

1 **Board of Forestry and Fire Protection**

2 **“Rule Alignment, 2015”**

3 **Title 14 of the California Code of Regulations (14 CCR):**

4 **Division 1.5, Chapter 4,**

5 **Subchapter 1, Article 1**

6 **Subchapter 4, Article 6, 7, 14**

7 **Subchapter 5, Article 7, 12**

8 **Subchapter 6, Article 7, 14**

9 **Subchapter 7, Article 2, 6.8, 7**

10
11 **Amend:**

12 **§ 895.1 Definitions**

13 **§ 916.9. Protection and Restoration of the Beneficial Functions of the Riparian**
14 **Zone in Watersheds with Listed Anadromous Salmonids.**

15 **§ 917.2. Treatment of Slash to Reduce Fire Hazard.**

16 **§ 937.2. Treatment of Logging Slash to Reduce Fire Hazard in the Northern Forest**
17 **District.**

18 **§ 957.2. Treatment of Slash to Reduce Fire Hazard.**

19 **§ 937.3. Prescribed Broadcast Burning of Slash.**

20 **§ 957.3. Prescribed Broadcast Burning of Slash.**

21 **§ 929.1. Plan, and Emergency Notice Preparation.**

22 **§ 949.1. Plan, and Emergency Notice Preparation.**

23 **§ 969.1. Plan, and Emergency Notice Preparation.**

24 **§ 1038. Exemption.**

25 **§ 1039.1. Effective Period of the Plan.**

1 § 1041. Limitations.

2 § 1052.1. Emergency Conditions.

3 § 1092.01. PTEIR and PTHP.

4 § 1092.26. Amendment.

5 § 1092.28. Effective Period of the PTHP and PTEIR.

6 § 1109.4. Suitability of Soils, Slopes, and Watersheds.

7
8 § 895.1

9 ***** ~~For the Coast Forest District:~~

10 “Erosion Hazard Rating” means the rating derived from the procedure specified in 14
11 CCR § 912.5 ~~[932.5, 952.5]~~ designed to evaluate the susceptibility of the soil within a
12 given location to erosion.

13 ~~For the Southern Forest District:~~

14 ~~“Erosion Hazard Rating” Means the rating derived from the procedure specified in 14~~
15 ~~CCR 952.5 designed to evaluate the susceptibility of the soil within a given location to~~
16 ~~erosion. (Reference: Section 4562, Public Resources Code.)~~

17 ~~“Erosion potential” see 14 CCR 952.5. (Reference: Section 4562, Public Resources~~
18 ~~Code.)~~

19 ~~“Estimated erosion potential” means the product of the soil and slope values derived~~
20 ~~from the table in 14 CCR 932.5 or as such product may be modified in accordance with~~
21 ~~the instructions contained in that section. (Reference: Section 4562, Public Resources~~
22 ~~Code.)*****~~

23
24 “Feasible” means capable of being accomplished in a successful manner within a
25 reasonable period of time, taking into account economic, environmental, legal, social

1 and technical factors. With regard to economic feasibility, the issue shall be whether the
2 plan as revised could be conducted on a commercial basis within **35 (five)** years of the
3 submission of the plan and not solely on the basis of whether extra cost is required to
4 carry out the alternatives.

5
6 ******For the Coast Forest District:**

7 **“Stream and Lake Protection Zone” means a strip of soil and vegetation along both**
8 **sides of a stream or around the circumference of a lake defined as follows: 100 feet**
9 **(30.48 m) as measured along the surface of the ground from the stream and lake**
10 **transition line of any stream or lake which supports and is used by trout or anadromous**
11 **fish at any time of the year, and downstream therefrom; and within 50 feet (15.24 m) as**
12 **measured along the surface of the ground from the stream or lake transition line of any**
13 **other streams or lakes as defined in “Stream” (14 CCR 895.1) or “Lake” in this section**
14 **except that the above definition may be modified as it pertains to a particular plan when**
15 **the forester (RPF) and the Director agree, after on the ground inspection, if requested**
16 **by either party, to either increase or decrease the above distances not to exceed 50%,**
17 **based on soil, slope, or climatic factors necessary to protect soil, water, or fish and**
18 **wildlife resources. Such changes will be designated on the plan.**

19 **For the Northern Forest District:**

20 **“Stream and Lake Protection Zone” means a strip of soil and vegetation along both**
21 **sides of a stream or around the circumference of a lake defined as follows:**
22 **(a) 150 feet (45.72 m), as measured along the surface of the ground, from the stream or**
23 **lake transition line of any stream or lake in areas with an extremely high Estimated**
24 **Erosion Potential.**

1 (b) 100 feet (30.48 m), as measured along the surface of the ground, from the stream or
2 lake transition line of any stream or lake in areas with high Estimated Erosion Potential.

3 (c) 50 feet (15.24 m), as measured along the surface of the ground, from the stream or
4 lake transition line of any stream or lake in areas with a moderate or low Estimated
5 Erosion Potential.

6 The forester (RPF) and the Director may agree, after on-the-ground inspection, if
7 requested by either party, to either increase or decrease the above distances not to
8 exceed 50% on soil, slope, or climatic factors necessary to protect soil, water, or fish
9 and wildlife resources. Such changes will be designated in the plan. (Reference: Section
10 4562.7, Public Resources Code.)

11 For the Southern District:

12 "Stream and Lake Protection Zone" means a required strip of land on each side of
13 perennial streams, lakes and those portions of intermittent streams which support trout
14 at any time of the year, and downstream therefrom; to protect existing water quality and
15 fish and wildlife habitat. The width of the zone shall be determined by on-the-ground
16 investigation. The investigation shall consider:

17 (a) Soil type and permeability,

18 (b) The type or types, stabilizing effect, and amount of vegetative cover,

19 (c) The slope of the land within the zone and its effectiveness in preventing sediment
20 from reaching streams or lakes.

21 The zone will be 100 feet (30.48 m) from the stream transition line of a perennial stream
22 or lake provided however that said distance may be 50 feet (15.24 m) where the
23 Erosion Potential is low or medium (moderate).

24 The forester (RPF) and the Director may agree, after on-the-ground inspection, if
25 requested by either party, to either increase or decrease the above distances not to

1 exceed 50%, based on soil, slope, or climatic factors necessary to protect soil, water, or
2 fish and wildlife resources. Such changes will be designated on the plan. (Reference:
3 Section 4562.7, Public Resources Code.) *****

4
5 *****“Substantial deviation” means changes that are not “minor deviations” as defined in
6 895.1 and are presumed to be substantial deviations because they could significantly
7 affect the conduct of timber operations and potentially could have a significant adverse
8 affect on timber productivity or values relating to soil, water quality, watershed, wildlife,
9 fisheries, range and forage, recreation and aesthetic enjoyment. Such actions include,
10 but are not limited to:

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

13 *****

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

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

18 (B) Any road located in an extreme Erosion Hazard Rating area in the
19 Coast or Northern Forest District, ~~extreme Estimated Erosion Potential~~
20 ~~area in the Northern Forest District~~, or a high Erosion Potential Hazard
21 Rating area in the Southern Forest District. *****

22
23 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5,
24 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5,
25 4525.7, 4526, 4528, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4584,

1 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA
2 Guidelines Appendix K (printed following Section 15387 of Title 14 Cal. Code of
3 Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and
4 *Joy Road Area Forest and Watershed Association, v. California Department of Forestry*
5 *& Fire Protection*, Sonoma County Superior Court No. SCV 229850.

6
7 **§ 916.9**

8 In addition to all other district Forest Practice Rules, the following requirements shall
9 apply in any watershed with listed anadromous salmonids. Requirements of 14 CCR §
10 916.9 precede other sections of the FPRs.

11 *****

12 (a) Goal - Every timber operation shall be planned and conducted to protect, maintain,
13 and contribute to restoration of properly functioning salmonid habitat and listed salmonid
14 species. *****

15 (e) Channel zone requirements –

16 (1) There shall be no timber operations within the channel zone with the following
17 exceptions:

18 (A) Actions directed to improve salmonid habitat with review and
19 concurrence by DFG.

20 *****

21 (C) Actions necessary for the protection of public health, safety and
22 general welfare. This includes actions necessary to protect infrastructure facilities
23 including, but not limited to, roads, bridges, powerlines, utilities, water drafting
24 structures, homes, and other **Approved and ILegally ePPermitted sS**tructures.

25 *****

1
2 Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.
3 Reference: Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 21000(g),
4 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f),
5 Water Code; and Sections 1600 and 5650(c), Fish and Game Code.
6

7 **§ 917.2**

8 Except in the Southern Subdistrict of the Coast Forest District and Coastal Commission
9 Special Treatment Areas of the Coast Forest District, the following standards shall apply
10 to the treatment of slash created by timber operations within the plan area and on road
11 adjacent to the plan area, **but excluding appurtenant roads**. Lopping for fire hazard
12 reduction is defined in 14 CCR § 895.1.
13

14 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
15 Sections 4513, 4551.5 and 4562, Public Resources Code.
16

17 **§ 937.2**

18 The following standards shall apply to the treatment of slash created by timber
19 operations within the plan area and on roads adjacent to the plan area, **but excluding**
20 **appurtenant roads**. Lopping for fire hazard reduction is defined in 14 CCR § 895.1.
21

22 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
23 Sections 4513, 4551.5 and 4562, Public Resources Code.
24

25 **§ 957.2**

1 Except in the High-Use Subdistrict of the Southern Forest District, Southern Subdistrict
2 of the Coast Forest District and Coastal Commission Special Treatment Areas of the
3 Coast Forest District, the following standards shall apply to the treatment of slash
4 created by timber operations within the plan area and on roads adjacent to the plan
5 area, ~~but excluding appurtenant roads~~. Lopping for fire hazard reduction is defined in 14
6 CCR § 895.1.

7
8 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
9 Sections 4513, 4551.5 and 4562, Public Resources Code.

10
11 **§ 937.3**

12 Outside the High Use Subdistrict, broadcast burning may be prescribed for slash
13 treatment subject to the following conditions.

14 (a) Such burning shall be done only after the first heavy fall rains and shall be
15 completed before April 1;

16 (b) It may occur within cleared firebreaks of not less than 10 feet (3.05 m) in width;

17 (c) Use of the broadcast burning prescription ~~in-of~~ the Watercourse Stream and Lake
18 Protection Zone for Class I, and Class II, is prohibited. Where necessary to protect
19 downstream beneficial uses, the director may prohibit burning prescriptions in Class III
20 watercourses;

21 (d) Exceptions to requirements (a), (b) and (c) above may be granted provided a
22 project-type burning permit is obtained prior to burning and the terms of the permit are
23 adhered to while burning.

1 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
2 Sections 4423, 4513, 4551.5, 4562, and 4562.7, Public Resources Code

3
4 **§ 957.3. Prescribed Broadcast Burning of Slash.**

5 Outside the High Use Subdistrict, broadcast burning may be prescribed for slash
6 treatment subject to the following conditions.

7 (a) Such burning shall be done only after the first heavy fall rains and shall be
8 completed before April 1;

9 (b) It may occur within cleared firebreaks of not less than 10 feet (3.05 m) in width;

10 (c) Use of the broadcast burning prescription in-of the Watercourse Stream and Lake
11 Protection Zone for Class I, and Class II, is prohibited. Where necessary to protect
12 downstream beneficial uses, the director may prohibit burning prescriptions in Class III
13 watercourses;

14 (d) Exceptions to requirements (a), (b) and (c) above may be granted provided a
15 project-type burning permit is obtained prior to burning and the terms of the permit are
16 adhered to while burning.

17
18 Note: Authority cited: Sections 4551 and 4562, Public Resources Code. Reference:
19 Sections 4423, 4513, 4551.5, 4562, and 4562.7, Public Resources Code.

20
21 **§ 929.1**

22 (a) Preparing a plan.

23 *****

24 (e) Emergency Notice of 3 Acres Or More.

25 *****

1 (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or
2 the RPF's supervised designee:

3 (A) Shall complete a current archaeological records check. This check
4 may be conducted by telephone. If the Information Center is unable to provide the
5 information within three business days following receipt of an RPF's request for an
6 Emergency Notice records check, the records check requirement is waived.

7 (B) Shall submit a Confidential Archaeological Letter **as defined in 14 CCR**
8 **§ 895.1 that includes the information required by 14 CCR § 929.1(c)(2), (7), (8), (9), (10)**
9 **and (11), including site records, if required pursuant to 14 CCR § 929.1(g) and 929.5.**

10 *****

11 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:
12 Sections 4582(f), 21002 and 21060.5, Public Resources Code.

13
14 **§ 949.1**

15 (a) Preparing a plan.

16 *****

17 (e) Emergency Notice of 3 Acres Or More.

18 *****

19 (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or
20 the RPF's supervised designee:

21 (A) Shall complete a current archaeological records check. This check
22 may be conducted by telephone. If the Information Center is unable to provide the
23 information within three business days following receipt of an RPF's request for an
24 Emergency Notice records check, the records check requirement is waived.

25

1 (B) Shall submit a Confidential Archaeological Letter as defined in 14 CCR
2 § 895.1 that includes the information required by 14 CCR § 949.1(c)(2), (7), (8), (9), (10)
3 and (11), including site records, if required pursuant to 14 CCR § 949.1(g) and 949.5.

4 *****

5 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:
6 Sections 4582(f), 21002 and 21060.5, Public Resources Code.

7
8 **§ 969.1**

9 (a) Preparing a plan.

10 *****

11 (e) Emergency Notice of 3 Acres Or More.

12 *****

13 (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or
14 the RPF's supervised designee:

15 (A) Shall complete a current archaeological records check. This check
16 may be conducted by telephone. If the Information Center is unable to provide the
17 information within three business days following receipt of an RPF's request for an
18 Emergency Notice records check, the records check requirement is waived.

19 (B) Shall submit a Confidential Archaeological Letter as defined in 14 CCR
20 § 895.1 that includes the information required by 14 CCR § 969.1(c)(2), (7), (8), (9), (10)
21 and (11), including site records, if required pursuant to 14 CCR § 969.1(g) and 969.5.

22 *****

23 Note: Authority cited: Sections 4551 and 4551.5, Public Resources Code. Reference:
24 Sections 4582(f), 21002 and 21060.5, Public Resources Code.

1 **§ 1038**

2 Persons who conduct the following types of timber operations are exempt from the plan
3 preparation and submission requirements (PRC § 4581) and from the completion report
4 and stocking report requirements (PRC §§ 4585 and 4587) of the Act with the following
5 exceptions and requirements:

6 *****

7 Persons who conduct the following types of timber operations are exempt from the plan
8 preparation and submission requirements (PRC § 4581) and from the completion report
9 and stocking report requirements (PRC §§ 4585 and 4587) of the Act with the following
10 exceptions and requirements:

11 *****

12 (i) The harvesting of trees in compliance with PRC § 4584(j), Forest Fire Prevention
13 Exemption, limited to those trees that eliminate the vertical continuity of vegetative fuels
14 and the horizontal continuity of tree crowns, for the purpose of reducing the rate of fire
15 spread, duration and intensity, fuel ignitability, or ignition of tree crowns, when the
16 following conditions are met:

17 (1) The logging area does not exceed 300 acres in size.
18 *****

19 (3) The Notice of Exemption, described in 14 CCR § 1038.2 Form RM-
20 73(1038i)(12/12/08), shall be is prepared, signed and submitted by an RPF to the
21 Director. The RPF shall provide current address and telephone number on the form.

22 *****

23 (7) The RPF shall, upon submission of the Notice of Exemption, provide a
24 Confidential Archaeological Letter, as defined in 14 CCR § 895.1, which contains all the
25 information required for plans and Emergency Notices with the exception that the
information required in 14 CCR § 929.1(c)(3) [949.1(c)(3), 969.1(c)(3)] shall not be

1 **required**. The Director shall submit a complete copy of the Confidential Archaeological
2 Letter, and two copies of any required archaeological or historical site records, to the
3 appropriate Information Center of the California Historical Resource Information
4 System, within 30 days from the date of Notice of Exemption submittal to the Director.
5 Before submitting the Notice of Exemption to the Director, the RPF shall send a copy of
6 the Notice of Exemption to Native Americans defined in 14 CCR § 895.1.

7 (8) Only trees less than 18 inches outside bark stump diameter, measured at
8 eight inches above ground level, may be removed except as follows:

9 (A) Within 500 feet of an **Approved and** ~~IL~~egally ~~p~~ermitted ~~s~~Structure that
10 complies with the California Building Code, or in an area prioritized as a shaded fuel
11 break in a community wildfire protection plan approved by a public fire agency, if the
12 goal of fuel reduction cannot be achieved by removing trees less than 18 inches outside
13 bark stump diameter, trees less than 24 inches outside bark stump diameter may be
14 removed if that removal complies with this section.

15 *****

16 ~~(15) 14 CCR § 1038(i) shall expire on January 1, 2013.~~

17 (j) The harvesting of trees in compliance with PRC § 4584(j)(11), Forest Fire Prevention
18 Exemption Pilot Project, limited to those trees that eliminate the vertical continuity of
19 vegetative fuels and the horizontal continuity of tree crowns, for the purpose of reducing
20 the rate of fire spread, duration and intensity, fuel ignitability, or ignition of tree crowns,
21 when the following conditions are met:

22 (1) The logging area does not exceed 300 acres in size.

23 *****

24 (5) The RPF shall, upon submission of the Notice of Exemption, include a
25 description of the preharvest stand structure and a statement of the postharvest stand

1 stocking levels. The level of residual stocking shall be consistent with maximum
2 sustained production of high quality timber products. The residual stand shall consist
3 primarily of healthy and vigorous dominant and codominant trees from the preharvest
4 stand. Trees retained to meet the basal area stocking standards shall be selected from
5 the largest trees available on the project area prior to harvest. In no case shall stocking
6 be reduced below the following standards:

7 (A) Where the preharvest dominant and codominant crown canopy is
8 occupied primarily by trees greater than 14 in. dbh in the Coast District:

9 1. On Site I lands at least 125 sq.ft. per acre of basal area shall be
10 left.

11 2. On Site II and III lands at least 100 sq.ft. per acre of basal area
12 shall be left.

13 3. On Site IV lands at least 75 sq.ft. per acre of basal area shall be
14 left.

15 4. On Site V lands, at least 50 sq.ft. per acre of basal area shall be
16 left.

17 (AB) Where the preharvest dominant and codominant crown canopy is
18 occupied primarily by trees greater than 14 in. dbh in the Northern and Southern
19 Districts:

20 (i)1. On Site I mixed conifer lands, at least 125 sq. ft. per acre of
21 basal area shall be left, and on Site I land where greater than 50% of the basal area is
22 pine, at least 100 sq. ft. per acre of basal area shall be left.

23 (ii)2. On Site II mixed conifer lands, at least 100 sq.ft. per acre of
24 basal area shall be left, and on Site II lands where greater than 50% of the basal area is
25 pine, at least 75 sq. ft. per acre of basal area shall be left.

1 (iii)3. On Site III mixed conifer lands, at least 75 sq. ft. per acre of
2 basal area shall be left, and on Site III lands where greater than 50% of the basal area
3 is pine, at least 75 sq. ft. per acre of basal area shall be left.

4 (iv)4. On Site IV and V mixed conifer lands, at least 50 sq. ft. per
5 acre of basal area shall be left, and on Site IV and V lands where greater than 50% of
6 the basal area is pine, at least 50 sq. ft. per acre of basal area shall be left.

7 (BC) Where the preharvest dominant and codominant crown canopy is
8 occupied by trees less than 14 in. dbh, a minimum of 100 trees per acre over 4 in. dbh
9 shall be retained for site I, II, and III. For site IV and V - 75 trees per acre over 4 in. dbh
10 shall be retained. The retained trees shall be the largest trees available prior to harvest.

11 *****

12 (7) The RPF shall, upon submission of the Notice of Exemption, provide a
13 Confidential Archaeological Letter which contains all the information required for plans
14 and Emergency Notices with the exception that the information required in 14 CCR §
15 929.1(c)(3) [949.1(c)(3), 969.1(c)(3)] shall not be required. The Director shall submit a
16 complete copy of the Confidential Archaeological Letter, and two copies of any required
17 archaeological or historical site records, to the appropriate Information Center of the
18 California Historical Resource Information System, within 30 days from the date of
19 Notice of Exemption submittal to the Director. Before submitting the Notice of
20 Exemption to the Director, the RPF shall send a copy of the Notice of Exemption to
21 Native Americans defined in 14 CCR § 895.1.

22 *****

23 Note: Authority cited: Sections 4551, 4553, 4584, 4584.1 and 4584.1, Public Resources
24 Code. Reference: Sections 4516, 4527, 4584 and 4584.1, Public Resources Code; and

1 *EPIC v. California Department of Forestry and Fire Protection and Board of Forestry*
2 (1996) 43 Cal. App.4th 1011.

3
4 **§ 1039.1**

5 The effective period of the plan within the meaning of PRC §§ 4590 and 4591 is the
6 ~~three~~five (35)-year period following the date the plan is determined to be in
7 conformance or otherwise becomes effective pursuant to PRC § 4582.7. Timber
8 operations shall commence no earlier than the expected date of commencement stated
9 in the plan and shall be completed no later than the expected date of completion stated
10 in the plan except under the following conditions:

11 (a) An amendment to change the completion date stated in a plan has been submitted
12 to the Director at least ten (10) days before the expected date of completion.

13 (b) An amendment to extend the effective period of a plan beyond ~~three~~five (35) years is
14 submitted in compliance with PRC § 4590, which includes a map showing clearly the
15 area pertaining to the request for extension.

16 *****

17 Note: Authority cited: Sections 4551, 4553, 4590 and 4591, Public Resources Code.

18 Reference: Sections 4582.7, 4590, 4591 and 4591.1, Public Resources Code.

19
20 **§ 1041**

21 A plan shall be limited to an area with reasonably similar timber, geology, soil,
22 topography, climate, and stream characteristics that would constitute a logical
23 harvesting unit. A plan should be limited to that area on which timber operations
24 normally will be completed in one 12-month period, but in no case shall it extend
25 beyond ~~three~~five (35) years after the plan is determined to be in conformance or

1 otherwise becomes effective under PRC § 4582.7. Plans shall be limited to lands within
2 a particular forest district.

3
4 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code.

5 Reference: Section 4590, Public Resources Code.

6
7 **§ 1052.1**

8 The following are conditions that constitute an emergency pursuant to 14 CCR § 895.1:

9 (a) Trees that are dead or dying as a result of insects, disease, parasites, or animal
10 damage.

11 (b) Trees that are fallen, damaged, dead or dying as a result of wind, snow, freezing
12 weather, drought, fire, flood, landslide or earthquake.

13 *****

14 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:
15 Sections 4592, 4750, 4750.3 and 4750.4, Public Resources Code.

16
17 **§ 1092.26**

18 Changes that are not “minor deviations” as defined in 14 CCR 895.1 are presumed to
19 be substantial deviations if they potentially could have a significant adverse affect on
20 timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries,
21 range and forage, recreation and aesthetic enjoyment that are beyond impacts identified
22 in the PTEIR. Such actions may include, but are not limited to:

23 (a) Change in location of timber harvesting operations or enlargement of the area to be
24 cut.

25 *****

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

3 *****

4 (2) Any road located in an extreme Erosion Hazard Rating area in the Coast **or**
5 **Northern** Forest District, ~~extreme Estimated Erosion Potential area in the Northern~~
6 ~~Forest District~~, or a high Erosion ~~Potential~~ Hazard Rating area in the Southern Forest
7 District.

8 *****

9 Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference:
10 Sections 4551 and 4553, Public Resources Code.

11
12 **§ 1092.01**

13 (a) A Program Timber Harvesting Plan (PTHP) may be filed for ownerships where a
14 PTEIR has been certified by the Director.

15 *****

16 (e) A PTHP shall be limited to an area with reasonably similar timber geology, soil,
17 topography, climate, and stream characteristics that would constitute a logical
18 harvesting unit. A PTHP should be limited to that area on which timber operations
19 normally will be completed in one 12-month period, but in no case shall it extend
20 beyond **threefive (35)** years after the PTHP is determined to be in conformance or
21 otherwise becomes effective under PRC § 4582.7, unless an amendment to extend the
22 effective period is submitted and accepted by the Department per PRC § 4590 (a)(1) .
23 PTHPs shall be limited to lands within a particular forest district.

1 Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference:
2 Sections 4551, 4553 and 4590(a)(1), Public Resources Code.

3
4 **§ 1092.28**

5 (a) The effective period of the PTHP within the meaning of PRC § 4590 and 4591 is the
6 **threefive (35)** years following the date the PTHP is determined to be in conformance or
7 otherwise becomes effective pursuant to § 4582.7. Timber operations shall commence
8 no earlier than the expected date of commencement stated in the PTHP and shall be
9 completed no later than the expected date of completion stated in the PTHP except
10 under the following conditions:

11 (1) An amendment to change the completion date stated in a PTHP has been submitted
12 to the Director at least ten days before the expected date of completion.

13 (2) An amendment to extend the effective period of a PTHP beyond **threefive (35)** years
14 is submitted in compliance with PRC § 4590 which includes a map showing clearly the
15 area pertinent to the request for extension.

16 *****

17 Note: Authority cited: Sections 4551, 4553, 4590 and 4591, Public Resources Code.
18 Reference: Sections 4582.7, 4590, 4591 and 4591.1, Public Resources Code.

19
20 **§ 1109.4**

21 In determining whether or not to make the written finding contained in PRC §
22 4621.2(a)(3), the Director or the Board upon appeal shall consider the following
23 elements: whether the soil types and characteristics can support the proposed use, the
24 **erosion potential Erosion Hazard Rating** of the soils and slopes in light of the proposed
25 use, potential mass land movement or subsidence, possible harm to quality or quantity

1 of water produced in the watershed, fire hazard and risk to the watershed, adverse
2 effects to fish and wildlife from removal of habitat cover, and such other elements as
3 appropriate.

4
5 Note: Authority cited: Section 4621.2(a)(3) and 4623, Public Resources Code.

6 Reference: Section 4621.2(a)(3), Public Resources Code.
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