

1 'BOARD OF FORESTRY AND FIRE PROTECTION

2
3 June 6th, 2014 DRAFT

4
5 "WORKING FOREST MANAGEMENT PLAN"

6 **895.1 Definitions:**

7 **Plan means:**

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

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

10 (c) Program Timber Harvesting Plan (PTHP) as described in 14 CCR 1092 and 1092.1.

11 (d) Working Forest Management Plan (WFMP) as described in PRC 4597.

12
13 Article 7.7

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

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19 1094.1 Working Forest Management Plan and Working Forest Harvest Notice Filing Locations

20 The Working Forest Management Plan (WFMP) or Working Forest Harvest Notice for proposed timber
21 operations provided for by Article 7.7, Chapter 8, Part 2, Division 4 of the PRC (commencing with Sec.
22 4597) shall be submitted in writing to the Director at the appropriate CAL FIRE Review Team Office
23 having jurisdiction for the timber operations, and shall contain the information specified in 14 CCR §
24 1094.6 and 1094.8. [NOTE: For CAL FIRE Review Team Office addresses, see 14 CCR § 1032.]

25
26 1094.2 Definitions

27 The following definitions apply to this article:

- 1 (a) "Late succession forest stands" - means stands of dominant and predominant trees that meet the
2 criteria of the California Wildlife Habitat Relationships System class 5D, 5M, or 6 with an open,
3 moderate, or dense canopy closure classification, often with multiple canopy layers, and are at least 10
4 acres in size. Functional characteristics of late succession forest stands include large decadent trees,
5 snags, and large down logs.
- 6 (b) "Long-term sustained yield" (LTSY) means the average annual growth sustainable by the inventory
7 predicted at the end of a 100-year planning horizon, or a shorter planning horizon if the forest
8 encompassed by the WFMP has reached a balance between growth and yield.
- 9 (c) "Major stand type" means a stand that occupies an area equal to or greater than 25 percent of a
10 WFMP.
- 11 (d) "Management unit" means a geographically identifiable area delineated for silviculture or
12 management purposes. A management unit is intended to reflect an area scheduled for harvest under
13 the plan in any given year, but may also be designated to address specific resource sensitivities.
- 14 (e) "Stand" means a geographically identifiable group of trees sufficiently uniform in age-class
15 distribution, composition, and structure and growing on a site of sufficiently uniform quality to be a
16 distinguishable unit.
- 17 (f) "Strata" means a grouping of similar stands defined for silvicultural or management purposes, usually
18 according to similarities in stand composition, structure, and age.
- 19 (g) "Sustained yield" means the yield of commercial wood that an area of commercial timberland can
20 produce continuously at a given intensity of management consistent with required environmental
21 protection and that is professionally planned to achieve over time a balance between growth and
22 removal. Sustained yield management implies continuous production planned so as to achieve, at the
23 earliest practical time, a balance between growth and harvest.
- 24 (h) "Uneven aged management" means forest management with the goal of establishing a well-stocked
25 stand of various age classes, which permits the periodic harvest of individual or small groups of trees to
26 achieve sustained yield objectives of the WFMP, and provide for regeneration of trees and maintenance
27 of age class structure.

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

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

Comment [MRD11]: "equal to or less" deleted per Workshop discussion on May 29th.

5 (k) "Working forest management plan" (WFMP) means a management plan for working forest
6 timberlands, with objectives of maintaining, restoring, or creating uneven aged managed timber stand
7 conditions, achieving sustained yield, and promoting forestland stewardship that protects watersheds,
8 fisheries and wildlife habitats, and other important values. Other important values include maintained
9 forest ecosystem processes and services. A WFMP shall not exceed 15,000 acres.

Comment [CDFW2]: From 4597.(a)(5); under the Legislature's findings and declarations.

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

Comment [MRD13]: Language added per Workshop discussion on May 29th.

12 1094.3 WFMP Submittal and Notice of Preparation

13 A WFMP may be submitted with the Department in writing by a person who intends to become a
14 working forest landowner with the long-term objective conducting timber operations through
15 ~~implementation of an uneven aged timber stand and sustained yield through the implementation~~ of a
16 WFMP. The WFMP shall be prepared by a RPF. It shall be public record and shall include all of the
17 specified in 14 CCR §1094.6:

Comment [CDFW4]: "working forest management plan" is already defined and includes "promoting forestland stewardship" in addition to "with the long-term objective of an unevenaged timber stand and sustained yield".

Comment [WU5]: PRC 4597.2

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

19 (b) Where the timber is owned by parties other than the ~~landownertimberland owner(s)~~, the ~~landowner~~
20 ~~timberland owner(s)~~ shall give prompt written notice of such plan to those parties.

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

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

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

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

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

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

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

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

9 (4) The acreage of the WFMP area and the acreage of the working forest timberlands within
10 which timber operations under the WFMP are to be conducted included in the plan.

Comment [CDFW6]: Added to provide clarity.
The WFMP area and working forest timberlands are not necessarily synonymous.

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

12 (6) The estimated earliest date that the Director may approve the plan as he/she has indicated
13 in the WFMP instructions as specified in 14 CCR § 1094.17.

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

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

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

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

25 Notwithstanding other Board rules and regulations, the notices required by 14 CCR § 1032.10 of article
26 2.0 shall be completed prior to submission of the WFMP, and within counties with special rules, (14CCR,
27 Subchapter 4, Art. 13, Subchapter 6, Art. 13) the noticing requirements will be the same as for a THP.

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1094.4 Notice of Preparation-Distribution by Director

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

- (a) The Office of the County Clerk of the county in which operations are proposed for posting at the customary place for posting environmental affairs.
- (b) The local Unit headquarters for posting.
- (c) At such other locations ~~as~~ the Director ~~may~~ deems desirable and feasible to provide adequate public notice.
- (d) Any additional distribution of the Notice of Preparation required by the rules ~~and regulations~~ of the Board for individual counties.
- (e) ~~A publically available internet database.~~

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

- (a) Each applicable CAL FIRE Review Team Office shall maintain a list of WFMPs or Working Forest Harvest Notice submitted each day.
- (b) When any person requests a ~~notice of submission of a~~ WFMPs, the Director shall provide the person, free of charge, with a copy of the list of WFMPs or Working Forest Harvest Notices submitted on the date or dates requested. If no specific date is requested, a copy of the lists for the preceding week shall be provided.

Comment [MRD17]: "preparation" deleted and migrated back to original language of "submission". Change made per Workshop discussion on May 29th.

1094.6 Contents of WFMP

The WFMP shall serve ~~four~~ ~~three~~ functions: 1) to provide information the Director needs to determine whether the proposed WFMP conforms to the rules of the Board; 2) ~~to meet the objectives stated in the definition of WFMP;~~ 3) to provide information and direction for timber management so it complies with the rules ~~and regulations~~ of the Board and the management objectives of the landowner; and ~~3) 4)~~ to disclose the potential effects of timber management to the public ~~and to the review team agencies~~. For the WFMP to serve these functions, it shall, as a minimum, contain the following information:

Comment [CDFW8]: Suggested addition to the list of WFMP functions, recognizing this paragraph was taken from NTMP regulations.

1 (a) Name, address and telephone number of the timberland owner(s) ~~or and~~ designated agent pursuant
2 ~~to 1094.10.~~

Comment [MRD19]: Language added per Workshop discussion on May 29th, 2014.

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

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

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

7 ~~(d) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per mile,~~
8 ~~indicating the location of all streams, the location of all proposed and existing logging truck roads. ~~and~~~~
9 ~~the boundaries of all site I classification timberlands to be stocked in accordance with subdivision (b) of~~
10 ~~Section 4561. In addition this map(s) shall include:~~

11 (1) Boundaries of WFMP management unit(s). ~~Boundaries of management units shall not~~
12 ~~exceed a single ownership which can include, but is not limited to, entities comprised as a single~~
13 ~~ownership of divided interest, natural persons with undivided interests, or a legally established artificial-~~
14 ~~person (such as limited liability companies, corporations, partnerships, or trusts).~~

Comment [MRD110]: Language added per Workshop discussion on May 29th, 2014.

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

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

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

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

Comment [MRD111]: Language added per Workshop discussion on May 29th, 2014.

24 (6) Location of all ~~Class I, II, III, or IV waters including, watercourses, lakes and wet meadows and~~
25 ~~other wet areas watercourses with Class I, II, III, or IV waters.~~

Comment [CDFW12]: Revised to provide a consistent set of "waters" to be disclosed; i.e., not just "watercourses".

26 (7) Location of known unstable areas or slides.

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

3 (9) Location of boundaries of timber-site classes needed for determination of stocking standards
4 to be applied, ~~down to at least a 2010-acre minimum or as specified in the district rules.~~

Comment [MRD113]: Language deleted per Workshop discussion on May 29th, 2014.

5 (10) The locations and classifications of roads, watercourse crossings, and landings to be
6 abandoned shall be shown.

7 (11) A soils map where available.

8 (12) Location of ~~late S~~uccessional ~~F~~orest stands or strata

9 (13) Location of unique areas including Coastal Commission Special Treatment Areas or other
10 special treatment areas and locations of State- or federally listed threatened, candidate, and
11 endangered species; rare plants, sensitive species; and species that meet the criteria under Title 14,
12 California Code of Regulations, Section 15380(d) of the California Environmental Quality Act ~~Guidelines.~~

Comment [CDFW14]: This list of species categories is repeated six times in the draft rules. We suggest defining these as "special-status species" under **1094.2 Definitions** instead of repeating this text each time.

13 (14) Location of all existing and proposed permanent watercourse crossing drainage structures,
14 and temporary crossings on Class I and II watercourses on roads.

Comment [MRD115]: Added coma after "structures" and deleted "down to at least 20 acre minimum or as specified in district rules." per Workshop discussion on May 29th, 2014.

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

16 (16) Locations of active erosion control sites.

Comment [MRD116]: Added "Locations of" per Workshop discussion on May 29th, 2014.

17 (17) Location of active erosion sites pursuant 1094.6(e)(8).

Comment [MRD117]: Language added per Workshop discussion on May 29th, 2014.

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

20 (1) ~~township, range, and section number(s)~~ and approximate plan acreage.

Comment [CDFW18]: Please check for consistent capitalization.

21 (2) county name(s).

Comment [MRD119]: Added "Locations of" per Workshop discussion on May 29th, 2014.

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

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

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

25 (6) A description by the RPF of the inventory design and standards which, at a minimum, shall

26 include:

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

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

5 (C) The type of projections or models used for projecting growth and yield shall be
6 appropriate for stand conditions and the period of time necessary to estimate achievement of LTSY.

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

10 (A) For major stand types or strata, the inventory estimate shall be within 15 percent of
11 the mean at one (1) standard error.

12 (B) For stand or strata that make up greater than 10 percent and less than 25 percent of
13 the WFMP area, the estimate shall be no greater than 25 percent of the mean at one (1)
14 standard error.

15 (C) Inventory estimates and growth and yield shall be projected for the purposes of
16 determining LTSY and volumes available for harvest by stand or strata and aggregated for the
17 area covered by the WFMP. ~~to develop the LTSY estimate.~~ LTSY estimates shall reasonably
18 reflect constraints applicable to the working forest timberlands on forest management
19 activities. Reasonable constraints shall include biologic and economic factors, while accounting
20 for limits on productivity due to constraints imposed from consideration of other forest values,
21 including but not limited to, recreation, watershed, wildlife, range and forage, fisheries, regional
22 economic activity, employment and aesthetic enjoyment.

23 (8) A description and discussion of the methods to be used to avoid significant sediment
24 discharge to ~~watercourses-waters~~ from timber operations. This shall include an erosion control
25 implementation plan that a ~~disclosure-discloses of~~ active erosion sites from roads, skid trails, crossings,
26 or any other structures or sites that have the potential to discharge sediment attributable to timber
27 operations into waters of the state resulting in significant sediment discharge and violation of water

Comment [CDFW20]: Suggest specifying here what parameters are being estimated. Stocking? Basal area? Volume?

Comment [CDFW21]: Redundant?

1 ~~quality requirements and b). an amount deleterious to the beneficial uses of water, a~~The WFMP shall
2 ~~also include an erosion control implementation plan and~~ a schedule to implement erosion control
3 ~~practices that prioritizes correcting significant existing erosion site(s).~~ This subdivision shall not apply to
4 the extent that the RPF provides documentation to the Department that the WFMP is in compliance
5 with similar requirements of other applicable provisions of law.

Comment [MRD122]: Does not include "potential" due to 4597.2 and Committee review of legislative intent during May Committee meeting.

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

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

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

13 (11) A description of late succession forest stands, including their biological legacies and
14 hardwoods, a map or narrative description of their locations in the plan area, their acreage and their
15 composition and structure and how the total acreage and functionality of these stands and -of this type
16 of habitat will be maintained and/or enhanced across the plan area under a constraint of no net loss.

17 Nothing in this requirement shall be interpreted to preclude active management on any given acre of an
18 approved plan if the management is conducted in a manner that maintains or enhances the overall
19 acreage of late succession forest stands that existed in the plan area upon initial plan approval. An
20 exception to the no net loss constraint may be granted through major amendment in the event of a
21 catastrophic loss due to emergency factors such as wildfire, insect, and disease activity. The description
22 shall also include the following:

23 (A) Measures for the Rretention ~~measures and recruitment of for~~ existing and future
24 late succession forest stands and biological legacies such as snags, trees with cavities or basal
25 hollows, and down logs, and ~~address~~ how ~~management of~~ those stands and legacies shall be
26 managed over time appropriate with the forest type, climate, and landowner's forest fire fuels,
27 and wildlife and other WFMP management objectives.

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

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

3 (12) Disclosure of the locations with the biological assessment area of state- or federally listed
4 threatened, candidate, and endangered species; ~~or~~ rare plant and sensitive species; and species that
5 meet the criteria under Title 14, California Code of Regulations, Section 15380(d) of the California
6 Environmental Quality Act Guidelines; ~~or animal species located within the biological assessment area,~~
7 their status and habitats; through what efforts they were located; ~~;~~ take avoidance methodologies; ~~;~~
8 enforceable protection measures for species and habitats in the WFMP area and its vicinity where
9 timber operations would likely impact them; ~~;~~ and how forest management will maintain species and
10 habitats within the WFMP ~~these~~ over time.

11 (13) A description of the following for each management unit:

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

16 (B) Yarding methods to be used.

17 (14) Management units shall be mapped.

18 (15) For LSY projections, pursuant to 14 CCR 1094.6(e)(6), that project a reduction, over 100-
19 year planning horizon or shorter planning horizon until growth and yield are balanced, in quadratic
20 mean diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a major
21 stand type or for a stand or strata that make up greater than 10 percent and less than 25 percent of the
22 WFMP area, an assessment shall be included that does all of the following:

23 (A) Addresses state- or federally listed threatened, candidate, and endangered species;
24 rare plant and sensitive species; species that meet the criteria under Title 14, California Code of
25 Regulations, Section 15380(d) of the California Environmental Quality Act ~~candidate, threatened,~~
26 endangered, and sensitive species; and other fish and wildlife species that timber operations
27 could adversely impact by potential changes to habitat.

Comment [CDFW23]: CDFW recognizes the references to biological legacies and hardwood trees pertain to where they occur within late succession forest stands. The statute and these proposed regulations appear silent with respect of disclosure and management of these important habitat elements outside of late successional stands, with the exception of what is stated under PRC Section 4597.2(i)(2)(A)

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

Comment [MRD124]: Language added per
Workshop discussion on May 29th, 2014.

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

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

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

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

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

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

24 (B) Original projections or model calibration and accuracy.

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

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

3 | (19) Whether a timberland conversion certificate is in effect, its date of expiration, and its
4 | identification number.

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

7 | (21) A description of potential impacts ~~to,~~ and protections, for the quality and beneficial uses of
8 | ~~water.s within watercourses, lakes, and wet areas.~~

Comment [MRD125]: Added "to" after impacts and deleted language per Workshop discussion on May 29th, 2014.

9 | (22) A description of how the site preparation standards and stocking standards will be met.

10 | (23) A description of slash treatment for site preparation, fire protection and pest protection
11 | consideration.

12 | (24) A description of the cumulative effects analysis with supporting information, including
13 | impact of projected harvesting over the life of the plan.

14 | ~~(25) A copy of the forest practice regulations in effect at the time of submission or provide~~
15 | ~~payment to CALFIRE for the cost of a current California Forest Practice Rulebook at the time of Plan~~
16 | ~~approval.~~

Comment [MRD126]: Language deleted per Workshop discussion on May 29th, 2014 and replace with new (25) below.

17 | (25) The Department shall make available a copy of the California Forest Practice Regulations in
18 | effect at the time of WFMP approval.

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

22 | (27) Explanation and justification for tractor operations in areas designated for cable yarding.

23 | (28) Winter period operating plan where ~~appropriate~~proposed.

24 | (29) Explanation and justification for ~~locating and using e-of- landings, roads and skid trails~~
25 | ~~within in watercourses, lakes, marshes, or wet meadows and other wet areas and within their adjacent~~
26 | ~~WLPZs, equipment exclusion zones or equipment limitation zones, protection zones, , and other wet~~
27 | ~~areas as ladings, roads, or skid trails.~~

Comment [MRD127]: Language restructured per Workshop discussion on May 29th, 2014.

1 (30) Explanation and justification of any in-lieu or alternative practices for watercourse and lake
2 protection.

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

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

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

8 (34) A description of the existing and proposed road system to be used in implementation of the
9 WFMP, including the diameter of any permanent culverts and the dimensions of any bridges on Class I,
10 II, or III watercourses.

Comment [MRD128]: Language added per Workshop discussion on May 29th, 2014.

12 1094.7 Working Forest Harvest Notice

13 The ~~working forest landowner~~ designated agent pursuant to 14 CCR § 1094.10 who owns, leases, or
14 otherwise controls or operates on all or any portion of any timberland within the boundaries of an
15 approved WFMP, and who plans to harvest any of the timber during a given year, shall file a Working
16 Forest Harvest Notice with the Department in writing. A Working Forest Harvest Notice shall be filed
17 prior to the harvesting of any timber and shall be effective for a maximum of one (1) year from the date
18 of filing. ~~if the~~ The designated agent identified pursuant to 14 CCR § 1094.10 person who files the
19 Working Forest Harvest Notice is not the owner of the timberland, the person filing the notice shall
20 notify the timberland owner(s) by certified mail that the Working Forest Harvest Notice has been
21 submitted and shall certify that mailing to the Department.

Comment [MRD129]: Language added per Workshop discussion on May 29th, 2014.

Comment [WU30]: 4597.11

22 Notwithstanding any other provisions of this ~~chapter~~ article, if a RPF certifies by written declaration, on
23 behalf of the timber owner(s) or operator(s), that the Working Forest Harvest Notice conforms to and
24 meets the requirements of the approved WFMP under which it is filed, timber operations may
25 commence immediately. If the notice has been filed by mailing, operations may commence three days
26 after the Working Forest Harvest Notice has been mailed.

Comment [MRD131]: Language added per Workshop discussion on May 29th, 2014.

Comment [WU32]: 4597.15

1 **1094.8 Working Forest Harvest Notice Content**

2 The Working Forest Harvest Notice shall be a public record, including Department posting on a publically
3 available internet database. All necessary amendments shall be approved by the Director prior to
4 submission of a Working Forest Harvest Notice. ~~and The Working Forest Harvest Notice~~ shall include all
5 of the following information:

Comment [MRD133]: Language added per Workshop discussion on May 29th, 2014.

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

Comment [MRD134]: The use of the word "agent" here may cause confusion with the submitter(s) agent. Possible to insert "of the submitter pursuant to 1094.10.

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

8 (c) Name, address, ~~and~~ telephone number ~~and registration number~~ of the licensed timber operator
9 conducting operations as per the Working Forest Harvest Notice.

10 (d) Name, ~~and~~ address, ~~telephone number~~ and registration number of the RPF preparing the

Comment [MRD135]: Language added per Workshop discussion on May 29th, 2014.

11 WFMP Working Forest Harvest Notice and the name, address, and registration number of the RPF
12 responsible pursuant to 14 CCR § 1035(e) and (f) if different.

Comment [MRD136]: Language added per Workshop discussion on May 29th, 2014.

13 (e) A ~~current~~ description of the land on which the work is proposed to be done including the
14 identification number of the WFMP.

Comment [MRD137]: Language added per Workshop discussion on May 29th, 2014.

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

17 (g) A statement that ~~state- or federally listed threatened, candidate, and endangered species; rare~~
18 plants and sensitive species; and species that meet the criteria under Title 14 California Code of
19 Regulations, Section 15380(d) of the California Environmental Quality Act Guidelines ~~state or federally~~
20 listed rare, threatened, candidate, or endangered plant or animal species have not been discovered

21 incidentally or during species surveys in the logging harvest area and elsewhere in the biological
22 assessment area in locations where timber operations under the WFMP could impact these species
23 since the approval of the WFMP. After the initial year the plan is approved, prior to submitting the

Comment [CDFW38]: This addresses potential impacts to such species situated outside of the WFMP area but close enough to where timber operations could result in significant impacts or take.

24 Working Forest Harvest Notice, a review shall be conducted of the California Natural Diversity Database
25 or other public databases acceptable to the Department after consultation with the California
26 Department of Fish and Wildlife for any species in the categories listed above as threatened,
27 endangered, candidate, or rare, or species that meet the criteria of endangered or rare as provided in 14

1 ~~CCR § 15380-~~ When a Working Forest Harvest Notice is filed, and after the initial year the plan is
2 approved, it shall comply with the following:

3 (1) Information on ~~documented~~ occurrences obtained from a review of public and readily
4 available sources, and from confirmed incidental observations and through surveys, of state- or federally
5 listed threatened, candidate, and endangered species; rare plant and sensitive species; and species that
6 meet the criteria under Title 14, California Code of Regulations, Section 15380(d) of the California
7 Environmental Quality Act Guidelines of species state or federally listed as threatened, endangered,
8 candidate, or rare within the biological assessment area, and outside the area, identified in the Working
9 Forest Harvest Notice not addressed in the approved plan shall be submitted to the Director as a minor
10 deviation concurrently with the filing of a Working Forest Harvest Notice.

11
12 (2) Occurrences of State- or federally listed threatened, candidate, and endangered species; rare
13 plant and sensitive species; and species that meet the criteria under Title 14, California Code of
14 Regulations, Section 15380(d) of the California Environmental Quality Act Guidelines species that are
15 state or federally listed as threatened, endangered, candidate, or rare, discovered incidentally or
16 through surveys inside or in proximity to the area identified in the Working Forest Harvest Notice not
17 addressed in the approved plan shall be submitted to the Director as an amendment proposing a
18 substantial deviation to the plan, prior to filing a Working Forest Harvest Notice. The amendment shall
19 contain take avoidance and other mitigation measures developed in consultation with the Department and
20 the appropriate jurisdictional agency (i.e., California Department of Fish and Wildlife, United States Fish and
21 Wildlife Service, and/or National Marine Fisheries Service) if no such information is currently contained
22 within the approved plan or incidental take authorization provided by the appropriate jurisdictional
23 agency.

Comment [CDFW39]: Close enough to where timber operations within the area could impact species situated outside the area.

24
25 (h) A statement that, based on a field evaluation, there are no physical environmental changes in the
26 Working Forest Harvest Notice area that are so significant as to require any amendment of the WFMP.

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

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

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

Comment [MRD140]: Based on Department recommendation and Committee discussion in May.

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

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

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

16 (m) An updated erosion control implementation plan that ~~reflects on~~ erosion control mitigation
17 measures for the harvest area and any appurtenant roads if conditions have changed since the ~~Working~~
18 Forest Management Plan-WFMP was approved and a certification from the RPF that no additional
19 listings of water bodies to the Section 303(d) of the Clean Water Act (33 U.S.C. Sec. 1313(d)) list have
20 occurred on the lands of the plan.

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

23
24 (n) In addition, the Working Forest Harvest Notice shall include:

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

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

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

6 (o) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the following
7 information pertinent to the Working Forest Harvest Notice shall be clearly provided. Additional maps
8 may be required to show specific details, and may be planimetric. ~~Color coding maps shall not be used~~
9 ~~unless additional black and white maps are provided to clearly show the same features. Color coding~~
10 ~~shall not be used.~~ A legend shall be included indicating the meaning of the symbols used. See the district
11 rules for the appropriate minimum mapping acreages. ~~Maps shall be updated to reflect current field~~
12 ~~conditions.~~

Comment [MRD141]: Language added per Workshop discussion on May 29th, 2014.

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

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

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

19 (4) Location of public roads within the Working Forest Harvest Notice area, and private roads
20 appurtenant to the timber operations where such roads are under the ownership or control of the
21 timberland owner(s), and are contiguous with the Notice area, and ~~current~~ classification of ~~all~~ proposed
22 and existing logging roads as permanent, seasonal, or temporary roads.

Comment [MRD142]: Language added per Workshop discussion on May 29th, 2014.

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

26 (6) ~~Location of~~ Road failures on existing roads to be reconstructed.

Comment [MRD143]: Language added per Workshop discussion on May 29th, 2014.

1 (7) Location of all existing and proposed watercourse crossings on logging and tractor roads. ~~if a~~
2 ~~permanent culvert is involved, its minimum diameter shall be provided~~ For permanent culverts and
3 ~~bridges, the design, types and dimensions (e.g. minimum diameter, length, and width) shall be~~
4 ~~disclosed..~~

5 (8) Designate areas of **low, moderate**, high or extreme erosion hazard rating, if more than one
6 **(1)**.

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

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

9 (11) Location of unique areas.

10 ~~(p) The Department shall make available a copy of the California Forest Practice Regulations, or portions~~
11 ~~thereof, that apply to each filed Working Forest Harvest Notice.~~

Comment [MRD144]: Language added per Workshop discussion on May 29th, 2014.

12

13 1094.9 WFMP Professional Judgment

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

18

19 1094.10 Plan Submitter(s) Responsibility

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

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

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

25 (c) Identify an agent that represents plan submitter(s).

Comment [MRD145]: Language added per Workshop discussion on May 29th, 2014.

26 (d) Within five (5) working days of change in designated agent responsibilities, file with the Director a
27 notice which identifies a newly designated agent.

Comment [MRD146]: Language added per Workshop discussion on May 29th, 2014.

- 1 (e) Sign the WFMP certifying knowledge of the plan contents and the requirements of this section.
- 2 (f) Within five (5) working days of change in RPF responsibilities for WFMP implementation or
3 substitution of another RPF, file with the Director a notice which states the RPF's name and registration
4 number, address, and subsequent responsibilities for any RPF required field work, amendment
5 preparation, or operation supervision. ~~Corporations need not file notification because the RPF of record~~
6 ~~on each document is the responsible person.~~
- 7 (g) Provide a copy of the approved WFMP and Working Forest Harvest Notice to the LTO.
- 8 (h) Notify the Director prior to commencement of site preparation operations. Receipt of a burning
9 permit is sufficient notice.
- 10 (i) Provide the RPF preparing the Working Forest Harvest Notice and LTO each a copy of the current
11 WFMP and subsequent amendments.
- 12 (j) Any change in LTO responsibilities shall be provided to the Director in writing.
- 13 (h) Provide the RPF preparing the Working Forest Harvest Notice and LTO each a copy of a current Lake
14 or Streambed Alteration Agreement, as appropriate, pursuant to Section 1600 et seq. of the Fish and
15 Game Code that covers activities subject to this jurisdiction for activities covered under the Working
16 Forest Harvest Notice.
- 17
- 18 **1094.11 Registered Professional Forester Responsibility**
- 19 (a) Upon submission of a WFMP, the RPF who prepares and signs a plan is responsible for the accuracy
20 and completeness of its contents.
- 21 (b) The RPF preparing the plan shall: 1) Inform the Director and landowner(s) by phone or letter if he or
22 she will be attending the review inspection; and 2) Provide the landowner(s) a copy of the rules and
23 regulations of the Board in effect on the date of WFMP approval.
- 24 (c) The RPF preparing the Notice of Preparation shall list or describe in the Notice of Preparation any
25 work which will be performed by the RPF or supervised designee. This may include, but is not limited

Comment [MRD147]: Language deleted per Workshop discussion on May 29th, 2014.

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
3 and regulations of 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 and regulations regarding site preparation, stocking, and
7 maintenance of roads, landings, and erosion control facilities. [NOTE: CAL FIRE will be working with the
8 Board, Barclays 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(s) or operator(s), shall report to the owner or operator if there are
11 deviations from the WFMP that, in the RPFs judgment, threaten the attainment of the resources
12 conservation standards of the WFMP.

Comment [WU48]: 4597.13

13
14 **1094.12 Interaction Between RPF and LTO on Working Forest Harvest Notice**

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

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

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

27

1 **1094.13 Licensed Timber Operator Responsibilities**

2 Each Licensed Timber Operator shall:

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

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

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

9

10 **1094.14 Notification of Commencement of Operations**

11 For each Working Forest Harvest Notice submitted, within fifteen (15) days before, and not later than
12 the day of the start up of a timber operations, the submitter(s) of the Working Forest Harvest Notice,
13 unless the WFMP identifies another person as responsible, shall notify CAL FIRE of the start of timber
14 operations. The notification, by telephone or by mail, shall be directed to the appropriate Unit
15 Headquarters, Forest Practice Inspector, or other designated personnel.

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.~~

Comment [MRD149]: Language moved to 1094.24 per Workshop discussion on May 29th, 2014.

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:~~

Comment [MRD150]: Language moved to 1094.23 per Workshop discussion on May 29th, 2014.

- 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;

25
26 **1094.15 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 pursuant to 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 [WU51]: Language from 4597.3

15 (c) Notice of Filing may be transmitted through internet-based e-mail.

16
17 **1094.16 Agency and Public Review for the WFMP**

Comment [WU52]: May have to add language from 4597 (5)(b). To be discussed.

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

Comment [WU53]: Inserted from 4597.5

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

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

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

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

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

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

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

12 (1) The Plan number and County.

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

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

15 (4) The name of the nearest major watercourse or CAL-WatershedWATER v2.2 ID.

16 (5) The acres proposed to be harvested.

17 (6) The silvicultural systems to be used.

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

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

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

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

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

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

4 (e) The Department need only respond to:

5 (1) Comments received during the initial circulation period that relate to sections or portions of
6 the plan that were not revised and recirculated, and

7 (2) Comments received during the recirculation period that relate to the sections or portions of
8 the plan that were revised and recirculated.

9 (f) The Department shall include with the Notice of **Submissions Filing**, a Notice of Recirculation pursuant
10 to 14 CCR § 1032.9.

11
12 **1094.17 Director's Determination**

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

Comment [MRD154]: Language added per Workshop discussion on May 29th, 2014.

Comment [WU55]: 4597.6

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

16 (b) One hundred ten (110) days for a WFMP for between 5,000 and 9,999 less than 10,000 acres.

17 (c) One hundred thirty days (130) for a WFMP for between 10,000 and ~~14,999~~ 15,000 acres.

Comment [WU56]: Intent and addition of time should state 130 to 140 days. Discuss in committee.

Department Comment #25: 1094.18 (a) (1)(2)(3) should be considered a minimum period and indicated that period may be longer. Committee should review entire comment in Department letter.

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

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

Comment [MRD157]: Language added per Workshop discussion on May 29th, 2014.

Comment [SLF 2nd58]: Need to insert rule citation intended. (14 CCR 1093)

Comment [WU59]: 4597.6

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

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

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

4 | (5) After the final interagency review and public comment period has ended, the Department
5 | shall have up to **thirty (30)** working days to review the public input, to consider recommendations and
6 | mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the
7 | plan is in conformance with the applicable rules **and regulations** adopted by the Board and other
8 | applicable provisions of law.

9 | (e) If after final interagency review the Director determines that the plan is not in conformance with the
10 | rules and regulations of the Board or this **chapterarticle**, the Director shall deny and return the plan,
11 | stating the reasons for the denial and advising the person submitting the plan of the person's right to a
12 | hearing before the Board.

13 | (1) If the Director does not act within the time periods provided in paragraphs (1) through (5) in
14 | subdivision (b), the Director and the working forest landowner(s) submitting the WFMP shall negotiate
15 | and mutually agree upon a longer period for the Director to review the plan. If a longer period cannot be
16 | mutually agreed upon, the WFMP shall be deemed denied and returned to the working forest
17 | landowner(s) submitting the plan.

18 | (2) A working forest landowner(s) to whom a plan is denied pursuant to subdivision (c) or (d)
19 | may request, within **thirty (30)** working days from the receipt of the plan, a public hearing before the
20 | Board. The Board shall schedule a public hearing to review the plan to determine if the plan is in
21 | conformance with the rules and regulations of the Board and this **chapterarticle**.

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

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

Comment [WU60]: 4597.6

1 | (h) If the plan is not approved on appeal to the Board, the Director, within **ten (10)** working days of
2 | Board action, shall advise the plan submitter(s) regarding changes needed that would achieve
3 | compliance with this **chapter-article** and other applicable provisions of the law. The plan submitter(s)
4 | shall have **forty five (45)** working days from the date of the notification letter, or longer, if mutually
5 | agreeable to the Department and the plan submitter to revise the plan to bring it into full conformance
6 | with the rules and regulations of the Board and this **chapterarticle**. Upon receipt of the information
7 | requested of the plan submitter(s), the Department shall recirculate the plan and reopen the public
8 | comment period for **thirty (30)** working days. Prior to determining whether to approve the proposed
9 | revised plan, the Director shall have **thirty (30)** working days to review public input and consider
10 | recommendations and mitigation measures of other agencies, and to respond in writing to issues raised.

11

12 | **1094.18 Review Teams to be Established to Review Timber Management Plan**

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

17

18 | **1094.19 Nonconformance of WFMP**

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

24

25 | **1094.20 Conformance of WFMP**

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

4
5 **1094.21 Notice of Conformance of the WFMP**

6 Within ten (10) working days of the date a plan is found in conformance, the Director shall transmit a
7 notice thereof to the agencies and persons referred to in 14 CCR § 1094.16 and for posting at the places
8 named in 14 CCR § 1094.15. A copy of the notice shall be filed with the Secretary of Resources. The
9 notice of conformance shall include a written response of the Director to significant environmental
10 points raised during the evaluation process.

11
12 **1094.22 Public Inspection**

13 Notices of Conformance, pursuant to 14 CCR § 1094.22 and notices of approval by the Board, pursuant
14 to 14 CCR § 1054, shall be available for public inspection, and a list of such notices shall be posted on a
15 weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of
16 thirty (30) days.

17
18 **1094.23 Amendment Substantial Deviation**

19 The working forest landowner may submit a proposed amendment-substantial deviation to the
20 approved plan and shall not take any action that substantially deviates, as defined by the Board, from
21 the approved plan until the amendment-substantial deviation has been filed with the Director and the
22 Director has determined, after completion of the interagency review and public comment period, either
23 of the following:

24 (a) The amendment-substantial deviation is in compliance with the current rules and regulations of the
25 Board and the provisions of this chapter.

Comment [MRD161]: Landowner, Plan Submitter, RPF, or Agent of Plan Submitter?

Comment [WU62]: 4597.7

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

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

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

9 (c) Review timelines for substantial deviations of WFMPs shall conform to the direction provided in
10 Section 4582.7, except for amendments that add acreage covered by the original WFMP that exceeds 10
11 percent or 500 acres, whichever is greater. Amendments that add acreage in excess of 10 percent or
12 500 acres shall be reviewed pursuant to the procedures specified in Section 4597.6.

Comment [MRD163]: Department Comment #27: Subsection (c) should be under a section regarding the review process of an amendment and not under a section regarding determination of an amendment.

13 (d) The following changes are presumed to be substantial deviations because they could significantly
14 affect the conduct of timber operations and potentially could have a significant adverse effect on timber
15 productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage,
16 recreation, and aesthetic enjoyment. Such actions include, but are not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (9) Any downgrading of watercourse classification.

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

15
16 **1094.24 Report of Minor Deviations**

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

22 (b) Minor deviations may be undertaken by the person who submitted the WFMP or Working Forest
23 Harvest Notice without submission of an amendment to the plan and shall be reported immediately in
24 writing to the Director. Actions described in 14 CCR § 1094.23 which are normally presumed to be
25 substantial deviations may, in a given instance, be minor deviations. Actions listed as substantial
26 deviations in 14 CCR § 1094.23 but considered to be minor by the submitter(s), may be undertaken only
27 if the person who submitted the plan submits the proposed deviation in writing to the Director for

Comment [MRD164]: Submitters, agent, RPF?

1 review and receives approval. Approval shall be given if the Director determines that the proposed
2 minor deviation conforms to the standards provided in 14 CCR § 1094.24(a). The Director shall have five
3 (5) working days to act on the application. If the Director or the representative of the Director does not
4 act within five (5) working days of receipt of such a deviation, timber operations may commence
5 pursuant to such amendment.

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

Comment [MRD165]: Language added per Workshop discussion on May 29th, 2014.

8 **1094.25 Report of completion of work described in WFMP; Partial completion report**

Comment [MRD166]: Language added per Workshop discussion on May 29th, 2014.

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

Comment [MRD167]: This may be confusing given that the term "agent" has also been applied to the Plan Submitter(s) as well.

14 (b) If all of the work described in the plan has not been completed, a report may be filed annually with
15 respect to a portion of the area covered by the plan which has been completed. The portion completed
16 shall be adequately identified on a map submitted with the report.

17
18 **1094.26 Inspection of completed work**

Comment [MRD168]: Language added per Workshop discussion on May 29th, 2014.

19 Within six (6) months of the receipt of the work completion report specified in 14 CCR § 1094.25, the
20 Director shall determine, by inspection, whether the work described in the report has been properly
21 completed in conformity with the rules and regulations of the Board and the standards of this article. If
22 the work has been so completed, the Director shall issue a report of satisfactory completion of the work.
23 If not, the Director shall take such corrective action as he or she determines to be appropriate in
24 accordance with Article 8 (commencing with Section 4601).

25
26 **1094.27 Stocking Report and Minimum Stocking Standards**

Comment [MRD169]: Language added per Workshop discussion on May 29th, 2014.

27 Within five (5) years after the completion of timber operations or as otherwise specified in the rules, a

1 report of stocking on the entire area logged under the a Working Forest Harvest Notice and shown on a
2 revised map shall be filed with the Director by the timber owner(s) or the agent thereof. If stocking is
3 required to be met upon completion of timber operations the stocking report shall be submitted within
4 six (6) months of the completion of operations.

Comment [MRD170]: This may be confusing given that the term "agent" has also been applied to the Plan Submitter(s) as well.

5 The minimum acceptable stocking standards on logged areas which were acceptably stocked prior to
6 harvest are those specified in the Coast, Northern, and Southern Forest District rules. If not otherwise
7 specified, the following minimum standards apply:

8 (a) On Site I timberlands as defined by the Board, the average residual basal area, measured in stems
9 one inch or larger in diameter shall be at least 85 square feet per acre; or on Site II or lower shall be at
10 least 50 sq. ft. per acre; or

11 (b) The area contains an average point count of 300 per acre on Site I, II, and III lands or 150 on Site IV
12 and V lands as specified in PRC 4561.

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

15
16 **1094.28 Inspection of Stocking**

Comment [MRD171]: Language added per Workshop discussion on May 29th, 2014.

17 Within six (6) months of the receipt of the stocking report, the Director shall determine, by inspection,
18 whether the stocking has been properly completed. If so, he shall issue a report of satisfactory
19 completion of stocking. If not, he shall take such corrective action as he deems appropriate in
20 accordance with the provisions of Article 8 (commencing with Section 4601) of this chapter.

21
22 **1094.29 Five-~~(5)~~-year review of WFMP**

23 (a) The Director shall prepare a Notice of Five-year Review that shall include a statement of the purpose of
24 the five-year review, a five-year review summary of the WFMP, the assigned WFMP number and the date the
25 five-year review is to commence.

Comment [CDFW72]: This is the initial suggested change to this section to provide structure to the five-year review process. Note time frames are not provided here nor below. See next comment.

26 (b) At least X days before the date a five-year review is to commence, the Director shall
27 provide the public, in writing or on its Internet Web site, the Notice of Five-year Review.
28

1
2 (ac) For an approved WFMP, the Director shall prepare a five (5) year summary and convene a meeting
3 with the interdisciplinary review team shall be the same as those described in pursuant to 14 CCR §
4 1037.5, every five (5) years to review the plan's administrative record, information obtained pursuant to
5 14 CCR § 1094.29(b), subdivision (b), and any other information relevant to verify current conditions and
6 completed or current operation(s) that operations have been conducted in accordance with the plan
7 and applicable laws and regulations. Participation by review team agencies shall be at the discretion of
8 each agency. If at this meeting a member of the review team determines that a field inspection is
9 necessary to verify that operations have been conducted in accordance with the plan and applicable
10 laws and regulations, then a field inspection may be conducted.

Comment [MRD173]: Language added per Workshop discussion on May 29th, 2014.

Comment [WU74]: 4597.12

Comment [MRD175]: Language deleted per Workshop discussion on May 29th, 2014.

11 (bd) For the purposes of 14 CCR § 1094.29(a) subdivision (a), each five (5) year review shall allow the
12 review team to analyze information including the number of Working Forest Harvest Notices, the
13 acreage operated under each Working Forest Harvest Notice, the violations received, and the volume
14 harvested in relation to projections of harvest in the WFMP. The review team shall also analyze any
15 significant episodic events occurring during the previous five (5) years including disease and drought
16 caused tree mortality, windthrow, and wildfire and landslides. If the Department or a review team
17 agency does not have direct access to information needed for the WFMP summary, the Department
18 may require the landowner(s) to provide this information.

Comment [WU76]: The Dept shall develop a plan summary, for the purposes of subdivision a, that shall include: Discuss in committee.

19 ~~(1) The 5-year review shall include a certification by an RPF that states that, based on a field~~
20 ~~review of harvest(s) and completion(s), the WFMP and any Working Forest Harvest Notices are in~~
21 ~~compliance with WFMP~~

22 ~~(2) The 5-year review shall review the Working Forest Harvest Notices compliance with the~~
23 ~~WFMP and,~~

24 ~~(1) Only if violations are received, or the 5-year review indicates potentially significant impact to~~
25 ~~public trust resources may occur from continuance of the WFMP, or if CAL FIRE is presented with a fair~~
26 ~~argument that a project may have a significant effect on the environment, will the Department shall~~
27 ~~provide written comments that a review of the WFMP content and procedures may be necessary.~~

Comment [MRD177]: Language deleted per Workshop discussion on May 29th, 2014.

Comment [WU78]: 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.

Comment [CDFW79]: Section 4597.12 appears to provide that a five-year review is for the review team and the public to understand and verify that operations under the WFMP have been conducted in accordance with the plan and applicable laws and regulations. This seems to narrow the circumstances under which the five-year review would occur and appears inconsistent with the statute.

1 (21) The Department shall have thirty (30) working days to conduct the five (5) year review and
2 determine if the WFMP is operations under Working Forest Harvest Notice were conducted in
3 compliance with the content, objectives and procedures in the WFMP and applicable laws and
4 regulations and notify the working forest landowner(s).

5 (2) Within X working days of the five-year review commencement, an inspection of the WFMP
6 area if determined necessary by the review team shall be initiated and completed no more than Y
7 working days from the five-year review commencement. Upon completion of the inspection, the
8 Department shall have Z working days to conduct the final interagency five-year review of the plan and
9 make findings as to whether operations under the WFMP have been in accordance with the plan and
10 applicable laws and regulations. The Department shall post its findings within this period in the same
11 manner as provided under Section 1094.26(b).

12 (3) The public shall have AA working days after posting of the Department's five-year review
13 findings to provide additional information relevant to the purposes of the five-year review.

14 (4) After additional information from the public has been received within this period, the
15 Department shall have up to BB working days to review the public input, to consider recommendations
16 and information from the review team agencies and to determine whether operations under the WFMP
17 have been in accordance with the plan and applicable laws and regulations, and to post the
18 Department's final determination.

20
21 (ee) For the purpose of allowing the public to monitor a WFMP, the Department shall provide the public,
22 in writing or on its Internet Web site, notice of each five (5) year review and a copy of the plan summary.
23 The public may submit to the review team additional information relevant to the purpose of the five (5)
24 year review and the review team may consider this information when conducting its review.

25 (fd) This section does not authorize the public disclosure of proprietary information without first
26 obtaining the landowner's consent. Proprietary information shall be treated consistent with PRC 21160.

Comment [CDFW80]: Basis for 30 days?

The proposed changes here attempt to provide structure to the five-year review process. The underlying interest appears to include to inform the public of the five-year review (through some sort of notice or communication), provide the review team agencies time to review the record, coordinate on a field review (if needed), provide CalFire time to compile and prepare the results, provide the public an opportunity to review and submit additional information and provide CalFire time to review, incorporate findings and post them. The steps could include :

- 1) CalFire posts Notice of Five-year review and WFMP summary (summary actually prepared before commencement).
- 2) Field Inspection initiated after CalFire and the other review team agencies have reviewed the record and at least one of these agencies concludes inspection is warranted.
- 3) Inspection is completed .
- 4) Completion of interagency review, CalFire posts its findings.
- 5) Completion of period of public input after findings posted).
- 6) CalFire posts final determination after reviewing the combined input from review team agencies and public.

Assuming the above steps are warranted and meet legislative intent, CDFW does not see how all of the above could be completed in 30 days.

Comment [MRD181]: Language added per Workshop discussion on May 29th, 2014.

Comment [MRD182]: Language added per Workshop discussion on May 29th, 2014.

1 **1094.30 Change of Ownership Timberland Owner(s)**

2 In the event of a change of ownership of the land described in the WFMP, the working forest
3 landowner(s) shall notify the new timber landowner timberland owner(s) of the existence of the plan
4 and the need to notify the Department of the new landowner's timberland owner(s) intent regarding
5 assumption of the plan. Notification shall be in writing with a copy to the Department of the new
6 landowner's timberland owner(s) intent regarding assumption of the plan. The new landowner
7 timberland owner(s) shall have one (1) year from the date of the receipt of the notification by the
8 Department to notify the Department in writing and the designated agent of his or her intent regarding
9 assumption of the plan. If the Department does not receive notification within this period, the plan shall
10 expire one (1) year from the date the new landowner timberland owner(s) is advised by the Department
11 of the necessity to assume the plan. If the new timberland owner(s) does not assume the
12 responsibilities as plan submitter(s), then an RPF or agent pursuant to 14 CCR § 1094.10 shall submit an
13 amendment to remove that portion of the plan.

Comment [WU83]: 4597.9

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

Comment [MRD184]: Language added per Workshop discussion on May 29th, 2014.

19 **1094.31 Cancellation of Plans**

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

24 (a) In conjunction with the five-year review or under any other circumstance, if the Department
25 determines that timber operations have not been conducted in accordance with the WFMP, the
26 objectives of uneven aged management and sustained yield and of promoting forestland stewardship
27 that protects watersheds, fisheries and wildlife habitats, and other important values are not being met

Comment [WU85]: 4597.16

Comment [CDFW86]: This addition reflects the stated objectives for WFMPs in the definition.

1 | by a working forest landowner(s), or there are other persistent violations detected that are not being
2 | corrected, the Department shall cancel a previously approved WFMP and any further timber operations
3 | under the plan shall be terminated. In making a determination to cancel a plan, the Department may
4 | cite the findings of a review conducted pursuant to Section 4597.12. Cancellation of the plan may be
5 | appealed by the plan submitter(s) or landowner(s) utilizing the process prescribed in paragraph (1) of
6 | subdivision (e) of Section 4597.6.

7 |
8 | **1094.32 ~~Expansion of Plans~~ Transition or Expansion of Plans**

9 | ~~If a~~ landowner with a NTMP ~~or a WFMP with less than 2,500 acres of timberland expands his or her~~
10 | ~~total timberland ownership to 2,500 or more acres of timberland, the landowner~~ may transition into a
11 | ~~WFMP for more than 2,500 acres of timberland through an amendment to the plan. Operations may~~
12 | ~~continue under an approved NTMP for a period of one (1) year after filing an amendment to transition~~
13 | ~~the approved NTMP to a WFMP. The RPF responsible for preparation of the amendment to transition~~
14 | ~~an approved NTMP to a WFMP shall review the contents of this article including, but not limited to,~~
15 | ~~sections 1094.1 – 1094.3, 1094.6, 1094.10 -1094.12, 1094.23, 1094.24 and 1094.32 to assure that all~~
16 | ~~required information is included and addressed in the proposed amendment prior to submittal to the~~
17 | ~~Director.~~

Comment [WU87]: 4597.17

18 | ~~24 The Board shall adopt regulations that establish this amendment process.~~
19 | ~~A landowner with an existing WFMP may expand the acreage of the WFMP pursuant to the process~~
20 | ~~described in 1094.23.~~

Comment [MRD188]: Regulations need to be developed.

21 |
22 | **1094.33 Safe Harbor agreement**

23 | A participating landowner(s), in conjunction with the preparation of an application for a WFMP filed
24 | with the Department, may also seek approval of a Safe Harbor Agreement from the Department of Fish
25 | and Wildlife, pursuant to Article 3.7 (commencing with Section 2089.2) of Chapter 1.5 of Division 3 of
26 | the Fish and Game Code. All review costs associated with the Safe Harbor Agreement approval process

Comment [WU89]: 4597.18

1 incurred by the Department of Fish and Wildlife pursuant to this section shall be paid from the fund
2 created in Section 4629.3.

3

4 **1094.34 State Restoration Projects** Notwithstanding any other law, if a person with a WFMP applies for
5 state restoration grant funding for a restoration project that has a significant public benefit, the
6 application shall not be summarily denied on the basis that the project is a required condition of the
7 harvesting plan.

8

9 **1094.35 Southern Subdistrict**

10 This WFMP shall not apply to the Southern Subdistrict of the Coast Forest District, as defined in Section
11 14 CCR § 895.1.

12

Comment [WU90]: Deleted NTMP from 4597.19. Will have to eventually amend NTMP language to include this provision.