

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

2  
3 **April 3<sup>rd</sup>, 2014 DRAFT**

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

6  
7 Where the abbreviation THP, the term Timber Harvesting Plan, or the word plan is used in Chapter 4,  
8 Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as  
9 specified in Article 7.7 of the PRC. In Subchapter 7 this equivalency will occur for all sections except 1031  
10 through 1042 that are not referenced in this Article.

**Comment [MD1]:** Language added by recommendation of the Department.

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

13 The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed timber  
14 operations provided for by Article 7.7, Chapter 8, Part 2, Division 4 of the PRC (commencing with Sec.  
15 4597) shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office  
16 having jurisdiction for the timber operations, and shall contain the information specified in 14 CCR §  
17 1094.6 and 1094.8. [NOTE: For CAL FIRE Review Team Office addresses, see 14 CCR § 1032.]

**Comment [MD2]:** Language added by recommendation of the Department to reference contents of Working Forest Harvest Notice.

18  
19 **1094.2 Definitions**

20 The following definitions apply to this article:

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

**Comment [WU3]:** Slightly modified language from 4597.2 to fit structure of a definition.

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

**Comment [MD4]:** Department Comment: Possibly insert in 895.1 so that this definition applies for WFMP, Alternative Prescriptions and SYPs. Shorter planning horizons may be beneficial for other uses other than just WFMP.

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

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

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

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

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

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

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

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

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

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

2

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

4 A WFMP may be submitted with the Department in writing by a person who intends to become a

5 working forest landowner with the long-term objective of an uneven aged timber stand and sustained

6 yield through the implementation of a WFMP. The WFMP shall be prepared by a RPF. It shall be public

7 record and shall include all of the specified in 14 CCR §1094.6:

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

9 (b) Where the timber is owned by parties other than the landowner, the landowner shall give prompt

10 written notice of such plan to those parties.

11 (c) The plan submitter(s) shall prepare and submit to the Director, with the plan, a Notice of Preparation

12 to Harvest Timber (Notice of Preparation).

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

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

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

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

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

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

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

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

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

**Comment [WU5]:** Changed filed to submitted;

**Comment [MD6]:** Department Comment: Recommend include the following: "Each WFMP permit issued by the Department shall be limited to one working forest landowner." (I have historical Dept. comments on this concern and last week Leslie reiterated that this is one of her biggest issues with the NTMP. From a monitoring standpoint, its problematic to track harvest levels.)

**Comment [WU7]:** 4597.2 with revised clarification of reference to 1094.6 (WFMP Contents)

**Comment [MD8]:** Department Comment: INSERT...that are scheduled in the initial cutting cycle and if different, subsequent cutting cycles.

1           (6) The estimated earliest date that the Director may approve the plan as he/she has indicated  
2 in the WFMP instructions as specified in 14 CCR § 1094.18.

**Comment [MD9]:** Language included per Department recommendation.

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

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

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

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

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

**Comment [WU10]:** Article 6.5 changed to 2.0 for correct reference. This needs to be revised in the NTMP language as well. Wrong citation 1090.2. Possibly strike reference to article completely and refer to 14 CCR 1032.10 only.

17  
18           **1094.4 Notice of Preparation-Distribution by Director**

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

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

22           (b) The local Unit headquarters for posting.

**Comment [WU11]:** Deleted "Ranger" and left unit. Seems like a more contemporary reference.

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

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

27

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

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

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

8

9 **1094.6 Contents of WFMP**

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

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

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

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

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

20 (e) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per mile,

21 indicating the location of all streams, the location of all proposed and existing logging truck roads, and

22 ~~the boundaries of all site I classification timberlands to be stocked in accordance with subdivision (b) of~~

23 ~~Section 4561.~~ In addition this map(s) shall include:

24 (1) Boundaries of WFMP management unit(s).

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

26 (3) Location of public roads within the plan area, and private roads appurtenant to the timber

27 operations where such roads are under the ownership or control of the timberland owner and are

**Comment [WU12]:** Both CAL FIRE and CDF are referenced in the plead. Select one or the other for consistency.

**Comment [WU13]:** Should this be Notice of Filing

**Comment [SLF 2nd14]:** Maybe Notice of Preparation, will need to determine intent.

**Comment [WU15]:** Added language from 1090.5. Reference of map scale not included in 4597.2.

**Comment [MD16]:** Department Comment: This does not comply with the statute. The Board has established stocking standards for other site classes (e.g. 913.3(a)(1)(A)). The Board could simplify this language by requiring mapping by all site classes that exist on the WFMP.

**Comment [WU17]:** This language was inserted to provide clarity for other mapping provisions for the WFMP. Some of these provisions are current standards for NTMPs and required by the FPRs.

1 contiguous with the plan area, and classification of all proposed and existing logging roads as  
 2 permanent, seasonal, or temporary roads.

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

6 (5) Location of area(s) of high or extreme erosion hazard rating.  
 7 (6) Location of all watercourses with Class I, II, III, or IV waters.  
 8 (7) Location of known unstable areas or slides.  
 9 (8) Location of understocked areas and other areas not normally bearing timber to at least a 20-  
 10 acre minimum, or as specified in the district rules.

11 (10) Location of boundaries of timber-site classes needed for determination of stocking  
 12 standards to be applied, down to at least a 20-acre minimum or as specified in the district rules.  
 13 (11) The locations and classifications of roads, watercourse crossings, and landings to be  
 14 abandoned shall be shown.

15 (12) A soils map where available.  
 16 (13) Late Successional Forest stands or strata  
 17 (14) Location of unique areas including Coastal Commission Special Treatment Areas or other  
 18 special treatment areas.

19 (f) A description of the plan area within which timber operations are to be conducted. The description  
 20 shall include the following:

21 (1) township, range, and section number(s),  
 22 (2) county name(s),  
 23 (3) CALWATER 2.2 planning watershed number(s), and  
 24 (4) The forest district and subdistrict (if any) in which the WFMP is located.  
 25 (5) A description of present and proposed plan area uses other than timber production.

**Comment [MD18]:** REVIEW APPENDED DEPARTMENT COMMENTS IN REGARDS TO GROWTH AND YIELD AT END OF PLEADING LANGUAGE.

**Comment [MD19]:** Department Comment: This is old THP language...20 acres threshold is a lot of ground to not identify as understocked and related to MSP this becomes more significant with site 3 and better ground. Consider setting the minimum mapping standard no greater than 10 acres; maybe 5 acres.

**Comment [MD20]:** Language included from 1090.5(w)(12) in response to Department comments MD16 above.

**Comment [MD21]:** Moved to mapping requirements from discussion requirements.

**Comment [MD22]:** Department and CGS Comment: Insert two new mapping requirements "Location of all existing and proposed permanent watercourse crossing drainage structures and temporary crossings on Class I and II watercourses on roads; if a permanent culvert is involved, the minimum diameter shall be provided." & "Road failures on existing roads to be reconstructed."

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

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

6 (B) For stand or strata that make up greater than 10 percent and less than 25 percent of  
7 the WFMP area, the estimate shall be no greater than 25 percent of the mean at one standard  
8 error.

9 (C) Inventory estimates and growth and yield shall be projected for the purposes of  
10 determining LTSY and volumes available for harvest by stand or strata and aggregated for the  
11 area covered by the WFMP to develop the LTSY estimate. LTSY estimates shall reasonably reflect  
12 constraints applicable to the working forest timberlands on forest management activities.

**Comment [SLF 2nd23]:** Reasonably reflect constraints? Might need to develop text in Committee

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

**Comment [WU24]:** Replaced "major sources of sediment" from 4597.2 with significant existing erosion site for consistency with ASP and Road Rules. Did not include "potential" due to 4597.2 directing only "major" sites.

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

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

26 (10) A description of late succession forest stands in the plan area and how the total acreage of  
27 this type of habitat will be maintained across the plan area under a constraint of no net loss. Nothing in

1 this requirement shall be interpreted to preclude active management on any given acre of an approved  
2 plan if the management is conducted in a manner that maintains or enhances the overall acreage of late  
3 succession forest stands that existed in the plan area upon initial plan approval. An exception to the no  
4 net loss constraint may be granted in the event of a catastrophic loss due to emergency factors such as  
5 wildfire, insect, and disease activity. The description shall include the following:

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

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

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

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

**Comment [SLF 2nd25]:** Added text for clarification

16 (12) A description of the following for each management unit:

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

21 (B) Yarding methods to be used.

22 (13) Management units shall be mapped.

23 (14) For LTSY projections, pursuant to 14 CCR 1094.d(6), that project a reduction, over 100-year  
24 planning horizon or shorter planning horizon until growth and yield are balanced, in quadratic mean  
25 diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a major stand  
26 type or for a stand or strata that make up greater than 10 percent and less than 25 percent of the WFMP  
27 area, an assessment shall be included that does all of the following:

**Comment [WU26]:** Changed “subsection c to 14 CCR 1094.d(6) for clarity. Could potentially strike completely.

**Comment [SLF 2nd27]:** Added text to clarify planning horizon consistent with portions of document. We will discuss in Committee.

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

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

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

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

17 (15) A certification by the RPF preparing the plan that the RPF or a designee has personally  
18 inspected the plan area and has clearly explained to the working forest landowner that the plan is a  
19 long-term commitment that may require ongoing investments, including inventory sampling and road  
20 maintenance, for the purpose of managing the plan.

21 (16) Any other information the board requires by regulation to meet its rules and the standards  
22 of this chapter.

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

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

**Comment [MD28]: Department Comment:**  
Add new § above this one that reads: "Each WFMP shall develop and maintain an appropriate schedule defining subsequent inventory sampling and updates to the analysis for LTSY. Subsequent re-inventories shall allow for check cruising."

**Comment [SLF 2nd29]:** Could potentially delete.

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

3 (20) A description of potential impacts and protections for the quality and beneficial uses of  
4 waters within watercourses, lakes, and wet areas.

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

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

8 (23) A description of the cumulative effects analysis with supporting information, including  
9 impact of projected harvesting over the life of the plan.

10 (24) A copy of the forest practice regulations in effect at the time of submission or provide  
11 payment to CALFIRE for the cost of a current California Forest Practice Rulebook at the time of Plan  
12 approval.

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

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

17 (27) Winter period operating plan where appropriate.

18 (28) Explanation and justification for use of watercourse, marshes, wet meadows, and other wet  
19 areas as landings, roads, or skid trails.

20 (29) Explanation and justification of any in-lieu or alternative practices for watercourse and lake  
21 protection.

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

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

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

**Comment [SLF 2nd30]:** Covered under 1094.6

**Comment [MD31]:** Added language per Department recommendation.

**Comment [WU32]:** Consider doing per Working Forest Harvest Notices vs for entire plan areas up front. Possibly include Standard Operating Procedures or General provisions for these sensitive conditions.

**Comment [MD33]:** Added per CGS recommendation.

1 (33) A description of the existing and proposed road system to be used in implementation of the  
2 WFMP.

Comment [MD34]: Added per CGS recommendation.

#### 4 **1094.7 Working Forest Harvest Notice**

5 The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion  
6 of any timberland within the boundaries of an approved WFMP, and who plans to harvest any of the  
7 timber during a given year, shall file a Working Forest Harvest Notice with the Department in writing. A  
8 Working Forest Harvest Notice shall be filed prior to the harvesting of any timber and shall be effective  
9 for a maximum of one year from the date of filing. If the person who files the Working Forest Harvest  
10 Notice is not the owner of the timberland, the person filing the notice shall notify the timberland owner  
11 by certified mail that the Working Forest Harvest Notice has been submitted and shall certify that  
12 mailing to the Department.

Comment [WU35]: 4597.11

13 Notwithstanding any other provisions of this chapter, if a RPF certifies by written declaration, on behalf  
14 of the timber owner or operator, that the Working Forest Harvest Notice conforms to and meets the  
15 requirements of the approved WFMP under which it is filed, timber operations may commence  
16 immediately. If the notice has been filed by mailing, operations may commence three days after the  
17 Working Forest Harvest Notice has been mailed.

Comment [WU36]: 4597.15

#### 19 **1094.8 Working Forest Harvest Notice Content**

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

Comment [SLF 2nd37]: Various text was added to be consistent to information required in WFMP that was different than the NFMP format.

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

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

Comment [WU38]: 4597.11

24 (c) Name, address, and telephone number of the licensed timber operator ~~conducting operations as per~~  
25 the Notice.

Comment [WU39]: Inserted "Licensed"

26 (d) Name and address, and registration number of the RPF preparing the ~~WFMP~~Working Forest Harvest  
27 Notice.

Comment [MD40]: Language added per Department recommendation.

Comment [MD41]: Language added per Department recommendation.

1 (e) A description of the land on which the work is proposed to be done including the identification  
2 number of the WFMP.

**Comment [MD42]:** Department Comment:  
INSERT: "...including updated and current map(s) of  
the operational area.

3 (f) A statement that no archaeological sites have been discovered in the harvest area since the approval  
4 of the WFMP.

5 (g) A statement that state or federally listed rare, threatened, candidate, or endangered plant or animal  
6 species have not been discovered in the harvest area since the approval of the WFMP. After the initial  
7 year the plan is approved, prior to submitting the Working Forest Harvest Notice, a review shall be  
8 conducted of the California Natural Diversity Database or other public databases for any species listed as  
9 threatened, endangered, candidate, or rare, or species that meet the criteria of endangered or rare as  
10 provided in 14 CCR 15380. When a Working Forest Harvest Notice is filed after the initial year the plan is  
11 approved it shall comply with the following:

**Comment [SLF 2nd43]:** This was reworded  
from the statute for clarity.

12 (1) Documented occurrences obtained from a review of public and readily available sources of  
13 species state or federally listed as threatened, endangered, candidate, or rare within the biological  
14 assessment area identified in the Working Forest Harvest Notice not addressed in the approved plan  
15 shall be submitted to the Director as a minor deviation concurrently with the filing of a Working Forest  
16 Harvest Notice.

**Comment [SLF 2nd44]:** This was deleted as it  
is not clear what an outside area is?

17 (2) Occurrences of species that are state or federally listed as threatened, endangered,  
18 candidate, or rare discovered inside the area identified in the Working Forest Harvest Notice not  
19 addressed in the approved plan shall be submitted to the Director as an amendment to the plan prior to  
20 filing a Working Forest Harvest Notice. The amendment shall contain take avoidance and mitigation  
21 measures if no such information is currently contained within the approved plan.

22 (h) A statement that there are no physical environmental changes in the Working Forest Harvest Notice  
23 area that are so significant as to require any amendment of the WFMP.

**Comment [MD45]:** Department Comment:  
Request from Region and Units is that we need a  
provision to require that any map reflect "current  
field condition" (versus what was submitted during  
review). For example, "proposed" roads hence 5  
years later may now reflect "existing" roads.

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

25 (1) The Working Forest Harvest Notice as carried out will protect the beneficial uses of water,  
26 soil stability, forest productivity, and wildlife as provided by the rules and regulations of the Board and  
27 other applicable provisions of law.

1 (2) Compliance with the rules and regulations of the Board and the provisions of this chapter  
2 that were in effect at the time the WFMP was approved will not result in any significant degradation to  
3 the beneficial uses of water, soil stability, forest productivity, or wildlife. This paragraph shall only apply  
4 if the RPF certifies that adherence to current or modified rules and regulations of the Board would cause  
5 unreasonable additional expense to the working forest landowner.

**Comment [SLF 2nd46]:** This sentence needs discussion as to what portion of rule does it apply? I believe, but do not know, that this paragraph is part of (2).

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

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

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

11 (m) An update on erosion control mitigation measures for the harvest area and any appurtenant roads if  
12 conditions have changed since the working forest management plan was approved and a certification  
13 from the RPF that no additional listings of water bodies to the Section  
14 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on the lands of the plan.

15 (n) Any other information the Board provides by regulation to meet its rules and the standards of this  
16 chapter and other applicable provisions flaw.

**Comment [SLF 2nd47]:** We will continue to discuss this in Committee.

17  
18 (m) In addition, the Working Forest Harvest Notice shall include:

**Comment [WU48]:** This is new language for purposes of direction. Contents below are existing from 1090.7

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

**Comment [WU49]:** Consider utilizing the term "type of equipment" in lieu method of yarding and roads construction.

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

**Comment [WU50]:** Potentially add reference to 1094.6 for Standard Operating Procedures for operations on steep slopes tractor in Cable of operations if language is developed.

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

25 (n) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the following  
26 information pertinent to the Working Forest Harvest Notice shall be clearly provided. Additional maps  
27 may be required to show specific details, and may be planimetric. Color coding shall not be used. A

1 legend shall be included indicating the meaning of the symbols used. See the district rules for the  
2 appropriate minimum mapping acreages.

3 (1) Boundaries of area to be harvested.

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

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

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

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

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

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

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

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

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

21 (11) Location of unique areas.

22

### 23 **1094.9 WFMP Professional Judgment**

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

**Comment [WU51]:** Delete regeneration methods to alleviate need to map uneven aged silviculture.

**Comment [MD52]:** Department Comment: I'm a little confused by this part. If delete "regeneration methods", then why is this limited to these specific treatments? And are we saying that regardless of what was originally modeled and presented in the proposed WFMP, that it's okay to apply these treatments after the fact? My thinking is that we should request mapping of all silviculture...it's one way of keeping an eye on judging consistency with what was approved.

**Comment [WU53]:** Possibly all EHR ratings.

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**1094.10 Plan Submitter Responsibility**

The plan submitter, or successor in interest, shall:

- (a) Ensure that an RPF conducts any activities which require an RPF.
  - (b) Provide the RPF preparing the plan or amendments 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) Sign the WFMP certifying knowledge of the plan contents and the requirements of this section.
  - (d) Within five (5) working days of change in RPF responsibilities for WFMP implementation or substitution of another RPF, file with the Director a notice which states the RPF's name and registration number, address, and subsequent responsibilities for any RPF required field work, amendment preparation, or operation supervision. Corporations need not file notification because the RPF of record on each document is the responsible person.
  - (e) Provide a copy of the approved WFMP and Working Forest Harvest Notice to the LTO.
  - (f) Notify the Director prior to commencement of site preparation operations. Receipt of a burning permit is sufficient notice.
  - (g) Provide the RPF preparing the Working Forest Harvest Notice and LTO each a copy of the current WFMP and subsequent amendments.
- 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 by phone or letter if he or she will be attending the review inspection; and 2) Provide the landowner a copy of the rules of the Board in effect on the date of WFMP approval.
  - (c) The RPF preparing the Notice of Preparation shall list or describe in the Notice of Preparation any work which will be performed by the RPF or supervised designee. This may include, but is not limited

**Comment [SLF 2nd54]:** Clarify organizations the need not file.

1 to, field work in identifying watercourse and lake protection zones or special treatment areas, marking  
2 trees, or other activities. The RPF is only responsible for the activities required of the RPF by the rules of  
3 the Board and those activities for which he or she is employed.

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

9 (e)The RPF who prepares the WFMP or prepares the Working Forest Harvest Notice, or any other RPF  
10 who is employed by the owner or operator, shall report to the owner or operator if there are deviations  
11 from the WFMP that, in the RPFs judgment, threaten the attainment of the resources conservation  
12 standards of the WFMP.

Comment [WU55]: 4597.13

#### 14 **1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice**

15 From the Working Forest Harvest Notice preparation. but before commencement of operations, the  
16 responsible RPF shall meet with either the LTO, or supervised designee, who will be on the ground and  
17 directly responsible for the harvesting operation. The meeting shall be on site if requested by either the  
18 RPF or LTO. If any amendment is incorporated to the Working Forest Harvest Notice by an RPF after the  
19 first meeting, that RPF or supervised designee shall comply with the intent of this section by explaining  
20 relevant changes to the LTO; if requested by either the RPF or LTO, another on-site meeting shall take  
21 place.

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

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

24 (b) Is advised regarding the intent and applicable provisions of the approved Working Forest Harvest  
25 Notice including amendments.

#### 27 **1094.13 Licensed Timber Operator Responsibilities**

- 1 Each Licensed Timber Operator shall:
- 2 (a) Inform the responsible RPF and plan submitter, either in writing or orally, of any site conditions
- 3 which in the LTO's opinion prevent implementation of the Working Forest Harvest Notice.
- 4 (b) Keep a copy of the applicable approved Working Forest Harvest Notice and amendments available
- 5 for reference at the site of active timber operations.
- 6 (c) Comply with all provisions of the Act, Board rules and regulations, the applicable Working Forest
- 7 Harvest Notice and any approved amendments.

8

9 **1094.14 Notification of Commencement of Operations**

10 For each Working Forest Harvest Notice submitted, within fifteen days before, and not later than the

11 day of the start up of a timber operations, the Submitter of the Working Forest Harvest Notice, unless

12 the WFMP identifies another person as responsible, shall notify CAL FIRE of the start of timber

13 operations. The notification, by telephone or by mail, shall be directed to the appropriate Unit

14 Headquarters, Forest Practice Inspector, or other designated personnel.

15

16

17 **1094.15 WFMP Deviations**

18 (a) "Minor deviations" means any change, minor in scope, in a plan which can reasonably be presumed

19 not to make a significant change in the conduct of timber operations and which can reasonably be

20 expected not to significantly adversely affect timberland productivity or values relating to soil, water

21 quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or to result

22 in a violation of the applicable water quality control plan.

23 (b) All other changes are presumed to be substantial deviations because they could significantly affect

24 the conduct of timber operations and potentially could have a significant adverse effect on timber

25 productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage,

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

- 1 (1) Change in location of timber harvesting operations or enlargement of the area or volume  
2 planned to be cut.
- 3 (2) Change in the silvicultural method and cutting system on any portion of the plan area.
- 4 (3) Change in type or location of logging (yarding) system or basic type of equipment.
- 5 (4) Change in location, nature or increase in length of proposed logging roads incorporating one  
6 or more of the following criteria:
- 7 (A) Any road in a Watercourse or Lake Protection Zone or where sidecast will extend  
8 into the Watercourse or Lake Protection Zone.
- 9 (B) Any road located in an extreme Erosion Hazard Rating area.
- 10 (C) Any road where the average side slope exceeds 50%.
- 11 (D) Any road where unstable areas, active soil movement, or slide areas must be  
12 traversed.
- 13 (E) Any increase in gradient allowed by the District Rules as an exception and not  
14 provided for in the original plan.
- 15 (F) Any road extension of more than 600 ft. (182.9m).
- 16 (5) Any use of existing roads not shown in the original plan when reconstruction work to allow for  
17 vehicle travel will be substantial. Substantial work on an existing road means more than minor repair  
18 and dressing of the travel surface and removal of vegetation to allow for vehicle passage.
- 19 (6) Use of any roads not shown in the plan which would affect the key habitat of rare or endangered  
20 species or other critical wildlife habitat.
- 21 (7) Enlargement of landings where such enlargement was not justified in the plan.
- 22 (8) Any change of operation in, or designation of, the Watercourse or Lake Protection Zone.
- 23 (9) Any downgrading of watercourse classification.
- 24 (10) A change to winter operation where summer operation was previously specified.

**Comment [MD56]:** Department Comment:  
The SYP and PTEIR rules define a 10% departure as defining a substantial deviation from the plan but we have nothing for NTMPs. There is a substantial deviation provision for NTMPs under 1090.14(b)(1) that states "Change in...volume planned to be cut."

26 **1094.16 Notice of WFMP Filing**

1 (a) The Director shall prepare a notice of filing which shall contain the basic information contained in the  
2 Notice of Preparation (14 CCR 1094.3) plus the assigned timber management plan number.

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

5 (1) The person submitting the plan.

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

8 (3) The local Unit headquarters for posting.

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

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

13 (6) An Internet-based notification

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

Comment [WU57]: Language from 4597.3

16 **1094.17 Agency and Public Review for the WFMP**

Comment [WU58]: May have to add language from 4597 (5)(b). To be discussed.

17 Upon receipt of the proposed WFMP, the Department shall place the proposed plan, or a true copy of  
18 the proposed plan, in a location or on an Internet Web site available for public inspection in the county  
19 in which timber operations are proposed under the plan. For the purpose of interdisciplinary review, the  
20 department shall also transmit a copy to the Department of Conservation, the Department of Fish and  
21 Wildlife, the appropriate California regional water quality control board, the county planning agency,  
22 and all other agencies having jurisdiction by law over natural resources affected by the plan. The  
23 Department shall invite, consider, and respond in writing to comments received from public agencies to  
24 which the plan has been transmitted and shall consult with those agencies at their request.

Comment [WU59]: Inserted from 4597.5

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

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

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

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

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

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

10 (1) The Plan number and County.

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

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

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

14 (5) The acres proposed to be harvested.

15 (6) The silvicultural systems to be used.

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

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

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

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

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

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

1 (d) The Department need only respond to:  
2 (1) Comments received during the initial circulation period that relate to sections or portions of  
3 the plan that were not revised and recirculated, and  
4 (2) Comments received during the recirculation period that relate to the sections or portions of  
5 the plan that were revised and recirculated.

6 (d) The Department shall include with the Notice of Submissions, a Notice of Recirculation pursuant to  
7 14 CCR § 1032.9.

Comment [WU60]: Should this be Notice of Filing instead of submission?

9 **1094.18 Director's Determination**

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

Comment [WU61]: 4597.6

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

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

Comment [WU62]: Intent was < 10,000 acres

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

Comment [WU63]: Intent and addition of time should state 130 to 140 days. Discuss in committee.

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

16 (1) Within 30 working days of the receipt of a WFMP, or within 40 working days of the receipt of  
17 a plan to which a road management plan is appended, the Department shall determine if the plan is  
18 accurate, complete, and in proper order, and if so, the plan shall be filed. An unfiled plan shall be  
19 returned to the applicant with an explanation that includes provisions for resubmitting the plan.

Comment [SLF 2nd64]: Need to insert rule citation intended .

Comment [WU65]: 4597.6

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

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

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

26 (5) After the final interagency review and public comment period has ended, the Department  
27 shall have up to 30 working days to review the public input, to consider recommendations and

1 mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the  
2 plan is in conformance with the applicable rules adopted by the Board and other applicable provisions of  
3 law.

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

8 (1) If the Director does not act within the time periods provided in paragraphs (1) through (5) in  
9 subdivision (b), the Director and the working forest landowner submitting the WFMP shall negotiate and  
10 mutually agree upon a longer period for the Director to review the plan. If a longer period cannot be  
11 mutually agreed upon, the WFMP shall be deemed denied and returned to the working forest  
12 landowner submitting the plan.

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

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

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

22 (h) If the plan is not approved on appeal to the Board, the Director, within 10 working days of Board  
23 action, shall advise the plan submitter regarding changes needed that would achieve compliance with  
24 this chapter and other applicable provisions of the law. The plan submitter shall have 45 working days  
25 from the date of the notification letter, or longer, if mutually agreeable to the Department and the plan  
26 submitter to revise the plan to bring it into full conformance with the rules and regulations of the Board  
27 and this chapter. Upon receipt of the information requested of the plan submitter, the Department

Comment [WU66]: 4597.6

1 shall recirculate the plan and reopen the public comment period for 30 working days. Prior to  
2 determining whether to approve the proposed revised plan, the Director shall have 30 working days to  
3 review public input and consider recommendations and mitigation measures of other agencies, and to  
4 respond in writing to issues raised.

5

6 **1094.19 Review Teams to be Established to Review Timber Management Plan**

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

11

12 **1094.20 Nonconformance of WFMP**

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

18

19 **1094.21 Conformance of WFMP**

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

23

24 **1094.22 Notice of Conformance of the WFMP**

25 Within ten working days of the date a plan is found in conformance, the Director shall transmit a notice  
26 thereof to the agencies and persons referred to in 14 CCR 1094.17 and for posting at the places named  
27 in 14 CCR 1094.16. A copy of the notice shall be filed with the Secretary for Resources. The notice of

1 conformance shall include a written response of the Director to significant environmental points raised  
2 during the evaluation process.

3

4 **1094.23 Public Inspection**

5 Notices of Conformance, pursuant to 14 CCR 1094.22 and notices of approval by the Board, pursuant to  
6 14 CCR 1054, shall be available for public inspection, and a list of such notices shall be posted on a  
7 weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of 30  
8 days.

9

10 **1094.24 Amendment**

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

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

17 (b) The amendment is in compliance with the rules and regulations of the Board and the provisions of  
18 this chapter that were in effect at the time the WFMP was approved. The Director may only make this  
19 determination if the RPF explains, justifies, and certifies both of the following:

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

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

25 (c) Review timelines for substantial deviations of WFMPs shall conform to the direction provided in  
26 Section 4582.7, except for amendments that add acreage covered by the original WFMP that exceeds 10

Comment [WU67]: 4597.7

1 percent or 500 acres, whichever is greater. Amendments that add acreage in excess of 10 percent or  
2 500 acres shall be reviewed pursuant to the procedures specified in Section 4597.6.

3  
4 **1094.25 Report of Minor Deviations**

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

16  
17 **1094.26 Five (5) year review of WFMP**

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

26 (b) For the purposes of subdivision (a), each five-year review shall allow the review team to analyze  
27 information including: the number of Working Forest Harvest Notices, the acreage operated under each

Comment [WU68]: 4597.12

Comment [WU69]: Language modified from statute to provide for regulatory standard. The Dept shall develop a plan summary, for the purposes of subdivision a, that shall include: Discuss in committee.

1 Working Forest Harvest Notice, the violations received, and the volume harvested in relation to  
2 projections of harvest in the WFMP. If the Department or a review team agency does not have direct  
3 access to information needed for the WFMP summary, the Department may require the landowner to  
4 provide this information.

**Comment [SLF 2nd70]:** Added 1-4 to try to capture discussion in Committee from Chico meeting.

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

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

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

**Comment [WU71]:** Fair argument language is taken from CEQA Guideline 15064(f)(1). Review of 1051.1(d) (MTHP) may be useful to develop language for this portion of WFMP.

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

**Comment [WU72]:** 4597.9

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

**Comment [MD73]: Department Comment:** AB 2239 proposes the following revised language to 4597.9, and the underlined is my proposed amendment to AB 2239.  
4597.9. (a) Upon a change of ownership, or partial ownership, including new undivided interests to heirs or family members, of the land described in the working forest management plan, the transferring landowner shall provide the acquiring landowner with written notice that discloses the existence of the plan and informs the acquiring landowner of the need to notify the department if the acquiring landowner intends to assume the plan. The transferring landowner shall also send the department a copy of the notice provided to the acquiring landowner.  
(b) If the transferring landowner fails to provide the notice required in subdivision (a) and the department discovers the change of ownership, the department shall provide the acquiring landowner with the notice described in subdivision (a).  
(c) The acquiring landowner shall have one year from the date of the receipt of the notification by the department to notice required pursuant to subdivision (a) or (b), whichever is applicable, to notify the department in writing of his or her assumption of intent to assume the plan. If the department does not receive notification within this period, the plan shall expire one year from the date the new landowner is advised by the department of the necessity to assume the department may cancel the plan.

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

22  
23 **1094.27 Change of Ownership**

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

1 shall have one year from the date of the receipt of the notification by the Department to notify the  
2 Department in writing of his or her assumption of the plan. If the Department does not receive  
3 notification within this period, the plan shall expire one year from the date the new landowner is  
4 advised by the Department of the necessity to assume the plan.

5 After a plan is found in conformance with the rules and regulations of the Board, the Director may file a  
6 Notice of Stocking Requirements on the property with the recorder of the county within which the plan  
7 is located if any area logged under a Working Forest Harvest Notice has not had a report of satisfactory  
8 stocking issued by the Director.

9  
10 **1094.28 Cancellation of Plans**

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

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

Comment [WU74]: 4597.16

Comment [MD75]: Department Comment:  
The Board may want to consider developing rules similar to those required under the Act for NTMPs:  
  
The State Board of Forestry shall adopt rules and regulations [that] shall include the following:  
(b) Procedures for the Department of Forestry and Fire Protection to follow in conducting inspections of annual timber operations . . . for purposes of determining (1) whether the objectives of uneven aged management and sustained yield are being met for each parcel or group of contiguous parcels covered by the plan.

Comment [WU76]: From 4597.15. This language was seemingly chaptered in the wrong location. Consistent with language from 4597.16.

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23 **1094.29 Expansion of Plans**

24 If a landowner with a NTMP or a WFMP with less than 2,500 acres of timberland expands his or her total  
25 timberland ownership to 2,500 or more acres of timberland, the landowner may transition into a  
26 working forest management plan for more than 2,500 acres of timberland through an amendment to  
27 the plan. The Board shall adopt regulations that establish this amendment process.

Comment [WU77]: 4597.17

Comment [WU78]: These regulations have to be developed in committee.

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**1094.30 Safe Harbor agreement**

A participating landowner, 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 Section 4629.3.

Comment [WU79]: 4597.18

**1094.31 State Restoration Projects** Notwithstanding any other law, if a person with a WFMP 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 harvesting plan.

Comment [WU80]: Deleted NTMP from 4597.19. Will have to eventually amend NTMP language to include this provision.

**1094.32 Southern Subdistrict**

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

Comment [WU81]: Replaced 845 from 4597.22 with 895.1. Wrong citation in statute.

## **Other Department comments on the WFMP – April 3<sup>rd</sup>, 2014**

### **Comment applies to 1094.6(f)(6) – Contents of WFMP**

Before this current §“(c)”, I suggest that we start off with the following as a separate lead-in:

"The RPF shall include an adequate description of the baseline conditions found on the WFMP, describe the target conditions and planning horizon associated with the estimate of LTSY, and shall describe the transitional steps necessary to attain the LTSY estimate. With that, the following provisions shall be met:" Then lead in to inventory standards that are already in place.

### **Comment applies to 1094.6(f)(6) – Contents of WFMP**

Before specifying inventory standards, I would start off with the following:

"The sustained yield analysis presented in a WFMP shall be based at minimum a conventional statistical sample design that properly establishes the current baseline inventory estimates. The network of inventory plots or strips, cruise lines between plots and reference points shall be sufficiently monumented in the field to facilitate check cruising during initial review of the WFMP. "

### **Comment applies to 1094.6(f)(6) – Contents of WFMP**

New § "4": "Consistent with principles of uneven-aged management and producing high quality timber products for California, the RPF shall define maximum diameter thresholds of the regulated diameter distribution that each stand in a WFMP shall produce under sustained yield policy. No plan shall be approved that would permit harvesting of growing stock in a manner that would sufficiently delay reaching LTSY. Post-harvest retention standards shall be consistent with the analysis for LTSY."

### **Comment applies to 1094.6(f)(6) – Contents of WFMP**

New § "5": "The type of model used for projecting growth and yield shall be appropriate for stand conditions and the period of time necessary to estimate achievement of sustained yield. When growth and harvest projections based on stand table projections indicate sustained yield may not be achievable within 15 years, an appropriate individual tree model (e.g. FVS, FORSEE) shall be used."