

1 **WORKING DRAFT WFMP 10-31 13**

2
3 **Article 6.95 Working Forest Management Plan**

4
5 **1094 Rule Application**

6 Where the abbreviation THP, the term Timber Harvesting Plan, or the word plan is used in Chapter 4,
7 Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as
8 specified in Article 7.5 of the PRC. In Subchapter 7 this equivalency will occur for all sections except
9 1031 through 1042.

10
11 **1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing Locations**

12 The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice (Notice) for proposed
13 timber operations provided for by Article 7.5, Chapter 8, Part 2, Division 4 of the PRC (commencing with
14 Sec. 4593) shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team
15 Office having jurisdiction for the timber operations, and shall contain the information specified in 14
16 CCR § 1094.5. *[NOTE: For CAL FIRE Review Team Office addresses, see 14 CCR § 1032.]*

17
18 **1094.15 Definitions**

19 The following definitions apply to this article:

20 (a) “Long-term sustained yield” means the average annual growth sustainable by the inventory
21 predicted at the end of a 100-year planning horizon, or a shorter planning horizon if the forest
22 encompassed by the working forest management plan has reached a balance between growth and yield.

23 (b) “Major stand type” means a stand that occupies an area equal to or greater than 25 percent of a
24 working forest management plan.

25 (c) “Management unit” means a geographically identifiable area delineated for silviculture or
26 management purposes. A management unit is intended to reflect an area scheduled for harvest under the
27 plan in any given year, but may also be designated to address specific resource sensitivities.

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

31 (e) “Strata” means a grouping of similar stands defined for silvicultural or management purposes,
32 usually according to similarities in stand composition, structure, and age.

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

38 (g) “Uneven aged management” means forest management with the goal of establishing a well-
39 stocked stand of various age classes, which permits the periodic harvest of individual or small groups of
40 trees to achieve sustained yield objectives of the working forest management plan, and provide for
41 regeneration of trees and maintenance of age class structure.

42 (h) “Working forest harvest notice” means notice of timber harvest operations, pursuant to an
43 approved working forest management plan, which meets the requirements of Section 4597.11.

44 (i) “Working forest landowner” means an owner of timberland with less than 15,000 acres who has
45 an approved working forest management plan and is not primarily engaged in the manufacture of forest
46 products.

47 (j) “Working forest management plan” means a management plan for working forest timberlands,
48 with objectives of maintaining, restoring, or creating uneven aged managed timber stand conditions,
49 achieving sustained yield, and promoting forestland stewardship that protects watersheds, fisheries and
50 wildlife habitats, and other important values.

51 (k) “Working forest timberlands” means timberland owned by a working forest landowner.

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3 **1094.2 WFMP Submittal and Notice of Preparation**

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

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

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

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

11 (2) With any plan amendment that changes a plan boundary so that the new boundary lies within
12 300 ft. of any property owned by any person other than the plan submitter, or

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

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

16 (1) The name of the plan submitter.

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

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

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

22 (5) The silvicultural method(s) proposed.

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

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

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

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

34 (g) Prior to plan submission, the person submitting the plan shall post a copy of the Notice of
35 Preparation at a conspicuous location that is easily visible to the public and near the plan site.
36 Notwithstanding other Board rules, the notices required by Section 1032.10 of article 6.5 shall be
37 completed prior to submission of the WFMP, and within counties with special rules, (14CCR, Subchapter
38 4, Art. 13, Subchapter 6, Art. 13) the noticing requirements will be the same as for a THP.
39

40 **1094.3 Notice of Preparation-Distribution by Director**

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

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

44 (b) The local Ranger Unit headquarters for posting.

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

47 (d) Any additional distribution of the notice required by the rules of the Board for individual counties.
48

49 **1094.4 Request for Notification of WFMP or Notice of Timber Operations Submission**

50 (a) Each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Notice of
51 Timber Operations submitted each day.

1 (b) When any person requests notice of submissions of timber management plans, the Director shall
2 provide the person, free of charge, with a copy of the list of WFMPs or Notices of Timber Operations
3 submitted on the date or dates requested. If no specific date is requested, a copy of the lists for the
4 preceding week shall be provided.
5

6 **1094.5 Contents of WFMP**

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

12 (a) Name, address, and telephone number of the timberland owner(s) or designated agent.

13 (b) Name, address, and telephone number of the timber owner(s) (if different).

14 (c) Name, address, telephone number, and registration number of RPF who prepared the plan.

15 (d) A description of the plan area within which timber operations are to be conducted. The description
16 shall include the following:

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

18 (2) township, range, and section number(s),

19 (3) county name(s),

20 (4) CALWATER 2.2 planning watershed number(s), and

21 (5) approximate acreage.

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

23 (f) A description of present and proposed plan area uses other than timber production.

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

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

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

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

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

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

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

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

44 (o) A description of potential impacts and protections for the quality and beneficial uses of waters
45 within watercourses, lakes, and wet areas.

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

48 (q) A description of the existing and proposed road system to be used in implementation of the
49 management plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8) Location of area(s) of high or extreme erosion hazard rating.

28 (9) Location of all watercourses with Class I, II, III, or IV waters.

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

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

32 (12) Location of boundaries of timber-site classes needed for determination of stocking standards
33 to be applied, down to at least a 10-acre minimum or as specified in the district rules.

34 (13) Location of unique areas including, Coastal Commission Special Treatment Areas or any
35 special treatment area.

36 (14) A soils map where available.

37 (x) Any additional information that is submitted on separate pages shall be clearly marked "plan
38 addendum" and shall bear the date on which it was prepared.

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

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

43 (aa) Winter period operating plan where appropriate.

44 (bb) Explanation and justification for use of watercourse, marshes, wet meadows, and other wet areas
45 as landings, roads, or skid trails.

46 (cc) Explanation and justification of any in-lieu or alternative practices for watercourse and lake
47 protection.

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

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

1 (ff) Any other information required by the rules or the Act to be included in the plan. The district rules
2 provide for exceptions and alternatives to standard requirements that require inclusion of information in
3 the WFMP.

4 (gg) Where roads, watercourse crossings, and associated landings in the logging area will be
5 abandoned, the methods for abandonment shall be described.

6 (hh) On a map complying with subsection 1094.6(x), the locations and classifications of roads,
7 watercourse crossings, and landings to be abandoned shall be shown.

8 (ii) A certification by the RPF preparing the plan that he, she, or a designee personally inspected the
9 area.

10 **1094.6 Working Forest Harvest Notice**

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

19 **1094.7 Working forest harvest notice Content**

20 The purpose of the Notice of Timber Operations is to provide guidance for implementation of the
21 standards and protective measures in the approved WFMP or most recent amended WFMP and the
22 applicable rules of the Board. For the Notice to serve these functions, it shall as a minimum, contain the
23 following:
24

25 (a) Identification number of the WFMP;

26 (b) The name and address and phone number of the timberland owner, the timber owner, the RPF, the
27 Licensed Timber Operator and number, and the person responsible for on the ground supervision of the
28 timber operations.

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

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

32 (e) Identification of silvicultural prescriptions to be applied.

33 (f) The type of heavy equipment to be used for yarding or road construction.

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

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

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

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

41 (k) Instructions on felling, yarding, road construction or reconstructions, hauling, erosion control
42 work, site preparation, erosion control maintenance, winter operations, watercourse protection measures
43 and slash treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (11) Location of unique areas.

25 (o) Any other information the Board provides by regulation to meet its rules and the standards of this
26 chapter.

27 (p) A statement that the Notice of Timber Operations conforms to the provisions of the approved
28 WFMP.

29 **1094.8 WFMP Professional Judgment**

30 Where the rules or these regulations provide for the exercise of professional judgment by the RPF or the
31 Director, if there is a disagreement and if requested by either party, they shall confer on the WFMP area
32 during the WFMP review inspection and reach agreement, if possible, on the conditions and standards to
33 be included in the plan.
34

35 **1094.9 Plan Submitter Responsibility**

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

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

38 (b) Provide the RPF preparing the plan or amendments with complete and correct information
39 regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these
40 affect the planning and conduct of timber operations.
41

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

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

48 (e) Provide a copy of the approved WFMP and Notice of Timber Operations to the LTO.

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

1 (g) Provide the RPF preparing the Notice and LTO each a copy of the current WFMP and subsequent
2 amendments.

3
4 **1094.10 Registered Professional Forester Responsibility**

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

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

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

15 (d) The RPF preparing the Notice shall, in writing, inform the plan submitter(s) of their responsibility
16 pursuant to Section [1094.9] of [this] Article [6.5] for compliance with the requirements of the Act and,
17 where applicable, Board rules regarding site preparation, stocking, and maintenance of roads, landings,
18 and erosion control facilities. [NOTE: CAL FIRE will be working with the Board, Barclays and OAL to
19 correct the language in this Section (d).]
20

21 **1094.11 Interaction Between RPF and LTO on Notice of Timber Operations**

22 From the start of the preparation of the Notice of Timber Operation preparation but before
23 commencement of operations the responsible RPF, shall meet with either the LTO, or supervised
24 designee, who will be on the ground and directly responsible for the harvesting operation. The meeting
25 shall be on site if requested by either the RPF or LTO. If any amendment is incorporated to the notice by
26 an RPF after the first meeting, that RPF or supervised designee shall comply with the intent of this section
27 by explaining relevant changes to the LTO; if requested by either the RPF or LTO, another on-site
28 meeting shall take place.

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

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

31 (b) Is advised regarding the intent and applicable provisions of the approved notice including
32 amendments.
33

34 **1094.12 Licensed Timber Operator Responsibilities**

35 Each Licensed Timber Operator shall:

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

38 (b) Keep a copy of the applicable approved Notice and amendments available for reference at the site
39 of active timber operations.

40 (c) Comply with all provisions of the Act, Board rules and regulations, the applicable Notice and any
41 approved amendments.
42

43 **1094.13 Notification of Commencement of Operations**

44 For each Notice of Timber Operations submitted, within fifteen days before, and not later than the day of
45 the start up of a timber operation, the Submitter of the Notice, unless the WFMP identifies another person
46 as responsible, shall notify CDF of the start of timber operations. The notification, by telephone or by
47 mail, shall be directed to the appropriate CDF Ranger Unit Headquarters, Forest Practice Inspector, or
48 other designated personnel.
49

50 **1094.14 WFMP Deviations**

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (6) Use of any roads not shown in the plan which would affect the key habitat of rare or
28 endangered species or other critical wildlife habitat.

29 (7) Enlargement of landings where such enlargement was not justified in the original plan.

30 (8) Any change of operation in, or designation of, the Watercourse or Lake Protection Zone.

31 (9) Any downgrading of Watercourse classification.

32 (10) A change to winter operation where summer operation was previously specified.

33 34 **1094.16 Notice WFMP of Filing**

35 (a) The Director shall prepare a notice of filing which shall contain the basic information contained in
36 the Notice of Preparation (14 CCR 1094.2) plus the assigned timber management plan number.

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

39 (1) The person submitting the plan.

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

42 (3) The local Ranger Unit headquarters for posting.

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

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

47 48 **1094.17 Agency and Public Review for the WFMP**

49 (a) Upon receipt of the filed plan in accordance with 14 CCR 1094.16, the Director shall place it, or a
50 true copy thereof, in a file available for public inspection, and shall transmit a copy to the Department of
51 Fish and Game, the Department of Conservation, Division of Mines and Geology [*California Geological*

1 *Survey*], and to the appropriate California Regional Water Quality Control Board, the Department of
2 Parks and Recreation, the county planning agency and, if the areas are within their jurisdiction, to the
3 California Tahoe Regional Planning Agency and the California Coastal Commission and all other
4 agencies having jurisdiction by law over natural resources affected by the plan.

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

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

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

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

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

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

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

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

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

23 1. The Plan number and County.

24 2. The names of the timberland owner and the Plan Submitter.

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

26 4. The name of the nearest major watercourse or CAL Watershed ID.

27 5. The acres proposed to be harvested.

28 6. The silvicultural systems to be used.

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

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

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

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

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

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

41 (5) The Department need only respond to:

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

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

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

48 49 **1094.18 Director's Determination**

50 The Director shall have 45 days from the date the initial inspection is completed, or in the event the
51 Director determines that such inspection need not be made, 45 days from the date of filing of an accepted

1 plan in accordance with 14 CCR 1094.16 or such longer period as may be mutually agreed upon by the
2 Director and the person submitting the plan, to determine if the plan is in conformance with the applicable
3 rules adopted by the Board. The Director shall insure that an interdisciplinary review team has had an
4 opportunity to review each plan before determining if the plan conforms to the rules of the Board. The
5 Director shall consider all written comments regarding the plan.
6

7 **1094.19 Review Teams to be Established to Review Timber Management Plan**

8 Interdisciplinary review teams shall be established by the Director to review plans and assist the Director
9 in the evaluation of proposed timber management plan(s) and its impacts on the environment. The Review
10 Team composition, function, tasks and procedures shall be the same as those described in 14 CCR
11 1037.5.
12

13 **1094.20 Nonconformance of WFMP**

14 If the Director determines that a plan is not in conformance with the rules of the Board the plan shall be
15 returned in accordance with 14 CCR 1054. In addition, the Director shall state any changes and
16 reasonable conditions that in the Director's professional judgment are needed to bring the plan into
17 conformance with the applicable rules of the Board and offer to confer with the RPF in order to reach
18 agreement on the conditions necessary to bring the plan into conformance.
19

20 **1094.21 Conformance of WFMP**

21 If the Director determines that the plan is in conformance with the rules of the Board, then the person
22 submitting the plan shall be notified timber operations thereunder may only commence after submission
23 of a Notice of Timber Operations as prescribed in 14 CCR 1094.7.
24

25 **1094.22 Notice of Conformance of the WFMP**

26 Within ten working days of the date a plan is found in conformance, the Director shall transmit a notice
27 thereof to the agencies and persons referred to in 14 CCR 1094.17 and for posting at the places named in
28 14 CCR 1094.16. A copy of the notice shall be filed with the Secretary for Resources. The notice of
29 conformance shall include a written response of the Director to significant environmental points raised
30 during the evaluation process.
31

32 **1094.23 Public Inspection**

33 Notices of Conformance, pursuant to 14 CCR 1094.22 and notices of approval by the Board, pursuant to
34 14 CCR 1054, shall be available for public inspection, and a list of such notices shall be posted on a
35 weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of 30
36 days.
37

38 **1094.24 Amendment**

39 Amendments proposing substantial deviation from an original plan shall be submitted to the Director in
40 writing by the person who submitted the original plan, or the successor in interest. Substantial deviations
41 shall not be under taken until such amendment has been filed and acted upon by the Director in the
42 manner as required in Article 6.5 of Subchapter 7 of these rules for the original plan.
43

44 **1094.25 Report Minor Deviations**

45 Minor deviations may be undertaken by the person who submitted the WFMP or Notice without
46 submission of an amendment to the plan and shall be reported immediately in writing to the Director.
47 Actions described in 14 CCR 1094.14 which are normally presumed to be substantial deviations may, in a
48 given instance, be minor deviations. Actions listed as substantial deviations in 14 CCR 1094.14 but
49 considered to be minor by the submitter, may be undertaken only if the person who submitted the plan
50 submits the proposed deviation in writing to the Director for review and receives approval.

1 Approval shall be given if the Director determines that the proposed minor deviation conforms to the
2 standards provided in 14 CCR 1094.14(a). The Director shall have 5 working days to act on the
3 application. If the Director or the representative of the Director does not act within 5 working days of
4 receipt of such a deviation, timber operations may commence pursuant to such amendment.

5
6 **1094.26 Change of Ownership**

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

11 After a plan is found in conformance with the rules and regulations of the Board, the Director may file a
12 Notice of Stocking Requirements on the property with the recorder of the county within which the plan is
13 located if any area logged under a Notice of Timber Operations has not had a report of satisfactory
14 stocking issued by the Director.

15
16 **1094.27 Cancellation of Plans**

17 All parties, who submitted plans or their successors, must sign the request to the Director for cancellation
18 of a plan. Once cutting has commenced, the plan may not be canceled except as to lands not harvested.