

1 **Potential Revisions to 14 CCR § 1094 (Working Forest Management Plan)**

2 **Pursuant to SB 901**

3 **January 23, 2019**

4 **§ 1094 Rule Application.**

5 Where the abbreviation THP, the term Timber Harvesting Plan, or the word Plan is used in Chapter 4,
6 Subchapters 1 through 6 and Chapter 4.5 it shall also mean Working Forest Management Plan as
7 specified in PRC § 4597 et seq. In Subchapter 7 this equivalency will occur for all sections except
8 1032.7 through 1042 that are not referenced in this Article, or as otherwise specified. Working Forest
9 Landowners shall comply with all applicable regulatory requirements of the State Water Resources
10 Control Board and the appropriate [Regional Water Quality Control Board RWQCB](#).

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12 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference:
13 Section 4597, Public Resources Code.

14
15 **§ 1094.2. Definitions.**

16 The following definitions apply to this article:

- 17 (a) "Designated Agent" means a person granted sole authority, through written certification of all the
18 Working Forest Landowner(s) designated in a submitted or approved WFMP, to conduct those activities
19 specifically assigned to a Designated Agent by Board Rules.
- 20 (b) "Late Succession Forest Stands", pursuant to PRC § 4597.2(g)(3), means stands of dominant and
21 predominant trees that meet the criteria of the California Wildlife Habitat Relationships System class 5D,
22 5M, or 6 with an open, moderate, or dense canopy closure classification, often with multiple canopy
23 layers, and are at least ten (10) acres in size. Functional characteristics of late succession forest stands
24 include large decadent trees, snags, and large down logs.

1 (c) "Long Term Sustained Yield (LTSY)", pursuant to PRC § 4597.1(a), means the average annual
2 growth sustainable by the inventory predicted at the end of a 100-year planning horizon, or a shorter
3 planning horizon if the forest encompassed by the WFMP has reached a balance between growth and
4 yield.

5 (d) "Major Stand Type", pursuant to PRC § 4597.1(b), means a stand that occupies an area equal to or
6 greater than 25 percent of a WFMP.

7 (e) "Management Unit", pursuant to PRC § 4597.1(c), means a geographically identifiable area
8 delineated for silviculture or management purposes. A Management Unit is intended to reflect an area
9 scheduled for harvest under the Plan in any given year, but may also be designated to address specific
10 resource sensitivities.

11 (f) "Stand", pursuant to PRC § 4597.1(d), means a geographically identifiable group of trees sufficiently
12 uniform in age-class distribution, composition, and structure and growing on a site of sufficiently uniform
13 quality to be a distinguishable unit.

14 (g) "Strata", pursuant to PRC § 4597.1(e), means a grouping of similar Stands defined for silvicultural or
15 management purposes, usually according to similarities in stand composition, structure, and age.

16 (h) "Sustained Yield", pursuant to PRC § 4597.1(f), means the yield of commercial wood that an area of
17 commercial timberland can produce continuously at a given intensity of management consistent with
18 required environmental protection and that is professionally planned to achieve over time a balance
19 between growth and removal. Sustained Yield management implies continuous production planned so
20 as to achieve, at the earliest practical time, a balance between growth and harvest.

21 (i) "Uneven aged Management", pursuant to PRC § 4597.1(g), means forest management with the goal
22 of establishing a well-stocked stand of various age classes, which permits the periodic harvest of
23 individual or small groups of trees to achieve Sustained Yield objectives of the WFMP, and provide for
24 regeneration of trees and maintenance of age class structure.

1 (j) "Working Forest Harvest Notice", pursuant to PRC § 4597.1(h), means notice of timber harvest
2 operations, pursuant to an approved WFMP, which meets the requirements of PRC § 4597.11 and 14
3 CCR § 1094.8.

4 (k) "Working Forest Landowner", pursuant to PRC § 4597.1(i), means an owner of timberland with less
5 ~~than 45,000~~ 10,000 or fewer acres of timberland who has an approved WFMP and is not primarily
6 engaged in the manufacture of forest products.

7 (l) "Working Forest Management Plan (WFMP)", pursuant to PRC § 4597.1(j), means a management plan
8 for Working Forest Timberlands, with objectives of maintaining, restoring, or creating Uneven aged
9 Managed timber stand conditions, achieving Sustained Yield, and promoting forestland stewardship that
10 protects watersheds, fisheries and wildlife habitats, and other important values. Other important values
11 include maintained forest ecosystem processes and services. A Working Forest Management Plan may
12 include multiple Working Forest Landowners, but shall cover no more than 10,000 acres of timberland.
13 The Harvest Area of a Working Forest Management Plan must be contained within a single CALWATER
14 2.2 hydrologic area.

15 (m) "Working Forest Timberlands", pursuant to PRC § 4597.1(k), means timberlands owned by a
16 Working Forest Landowner(s).

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18 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference:
19 Sections 4597.1 and 4597.2, Public Resources Code.

20
21 **§ 1094.6. Contents of WFMP.**

22 The WFMP shall serve three functions: 1) to provide information the Director needs to determine
23 whether the proposed WFMP conforms to the Board Rules; 2) to provide information and direction for
24 timber management so it complies with the Board Rules and the management objectives of the
25

1 landowner(s); and 3) to disclose the potential effects of timber management to the public. For the WFMP
2 to serve these functions, it shall, at a minimum, contain the following information:

3 (a) Name, address and telephone number of the timberland owner(s).

4 (b) Name, address and telephone number of the Designated Agent if known at the time of WFMP
5 submission.

6 (c) Name, address, and telephone number of the timber owner(s) (if different than the timberland
7 owners).

8 (d) Name, address, telephone number, and registration number of RPF who prepared the Plan.

9 (e) A United States Geological Survey quadrangle map or equivalent, of a scale not less than 2" per
10 mile. Additional maps may be required to show specific details, and may be planimetric. Color coding on
11 maps may be used if they are able to be reproduced in black and white and clearly show all details. A
12 legend shall be included indicating the meaning of the symbols used. See the District Rules for the
13 appropriate minimum mapping acreages. The map shall include:

14 (1) Boundaries of WFMP Management Unit(s). Boundaries of Management Units shall not exceed a
15 single ownership which may include, but is not limited to, entities comprised as a single ownership of
16 divided interest, natural-persons with undivided interests, or a legally established artificial-person (such
17 as limited liability companies, corporations, partnerships, or trusts).

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

19 (3) Boundaries of areas sample marked for each prescribed silvicultural method to be applied.

20 (4) Location of all roads to be used for, or potentially impacted by, timber operations. This shall include:

21 (A) The classification of all roads as permanent, seasonal, temporary, or deactivated.

22 (B) Roads and landings located in Watercourses, Lakes, WLPZs, Wet Meadows, or Other Wet Areas,
23 other than at road watercourse crossings.

24 (C) Roads that provide access to rock pits and water drafting sites, and the location of water drafting
25 sites.

- 1 (D) Public roads within one-quarter (1/4) mile of the harvest area.
- 2 (E) The location of significant existing and potential erosion sites on all roads and landings pursuant to
3 14 CCR § 923.1(e).
- 4 (5) Location of proposed and existing landings outside the WLPZ that are greater than 1/4 acre in size or
5 whose construction involves substantial excavation.
- 6 (6) Location of area(s) of low, moderate, high or extreme erosion hazard ratings.
- 7 (7) Location of all Lakes and Watercourses with Class I, II, III, or IV waters.
- 8 (8) Location of known unstable areas or slides.
- 9 (9) Location of understocked areas and other areas not normally bearing timber to at least a 20-acre
10 minimum, or as specified in the District Rules.
- 11 (10) Location of boundaries of timber-site classes needed for determination of stocking standards to be
12 applied.
- 13 (11) The locations of logging roads and landings to be abandoned or deactivated.
- 14 (12) A soils map where available.
- 15 (13) Late Successional Forest Stands or Strata
- 16 (14) Location of unique areas including Coastal Commission Special Treatment Areas or other special
17 treatment areas and known locations of state or federally listed threatened, candidate, and endangered
18 species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria
19 under 14 CCR § 15380(d).
- 20 (15) The location of all new permanent constructed and reconstructed and temporary logging road
21 watercourse crossings, including those crossings to be abandoned or deactivated.
- 22 (16) For all constructed and reconstructed logging roads and landings:
- 23 (A) Location of logging road grades greater than 15 percent for over 200 continuous feet or logging road
24 grades exceeding 20 percent.
- 25 (B) Locations of logging road failures on existing logging roads to be reconstructed.

- 1 (C) Location of logging roads across and landings on unstable areas or connected headwall swales.
- 2 (D) Location of excess material disposal sites on slopes greater than 40 percent or on active unstable
3 areas.
- 4 (E) Location of logging roads and landings across slopes greater than 65 percent for 100 lineal feet or
5 more.
- 6 (F) Location of logging roads and landings across slopes greater than 50 percent for 100 lineal feet or
7 more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake.
- 8 (17) Location of main ridge tops on the logging area suitable for fire suppression efforts that will require
9 the felling of snags.
- 10 (18) Location of any in lieu use of heavy equipment and location of tractor roads in watercourses, lakes,
11 WLPZs, marshes, wet meadows, and other wet areas, except where the WFMP has a standard
12 operating practice(s) pursuant to 14 CCR § 1094.6 (jj).
- 13 (f) A description of the Plan area within which timber operations are to be conducted, except as
14 otherwise specified. The description shall include the following:
- 15 (1) Township, range, and section number(s) and approximate Plan acreage,
- 16 (2) County name(s),
- 17 (3) CALWATER v2.2 [Planning Watershed-planning watershed](#) number(s) and hydrologic area number,
- 18 (4) The forest district and subdistrict (if any) in which the WFMP is located.
- 19 (5) A description of present and proposed Plan area uses other than timber production.
- 20 (g) A description by the RPF of the inventory design and standards which, at a minimum, shall include:
- 21 (1) The baseline conditions found on the WFMP and the future conditions and planning horizon
22 associated with the estimate of LTSY.
- 23 (2) A description of the design of inventory plots or strips, cruise lines and reference points between
24 plots or strips, that are sufficient to facilitate initial review of the WFMP.
- 25

- 1 (3) The type of projections or models used for projecting growth and yield appropriate for stand
2 conditions and estimated period of time to achieve LTSY.
- 3 (h) A description of the inventory design and timber stand stratification criteria that demonstrates that the
4 inventory supporting the growth and yield calculations used to determine LTSY by volume for the
5 WFMPs meets the following minimum standards:
- 6 (1) For Major Stand Type(s) or Strata, the inventory estimate shall be within fifteen (15) percent of the
7 mean at one (1) standard error.
- 8 (2) For Stand(s) or Strata that make up greater than ten (10) percent and less than twenty five (25)
9 percent of the WFMP area, the estimate shall be no greater than twenty five (25) percent of the mean at
10 one (1) standard error.
- 11 (3) Inventory estimates and growth and yield shall be projected for the purposes of determining LTSY
12 and volumes available for harvest by Stand or Strata and aggregated for the area covered by the WFMP
13 to develop the LTSY estimate. LTSY estimates shall reasonably reflect constraints applicable to the
14 Working Forest Timberlands on forest management activities. Reasonable constraints shall include
15 biologic and economic factors, while accounting for limits on productivity due to constraints imposed
16 from consideration of other forest values, including but not limited to, recreation, watershed, wildlife,
17 range and forage, fisheries, regional economic activity, employment and aesthetic enjoyment.
- 18 (i) A description of the property and planned activities including:
- 19 (1) Acres of Stands, Strata and Major Stand Types.
- 20 (2) Projected growth.
- 21 (3) Existing stand types.
- 22 (4) Major Stand Types or Strata.
- 23 (5) Current projected growth by Strata.
- 24 (6) Silvicultural method(s) to be applied to Strata to achieve LTSY.
- 25 (7) Existing and projected timber volumes and tree sizes to be available for harvest.

1 (8) Projected frequencies of harvest.

2 (9) Silvicultural method(s) to be applied during the initial harvest(s) and projected future harvest(s), and
3 method(s) used in the projected growth and yield to achieve LTSY.

4 ~~(j) An erosion control implementation plan with information as required by 14 CCR § 923.1(e). This~~
5 ~~subdivision shall not apply to the extent that the RPF provides documentation to the Department that the~~
6 ~~WFMP is in compliance with similar requirements of other applicable provisions of law. All necessary~~
7 ~~information to demonstrate compliance with Article 12 (commencing with Section 923) of Subchapter 4~~
8 ~~of, Article 11 (commencing with Section 943) of Subchapter 5 of, and Article 12 (commencing with~~
9 ~~Section 963) of Subchapter 6 of, Division 1.5 of Title 14 of the California Code of Regulations, as~~
10 ~~applicable.~~

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

12 (l) A description of Late Succession Forest Stands, including their biological legacies and hardwoods, in
13 the Plan area, their acreage, composition, structure, and how the total acreage of this type of habitat will
14 be maintained across the Plan area under a constraint of no net loss. Nothing in this requirement shall
15 be interpreted to preclude active management on any given acre of an approved Plan if the
16 management is conducted in a manner that maintains or enhances the overall acreage of Late
17 Succession Forest Stands that existed in the Plan area upon initial Plan approval. An exception to the no
18 net loss constraint may be granted in the event of a catastrophic loss due to emergency factors such as
19 wildfire, insect, and disease activity. The description shall include the following:

20 (1) Retention measures for existing biological legacies such as snags, trees with cavities or basal
21 hollows, and down logs, and address how legacies shall be managed over time as appropriate with the
22 forest type, climate, and timberland owner's forest fire fuels and wildlife management objectives.

23 (2) Hardwood tree species and how they will be managed over time.

24 (m) Disclosure of:
25

1 (1) State or federally listed threatened, candidate, endangered, or rare plant or animal species known
2 locations within the biological assessment area and the WFMP, their status and habitats, take avoidance
3 methodologies, enforceable protection measures for species within or adjacent to the WFMP and
4 habitats within the WFMP area, and how forest management will maintain species and habitats over
5 time;

6 (2) Any known locations of plant or animal species pursuant to 14 CCR § 15380(d) within the biological
7 assessment area and the WFMP;

8 (3) Information on the presence and known locations of individual Sensitive Species pursuant to 14 CCR
9 § 895.1 adjacent to or within the WFMP or their key habitats within the WFMP.

10 (n) A description of the following for each Management Unit shall contain:

11 (1) Acres by Stand or Strata and estimated growth and yield for each planned harvest entry covering the
12 period of time the LTSY plan establishes as necessary to meet growth and yield objectives. The growth
13 and yield estimates may be based on weighted average of yield for the Major Stand Type(s) or Strata
14 within the area included in the Management Unit and shall include:

15 (A) Existing and Projected timber volumes and tree sizes to be available for harvest.

16 (B) Existing stocking levels, including but not limited to, average conifer and hardwood basal area
17 density and average conifer and hardwood trees per acre.

18 (C) Potential pest and protection problems.

19 (2) Management Unit history.

20 (3) Yarding methods to be used.

21 (o) For LTSY projections that project a reduction, over 100-year planning horizon or shorter planning
22 horizon until growth and yield are balanced, in quadratic mean diameter of trees greater than 12 inches
23 in diameter or a reduced level of inventory for a Major Stand Type or for a Stand or Strata that make up
24 greater than 10 percent and less than 25 percent of the WFMP area, an assessment shall be included
25 that does all of the following:

- 1 (1) Addresses state or federally listed threatened, candidate, and endangered species; rare plants;
2 Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR §
3 15380(d), that timber operations could adversely impact by potential changes to habitat.
- 4 (2) Addresses species habitat needs utilizing the "WHR system" described in "A Guide to Wildlife
5 Habitats in California," California Department of Fish and Wildlife, 1988, herein incorporated by
6 reference, or comparable typing system approved by the Director after consultation with the California
7 Department of Fish and Wildlife.
- 8 (3) Addresses constraints to timber management, the impact of the availability and distribution of
9 habitats on the ownership and within the cumulative impacts assessment area identified in the Plan in
10 relation to the harvest schedule, and the impacts of the planned management activities utilizing the
11 existing habitat as the baseline for comparison.
- 12 (4) Discusses and includes feasible measures planned to avoid or mitigate potentially significant adverse
13 impacts on fish or wildlife, which can include, but is not limited to, recruitment or retention of large down
14 logs greater than 16 inches in diameter and 20 feet in length, retention of trees with structural features
15 such as basal hollows, cavities, large limbs, or broken tops, retention of hardwoods, and retention or
16 recruitment of snags greater than 24 inches in diameter and 16 feet in height.
- 17 (p) A certification by the RPF preparing the Plan that the RPF or the RPF's Supervised Designee has
18 personally inspected the Plan area and has clearly explained to the timberland owner(s) that the Plan is
19 a long-term commitment that may require ongoing investments, including inventory sampling and logging
20 road maintenance, for the purpose of managing the Plan.
- 21 (q) The WFMP shall describe a future schedule of inventory sampling and analysis of LTSY, which shall
22 consider:
- 23 (1) Site class, projected growth and yield and harvest(s).
24 (2) Original projections or model calibration and accuracy.
- 25

- 1 (3) Episodic events including disease and drought caused tree mortality, windthrow, fire and
2 reforestation.
- 3 (r) A description of any cultural or historical resources known to exist with a description of possible
4 impacts and protection methods to be used during timber operations.
- 5 (s) Whether a timberland conversion certificate is in effect, its date of expiration, and its identification
6 number.
- 7 (t) Whether a timber harvesting plan is on file with the Department for any part of the Plan area and if a
8 Report of Satisfactory Stocking has been issued by the Department (show Plan number).
- 9 (u) A description of potential impacts to, and protections for, the quality and beneficial uses of water.
- 10 (v) A description of how the site preparation standards and stocking standards of the selected
11 silvicultural method, or that level of stocking above the minimum that will achieve long term sustained
12 yield (LTSY), will be met.
- 13 (w) A description of slash treatment for site preparation, fire protection and pest protection consideration.
- 14 (x) A description of the cumulative impacts analysis with supporting information, including impact(s) of
15 projected timber operations over the life of the Plan.
- 16 (y) The Department shall make available a copy of the California Forest Practice Rules in effect at the
17 time of WFMP approval.
- 18 (z) Explanation and justification for, and specific measures to be used for, tractor operations on unstable
19 areas, on slopes over 65%, and in areas where slopes average over 50% where the EHR is high or
20 extreme.
- 21 (aa) Explanation and justification for tractor operations in areas designated for cable yarding.
- 22 (bb) Winter period operating plan where appropriate.
- 23 (cc) Explanation and justification for use of landings, logging roads and skid trails in the protection zones
24 of Watercourses, Lakes, Wet Meadows, or Other Wet Areas.
- 25

1 (dd) Explanation and justification of any in-lieu or alternative practices for Watercourse and Lake
2 protection.

3 (ee) Explanation of alternatives to standard Rules for harvesting and erosion control.

4 (ff) Explanation and justification for landings that exceed the maximum size specified in the Rules.

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

7 (hh) A description of the existing and proposed road system to be used in implementation of the WFMP,
8 including the diameter of any permanent culverts on Class I, II, or III Watercourses and the methods
9 used to determine the diameter.

10 (ii) A description of Lakes, Wet Meadows and Other Wet Areas.

11 (jj) A RPF may propose, and the Director may approve, a standard operating practice(s) that could be
12 utilized in site-specific locations during future operations under an approved WFMP. Standard operating
13 practices are limited to contents pursuant to 14 CCR §§ 1094.6(z) and 1094.6(cc).

14 (1) A representative sample of each type of proposed standard operating practice(s) shall be flagged in
15 the field by the RPF, or Supervised Designee, and available for field review by the interdisciplinary
16 review team.

17 (2) For locations where the prescribed standard operating practice(s) will not adequately address the site
18 specific conditions, the RPF, through consultation with the multi-disciplinary review team, may develop
19 alternative mitigations that shall be incorporated into the WFMP through a deviation prior to submittal of
20 a Working Forest Harvest Notice for the area in which the developed mitigation measure(s) applies and
21 is located.

22 (kk) Proprietary information shall be treated consistent with PRC § 21160 and GOV § 6254.7.

23
24 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference:
25 Sections 4562.5, 4562.7, 4597.2 and 21000(g), Public Resources Code.

1 **§ 1094.8. Working Forest Harvest Notice Content.**

2 The Working Forest Harvest Notice shall be a public record. The Department shall post the Working
3 Forest Harvest Notice on the Department's Internet Website. All necessary deviations shall be approved
4 by the Director, pursuant to 14 CCR §§ 1094.23 and 1094.24, prior to submission of a Working Forest
5 Harvest Notice. The Working Forest Harvest Notice shall include all of the following information:

6 (a) Name, address, and telephone number of the Working Forest Landowner(s).

7 (b) Name, address, and telephone number of the Designated Agent.

8 (c) Name, address, and telephone number of the timber owner(s) (if different from Working Forest
9 Landowner(s)).

10 (d) Name, address, telephone number and license number of the licensed timber operator(s) conducting
11 operations pursuant to the Working Forest Harvest Notice, and the person responsible for on the ground
12 supervision of timber operations (if different from the licensed timber operator(s)).

13 (e) Name, address, telephone number and registration number of the RPF preparing the Working Forest
14 Harvest Notice and the name, address, and registration number of the RPF responsible pursuant to 14
15 CCR § 1094.11 if different.

16 (f) A legal description of the land, including acreage, on which the work is proposed to be done including
17 the identification number of the WFMP.

18 (g) A statement that no archaeological sites have been discovered in the harvest area since the approval
19 of the WFMP or approved deviations.

20 (h) A statement that state or federally listed threatened, candidate, and endangered species; rare plants;
21 Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR §
22 15380(d), have not been discovered, or are not publicly disclosed in writing, within or adjacent to the
23 logging area, since the approval of the WFMP, unless the approved WFMP is amended pursuant to
24 either 14 CCR § 1094.23 or 14 CCR § 1094.24, consistent with 14 CCR § 1094.8(h)(2). After the initial
25 year the Plan is approved, prior to submitting the Working Forest Harvest Notice, a review shall be

1 conducted of the California Natural Diversity Database or another public database approved by the
2 Director after consultation with the Department of Fish and Wildlife for any species listed as state or
3 federally listed threatened, candidate, and endangered species; rare plants; Sensitive Species pursuant
4 to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d). When a Working
5 Forest Harvest Notice is filed after the initial year the Plan is approved, it shall comply with the following:

6 (1) Documented occurrences obtained from a review of public and readily available sources of species
7 that are state or federally listed threatened, candidate, and endangered species; rare plants; Sensitive
8 Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR § 15380(d) within
9 the biological assessment area, and outside the area of timber operations, identified in the Working
10 Forest Harvest Notice, and not addressed in the approved Plan shall be submitted to the Director as a
11 minor deviation concurrently with the filing of a Working Forest Harvest Notice.

12 (2) Documented occurrences of species that are state or federally listed threatened, candidate, and
13 endangered species; rare plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet
14 the criteria under 14 CCR § 15380(d) and discovered within the area of timber operations, identified in
15 the Working Forest Harvest Notice, and not addressed in the approved Plan shall be submitted to the
16 Director as a deviation to the WFMP, prior to filing a Working Forest Harvest Notice. The deviation shall
17 contain take avoidance and other mitigation measures developed in consultation with the Department
18 and the appropriate listing agency(s), if no such information is currently contained within the approved
19 Plan or incidental take authorization is provided by the appropriate listing agency(s).

20 (i) A statement that, based on a field evaluation, there are no physical environmental changes in the
21 Working Forest Harvest Notice area that are so significant as to require any deviation of the WFMP.

22 (j) A certification by the RPF that states either of the following:

23 (1) The Working Forest Harvest Notice as carried out will protect the beneficial uses of water, including
24 domestic water supplies, soil stability, forest productivity, and wildlife as provided by the Board Rules
25 and other applicable provisions of law.

1 (2) Compliance with the Board Rules and the provisions of the FPA that were in effect at the time the
2 WFMP was approved will not result in any significant degradation to the beneficial uses of water,
3 including domestic water supplies, soil stability, forest productivity, or wildlife and shall protect all listed
4 species. This paragraph shall only apply if the RPF certifies that adherence to the current or modified
5 Board Rules would cause unreasonable additional expense, pursuant to PRC § 4583, to the Working
6 Forest Landowner(s).

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

8 (l) The expected dates of commencement and completion of timber operations during the year.

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

12 (n) ~~An update erosion control implementation plan that reflects erosion control mitigation measures for the~~
13 ~~harvest area and any appurtenant roads if conditions have changed since the WFMP was approved on~~
14 ~~erosion control mitigation measures for the Harvest Area and any Appurtenant Roads if conditions have~~
15 ~~changed since the Working Forest Management Plan was approved. The updated erosion control~~
16 ~~mitigation measures shall comply with Article 12 (commencing with Section 923) of Subchapter 4 of,~~
17 ~~Article 11 (commencing with Section 943) of Subchapter 5 of, and Article 12 (commencing with Section~~
18 ~~963) of Subchapter 6 of, Division 1.5 of Title 14 of the California Code of Regulations, and a certification~~
19 ~~from the RPF that no additional listings of water bodies to Section 303(d) of the Clean Water Act (33~~
20 ~~U.S.C. Sec. 1313(d)) list have occurred on the lands of the Plan. Additionally, the updated Erosion~~
21 ~~Control Implementation Plan for information within~~ the Working Forest Harvest Notice shall include
22 disclosure of erosion sites from skid trails, skid trail crossings, or any other structures or sites that have
23 the potential to discharge sediment attributable to timber operations into waters of the state resulting in
24 significant sediment discharge and violation of water quality requirements. ~~The updated erosion control~~
25

Commented [DM1]: This DRAFT regulatory text represents "Option 1" that was selected by the Joint Committee (January 22, 2019) and offered for Board Consideration.

1 ~~implementation plan shall also include a schedule to implement erosion controls that prioritizes these~~
2 ~~significant existing erosion site(s).~~

3 (o) The type of equipment to be used for yarding or logging road construction.

4 (p) Instructions on felling, yarding, logging road construction or reconstructions, hauling, erosion control
5 work, site preparation, erosion control maintenance, winter operations, watercourse protection
6 measures, slash treatment and logging road maintenance.

7 (q) A verification that the LTO has been briefed by the RPF on the content of the Working Forest Harvest
8 Notice and intentions of implementation to comply with the Plan.

9 (r) The minimum diameter of permanent culverts proposed for installation.

10 (s) A description of Lakes, Wet Meadows and Other Wet Areas.

11 (t) Description of the standard operating practice(s) to be implemented within the area covered under the
12 Working Forest Harvest Notice.

13 (u) On a USGS quadrangle or equivalent map, of a scale not less than 2" to the mile, the following
14 information pertinent to the Working Forest Harvest Notice shall be clearly provided. Additional maps
15 may be required to show specific details, and may be planimetric. Color coding on maps may be used if
16 they are able to be reproduced in black and white maps and clearly show all details. A legend shall be
17 included indicating the meaning of the symbols used. See the District Rules for the appropriate minimum
18 mapping acreages. Maps shall be updated to reflect current field conditions.

19 (1) Boundaries of area(s) where timber operations are to occur under the Working Forest Harvest
20 Notice.

21 (2) Boundaries of area(s) for specified regeneration methods, intermediate treatments, special
22 harvesting methods, and alternative prescriptions that are to be applied.

23 (3) Boundaries of area(s) for specified yarding (logging) systems, if more than one (1) system is to be
24 used.

25 (4) Location of all roads to be used for, or potentially impacted by, timber operations. This shall include:

- 1 (A) The classification of all roads as permanent, seasonal, temporary, or deactivated.
- 2 (B) Roads and landings located in Watercourses, Lakes, WLPZs, Wet Meadows, or Other Wet Areas,
3 other than at road watercourse crossings.
- 4 (C) Roads that provide access to rock pits and water drafting sites, and the location of water drafting
5 sites.
- 6 (D) Public roads within one-quarter (1/4) mile of the harvest area.
- 7 (E) The location of significant existing and potential erosion sites on all roads and landings pursuant to
8 14 CCR § 923.1(e).
- 9 (5) Location of proposed and existing landings outside the WLPZ that are greater than 1/4 acre in size or
10 whose construction involves substantial excavation.
- 11 (6) Location of logging road failures on existing logging roads to be reconstructed.
- 12 (7) Location of all new permanent constructed and reconstructed, and temporary logging road
13 watercourse crossings, including those crossings to be abandoned or deactivated.
- 14 (8) Designate areas of low, moderate, high or extreme erosion hazard rating, if more than one (1) exists.
- 15 (9) Location of Lakes and Watercourse(s) with Class I, II, III or IV waters; and Wet Meadows and Other
16 Wet Areas including when operations are proposed pursuant to 14 CCR § 916.3(c).
- 17 (10) Location of known unstable areas or slides.
- 18 (11) Location of unique areas.
- 19 (12) Location(s) of standard operating practice(s) to be implemented within the area covered under the
20 Working Forest Harvest Notice.
- 21 (13) The locations of logging roads and landings to be abandoned or deactivated.
- 22 (14) For all constructed and reconstructed logging roads and landings, the location of excess material
23 disposal sites on slopes greater than 40 percent or on active unstable areas.
- 24 (15) Location of all tractor road watercourse crossings of classified watercourses except temporary
25 crossings of Class III watercourses without flowing water during timber operations at that crossing.

1 (16) Location for which heavy equipment use is proposed on unstable areas, or on areas for which
2 tractor use is proposed beyond the limitations of the standard Forest Practice Rules.

3 (v) The Department shall make available a copy of the California Forest Practice Rules, or portions
4 thereof, that apply to each filed Working Forest Harvest Notice.

5 (w) Proprietary information shall be treated consistent with PRC § 21160 and GOV § 6254.7.

6 (x) A certification from the RPF that no additional listings of water bodies to Section 303(d) of the Clean
7 Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on the lands of the WFMP since approval of the
8 WFMP.

9
10 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference:
11 Section 4597.11, Public Resources Code.

12
13 **§ 1094.17. Director's Determination.**

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

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

17 (2) One hundred ten (110) days for a WFMP for between 5,000 and less than 10,000 acres.

18 ~~(3) One hundred thirty days (130) for a WFMP for between 10,000 and 15,000 acres.~~

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

20 (1) Within thirty (30) working days of the receipt of a WFMP, or within forty (40) working days of the
21 receipt of a Plan to which a Road Management Plan pursuant to 14 CCR § 1093 is appended, the
22 Department shall determine if the Plan is accurate, complete, and in proper order, and if so, the Plan
23 shall be filed. An unfiled Plan shall be returned to the plan submitter(s) with an explanation that includes
24 provisions for resubmitting the Plan.

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

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

5 (4) The public comment period shall end twenty (20) working days after the completion of the final
6 interagency review of the Plan or until the requirement in subsection (a) is met, whichever is greater.

7 (5) After the final interagency review and public comment period has ended, the Department shall have
8 up to thirty (30) working days to review the public input, to consider recommendations and mitigation
9 measures of other agencies, to respond in writing to the issues raised, and to determine if the Plan is in
10 conformance with the applicable Board Rules and other applicable provisions of law.

11 (c) If after final interagency review the Director determines that the Plan is not in conformance with the
12 Board Rules or the FPA, the Director shall deny and return the Plan, stating the reasons for the denial
13 and advising the plan submitter of the person's right to a hearing before the Board pursuant to 14 CCR §
14 1054.

15 (d) If the Director does not act within the time periods provided in 14 CCR § 1094.17(b), the Director and
16 the timberland owner(s) submitting the WFMP shall negotiate and mutually agree upon a longer period
17 for the Director to review the Plan. If a longer period cannot be mutually agreed upon, the WFMP shall
18 be deemed denied and returned to the timberland owner(s) submitting the Plan.

19 (e) The following provisions apply to the appeal of a denied WFMP:

20 (1) A timberland owner(s) whose Plan is denied pursuant to 14 CCR §§ 1094.17(c) or 1094.17(d) may
21 request, within thirty (30) working days from the receipt of the Plan, a public hearing before the Board.
22 The Board shall schedule a public hearing to review the Plan to determine if the Plan is in conformance
23 with the Board Rules and the FPA.

24 (2) Board action shall take place within thirty (30) working days from the filing of the appeal, or a longer
25 period mutually agreed upon by the Board and the person filing the appeal.

1 (3) If the Director's decision to deny the Plan is overturned by the Board, the Board shall prepare findings
2 and its rationale for overturning the decision, and return the Plan to the Department for approval by the
3 Director.

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

14
15 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference:
16 Section 4597.6, Public Resources Code.

17
18 **§ 1094.23. Substantial Deviations.**

19 (a) The Designated Agent may submit a proposed deviation, as prepared by the RPF, to the approved
20 Plan. No action shall occur that substantially deviates, as defined by the Board, from the approved Plan
21 until the substantial deviation has been approved by the Director. The Director shall determine, after
22 completion of the interagency review and public comment period, either of the following:

23 (1) The substantial deviation is in compliance with the current Board Rules and provisions in the FPA.
24
25

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

4 (A) The adherence to new or modified Board Rules would cause unreasonable additional expense,
5 pursuant to PRC § 4583, to the Working Forest Landowner(s).

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

9 (b) Review timelines for substantial deviations of WFMPs shall conform to the direction provided in PRC
10 § 4582.7, except for substantial deviations that add acreage covered by the original WFMP that exceeds
11 ten (10) percent or five hundred (500) acres, whichever is greater. Substantial deviations that add
12 acreage in excess of ten (10) percent or five hundred (500) acres shall be reviewed pursuant to the
13 procedures specified in PRC § 4597.6.

14 (c) Changes are presumed to be substantial deviations if they could have a significant effect on the
15 conduct of timber operations and potentially could have a significant adverse effect on timber
16 productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage,
17 recreation, and aesthetic enjoyment. Such actions may include, but are not limited to:

- 18 (1) Change in location of timber harvesting operations within the WFMP area.
- 19 (2) Enlargement of the WFMP area.
- 20 (3) An increase in volume to be harvested exceeding ten (10) percent as projected by the LTSY.
- 21 (4) Change in the silvicultural method and cutting system on any portion of the Plan area.
- 22 (5) Change in type or location of logging (yarding) system or basic type of equipment.
- 23 (6) Change in location, nature or increase in length of proposed logging roads incorporating one or more
24 of the following criteria:
25

- 1 (A) Any logging road in a Watercourse or Lake Protection Zone or where sidecast will extend into the
2 Watercourse or Lake Protection Zone.
- 3 (B) Any logging road located in an extreme Erosion Hazard Rating area.
- 4 (C) Any logging road where the average side slope exceeds fifty (50)%.
- 5 (D) Any logging road where unstable areas, active soil movement, or slide areas must be traversed.
- 6 (E) Any increase in gradient allowed by the District Rules as an exception and not provided for in the
7 original Plan.
- 8 (7) Any road extension of more than six hundred (600) ft. (182.9m).
- 9 (8) Any use of existing roads not shown in the original Plan when reconstruction work to allow for vehicle
10 travel will be substantial. Substantial work on an existing road means more than minor repair and
11 dressing of the travel surface and removal of vegetation to allow for vehicle passage.
- 12 (9) Use of any logging roads not shown in the Plan which would affect the key habitat, not previously
13 discussed in the Plan, of: state or federally listed threatened, candidate, and endangered species; rare
14 plants; Sensitive Species pursuant to 14 CCR § 895.1; and species that meet the criteria under 14 CCR
15 § 15380(d).
- 16 (10) Enlargement of landings where such enlargement was not justified in the Plan.
- 17 (11) Any change of operation within, or designation of, Watercourse or Lake Protection Zones.
- 18 (12) Any downgrading of watercourse classification.
- 19 (13) A change to winter operations where summer operations were previously specified.
- 20 ~~(14) Changes to the erosion control implementation plan as a result of operations to implement the~~
21 ~~provisions of the approved erosion control implementation plan shall not be considered a substantial~~
22 ~~deviation.~~
- 23 Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference:
24 Sections 4582.7, 4597.6, 4597.7 and 4597.8, Public Resources Code.
- 25