

1 **Sustained Yield Plan Renewal, 2009**

2 **[45 Day Notice Rule Language Published March 20, 2009]**

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

4
5 **Amend:**

6 § 1091.9 SYP Effective Period

7
8 **Adopt:**

9 § 1091.15 Renewal of Sustained Yield Plans

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11 **1091.8 Compliance and Effectiveness Evaluation.**

12 The SYP shall include provisions for determining the compliance with and effectiveness of the
13 measures adopted in the SYP to mitigate or avoid significant environmental effects. Such
14 provisions may include evaluation by the SYP submitter and evaluation of affected areas with
15 representative conditions. Progress reports shall be provided periodically to CDF at their
16 request. Such evaluations shall be developed in consultation with the Director and
17 appropriate review agencies.

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19 **1091.9 SYP Effective Period.**

20 The effective period of a SYP shall be no more than ten years. A SYP Renewal may be
21 granted for an additional ten-year period following agency and public review and upon
22 approval of the Director pursuant to 14 CCR §1091.15.

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24 **1091.10 Review of Sustained Yield Plan (SYP).*******

25 *******1091.15 Sustained Yield Plan Renewal.**

A currently approved SYP may be renewed for an additional ten-year period subject to
the review and approval of the Director. The Director's determination shall be based upon
multi-disciplinary review and evaluation of the elements of the SYP Renewal submission to

1 determine if the SYP Renewal satisfies the requirements of MSP, identifies potentially
2 significant adverse impacts, and includes feasible mitigation measures for avoidance or
3 minimization of such impacts. The SYP Renewal submitter is encouraged to consult with
4 review team agencies prior to submission of a proposed SYP Renewal.

5 A proposed SYP Renewal shall be submitted to the Director no less than six months
6 prior to expiration of a currently approved SYP and shall be subject to the review timelines
7 specified in 14

8 CCR §1091.15(b)-(f). In the event that the Director cannot meet the specified review timelines
9 and the previously approved SYP expires prior to approval of the SYP Renewal, the SYP
10 Renewal submitter may continue to operate under a THP pursuant to 14 CCR §913.11(c)
11 [933.11(c), 953.11(c)] while the SYP Renewal remains under review by the Director.

12 (a) SYP Renewal submissions shall comply with the SYP content requirements
13 specified in Article 6.75 of Subchapter 7, and shall identify the general nature and location
14 within the document of each substantive difference between the SYP Renewal submission
15 and the previous approved SYP or SYP Renewal. Substantive differences include changes in
16 long term sustained yield estimates for achieving MSP, changes in fish, wildlife, and
17 watershed assessment; and proposed changes to previously approved mitigations, resource
18 protection measures, or operation standards.

19 (b) Within 20 days of the receipt of a SYP Renewal submission, the Director shall
20 determine if the SYP Renewal is complete, accurate, and in proper order. If so, the SYP
21 Renewal shall be filed. If the SYP Renewal is not acceptable for filing, the Director shall return
22 the SYP Renewal with a written explanation of the deficiencies. Where the Director does not
23 make this determination within 20 days, the SYP Renewal shall be deemed filed.

24 (c) Once the SYP Renewal has been accepted for filing, the Director shall have 60
25 days or longer as mutually agreed to by the submitter to conduct the agency and public review
of the SYP Renewal submission.

1 (d) Public Notice of SYP Renewal. The Director shall transmit notice to the public and
2 agencies consistent with the noticing requirements of §1037.5 and §1037.1(b)(1-5). The
3 Notice shall advise the public of the name of the submitter, geographic location of the SYP
4 Renewal, location(s) where a copy of the SYP Renewal can be reviewed or obtained, and
5 when and where the public hearing will be held.

6 (e) Public Hearing. The Director shall hold a public hearing on the SYP Renewal within
7 30 days from the start of the public review period. The SYP Renewal submitter shall
8 participate with the Director in that hearing. The Director shall make a copy of the final draft
9 SYP Renewal document available for public review no sooner than 15 days prior to the close
10 of the agency and public review period.

11 (f) Director's Determination Period. At the end of the public review and comment
12 period, the Director shall have 15 days to review public input, consider recommendations and
13 mitigation measures of other public agencies, respond in writing to the issues raised, and
14 determine if the SYP Renewal is in conformance with the rules. If the SYP Renewal is found to
15 be in conformance, it shall be approved by the Director.

16 (g) SYP Renewal Disapproval. If the Director disapproves an SYP Renewal, the
17 Director shall provide written reasons for disapproval that conform with §1054. Appeal of the
18 Director's decision on an SYP Renewal submission shall be conducted pursuant to §1091.11.

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20 **Article 6.8 Program EIR and THP*******
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