management plan~~NTMPs and WFMPs, sample identification of the WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field examination and be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall determine if the sample identification is adequate for ~~p~~Plan evaluation during the preharvest inspection. If sample identification is allowed, the remaining WLPZ shall be identified by an RPF or supervised designee prior to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department when the WLPZ has been identified.*****

*****"**D**" To ensure retention of shade canopy filter strip properties of the WLPZ and the maintenance of a multi-storied stand for protection of values described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], residual or harvest trees shall be marked, including a base mark below the

Comment [TB1]: Capitalized "Plan" for consistency.

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cut-line within the WLPZ by the RPF, or supervised designee. Outside of watersheds with listed anadromous salmonids, sample marking prior to the preharvest inspection is satisfactory in those cases where the Director determines it is adequate for ~~p~~Plan evaluation. When sample marking has been used, the remaining WLPZ shall be marked in advance of falling operations by the RPF, or supervised designee. In watersheds with ~~threatened or impaired values~~ listed anadromous salmonids, trees shall be marked in advance of the preharvest inspection. For all ~~nonindustrial timber management plan~~NTMPs and WFMPs, sample marking of the WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field examination and shall be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall determine if the sample mark is adequate for ~~p~~Plan evaluation during the preharvest inspection. If sample marking is allowed, the remaining WLPZ shall be marked by an RPF, or supervised designee, prior to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department when the WLPZ has been identified.

"E" To ensure retention of shade canopy filter strip properties of the WLPZ and the maintenance of a multi-storied stand for protection of values described in 14 CCR § 916.4(b) [936.4(b), 956.4(b)], residual or harvest trees shall be marked, including a base mark below the cut line, within the WLPZ by the RPF or supervised designee. Outside of watersheds with listed anadromous salmonids, tree marking shall be done prior to timber falling operations. In watersheds with listed anadromous salmonids, trees shall be marked in advance of the preharvest inspection. For all ~~nonindustrial timber management plan~~NTMPs and WFMPs, sample marking of the WLPZ prior to the preharvest inspection may be allowed. The sample shall be based upon a field examination and shall be consistent with the applicable provisions of 14 CCR §§ 916.4 [936.4, 956.4] and 916.5 [936.5, 956.5], representing the range of conditions found within the WLPZ. The Director shall determine if the sample mark is adequate for ~~p~~Plan

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evaluation during the preharvest inspection. If sample marking is allowed, the remaining WLPZ shall be marked by an RPF or supervised designee prior to the start of timber operations within or adjacent to the WLPZ. The RPF shall notify the Department when the WLPZ has been identified.*****

*****Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4513, 4551.5, 4597 and 21001(f), Public Resources Code; Sections 100, 13000 and 13050(f), Water Code; and 33 USC Section 1288(b)(2)(F).*****

919.9 [939.9] Northern Spotted Owl [Coast, Northern]

Every proposed timber harvesting plan, NTMP, WFMP, conversion permit, Spotted Owl Resource Plan, or major amendment located in the Northern Spotted Owl Evaluation Area or within 1.3 miles of a known northern spotted owl activity center outside of the Northern Spotted Owl Evaluation Area shall follow one of the procedures required in subsections (a)-(g) below for the area within the THP boundary as shown on the THP map and also for adjacent areas as specified within this section. The submitter may choose any alternative (a)-(g) that meets the on-the-ground circumstances. The required information shall be used by the Director to evaluate whether or not the proposed activity would result in the "take" of an individual northern spotted owl.*****

*****Note: Authority cited: Section 4551, Public Resources Code. Reference: Sections 4513, 4551.5, 4582.75, 4583, and 4597 Public Resources Code; and 50 CFR 17.11.*****

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923 [943, 963] Intent for Logging Roads, Landings, and Logging Road Watercourse Crossings.

*****(c) The RPF may propose exceptions to the rules of this Article if explained and justified in the ~~p~~Plan and found by the Director not to result in a significant adverse impact on the environment.

(d) Exceptions may also be provided through application of Fish and Game Code Section 1600 et seq. and shall be made an enforceable part of the ~~p~~Plan in accordance with 14 CCR §§ 1039, 1040, 1090.14, 1092.26, ~~or~~ 1092.27, 1094.23, or 1094.24, as appropriate.*****

*****Note: Authority cited: Sections 4551, 4551.5, 4553 and 4562.5, Public Resources Code. Reference: Sections 4512, 4551.5, 4562.5 ~~and~~ , 4562.7, and 4597 Public Resources Code; and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1972) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.*****

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

*****(a) All logging roads and landings shall:

(1) Avoid or mitigate potential impacts to public safety.

(2) Avoid unstable areas and connected headwall swales to the extent feasible and minimize activities that adversely affect them.

(3) Minimize the size of cuts and fills to the extent feasible.

(4) Be outsloped where feasible and drained with waterbreaks and/or rolling dips in conformance with other applicable Forest Practice Rules.

(5) Be hydrologically disconnected from watercourses and lakes to the extent feasible to minimize sediment delivery from road runoff to a watercourse, and reduce the potential for hydrologic changes that alter the magnitude and frequency of runoff delivery to a watercourse. Guidance on methods for hydrologic disconnection may be found in “Board of Forestry

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Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings" ~~(1st Edition, revised 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.

(6) Include adequate drainage structures and facilities necessary to avoid concentrating and diverting runoff, to minimize erosion of roadbeds, landing surfaces, drainage ditches, sidecast and fills, to minimize the potential for soil erosion and sediment transport, and to prevent significant sediment discharge. Guidance on methods for conformance with this rule section may be found in "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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.*****

*****Note: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5, ~~and~~ 4562.7, and 4597 Public Resources Code; 33 USC 1288(b); and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.*****

923.3 [943.3, 963.3] Mapping and Identification of Logging Roads and Landings

The following mapping and identification standards shall apply to logging roads and landings:

(a) For logging road- and landing-related mapping requirements refer to 14 CCR §§ 1034(x)(4)(A)-(E) and (5)(A)-(G), 1090.5(w)(4)(A)-(E) and (5)-(6), 1090.5(gg), 1090.7(n)(4)-(6), ~~and~~ 1092.09(l)(5)(A)(1.-5.) and (6)(A)-(G), 1094.6(e)(4)-(5), (11) and (15) - (16) and 1094.8(u)(4)-(7) and (13)-(14).*****

*****Note: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5, ~~and~~ 4562.7~~,~~ and 4597 Public Resources Code; 33

Comment [TB2]: Staff made the following modifications on 033016 pursuant to revisions made in 1094.6 and 1094.8 related to mapping: Replaced "and 1094.6(e)(11), (15) - (16) and 1094.6(e)(4)(A) – (E)" with the highlighted text.

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USC 1288(b); and Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.*****

923.4 [943.4, 963.4] Construction and Reconstruction of Logging Roads and Landings

Logging roads and landings shall be constructed or reconstructed in accordance with the approved ~~p~~Plan and the following requirements. If a change in designation of logging road classification is made after the ~~p~~Plan is approved, the change shall be reported in accordance with 14 CCR §§ 1039, 1040, 1090.14, 1092.26, ~~or~~ 1092.27, 1094.23 or 1094.24 as appropriate.

(a) Logging roads and landings shall be hydrologically disconnected from watercourses and lakes to the extent feasible to minimize sediment delivery from road runoff to a watercourse, and reduce the potential for hydrologic changes that alter the magnitude and frequency of runoff delivery to a watercourse. Guidance on methods for hydrologic disconnection may be found in "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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.*****

*****Note: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 ~~and~~ 4562.7~~,~~ and 4597 Public Resources Code; 33 USC 1288(b); and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.*****

923.5 [943.5. 963.5] Erosion Control for Logging Roads and Landings

The following erosion control standards shall apply to logging roads and landings:

(a) All logging road and landing surfaces shall be adequately drained through the use of

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logging road and landing surface shaping in combination with the installation of drainage structures or facilities and shall be hydrologically disconnected from watercourses and lakes to the extent feasible. Guidance on methods for hydrologic disconnection may be found in "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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.*****

*****(g) Where outsloping and rolling dips are used to control surface runoff, the dip in the logging road grade shall be sufficient to capture runoff from the logging road surface. The steepness of cross-slope gradient in conjunction with the logging road or landing gradient and the estimated soil erosion hazard rating shall be used to determine the rolling dip spacing in order to minimize soil erosion and sediment transport and to prevent significant sediment discharge. Guidance on rolling dip spacing may be found in "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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.

(h) Drainage facilities and structures shall discharge into vegetation, woody debris, or rock wherever possible. Where erosion-resistant material is not present, slash, rock, or other energy dissipating material shall be installed below the drainage facility or drainage structure outlet as necessary to minimize soil erosion and sediment transport and to prevent significant sediment discharge. Guidance on energy dissipaters for drainage structures may be found in "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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.*****

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*****Note: Authority cited: Sections 4551, 4551.5, 4553, 4561.7 and 4562.9, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5, ~~and~~ 4562.7, and 4597 Public Resources Code; 33 USC 1288(b); and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App.3d 959, 131 Cal. Rptr. 172.*****

923.9 [943.9, 963.9] Watercourse Crossings

*****(m) The following drainage standards shall apply to logging road watercourse crossings:

(1) Adequate surface drainage at logging road watercourse crossings shall be provided through the use of logging road surface shaping in combination with the installation of drainage facilities, ditch drains, or other necessary protective structures to hydrologically disconnect the road from the crossing to the extent feasible.

(2) Consistent with 14 CCR § 923.5(a)-(i), drainage facilities and ditch drains shall be installed adjacent to logging road watercourse crossings, as needed, to hydrologically disconnect to the extent feasible the logging road approach from the crossing, to minimize soil erosion and sediment transport, and to prevent significant sediment discharge during and upon completion of timber operations. Guidance on hydrologic disconnection may be found in "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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.*****

*****(o) Where crossing fills over culverts are large, or where logging road watercourse crossing drainage structures and erosion control features historically have a high failure rate, such drainage structures and erosion control features shall be oversized, designed for low maintenance, reinforced, or removed before the completion of timber operations or as specified in the ~~p~~Plan. Guidance on reducing the potential for failure at high risk watercourse crossings

may be found in “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 10/27/14)~~ (1st Edition, revised 04/21/15), hereby incorporated by reference.*****

*****Note: Authority cited: Sections 4551, 4551.5 and 21004, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5, ~~and~~ 4562.7~~,~~ and 4597 Public Resources Code; 40 CFR 130.2(q); and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1972) 59 Cal. App. 3d 959, 131 Cal. Rptr. 172.*****

929 [949, 969] Statement of Purpose

*********The purpose of this article is to:

(a) ensure that the significant archaeological and historical sites within the site survey area are adequately identified and protected,

(b) to provide direction to RPFs preparing THPs (which includes all forms of THPs including, but not limited to, Modified THPs and ~~Nonindustrial Timber Management Plans (~~NTMPs~~)~~, WFMPs, Program Timber Harvesting Plans (PTHPs)), Notice of Emergency Timber Operations (Emergency Notices), and any Exemption Notices pursuant to 14 CCR §§ 1038 and 1104.1,

(c) provide direction to the timber operator conducting timber operations,

(d) provide direction to the Department of Forestry and Fire Protection in its review, approval and inspection programs.*****

*****Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference: Sections 4582(f), 4597, 21002, 21060.5, 21083.2 and 21084.1, Public Resources Code.*****

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945.1 Statement of Purpose

*****The purpose of these rules is to:

(a) ~~insure~~ ensure that the visual and aesthetic sites identified within the Scenic Combining District are adequately identified and protected,

(b) provide direction to RPFs preparing plans which, for the purposes of this section, include THPs, MTHPs, NTMPs, WFMPs, PTEIRs, Notices of Emergency Timber Operations, and any Exemptions Notices pursuant to 14 CCR §§ 1038 and 1104.1,

(c) provide direction to the timber operator conducting timber operations,

(d) provide direction to the Department in its review, approval, and inspection programs.*****

*****Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Sections 4516.5 and 4597, Public Resources Code.*****

1038 Exemption

*****(h) Harvesting of large old trees shall only occur when:

(1) the tree is not critical for the maintenance of a Late Successional Stand and

(2) an RPF attaches to the exemption an explanation and justification for the removal based on the RPF's finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met.

The requirements of (h)(2) need not be met if an approved management document~~;~~, including but not limited to a HCP, SYP, NTMP, WFMP, or PTEIR~~;~~, addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of that document.*****

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******Note: Authority cited: Sections 4551, 4553, 4584~~, 4584.1~~ and 4584.1, Public Resources Code. Reference: Sections 4516, 4527, 4584, and 4597 Public Resources Code; and *EPIC v. California Department of Forestry and Fire Protection and Board of Forestry* (1996) 43 Cal. App.4th 1011.*****

1090.26 Change of ~~Ownership~~ Timberland Owner(s)

~~Any change in ownership of land must be reported to the Director by the new landowner within 180 days of the date such change is recorded in the county where the property is located. Also, before the passage of title, it shall be responsibility of the seller to notify the purchaser of either the timber or timberland of their responsibility for compliance with the stocking standards of the Act and the rules of the Board of Forestry.~~

*****(a) Upon a change of ownership of the land described in the NTMP, the transferring timberland owner(s) shall 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 NTMP. 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).

(b) If the transferring timberland owner(s) fails to provide the Notice required in the 14 CCR § 1090.26(a) and the Department discovers the change of ownership, the Department shall provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice.

(c) The acquiring timberland owner(s) shall have one (1) year from the date of receipt of the Transfer of Responsibilities Notice pursuant to either 14 CCR § 1090.26(a) or 14 CCR § 1090.26(b), 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

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period, the Department may cancel the NTMP.

(d) A violation of this section by a timberland owner(s) does not constitute a crime pursuant to PRC § 4601.

(e) After a ~~p~~Plan is found in conformance with the rules and regulations of the Board, the Director may file a Notice of Stocking Requirements on the property with the recorder of the county within which the ~~p~~Plan is located if any area logged under a Notice of Timber Operations has not had a report of satisfactory stocking ~~is~~ issued by the Director.*****

*****Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13, Sections 4551 and 4593.10, Public Resources Code. Reference: Sections 4593, 4593.4 and 4593.10, Public Resources Code.*****

1090.28 State Restoration Projects

Notwithstanding any other law, if a person with a NTMP applies for state restoration grant funding for a restoration project that has a significant public benefit, the application shall not be summarily denied on the basis that the project is a required condition of the Plan.

Comment [TB3]: Removed "harvesting". Capitalized "Plan".

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.19, Public Resources Code.

Article 6.95 Working Forest Management Plan Administration

1094 Rule Application

Where the abbreviation THP, the term Timber Harvesting Plan, or the word Plan is used in Chapter 4, Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as specified in PRC § 4597 et seq. In Subchapter 7 this equivalency will

occur for all sections except 1032.7 through 1042 that are not referenced in this Article, or as otherwise specified.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597, Public Resources Code.

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

The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed timber operations, pursuant to PRC § 4597.1 et seq., shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office having jurisdiction for the timber operations, and shall contain the information specified in 14 CCR §§ 1094.6 or 1094.8.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.2, Public Resources Code.

1094.2 Definitions

The following definitions apply to this article:

(a) "Designated Agent" means a person granted sole authority, through written certification of all the Working Forest Landowner(s) designated in a submitted or approved WFMP, to conduct those activities specifically assigned to a Designated Agent by Board Rules and Regulations.

(b) "Late Succession Forest Stands", pursuant to PRC § 4597.2(g)(3), means stands of dominant and predominant trees that meet the criteria of the California Wildlife Habitat Relationships System class 5D, 5M, or 6 with an open, moderate, or dense canopy closure classification, often with multiple canopy layers, and are at least ten (10) acres in size.

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Functional characteristics of late succession forest stands include large decadent trees, snags, and large down logs.

(c) “Long Term Sustained Yield (LTSY)” , pursuant to PRC § 4597.1(a), means the average annual growth sustainable by the inventory predicted at the end of a 100-year planning horizon, or a shorter planning horizon if the forest encompassed by the WFMP has reached a balance between growth and yield.

(d) “Major Stand Type”, pursuant to PRC § 4597.1(b), means a stand that occupies an area equal to or greater than 25 percent of a WFMP.

(e) “Management Unit”, pursuant to PRC § 4597.1(c), means a geographically identifiable area delineated for silviculture or management purposes. A Management Unit is intended to reflect an area scheduled for harvest under the Plan in any given year, but may also be designated to address specific resource sensitivities.

(f) “Stand”, pursuant to PRC § 4597.1(d), means a geographically identifiable group of trees sufficiently uniform in age-class distribution, composition, and structure and growing on a site of sufficiently uniform quality to be a distinguishable unit.

(g) “Strata”, pursuant to PRC § 4597.1(e), means a grouping of similar Stands defined for silvicultural or management purposes, usually according to similarities in stand composition, structure, and age.

(h) “Sustained Yield”, pursuant to PRC § 4597.1(f), means the yield of commercial wood that an area of commercial timberland can produce continuously at a given intensity of management consistent with required environmental protection and that is professionally planned to achieve over time a balance between growth and removal. Sustained Yield management implies continuous production planned so as to achieve, at the earliest practical time, a balance between growth and harvest.

(i) “Unevenaged Management”, pursuant to PRC § 4597.1(g), means forest management with

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the goal of establishing a well-stocked stand of various age classes, which permits the periodic harvest of individual or small groups of trees to achieve Sustained Yield objectives of the WFMP, and provide for regeneration of trees and maintenance of age class structure.

(j) “Working Forest Harvest Notice”, pursuant to PRC § 4597.1(h), means notice of timber harvest operations, pursuant to an approved WFMP, which meets the requirements of PRC § 4597.11 and 14 CCR § 1094.8.

(k) “Working Forest Landowner”, pursuant to PRC § 4597.1(i), means an owner of timberland with less than 15,000 acres of timberland who has an approved WFMP and is not primarily engaged in the manufacture of forest products.

(l) “Working Forest Management Plan (WFMP)” , pursuant to PRC § 4597.1(j), means a management plan for Working Forest Timberlands, with objectives of maintaining, restoring, or creating Unevenaged Managed timber stand conditions, achieving Sustained Yield, and promoting forestland stewardship that protects watersheds, fisheries and wildlife habitats, and other important values. Other important values include maintained forest ecosystem processes and services. A WFMP shall be less than 15,000 acres of timberland.

(m) "Working Forest Timberlands", pursuant to PRC § 4597.1(k), means timberlands owned by a Working Forest Landowner(s).

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.1 and 4597.2, Public Resources Code.

1094.3 WFMP Submittal and Notice of Preparation

A WFMP may be submitted to the Department in writing by a person who intends to become a Working Forest Landowner(s) with the long-term objectives of promoting forestland stewardship, uneven aged timber stand(s) and sustained yield through the implementation of a WFMP. The

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WFMP shall be prepared by a RPF, shall be public record, shall include all of the specified information pursuant to 14 CCR §1094.6 and the following conditions shall be met:

(a) A Plan shall be submitted by the person(s) who owns the timberland included in the Plan.

(b) Where the timber is owned by parties other than the timberland owner(s), the timberland owner(s) shall give prompt written notice of such Plan to those parties.

(c) The plan submitter(s) shall prepare and submit to the Director, with the Plan, a Notice of Preparation to Harvest Timber if :

(1) Any proposed Plan boundary lies within 300 ft. of any property owned by any person other than the plan submitter, or

(2) Any deviation changes a Plan boundary where the new boundary of the additional area lies within 300 ft. of any property owned by any person other than the plan submitter(s), or

(3) Any deviation changes the silvicultural method if a Notice of Preparation was required for the Plan by conditions (1) or (2) above.

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

(1) The name(s) of the plan submitter(s).

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

(3) The name of the nearest perennial blue line stream flowing through or downstream from the Plan area.

(4) 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.

(5) The silvicultural method(s) proposed.

(6) The estimated earliest date that the Director may approve the Plan pursuant to 14 CCR § 1094.17.

Comment [TB4]: uncapitalized the "plan submitter" for consistency.

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

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

(f) The Department shall mail copies of the Notice of Preparation within two (2) working days of receipt of the Plan to all persons identified in (e) above.

(g) Prior to Plan submission, the person submitting the Plan shall post a copy of the Notice of Preparation at a conspicuous location that is easily visible to the public and near the Plan site. Notwithstanding other Board rules and regulations, the notices required by 14 CCR § 1032.10 shall be completed prior to submission of the WFMP, and within counties with special rules, (14 CCR Subchapter 4, Article 13 and Subchapter 6, Article 13) the noticing requirements will be the same as for a THP.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.2 and 4597.3, Public Resources Code.

1094.4 Notice of Preparation-Distribution by Director

The Director shall distribute copies of each Notice of Preparation within two (2) working days of receipt to:

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

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(b) The local Unit headquarters for posting.

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

(d) Any additional distribution of the Notice of Preparation required by the Board rules and regulations for individual counties.

(e) A publically available internet database.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.3, Public Resources Code.

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

(a) Each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Working Forest Harvest Notice(s) submitted each day.

(b) When any person requests a notice of submission of a WFMP, the Director shall provide the person, free of charge, with a copy of the list of WFMPs or Working Forest Harvest Notice(s) submitted on the date or dates requested. If no specific date is requested, a copy of the lists for the preceding week shall be provided.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.4 and 21092, Public Resources Code.

1094.6 Contents of WFMP

The WFMP shall serve three functions: 1) to provide information the Director needs to determine whether the proposed WFMP conforms to the Board rules and regulations; 2) to provide information and direction for timber management so it complies with the Board rules and

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regulations and the management objectives of the landowner(s); and 3) to disclose the potential effects of timber management to the public. For the WFMP to serve these functions, it shall, at a minimum, contain the following information:

(a) Name, address and telephone number of the timberland owner(s).

(b) Name, address and telephone number of the Designated Agent if known at the time of WFMP submission.

(c) Name, address, and telephone number of the timber owner(s) (if different than the timberland owners).

(d) Name, address, telephone number, and registration number of RPF who prepared the Plan.

(e) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per mile. Additional maps may be required to show specific details, and may be planimetric. Color coding on maps may be used if they are able to be reproduced in black and white and clearly show all details. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages. The map shall include:

(1) Boundaries of WFMP Management Unit(s). Boundaries of Management Units shall not exceed a single ownership which may include, but is not limited to, entities comprised as a single ownership of divided interest, natural-persons with undivided interests, or a legally established artificial-person (such as limited liability companies, corporations, partnerships, or trusts).

(2) Boundaries of yarding (logging) systems, if more than one (1) system is to be used.

(3) Boundaries of areas sample marked for each prescribed silvicultural method to be applied.

(4) Location of all roads to be used for, or potentially impacted by, timber operations. This shall include:

Comment [TB5]: Discussed in MGMT on 040516 to make it congruent with 1094.8(u) preamble. Recognize the Natural Resources Agency is working with the Department on electronic THP submission that would likely include color coding.

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(A) The classification of all roads as permanent, seasonal, temporary, or deactivated.

(B) Roads and landings located in Watercourses, Lakes, WLPZs, Wet Meadows, or Other Wet Areas, other than at road watercourse crossings.

(C) Roads that provide access to rock pits and water drafting sites, and the location of water drafting sites.

(D) Public roads within one-quarter (1/4) mile of the harvest area.

(E) The location of significant existing and potential erosion sites on all roads and landings pursuant to 14 CCR § 923.1(e).

(5) Location of proposed and existing landings outside the WLPZ that are greater than 1/4 acre in size or whose construction involves substantial excavation.

(6) Location of area(s) of low, moderate, high or extreme erosion hazard ratings.

(7) Location of all Lakes and Watercourses with Class I, II, III, or IV waters.

(8) Location of known unstable areas or slides.

(9) Location of understocked areas and other areas not normally bearing timber to at least a 20-acre minimum, or as specified in the district rules.

(10) Location of boundaries of timber-site classes needed for determination of stocking standards to be applied.

(11) The locations of logging roads and landings to be abandoned or deactivated.

(12) A soils map where available.

(13) Late Successional Forest Stands or Strata

(14) Location of unique areas including Coastal Commission Special Treatment Areas or other special treatment areas and known 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).

Comment [TB6]: MC reviewed on 032416 and replaced "or proposed for abandonment" with the highlighted text. See 1094.6(e)(11).

Comment [TB7]: MC reviewed on 032416 and recognized an incongruity with 1034(x)(4)(c), but a congruity with 1090.5 (w)(4)(C).

Comment [TB8]: Received comment from CGS and CAL FIRE at 01/26/16 meeting. This term is in the existing rules, this term is used and they have had no issues to date.

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(15) The location of all new permanent constructed and reconstructed and temporary logging road watercourse crossings, including those crossings to be abandoned or deactivated.

(16) For all constructed and reconstructed logging roads and landings:

(A) Location of logging road grades greater than 15 percent for over 200 continuous feet or logging road grades exceeding 20 percent.

(B) Locations of logging road failures on existing logging roads to be reconstructed.

(C) Location of logging roads across and landings on unstable areas or connected headwall swales.

(D) Location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas.

(E) Location of logging roads and landings across slopes greater than 65 percent for 100 lineal feet or more.

(F) Location of logging roads and landings across slopes greater than 50 percent for 100 lineal feet or more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake.

(17) Location of main ridge tops on the logging area suitable for fire suppression efforts that will require the felling of snags.

(18) Location of any in lieu use of heavy equipment and location of tractor roads in watercourses, lakes, WLPZs, marshes, wet meadows, and other wet areas, except where the WFMP has a standard operating practice(s) pursuant to 1094.6 (jj).

(f) A description of the Plan area within which timber operations are to be conducted, except as otherwise specified. The description shall include the following:

(1) Township, range, and section number(s) and approximate Plan acreage,

(2) County name(s),

Comment [TB9]: MC reviewed on 032416 and did the following:
Added (16) which is a preamble and includes substance from 1034(x)(5) for congruency with road rules.
Added (A) from 1034(x)(5)(A) for congruency with road rules.
(16) was reordered to (B), and is from 1034(x)(5)(B) for congruency with road rules.
Added (C) from 1034(x)(5)(C) for congruency with road rules.
Added (D), (E) and (F) from 1034(x)(5)(E), (F) and (G) for congruency with road rules.

Comment [TB10]: MC reviewed on 032416 and added the highlighted text from 1034 (x)(13) for congruency with road rules.

Comment [TB11]: MC reviewed on 032416 and added the highlighted text from 1034(x)(16) and additionally added ", except where the WFMP has a standard operating practice(s) pursuant to 1094.6 (jj)." for congruency with 1094.6(j)(j).

(3) CALWATER v2.2 planning watershed number(s),

(4) The forest district and subdistrict (if any) in which the WFMP is located.

(5) A description of present and proposed Plan area uses other than timber production.

(g) A description by the RPF of the inventory design and standards which, at a minimum, shall include:

(1) The baseline conditions found on the WFMP and the future conditions and planning horizon associated with the estimate of LTSY.

(2) Describe the design of inventory plots or strips, cruise lines and reference points between plots or strips, that are sufficient to facilitate initial review of the WFMP.

(3) The type of projections or models used for projecting growth and yield appropriate for stand conditions and estimated period of time to achieve LTSY.

(h) A description of the inventory design and timber stand stratification criteria that demonstrates that the inventory supporting the growth and yield calculations used to determine LTSY by volume for the WFMPs meets the following minimum standards:

(1) For Major Stand Type(s) or Strata, the inventory estimate shall be within fifteen (15) percent of the mean at one (1) standard error.

(2) For Stand(s) or Strata that make up greater than ten (10) percent and less than twenty five (25) percent of the WFMP area, the estimate shall be no greater than twenty five (25) percent of the mean at one (1) standard error.

(3) Inventory estimates and growth and yield shall be projected for the purposes of determining LTSY and volumes available for harvest by Stand or Strata and aggregated for the area covered by the WFMP to develop the LTSY estimate. LTSY estimates shall reasonably reflect constraints applicable to the Working Forest Timberlands on forest management activities. Reasonable constraints shall include biologic and economic factors, while accounting for limits on productivity due to constraints imposed from consideration of other forest values,

Comment [TB12]: MC reviewed on 012615, no changes recommended. For clarity, see 1094.2 for Stand definition and changes in 1094.6(i) and 1094.6(n).

Comment [TB13]: Discussed in MGMT 040516 and removed "including".

Comment [TB14]: Discussed in MGMT 040516 and removed "shall be".

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including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional economic activity, employment and aesthetic enjoyment.

(i) A description of the property and planned activities including:

(1)Acres.

(2)Projected growth.

(3)Existing stand types.

(4)Major Stand Types or Strata.

(5)Current projected growth by Strata.

(6)Silvicultural method(s) to be applied to Strata to achieve LTSY.

(7)Existing and projected timber volumes and tree sizes to be available for harvest.

(8)Projected frequencies of harvest.

(9)Silvicultural method(s) to be applied during the initial harvest(s), projected future harvest(s) and method(s) used in the projected growth and yield to achieve LTSY.

(j) An erosion control implementation plan with information as required by 14 CCR § 923.1(e). 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.

(k) Special provisions to protect unique areas, if any, within the WFMP area.

(l) A description of Late Succession Forest Stands, including their biological legacies and hardwoods, in the Plan area, their acreage, composition, structure, and how the total acreage of this type of habitat will be maintained across the Plan area under a constraint of no net loss. Nothing in this requirement shall be interpreted to preclude active management on any given acre of an approved Plan if the management is conducted in a manner that maintains or enhances the overall acreage of Late Succession Forest Stands that existed in the Plan area upon initial Plan approval. An exception to the no net loss constraint may be granted in the

Comment [TB15]: Discussed in MC on 012615 and added "existing and"

Comment [TB16]: Discussed in MC on 012615 and moved pest problems to (n)(1).

Comment [TB17]: Discussed in MGMT 040516, and determined no modifications were warranted.

Comment [TB18]: Discussed in MC on 012615 and 022516. On 022516 replaced: ~~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.~~

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event of a catastrophic loss due to emergency factors such as wildfire, insect, and disease activity. The description shall include the following:

(1) Retention measures for existing biological legacies such as snags, trees with cavities or basal hollows, and down logs, and address how legacies shall be managed over time as appropriate with the forest type, climate, and timberland owner's forest fire fuels and wildlife management objectives.

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

(m) Disclosure of:

(1) State or federally listed threatened, candidate, endangered, or rare plant or animal species known locations within the biological assessment area and the WFMP, their status and habitats, take avoidance methodologies, enforceable protection measures for species within or adjacent to the WFMP and habitats within the WFMP area, and how forest management will maintain species and habitats over time;

(2) Any known locations of plant or animal species pursuant to 14 CCR § 15380(d) within the biological assessment area and the WFMP;

(3) Information on the presence and known locations of individual Sensitive Species pursuant to 14 CCR § 895.1 adjacent to or within the WFMP or their key habitats within the WFMP.

(n) A description of the following for each Management Unit shall contain:

(1) 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 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 and shall include:

(A) Existing and Projected timber volumes and tree sizes to be available for

Comment [TB19]: MC reviewed on 032416 and replaced "…key habitats within the WFMP or individual Sensitive Species pursuant to 14 CCR § 895.1 adjacent to or within the WFMP." with the highlighted text.

Comment [TB20]: MC reviewed on 012615 and replaced with the changes in highlight, with the exception of (c), which was moved from 1094.6(i).

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harvest.

(B) Existing stocking levels.

(C) Potential pest and protection problems.

(2) Management Unit history.

(3) Yarding methods to be used.

(o) For LTSY projections that project a reduction, over 100-year planning horizon or shorter planning horizon until growth and yield are balanced, in quadratic mean diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a Major Stand Type or for a Stand or Strata that make up greater than 10 percent and less than 25 percent of the WFMP area, an assessment shall be included that does all of the following:

(1) Addresses 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 timber operations could adversely impact by potential changes to habitat.

(2) Addresses species habitat needs utilizing the "WHR system" described in "A Guide to Wildlife Habitats in California," California Department of Fish and Wildlife, 1988, herein incorporated by reference, or comparable typing system approved by the Director after consultation with the California Department of Fish and Wildlife.

(3) Addresses 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.

(4) Discusses and includes 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

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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.

(p) A certification by the RPF preparing the Plan that the RPF or the RPF's Supervised Designee has personally inspected the Plan area and 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.

(q) The WFMP shall describe a future schedule of inventory sampling and analysis of LTSY, which shall consider:

(1) Site class, projected growth and yield and harvest(s).

(2) Original projections or model calibration and accuracy.

(3) Episodic events including disease and drought caused tree mortality, windthrow, fire and reforestation.

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

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

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

(u) A description of potential impacts to, and protections for, the quality and beneficial uses of water.

(v) A description of how the site preparation standards and stocking standards of the selected silvicultural method, or that level of stocking above the minimum that will achieve long term

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sustained yield (LTSY), will be met.

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

(x) A description of the cumulative impacts analysis with supporting information, including impact(s) of projected timber operations over the life of the Plan.

(y) The Department shall make available a copy of the California Forest Practice Rules in effect at the time of WFMP approval.

(z) Explanation and justification for, and specific measures to be used for, tractor operations on unstable areas, on slopes over 65%, and in areas where slopes average over 50% where the EHR is high or extreme.

(aa) Explanation and justification for tractor operations in areas designated for cable yarding.

(bb) Winter period operating plan where appropriate.

(cc) Explanation and justification for use of landings, logging roads and skid trails in the protection zones of Watercourses, Lakes, Wet Meadows, or Other Wet Areas.

(dd) Explanation and justification of any in-lieu or alternative practices for Watercourse and Lake protection.

(ee) Explanation of alternatives to standard rules for harvesting and erosion control.

(ff) Explanation and justification for landings that exceed the maximum size specified in the rules.

(gg) A description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion control measures.

(hh) A description of the existing and proposed road system to be used in implementation of the WFMP, including the diameter of any permanent culverts on Class I, II, or III Watercourses and the methods used to determine the diameter.

(ii) A description of Lakes, Wet Meadows and Other Wet Areas.

Comment [TB21]: MC reviewed on 032416 and added the highlighted text.

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(jj) A RPF may propose, and the Director may approve, a standard operating practice(s) that could be utilized in site-specific locations during future operations under an approved WFMP. Standard operating practices are limited to contents pursuant to 14 CCR §§ 1094.6(z) and 1094.6(cc).

(1) A representative sample of each type of proposed standard operating practice(s) shall be flagged in the field by the RPF, or Supervised Designee, and available for field review by the interdisciplinary review team.

(2) For locations where the prescribed standard operating practice(s) will not adequately address the site specific conditions, the RPF, through consultation with the multi-disciplinary review team, may develop alternative mitigations that shall be incorporated into the WFMP through a deviation prior to submittal of a Working Forest Harvest Notice for the area in which the developed mitigation measure(s) applies and is located.

(kk) Proprietary information shall be treated consistent with PRC § 21160 and GOV § 6254.7.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4562.5, 4562.7, 4597.2 and 21000(g), Public Resources Code.

1094.7 Working Forest Harvest Notice

The Designated Agent shall file a Working Forest Harvest Notice with the Department in writing. A Working Forest Harvest Notice shall be filed prior to the harvesting of any timber and shall 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. Notwithstanding any other provisions of the FPA, when a RPF certifies by written declaration, on behalf of the timber owner(s) or operator(s), that the Working Forest Harvest Notice conforms to and meets the requirements of

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the approved WFMP under which it is filed, timber operations may commence three (3) working days upon filing of a Working Forest Harvest Notice. If the Working Forest Harvest Notice has been filed by mailing, operations may commence five (5) working days after the Working Forest Harvest Notice has been mailed.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.11 and 4597.15, Public Resources Code.

1094.8 Working Forest Harvest Notice Content

The Working Forest Harvest Notice shall be a public record, including Department posting on a publically available internet database. All necessary deviations shall be approved by the Director, pursuant to 14 CCR §§ 1094.23 and 1094.24, prior to submission of a Working Forest Harvest Notice. The Working Forest Harvest Notice shall include all of the following information:

(a) Name, address, and telephone number of the timberland owner(s).

(b) Name, address, and telephone number of the Designated Agent.

(c) Name, address, and telephone number of the timber owner(s) (if different from timberland owner(s)).

(d) Name, address, telephone number and license number of the licensed timber operator(s) conducting operations pursuant to the Working Forest Harvest Notice.

(e) Name, address, telephone number and registration number of the RPF preparing the Working Forest Harvest Notice and the name, address, and registration number of the RPF responsible pursuant to 14 CCR § 1094.11 if different.

(f) A legal description of the land, including acreage, on which the work is proposed to be done including the identification number of the WFMP.

(g) A statement that no archaeological sites have been discovered in the harvest area since the

Comment [TB22]: Discussed in MGMT Committee on 040516 regarding allowing more time for completeness of Notice. Replaced "immediately" with highlighted text.

Based, in part, on comment from Department and the discussion precipitated by 03/20/2016 CAG letter.

Comment [TB23]: Discussed in MGMT Committee on 040516 regarding allowing more time for completeness of Notice. Replaced "three" with highlighted text.

Based, in part, on comment from Department and the discussion precipitated by 03/20/2016 CAG letter.

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approval of the WFMP or approved deviations.

(h) 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 not publically disclosed in writing, within or 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). After the initial year the Plan is approved, prior to submitting the Working Forest Harvest Notice, a review shall be conducted of 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). When a Working Forest Harvest Notice is filed, and after the initial year the Plan is approved, it shall comply with the following:

(1) 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.

(2) 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 within or adjacent to the area of timber operations, identified in the Working Forest Harvest Notice, and

Comment [TB24]: Discussed in MC on 022516 and replaced "known" with "disclosed in writing".

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not addressed in the approved Plan shall be submitted to the Director as a deviation to the WFMP, 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).

(i) A statement that, based on a field evaluation, there are no physical environmental changes in the Working Forest Harvest Notice area that are so significant as to require any deviation of the WFMP.

(j) A certification by the RPF that states either of the following:

(1) The Working Forest Harvest Notice as carried out will 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.

(2) Compliance with the Board rules and regulations and the provisions of the FPA that were in effect at the time the WFMP was approved will 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 paragraph shall only apply if the RPF certifies that adherence to the current or modified Board rules and regulations would cause unreasonable additional expense, pursuant to PRC § 4583, to the Working Forest Landowner(s).

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

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

(m) A statement that the Working Forest Harvest Notice conforms to the provisions of the approved WFMP. If any aspects of the proposed operation are less protective than the current forest practices rules and the FPA, an explanation of the deviation and how resource values will be adequately protected.

Comment [TB25]: Discussed in MC on 022516 and added "pursuant to PRC § 4583".

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(n) An updated erosion control implementation plan that reflects erosion control mitigation measures for the harvest area and any appurtenant roads if conditions have changed since the WFMP was approved and a certification from the RPF that no additional listings of water bodies to Section 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on the lands of the Plan. Additionally, the updated Erosion Control Implementation Plan for the Working Forest Harvest Notice shall include disclosure of erosion sites from skid trails, skid trail 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 updated erosion control implementation plan shall also include a schedule to implement erosion controls that prioritizes these significant existing erosion site(s).

(o) The type of equipment to be used for yarding or logging road construction.

(p) 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 logging road maintenance.

(q) 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 Plan.

(r) The minimum diameter of permanent culverts proposed for installation shall be specified.

(s) A description of Lakes, Wet Meadows and Other Wet Areas.

(t) Description of the standard operating practice(s) to be implemented within the area covered under the Working Forest Harvest Notice.

(u) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the following information pertinent to the Working Forest Harvest Notice shall be clearly provided. Additional maps may be required to show specific details, and may be planimetric. Color coding on maps may be used if they are able to be reproduced in black and white maps and clearly

Comment [TB26]: Discussed in MGMT on 040516 and replaced "this" with "the updated Erosion Control Implementation Plan for the Working Forest Harvest Notice "

Comment [TB27]: Discussed in MGMT on 040516 and "updated" for clarity.

Comment [TB28]: Discussed in MC on 012615 and 022516. On 022516 added, with revisions, from deletion of part of 1094.6(j): ~~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).~~

Staff Note: This could be construed to only be required if conditions have changed, clarify.

Comment [TB29]: Removed "management". Capitalized "Plan".

Comment [TB30]: Discussed in MGMT on 040516 to make it congruent with 1094.8(e), replaced "Color coding on maps shall not be used unless additional black and white maps are provided to clearly show the same features." with highlighted text.

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show all details. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages. Maps shall be updated to reflect current field conditions.

(1) Boundaries of area(s) where timber operations are to occur under the Working Forest Harvest Notice.

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

(3) Boundaries of area(s) for specified yarding (logging) systems, if more than one (1) system is to be used.

(4) Location of all roads to be used for, or potentially impacted by, timber operations. This shall include:

(A) The classification of all roads as permanent, seasonal, temporary temporary, or deactivated.

(B) Roads and landings located in Watercourses, Lakes, WLPZs, Wet Meadows, or Other Wet Areas, other than at road watercourse crossings.

(C) Roads that provide access to rock pits and water drafting sites, and the location of water drafting sites.

(D) Public roads within one-quarter (1/4) mile of the harvest area.

(E) The location of significant existing and potential erosion sites on all roads and landings pursuant to 14 CCR § 923.1(e).

(5) Location of proposed and existing landings outside the WLPZ that are greater than 1/4 acre in size or whose construction involves substantial excavation.

(6) Location of logging road failures on existing logging roads to be reconstructed.

(7) Location of all new permanent constructed and reconstructed, and temporary logging road watercourse crossings, including those crossings to be abandoned or deactivated.

Comment [TB31]: MC reviewed on 032416 and replaced "or proposed for abandonment" with the highlighted text. See 1094.8(u)(13).

Comment [TB32]: Received comment from CGS and CAL FIRE at 01/26/16 meeting. This term is in the existing rules, this term is used and they have had no issues to date.

(8) Designate areas of low, moderate, high or extreme erosion hazard rating, if more than one (1) exists.

(9) Location of Lakes and Watercourse(s) with Class I, II, III or IV waters; and Wet Meadows and Other Wet Areas including when operations are proposed pursuant to 14 CCR § 916.3(c).

(10) Location of known unstable areas or slides.

(11) Location of unique areas.

(12) Location(s) of standard operating practice(s) to be implemented within the area covered under the Working Forest Harvest Notice.

(13) The locations of logging roads and landings to be abandoned or deactivated.

(14) For all constructed and reconstructed logging roads and landings, the location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas.

(15) Location of all tractor road watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing.

(16) Location for which heavy equipment use is proposed on unstable areas, or on areas for which tractor use is proposed beyond the limitations of the standard forest practice rules.

(v) The Department shall make available a copy of the California Forest Practice Rules, or portions thereof, that apply to each filed Working Forest Harvest Notice.

(w) Proprietary information shall be treated consistent with PRC § 21160 and GOV § 6254.7.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.11, Public Resources Code.

1094.9 WFMP Professional Judgment

Comment [TB33]: Discussed in MGMT in 040516 and added "including" for clarity.

Comment [TB34]: MC reviewed on 032416 and added the highlighted text from 1034(x)(5) and 1034(x)(5)(E) for congruency with road rules.

Comment [TB35]: MC reviewed on 032416 and added the highlighted text from 1034(x)(7) for congruency with road rules.

Comment [TB36]: MC reviewed on 032416 and added the highlighted text from 1034(x)(15) for congruency with road rules.

Where 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.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.20, Public Resources Code.

1094.10 Plan Submitter(s) Responsibility

The plan submitter(s), or successor in interest, shall:

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

(b) Provide 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.

(c) File with the Director a minor deviation identifying a Designated Agent that represents the plan submitter(s) at least five (5) days prior to filing the first Working Forest Harvest Notice, unless already identified in the WFMP.

(d) File with the Director a minor deviation identifying a change in the Designated Agent:

(1) Within five (5) days if active timber operations are occurring.

(2) Within thirty (30) days if no active timber operations are occurring.

(e) Sign the WFMP certifying knowledge of the Plan contents and the requirements of this section.

(f) Within five (5) working days of change in RPF responsibilities for WFMP implementation or substitution of another RPF, file with the Director a minor deviation which states the RPF's name and registration number, address, and subsequent responsibilities for any RPF required field

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work, preparation of deviations, or operation supervision.

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

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

(i) Provide the RPF preparing the Working Forest Harvest Notice and the LTO each a copy of the current WFMP and subsequent deviation(s).

(j) Provide any change(s) in LTO responsibilities to the Director in writing.

(k) Provide 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.

(l) The plan submitter(s), or successor(s) in interest, may delegate responsibility for 14 CCR § 1094.10(f) – (k) to the Designated Agent, with the written notification to the Director.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

Reference: Sections 753, 4597.2, 4597.7 and 4597.11, Public Resources Code.

1094.11 Registered Professional Forester Responsibility

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

(b) The RPF preparing the Plan shall:

(1) Inform the Director and landowner(s) by phone, letter, or email if he or she will be attending the review inspection; and

(2) Provide the landowner(s) a copy of the Board rules and regulations in effect on the date of WFMP approval.

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(c) The RPF preparing the Working Forest Harvest Notice shall list or describe in the Working Forest Harvest Notice any work which will 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.

(d) The RPF preparing the Working Forest Harvest Notice shall, in writing, inform the plan submitter(s) and Designated Agent 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.

(e)The RPF who prepares the WFMP or prepares the Working Forest Harvest Notice, or any other RPF who is employed by the owner(s) or operator(s), shall 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.

(f) A RPF(s) retained by the plan submitter(s) to provide professional forestry advice throughout the timber operations shall 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).

(g) The RPF shall without delay notify, 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.

(h) All disclosures made between a RPF and an affected party pursuant to this section may be kept confidential.

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Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 752, 753, 4597.2, 4597.7, 4597.11, 4597.13 and 4597.14, Public Resources Code.

1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice

(a) From the start of the Working Forest Harvest Notice preparation, but before commencement of operations, the responsible RPF shall meet with either the LTO, or Supervised Designee, who will be on the ground and directly responsible for the harvesting operation. The meeting shall be on site if requested by either the RPF or LTO. If any deviation is incorporated into the Working Forest Harvest Notice by a RPF after the first meeting, that RPF or Supervised Designee shall comply with the intent of this section by explaining relevant changes to the LTO; if requested by either the RPF or LTO, another on-site meeting shall take place. Written documentation of LTO/RPF meetings required under this provision shall be submitted to the Department. The intent of any such meeting is to assure that the LTO:

(1) Is advised of any sensitive on-site conditions requiring special care during operations.

(2) Is advised regarding the intent and applicable provisions of the approved Working Forest Harvest Notice including deviations.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.11 and 4597.13, Public Resources Code.

1094.13 Licensed Timber Operator Responsibilities

Each Licensed Timber Operator shall:

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(a) Inform the responsible RPF and plan submitter(s), either in writing or orally, of any site conditions which in the LTO's opinion prevent implementation of the Working Forest Harvest Notice.

(b) Keep a copy of the applicable approved Working Forest Harvest Notice and deviations available for reference at the site of active timber operations.

(c) Comply with all provisions of the Act, Board rules and regulations, the applicable Working Forest Harvest Notice and any approved deviations.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4528.5 and 4571, Public Resources Code.

1094.14 Notification of Commencement of Operations

For each Working Forest Harvest Notice submitted, within fifteen (15) days before, and not later than the day of the start of timber operations, the Designated Agent shall notify the Department of the start of timber operations. The notification, by telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector, or other designated personnel.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.15, Public Resources Code.

1094.15 Notice of WFMP Filing

(a) The Director shall prepare a notice of filing which shall contain the basic information contained in the Notice of Preparation pursuant to 14 CCR § 1094.3, plus the assigned WFMP number.

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(b) Within two (2) working days of the date the Plan is filed, the Director shall transmit copies of the Notice of Filing to:

(1) The person submitting the Plan.

(2) The office of the County Clerk of the county(s) in which the operations are proposed. The Notice of Filing shall be posted at the normal place for posting environmental notices.

(3) The local CAL FIRE Unit headquarters for posting.

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

(5) All public agencies having custodial responsibility for lands within 300 ft. of the WFMP boundary.

(6) The Department's Internet Web site.

(7) To any person who requests notifications in writing.

(c) Notice of Filing may be transmitted through internet based email.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.3 and 4597.4, Public Resources Code.

1094.16 Agency and Public Review for the WFMP

(a) Upon receipt of the proposed WFMP, the Department shall 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 the Department's Internet Web site. For the purpose of interdisciplinary review, the Department shall also 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 shall

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invite, consider, and respond in writing to comments received from public agencies to which the Plan has been transmitted and shall consult with those agencies at their request.

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

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

(d) The Director shall take the following steps when Significant New Information, as defined in 14 CCR § 895.1, is added to the Plan during the course of Plan review or during the Director's Determination period.

(1) When Significant New Information are limited to a few sections or portions of the Plan, the Department need only recirculate the sections or portions that have been modified.

(2) When Significant New Information are not limited to a few sections of the Plan, the Department shall recirculate the entire Plan.

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

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

1. The Plan number and county(s).

2. The names of the timberland owner(s) and the plan submitter(s).

3. The location of the Plan area by county, section, township, and range.

4. The name of the nearest major watercourse or CALWATER v2.2 ID.

5. The acres proposed to be harvested.

6. The silvicultural systems to be used.

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

(C) Clarification as to whether the entire Plan, or only those recirculated portions

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of the Plan, are open for public comment.

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

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

(F) The address where copies of the Plan record are available for public review.

(4) 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 Preparation.

(5) The Department need only respond to:

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

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

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

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.3, 4597.5 and 4597.6, Public Resources Code and Joy Road Area Forest and Watershed Association v. California Department of Forestry & Fire Protection, Sonoma County Superior Court No. SCV 229850.

1094.17 Director's Determination

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

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(1) Ninety (90) days for a WFMP for less than 5,000 acres.

(2) One hundred ten (110) days for a WFMP for between 5,000 and less than 10,000 acres.

(3) One hundred thirty days (130) for a WFMP for between 10,000 and 15,000 acres.

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

(1) Within thirty (30) working days of the receipt of a WFMP, or within forty (40) working days of the receipt of a Plan to which a Road Management Plan pursuant to 14 CCR § 1093 is appended, the Department shall determine if the Plan is accurate, complete, and in proper order, and if so, the Plan shall be filed. An unfiled Plan shall be returned to the plan submitter(s) with an explanation that includes provisions for resubmitting the Plan.

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

(3) Upon completion of the initial inspection, the Department shall have up to forty five (45) working days to conduct the final interagency review of the Plan.

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

(5) After the final interagency review and public comment period has ended, the Department shall have up to thirty (30) 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.

(c) If after final interagency review the Director determines that the Plan is not in conformance with the Board rules and regulations or the FPA, the Director shall deny and return the Plan,

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stating the reasons for the denial and advising the plan submitter of the person's right to a hearing before the Board.

(d) 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 shall negotiate and mutually agree upon a longer period for the Director to review the Plan. If a longer period cannot be mutually agreed upon, the WFMP shall be deemed denied and returned to the Working Forest Landowner(s) submitting the Plan.

(e) The following provisions apply to the appeal of a denied WFMP:

(1) A Working Forest Landowner(s) whose Plan is denied pursuant to 14 CCR §§ 1094.17(c) or 1094.17(d) may request, within thirty (30) working days from the receipt of the Plan, a public hearing before the Board. The Board shall schedule a public hearing to review the Plan to determine if the Plan is in conformance with the Board rules and regulations and the FPA.

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

(3) 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.

(4) If the Plan is not approved on appeal to the Board, the Director, within ten (10) working days of Board action, shall advise the plan submitter(s) regarding changes needed that would achieve compliance with the FPA and other applicable provisions of the law. The Plan submitter(s) shall have forty five (45) 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 the FPA. Upon receipt of the information requested of the plan submitter(s), the Department shall recirculate the Plan and

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reopen the public comment period for thirty (30) working days. Prior to determining whether to approve the proposed revised Plan, the Director shall have thirty (30) working days to review public input and consider recommendations and mitigation measures of other agencies, and to respond in writing to issues raised.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.6, Public Resources Code.

1094.18 Review Teams to be Established to Review WFMP

Interdisciplinary review teams shall be established by the Director to review plans 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.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597, 4597.5, 4597.6, 4597.7 and 4597.12, Public Resources Code.

1094.19 Nonconformance of WFMP

If the Director determines that a Plan is not in conformance with the Board rules and regulations, 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 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.

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Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.6, Public Resources Code.

1094.20 Conformance of WFMP

If the Director determines that the Plan is in conformance with Board rules and regulations, 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.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.6, Public Resources Code.

1094.21 Notice of Conformance of the WFMP

Within ten (10) 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 § 1094.16 and for posting at the places named in 14 CCR § 1094.15. A copy of the notice shall be filed with the Secretary of the Natural Resources Agency. The Notice of Conformance shall include a written response of the Director to significant environmental points raised during the evaluation process.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.3 and 4597.6, Public Resources Code.

1094.22 Public Inspection

Notices of Conformance, pursuant to 14 CCR § 1094.21 and notices of nonconformance,

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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 Natural Resources Agency. Each such list shall remain posted for a period of thirty (30) days.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.3 and 4597.6, Public Resources Code.

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1094.23 Substantial Deviations

(a) The Designated Agent may submit a proposed deviation, as prepared by the RPF, to the approved Plan. No action shall occur that substantially deviates, as defined by the Board, from the approved Plan until the substantial deviation has been approved by the Director. The Director shall determine, after completion of the interagency review and public comment period, either of the following:

(1) The substantial deviation is in compliance with the current Board rules and regulations and provisions in the FPA.

(2) The substantial deviation is in compliance with the Board rules and regulations and provisions in the FPA that were in effect at the time the WFMP was approved. The Director may only make this determination if a RPF explains, justifies, and certifies both of the following:

(A) The adherence to new or modified Board rules and regulations would cause unreasonable additional expense, pursuant to PRC § 4583, to the Working Forest Landowner(s).

(B) Compliance with the Board rules and regulations and provisions in the FPA that were in effect at the time the WFMP was approved will not result in any significant degradation to the beneficial uses of water, soil stability, forest productivity, or wildlife.

(b) Review timelines for substantial deviations of WFMPs shall conform to the direction provided in PRC § 4582.7, except for substantial deviations that add acreage covered by the original WFMP that exceeds ten (10) percent or five hundred (500) acres, whichever is greater. Substantial deviations that add acreage in excess of ten (10) percent or five hundred (500) acres shall be reviewed pursuant to the procedures specified in PRC § 4597.6.

(c) Changes are 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

Comment [TB37]: Discussed in MC on 022516 and added "',pursuant to PRC § 4583,".

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and forage, recreation, and aesthetic enjoyment. Such actions may include, but are not limited to:

(1) Change in location of timber harvesting operations within the WFMP area.

(2) Enlargement of the WFMP area.

(3) An increase in volume to be harvested exceeding ten (10) percent as projected by the LTSY.

(4) Change in the silvicultural method and cutting system on any portion of the Plan area.

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

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

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

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

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

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

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

(7) Any road extension of more than six hundred (600) ft. (182.9m).

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

(9) Use of any logging roads not shown in the Plan which would affect the key habitat,

Comment [TB38]: MC reviewed on 032416 and no additional language was determined to be needed. However, for clarity, additional language associated with the term "key habitats" in 1094.6(m)(3) was incorporated.

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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).

(10) Enlargement of landings where such enlargement was not justified in the Plan.

(11) Any change of operation within, or designation of, Watercourse or Lake Protection Zones.

(12) Any downgrading of watercourse classification.

(13) A change to winter operations where summer operations were previously specified.

(14) Changes to the erosion control implementation plan as a result of operations to implement the provisions of the approved erosion control implementation plan shall not be considered a substantial deviation.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4582.7, 4597.6, 4597.7 and 4597.8, Public Resources Code.

1094.24 Report of Minor Deviations

(a) "Minor deviations" means any change, minor in scope, in a Plan 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.

(b) 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 shall 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.

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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 shall 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 (5) working days to act on the application. If the Director or the representative of the Director does not act within five (5) working days of receipt of such a deviation, timber operations may commence pursuant to such minor deviation.

(c) Newly adopted Board rules or regulations may be incorporated into an approved WFMP through a minor deviation.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.8 and 4597.11, Public Resources Code.

1094.25 Report of Completion of Work Described in WFMP; Partial Completion Report

(a) Within one (1) month after completion of the work described in the Working Forest Harvest Notice, excluding work for stocking, site preparation, or maintenance of drainage facilities and soil stabilization treatments on skid trails, roads, and landings after the Plan period, a report shall be filed by the timber owner(s) or the Designated Agent with the Department that all work, except stocking, site preparation, or maintenance of drainage facilities and soil stabilization treatments, has been completed.

(b) 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.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4585, Public Resources Code.

1094.26 Inspection of Completed Work

Within six (6) months of the receipt of the work completion report specified in 14 CCR § 1094.25, the Director shall determine, by inspection, whether the work described in the report has been properly completed in conformity with the Board rules and regulations and the provisions in the FPA. If the work has been so completed, the Director shall issue a report of satisfactory completion of the work. If not, the Director shall take such corrective action as the Director determines to be appropriate in accordance with Article 8 of Chapter 8 of Part 2 of Division 4 of the Public Resources Code (commencing with PRC § 4601).

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4586 and 4601, Public Resources Code.

1094.27 Stocking Report and Minimum Stocking Standards

(a) Within five (5) years after the completion of timber operations or as otherwise specified in the regulations, a report of stocking on the entire area logged under a Working Forest Harvest Notice and shown on a revised map shall 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 shall be submitted within six (6) months of the completion of operations. 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. If not otherwise specified, the following minimum standards apply:

(1) On Site I timberlands as defined by the Board, the average residual basal area,

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measured in stems one inch or larger in diameter shall be at least 85 square feet per acre; or on Site II or lower shall be at least 50 sq. ft. per acre; or

(2) The area contains 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. See 14 CCR §§ 912.7, 932.7 and 952.7 for information for the point count values of various size trees and for determining how sprouts will be counted toward meeting stocking requirements.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4561, 4561.1 and 4587, Public Resources Code.

1094.28 Inspection of Stocking

Within six (6) months of the receipt of the stocking report, the Director shall determine, by inspection, whether the stocking has been properly completed. If so, the Director shall 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 Chapter 8 of Part 2 of Division 4 of the Public Resources Code (commencing with PRC § 4601).

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4588 and 4601, Public Resources Code.

1094.29 Five (5) Year Review of WFMP

(a) The Department shall publish a public notice that the five (5) year review of the WFMP shall commence at least thirty (30) days prior to each five (5) year anniversary date of the WFMP approval. The published notice shall contain a copy of the plan summary indicate that public comment on the five (5) year review shall be accepted during the thirty (30) day period. The

Comment [TB39]: Discussed in MC on 022516 and added highlighted text.

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public may submit to the review team additional information relevant to the purpose of the five (5) year review and the review team may consider this information when conducting its review. The Director shall distribute copies of the five (5) year review public notice and plan summary to:

(1) The Office of the County Clerk of the county(s) in which the approved WFMP resides;

(2) The local CAL FIRE Unit headquarters for posting;

(3) At such other locations as the Director may deem desirable and feasible to provide adequate public notice;

(4) The Department's Internet Web site.

(5) Working Forest Landowner(s) and the Designated Agent if one exists.

(b)The Director shall convene a meeting with the interdisciplinary review team, pursuant to 14 CCR § 1037.5, within thirty (30) days following each five (5) year anniversary of a WFMP approval to review the Plan's administrative record, agency comment, public comment, plan summary, and any other information relevant to verify that completed or current timber operation(s) have been conducted in accordance with the Plan and applicable laws and regulations. Additionally, the review team shall also analyze any significant episodic events occurring during the previous five (5) years including disease and drought caused tree mortality, windthrow, wildfire and landslides. Participation by review team agencies shall 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 timber operations have been conducted in accordance with the Plan and applicable laws and regulations, then a field inspection may be conducted within sixty (60) days of each five (5) year anniversary date of WFMP approval.

(c) The plan summary shall include number of Working Forest Harvest Notices, acreage operated under each Working Forest Harvest Notice, the number of violations received, the number of substantial deviations received, the volume harvested in relation to projections of

Comment [TB40]: Discussed in MC on 022516 and added highlighted text.

Comment [TB41]: Discussed in MC on 022516 and added highlighted text.

Comment [TB42]: Discussed in MC on 022516 and deleted "prepare a five (5) year summary and"

Comment [TB43]: Discussed in MC on 022516 and added highlighted text throughout this section.

Comment [TB44]: Discussed in MC on 022516 and replaced "of" with following.

Comment [TB45]: Discussed in MC on 022516 and added agency comment,

Comment [TB46]: Discussed in MC on 022516 and added public comment,

Comment [TB47]: Discussed in MC on 022516 and replaced information obtained pursuant to 14 CCR § 1094.29(c) with plan summary.

Comment [TB48]: Discussed in MC on 022516 and added" timber" for clarification.

Comment [TB49]: Discussed in MC on 022516 and moved "Additionally, the review team shall also analyze any significant episodic events occurring during the previous five (5) years including disease and drought caused tree mortality, windthrow, wildfire and landslides." from (c).

Comment [TB50]: Discussed in MC on 022516 and deleted "The Department shall provide the public, in writing or on the Department's Internet Web site, a copy of the plan summary."

Comment [TB51]: Discussed in MC on 022516 and replaced For the purposes of 14 CCR § 1094.29(b), each five (5) year review shall allow the review team to analyze information including with "The plan summary shall include."

Comment [TB52]: Discussed in MC on 022516 and added" the number of".

Comment [TB53]: Discussed in MC on 022516 and added the number of substantial deviations received,

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harvest in the WFMP and to determine if timber operations under Working Forest Harvest Notice(s) were conducted in compliance with the content and procedures in the WFMP.

(d) If the Department or a review team agency does not have direct access to information needed for the five (5) year summary, the Department may require the Working Forest Landowner(s) to provide this information. The Department shall notify the Working Forest Landowner(s) and the Designated Agent if one exists of the findings of the five (5) year review.

(e) If notices of violation have been issued, or the five (5) year review indicates potentially significant adverse impacts to the environment may occur from continuance of the WFMP, or if the Department is presented with a fair argument that a project may have a significant adverse impact on the environment, the Department shall provide written comments that a review of the WFMP content and procedures may be necessary. The Director shall state any changes and reasonable conditions in the Director's professional judgment that are needed to bring timber 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 timber operations into compliance and to mitigate significant adverse impacts on the environment identified during the five (5) 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(b).

(f) The findings of the five (5) year review shall be completed by the Department within sixty (60) days of each five (5) year anniversary date of the WFMP approval, or within one hundred and five (105) days of each five (5) year anniversary date of the WFMP approval if a field inspection is completed.

(g) The findings of the five (5) year review shall be distributed on the Department's Internet Web site.

(h) This section does not authorize the public disclosure of proprietary information without first

Comment [TB54]: Discussed in MC on 022516 and deleted " The review team shall also analyze any significant episodic events occurring during the previous five (5) years including disease and drought caused tree mortality, windthrow, wildfire and landslides.

Comment [TB55]: New subsection.

Comment [TB56]: Discussed in MC on 022516 and added highlighted text.

Comment [TB57]: Revised subsection.

Comment [TB58]: Revised subsection.

Comment [TB59]: Revised subsection.

Comment [TB60]: Revised subsection.

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obtaining the Working Forest Landowner's consent. Proprietary information shall be treated consistent with PRC § 21160 and GOV § 6254.7.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.12 and 21160, Public Resources Code.

1094.30 Change of Timberland Owner(s)

(a) Upon a change of ownership of the land described in the WFMP, the transferring timberland owner(s) shall 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) shall also send the Department a copy of the Transfer of Responsibilities Notice provided to the acquiring timberland owner(s).

(b) 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 shall provide the acquiring timberland owner(s) with the Transfer of Responsibilities Notice.

(c) The acquiring timberland owner(s) shall have one (1) 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.

(d) Upon transfer of ownership, the timberland owner(s) shall identify a Designated Agent pursuant to 14 CCR § 1094.10.

(e) A violation of this section by a timberland owner(s) does not constitute a crime pursuant to

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PRC § 4601.

(f) 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 Working Forest Harvest Notice has not had a report of satisfactory stocking issued by the Director.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.9 and 4601, Public Resources Code.

1094.31 Cancellation of Plans

(a)The Working forest landowner(s) may cancel the WFMP by submitting a written notice to the Department. Once timber operations have commenced pursuant to a Working Forest Harvest Notice, cancellation is not effective on land covered by the Working Forest Harvest Notice until a report of satisfactory completion has been issued pursuant to PRC §§ 4585, 4586 and 4587.

(b) 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 shall cancel a previously approved WFMP and any further timber operations under the Plan shall 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).

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Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4585-4587, 4597.6, 4597.10, 4597.12, 4597.15 and 4597.16, Public Resources Code.

1094.32 Transition or Expansion of Plans

(a)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.

(1) Operations may continue under an approved NTMP for a period of one (1) year after the acquisition of 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 (1) 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. Substantial work may include, but is not limited to, augmented growth and yield, harvest document preparation, legal document preparation, updated field work or biological assessments.

(2) The lack of demonstration of substantial work being conducted by a RPF toward transitioning to a WFMP shall result in cancellation of the NTMP by the Department.

(3) The RPF responsible for preparation of the substantial deviation to transition an approved NTMP to a WFMP shall 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.

(b) 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.

Comment [TB61]: Discussed in MC on 022516 .and added highlighted language

Comment [TB62]: Discussed in MC on 022516 .and added highlighted language

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Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

Reference: Section 4597.17, Public Resources Code.

1094.33 Safe Harbor Agreement

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.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

Reference: Sections 4597.18 and 4629.3, Public Resources Code.

1094.34 State Restoration Projects

Notwithstanding any other law, if a person with a WFMP applies for state restoration grant funding for a restoration project that provides a significant public benefit, the application shall not be summarily denied on the basis that the project is a required condition of the Plan.

Comment [TB63]: Replaced "has" with "provides" on 03/01/16 during MGMT Committee.

Comment [TB64]: Deleted 'harvesting'. Capitalized "Plan".

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

Reference: Section 4597.19, Public Resources Code.

1094.35 Southern Subdistrict

This WFMP shall not apply to the Southern Subdistrict of the Coast Forest District, as defined in

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Section 14 CCR § 895.1.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.22, Public Resources Code.

1104.1 Conversion Exemptions

*****(i) Harvesting of large old trees shall only occur when:

(1) the tree is not critical for the maintenance of a Late Successional Stand and

(2) an RPF attaches to the exemption an explanation and justification for the removal based on the RPF's finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met. The requirements of (i)(2) need not be met if an approved management document; including but not limited to a HCP, SYP, NTMP, WFMP, or PTEIR; addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of that document. All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.*****

*****Note: Authority cited: Sections 4551, 4553, 4584, 4604, 4611 and 4628, Public Resources Code. Reference: Sections 4512, 4513, 4628, ~~and~~ 4584, and 4597 Public Resources Code.*****

1115.3 Conduct of Hearing

*****The Department shall conduct a public hearing upon timely request. A Departmental representative shall conduct the hearing. The Departmental representative should be familiar with the THP, NTMP or WFMP ~~Non-Industrial Timber Management Plan~~ under review. The purpose of the public hearing is to gather information from the public regarding the proposed timber operation. The public hearing is considered to be an integral part of the multidisciplinary

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review of the THP, ~~or~~ NTMP or WFMP. The comments of the public shall be electronically recorded by the Department, and may be recorded by any person present. No departmental action with regard to the approval or disapproval of a ~~timber harvesting plan or Non-Industrial Timber Management Plan~~ THP, NTMP or WFMP shall occur at the public hearing. The Department representative that conducted the hearing shall submit a written report of the hearing to the Departmental employee responsible for approval or disapproval of the ~~plan~~Plan. The Department shall provide written responses to significant issues raised at the public hearing in the official response of the director required by 14 CCR 1037.8.*****

*****Note: Authority cited: Section 4582.6(b), Public Resources Code. Reference: Section 4582.6(b), and 4597 Public Resources Code.*****

"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 10/27/14)~~ (1st Edition, revised 04/21/15)

C. Design and Treatment Measures to Achieve Hydrologic Disconnection

*****Treatment measures for existing logging roads are necessary where site-specific field observations indicate that key areas and problem indicators combine to result in significant existing or potential erosion sites. Proposed and reconstructed roads should be designed to achieve hydrologic disconnection to the extent feasible. Additional restrictions and requirements specified under 14 CCR § 923.4(a) [943.4(a), 963.4(a)] apply for new or reconstructed roads, while 14 CCR §§ 923.5(a) [943.5(a), 963.5(a)], and 923.6(g) and (h)(3) [943.6(g) and (h)(3), 963.6(g) and (h)(3)] apply to existing roads.

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Measures to hydrologically disconnect logging road segments include, but are not limited to:

- Installation of a road drainage facility or structure as close as possible to the watercourse crossing. Typically, this distance is 30 to 100 feet above the crossing (Refer to Figure 2), but may be up to 200 feet or more based on road drainage design and site-specific conditions. For example, the distance from the watercourse crossing to the road drainage facility or structure might be based on the location of where the buffering capacity of the filter strip is the greatest (i.e., densest vegetation and ground cover). Note that this spacing may be closer than the maximum distance specified under 14 CCR § 923.5(f) [943.5(f), 963.5(f)], or as needed for conformance with 14 CCR § 923.5(g) [943.5(g), 963.5(g)]. Depending on the road drainage design, the road drainage facility or structure can be a ditch drain (relief) culvert, rolling dip, waterbreak, or other effective facility or structure. Surface drainage designs or facilities that concentrate runoff (e.g., crowned or insloped road surfaces) require more buffering distance between the drainage outlet and the watercourse than those that disperse runoff (e.g., outsloped road surfaces).

- Installation of additional road drainage facilities or structures above (upgrade of) the closest road drainage facility or structure to the watercourse crossing that are appropriately sized and located in conformance with 14 CCR § 923.5(b) and (c) [943.5(b) and (c), 963.5(b) and (c)]. Maximum waterbreak spacing for roads is specified under 14 CCR § 923.5(f) [943.5(f), 963.5(f)]. Appropriate spacing for rolling dips is considered in Section II.C. of this Technical Rule Addendum.

- Installation of ditch drains that are sufficiently spaced to: minimize ditch scour, prevent

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exceedance of ditch drain hydraulic capacity, and minimize erosion at drain outlets. Local experience, knowledge and site-specific conditions (e.g., hydrology, soil and geologic material present) should be considered by the RPF in the location and spacing of ditch drains. Spacing of ditch drains should be adjusted in response to: (1) poor filtering capacity or potentially unstable areas at the outlet (additional factors are listed in the following section), and (2) proximity to a watercourse. Near a watercourse, the ditch drain spacing should be closer so that smaller amounts of flow are routed down the ditchline, thus providing an added factor of safety for high flow conditions and potential failure of drainage facilities. An example of ditch drain (relief) spacing guidelines is displayed in Table 1 (see Section V of this addendum). In the preparation of THPs, NTMPs, WFMPs and PTHPs, RPFs may develop and use other spacing guidelines that better match the field conditions where their plans are proposed. For example, the RPF can observe the length of road necessary to initiate significant fill erosion and use these observations to adjust spacing guidelines to local conditions.*****

C. Logging Road Outsloping and Installation of Rolling Dips

*********Outsloped roads are built with a slight angle of the road surface towards the outside edge (Refer to Figure 4). This configuration allows road surface runoff to drain in a dispersed manner over the fillslope onto undisturbed forest soils. As defined in 14 CCR § 895.1, outsloping means shaping the road surface to drain toward the outside edge of the logging road or landing.

Rolling dips are typically constructed on outsloped roads to ensure adequate drainage of the road surface. As defined in 14 CCR § 895.1, a rolling dip means a drainage facility that is constructed to remain effective while allowing passage of motor vehicles at reduced road speeds.

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An outsloped road's running surface is considered hydrologically disconnected as long as runoff is effectively transported across rather than down the road surface, outside berms do not restrict runoff, and the road prism does not encroach upon the watercourse. Rolling dips should be installed on outsloped roads to ensure that surface flow is routed off the road surface in situations where outsloping alone may not be effective to prevent concentrating flow or eroding the fill (Refer to Figure 5). Outsloped roads with rolling dips are typically not appropriate for roads with a gradient in excess of ten percent (10%) because of the steepness of the dip approach grades that would be required and the added difficulty to effectively drain the road surface. The maximum amount of outsloping achievable depends on the type of traffic that will use the road (e.g., lowboys, log trucks, pickup trucks) and the road surfacing. Outsloped roads are not appropriate in all situations due to safety concerns, timing of use, or expected traffic (e.g., winter use in snow zones).

The spacing of rolling dips must be in conformance with 14 CCR § 923.5(g) [943.5(g), 963.5(g)]. As with ditch drain (relief) culvert location, the location of rolling dips is to be modified based on the site buffering capacity at proposed installation locations and avoidance of concentrated flow onto unstable areas. Spacing of rolling dips is a function of: (1) road grade, soil erodibility, and road surface area draining to the dip, and (2) proximity to a watercourse. Near a watercourse, the rolling dip spacing should be closer so that smaller amounts of flow are routed towards each dip, thus providing an added factor of safety for high flow conditions and potential failure of drainage facilities. Local experience and knowledge of soil and geologic material present should be considered by the RPF in the location and spacing of rolling dips. An example of general rolling dip spacing guidelines is displayed in Table 1. In the preparation of THPs, NTMPs, WFMPs, and PTHPs, RPFs may develop and use other spacing guidelines that better

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1 match the field conditions where their plans are proposed.*****

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