

1 **Board of Forestry and Fire Protection**

2 **“NTMP Amendments, 2019”**

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

4 **Division 1.5, Chapter 4,**

5 **Subchapter 4, 5, and 6, Article 12; &**

6 **Subchapters 7, Article 6.5**

7
8
9 **Subchapter 4, 5, & 6, Article 12. Logging Roads, Landings, and Logging Road Watercourse**

10 **Crossings**

11 **§ 923.3. [943.3, 963.3] Mapping and Identification of Logging Roads and Landings.**

12 The following mapping and identification standards shall apply to Logging Roads and Landings:

13 (a) For Logging Road- and Landing-related mapping requirements refer to 14 CCR §§ 1034(x)(4)(A)-(E)
14 and (5)(A)-(G), 1090.5(w)(~~45~~(A)-(EK) and (~~56~~)-(67), 1090.5(gg), 1090.7(n)(4)-(67), 1092.09(l)(5)(A)(1.-5.)
15 and (6)(A)-(G), 1094.6(e)(4)-(5), (11) and (15)-(16) and 1094.8(u)(4)-(7) and (13)-(14).

16 (b) The RPF shall identify in the field, for use by the LTO, all Logging Roads and Landings to be
17 constructed or to be reconstructed:

18 (1) Across slopes greater than sixty-five percent (65%) for one hundred (100%) lineal feet or more.

19 (2) Across slopes greater than fifty percent (50%) for one hundred (100%) lineal feet or more within one
20 hundred (100%) feet of the boundary of a WLPZ that drains toward the zoned Watercourse or Lake.

21 (c) The location of all Logging Roads to be constructed or to be Reconstructed shall be flagged or
22 otherwise identified on the ground prior to the pre-harvest inspection. Exceptions may be explained and
23 justified in the Plan and agreed to by the Director if flagging is unnecessary as a substantial aid to
24 examining: (1) compatibility between Logging Road location and Yarding and Silvicultural Systems, or (2)
25 possible significant adverse effects of Logging Road location on the factors listed under 14 CCR § 923(b).

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2 Note: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections
3 4512, 4513, 4551, 4551.5, 4562.5, 4562.7 and 4597, Public Resources Code; 33 USC 1288(b); and
4 Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr.
5 172.

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7 **Subchapter 7, Article 6.5 Nonindustrial Timber Management Plan Administration**

8 **§ 1090. Rule Application.**

9 Where the abbreviation THP, the term Timber Harvesting Plan, or the word Plan is used in chapter 4,
10 subchapters 1 through 6 and chapter 4.5 it shall also mean Nonindustrial Timber Management Plan as
11 specified in article 7.5 of the Public Resources Code. In subchapter 7 this equivalency will occur for all
12 sections except §§ 1031 through ~~1037.5~~, and 1039 through 1042.

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14 Note: Authority cited: Stats 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

15 Reference: Sections 4593 and 4593.3, Public Resources Code.

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17 **§ 1090.01. Definitions.**

18 The following definitions apply to this article:

19 “Designated Agent” means a person granted sole authority, through written certification of all the Working
20 Forest Landowner(s) designated in a submitted or approved NTMP, to conduct those activities specifically
21 assigned to a Designated Agent by Rules. A Designated Agent shall only be required when an NTMP
22 includes one or more legal parcels owned by more than a single ownership or has more than one RPF
23 responsible for the NTMP. A single ownership may include, but is not limited to, entities comprised of a
24 single ownership of divided interest, natural persons with undivided interests, or a legally established
25 artificial person (such as liability companies, corporations, partnerships or trusts).

1 Note: Authority cited: Section 4551, Public Resources Code. Reference: Sections 4597, Public
 2 Resources Code.

3
 4 **§ 1090.1. Timber Management Plan and Notice of Timber Operations Filing Locations.**

5 The ~~Nonindustrial Timber Management Plan~~ (NTMP) or ~~N~~notice of ~~T~~timber ~~O~~operations (Notice) for
 6 proposed Timber Operations provided for by Article 7.5, Chapter 8, Part 2, Division 4 of the Public
 7 Resources Code (commencing with § 4593) shall be submitted in writing to the Director at the appropriate
 8 CAL FIRE Review Team Office having jurisdiction for the Timber Operations, and shall contain the
 9 information specified in 14 CCR § 1090.5.

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 11 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551, 4593.4, and 4593.5, Public
 12 Resources Code. Reference: Sections 4593 and 4593.5, Public Resources Code.

13
 14 **§ 1090.2. NTMP Submittal and Notice of Preparation.**

15 (a) A Plan shall be submitted by the Person who owns the Timberland included in the Plan.

16 (b) Where the timber is owned by parties other than the landowner, the landowner shall give prompt
 17 written notice of such Plan to those parties.

18 (c) The Plan submitter shall prepare and submit to the Director, with the Plan, a ~~N~~notice of ~~P~~preparation
 19 to ~~H~~harvest ~~T~~timber (Notice of Preparation)

20 (1) ~~i~~f any proposed Plan boundary lies within three-hundred (300) feet of any property owned by
 21 any Person other than the Plan submitter, or

22 (2) ~~w~~With any Plan amendment that changes a Plan boundary so that the new boundary lies
 23 within three-hundred (300) feet of any property owned by any Person other than the Plan
 24 submitter, or

1 (3) ~~w~~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 of the Plan submitter.

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 area to be included in the Plan.

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

11 (6) The estimated earliest date that the Director may approve the Plan.

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

14 (e) The Person submitting the Plan shall furnish to the Department at the time of submission of the Plan,
15 a list of all Persons, including their mailing addresses, who hold legal or equitable title to property within
16 three-hundred (300) feet of the Plan boundary. Either a list compiled from the latest equalized
17 assessment roll or a list provided by a title insurance company doing business in California shall be
18 deemed sufficient for compliance with the subsection.

19 (f) The Department shall mail copies of the Notice of Preparation within two (2) working days of receipt of
20 the Plan to all Persons identified in (e) above.

21 (g) Prior to Plan submission, the Person submitting the Plan shall post a copy of the Notice of Preparation
22 at a conspicuous location that is easily visible to the public and near the Plan site. Notwithstanding other
23 ~~Board~~ Rules, the notices required by § 1032.10 of this article shall be completed prior to submission of
24 the NTMP, and within counties with special Rules, (14 CCR, Subchapter 4, Art. 13, commencing with §
25

1 924, and Subchapter 6, Art. 13, commencing with § 965.) the noticing requirements will be the same as
2 for a THP.

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4 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551, 4593.4, 21080 and 21092,
5 Public Resources Code. Reference: Sections 4551, 4593 and 4593.4, Public Resources Code.

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7 **§ 1090.3. Notice of Preparation-Distribution by Director.**

8 The Director shall distribute copies of each Notice of Preparation within two (2) working days of receipt to:

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

11 (b) The local CAL FIRE Unit headquarters for posting.

12 (c) At such other locations as the Director may deem desirable and Feasible to provide adequate public
13 notice.

14 (d) Any additional distribution of the notice required by the Rules of the Board for individual counties.

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16 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551, 4593.4 and 21092, Public
17 Resources Code. Reference: Sections 4551, 4593 and 4593.4, Public Resources Code.

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19 **§ 1090.4. Request for Notification of NTMP or Notice of Timber Operations Submission.**

20 (a) Each applicable CAL FIRE Review Team Office shall maintain a list of NTMPs or Notices ~~s-of-Timber~~
21 ~~Operations~~ submitted each day.

22 (b) When any Person requests notice of submissions of ~~timber-management Plans~~ NTMPs, the Director
23 shall provide the Person, free of charge, with a copy of the list of NTMPs or Notices ~~of-Timber Operations~~
24 submitted on the date or dates requested. If no specific date is requested, a copy of the lists for the
25 preceding week shall be provided.

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2 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.4, Public Resources
3 Code. Reference: Sections 4551, 4593, 4593.4, 21080.5, 21081 and 21092, Public Resources Code.
4

5 **§ 1090.5. Contents of NTMP.**

6 The Plan shall serve three functions: (1) to provide information the Director needs to determine whether
7 the proposed NTMP conforms to the Rules of the Board; (2) to provide information and direction for
8 timber management so it complies with the Rules of the Board and the management objectives of the
9 landowner; and (3) to disclose the potential Effects of timber management to the public. For the Plan to
10 serve these functions, it shall, as a minimum, contain the following information:

11 (a) Name, address, and telephone number of the ~~T~~timberland owner(s) ~~or~~and ~~e~~Designated ~~a~~Agent if one
12 is required.

13 (b) Name, address, and telephone number of the Timber Owner(s) (If different).

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

15 (d) The District and Subdistrict (if any) in which the NTMP is located.

16 ~~(e)~~ A description of the Plan area within which Timber Operations are to be conducted. The description
17 shall include the following:

18 (1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s),

19 (2) ~~T~~Township, range, and section number(s),

20 (3) ~~e~~County name(s),

21 (4) CALWATER 2.2 Planning Watershed number(s), and

22 (5) ~~a~~Approximate acreage.

23 ~~(e) The forest District and Subdistrict (if any) in which the NTMP is located.~~

24 (f) A description of present and proposed Plan area uses other than timber production.
25

1 (g) A description by management units(s) of the timber stand characteristics including Species
 2 composition, age classes, projected growth, present Stocking level, present volume per acre, size class
 3 distribution, stand management history, and potential pest or protection problems. The description shall
 4 provide the basis for the information provided.

5 (h) A description by management unit(s) of the proposed management objectives, including a discussion
 6 of projected timber volumes and sizes available for timber harvesting, ~~managed~~.

7 (i) A description by management unit(s) of proposed activities to achieve the management objectives.

8 This must include

9 (1) ~~p~~PProjected frequencies of harvest,

10 (2) ~~s~~Silvicultural prescriptions for harvesting,

11 (3) ~~t~~TType of Yarding systems to be used for each area,

12 (4) ~~a~~Anticipated interim management activities which may result in rule compliance questions (i.e.
 13 Erosion Control maintenance).

14 (j) The period of time over which growth will be balanced with harvest.

15 (k) A description of any cultural or historical resources known to exist with a description of possible
 16 impacts and protection methods to be used during Timber Operations.

17 (l) Whether a Timberland conversion certificate is in effect, its date of expiration, and its identification
 18 number.

19 (m) Whether a timber harvesting Plan is on file with the Department for any part of the Plan area and if a
 20 ~~R~~report of ~~S~~satisfactory stocking has been issued by the Department (show Plan number).

21 (n) Information on the presence and protection of any known key habitat or individuals of any threatened
 22 or endangered plant or animal ~~S~~species that are listed in ~~the~~-CDFW inventories prepared pursuant to the
 23 F&GC or any Sensitive Species ~~of special concern~~ as designated by the Board in these Rules.

24 (o) A description of potential impacts and protections for the quality and Beneficial Uses of waters within
 25 Watercourses, Lakes, Wet Meadows and Other wWet aAAreas.

1 (p) A description of soils, surface erosion hazard, mass wasting erosion hazard, and Erosion Control
2 measures.

3 (q) A description of the existing and proposed road system to be used in implementation of the
4 ~~management Plan~~ NTMP.

5 (r) A description of how the Site Preparation standards and Stocking Standards will be met.

6 (s) A description of the proposed Yarding methods including protection of residual trees, ~~W~~watercourse
7 crossings, operation on Unstable Areas.

8 (t) A description of ~~S~~slash treatment for Site Preparation, fire protection and pest protection consideration.

9 (u) A description of the ~~e~~Cumulative ~~Effects~~ Impacts analysis with supporting information, including impact
10 of projected harvesting over the life of the Plan.

11 (v) A copy of the forest practice regulations in effect at the time of submission.

12 (w) On a USGS quadrangle or equivalent topographical map of a scale not less than **two inches (2")** to
13 the mile, the following information shall be clearly provided. Additional maps may be required to show
14 specific details, and may be planimetric. Color coding shall not be used. A legend shall be included
15 indicating the meaning of the symbols used. See the District Rules for the appropriate minimum mapping
16 acreages.

17 (1) ~~b~~Boundaries of management Plan(s) and management unit(s).

18 (2) ~~b~~Boundaries of Regeneration Methods, Intermediate Treatments, special Harvesting Methods,
19 and Alternative Prescriptions that are to be applied.

20 (3) ~~b~~Boundaries of Yarding (logging) systems, if more than one system is to be used.

21 ~~(4) Boundaries of areas sample marked for each silvicultural method.~~

22 (4~~5~~) Location of all roads to be used for, or potentially impacted by, Timber Operations. This shall
23 include:

24 (A) The classification of all roads as permanent, seasonal, temporary, or proposed for
25 Abandonment.

1 (B) Roads and Landings located in Watercourses, Lakes, WLPZs, marshes, Wet
2 Meadows and Other Wet Areas, other than at road ~~W~~watercourse crossings.

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

5 (D) Public Roads within one-quarter (1/4) mile of the Harvest Area.

6 (E) The location of Significant Existing or Potential Erosion Sites on all roads and
7 Landings pursuant to 14 CCR § 923.1(e).

8 (F) Constructed and Reconstructed Logging Road grades greater than fifteen (15)
9 percent for over two hundred (200) continuous feet or Logging Road grades exceeding
10 twenty (20) percent.

11 (G) Logging Roads across and Landings on Unstable Areas or Connected Headwall
12 Swales.

13 (H) Excess Material disposal sites on slopes greater than forty (40) percent or on active
14 Unstable Areas.

15 (I) Logging Roads and Landings across slopes greater than sixty-five (65) percent for one
16 hundred (100) lineal feet or more.

17 (J) Logging Roads and Landings across slopes greater than fifty (50) percent for one
18 hundred (100) lineal feet or more within one hundred (100) feet of the boundary of a
19 WLPZ.

20 (K) New Logging Road crossings.

21 (L) Logging Road crossings to be abandoned.

22 ~~(56)~~ Pprobable location of proposed and existing Landings in the Watercourse and Lake
23 pProtection zZone, and Landings outside the zone that are greater than one-quarter (1/4) acre in
24 size or whose construction involves substantial excavation.

25 ~~(67)~~ Road Failures on existing roads to be reconstructed.

1 ~~(78)~~ Location of all existing and proposed Permanent Watercourse Crossing ~~d~~Drainage
2 ~~s~~Structures and temporary crossings on Class I and II Watercourses on roads; if a permanent
3 culvert is involved, its minimum Diameter shall be provided.

4 ~~(89)~~ Location of area(s) of high or extreme Erosion Hazard Rating.

5 ~~(910)~~ Location of all Watercourses with Class I, II, III, or IV waters.

6 ~~(4011)~~ Location of known Unstable ~~Areas~~ or ~~s~~Slides Areas.

7 ~~(4412)~~ Location of understocked areas and other areas not normally bearing timber to at least a
8 twenty (20) acre minimum, or as specified in the District Rules.

9 ~~(4213)~~ Location of boundaries of timber-site classes needed for determination of Stocking
10 Standards to be applied, down to at least a ten (10) acre minimum or as specified in the District
11 Rules.

12 ~~(4314)~~ Location of Unique Areas including, Coastal Commission Special Treatment Areas or any
13 ~~s~~Special ~~t~~Treatment ~~a~~Area.

14 ~~(4415)~~ A soils map ~~where available~~.

15 (16) The location of main ridge tops on the Logging Area suitable for fire suppression efforts
16 that will require felling of Snags.

17 (17) Location of Late Successional Forest Stands.

18 (x) Any additional information that is submitted on separate pages shall be clearly marked "Plan
19 addendum" and shall bear the date on which it was prepared.

20 (y) Explanation and justification for, and specific measures to be used for, Tractor Operations on Unstable
21 Areas, on slopes over sixty-five (65) %percent, and on areas where slopes average over fifty (50)
22 percent% and the EHR is high or extreme.

23 (z) Explanation and justification for Tractor Operations in areas designated for Cable Yarding.

24 (aa) A Winter Period operating Plan where appropriate.

25

1 (bb) Explanation and justification for use of Watercourse, marshes, Wet Meadows, and Other Wet Areas
2 as Landings, roads, or skid trails.

3 (cc) Explanation and justification of any in-lieu or alternative practices for Watercourse and Lake
4 ~~P~~Protection Zones.

5 (dd) Explanation of alternatives to standard Rules for harvesting and Erosion Control.

6 (ee) Explanation and justification for Landings that exceed the maximum size specified in the Rules.

7 (ff) Any other information required by the Rules or the Act to be included in the Plan. The District Rules
8 provide for exceptions and alternatives to standard requirements that require inclusion of information in
9 the ~~NTH~~MP.

10 (gg) On a map complying with 14 CCR § 1090.5(w), the locations and classifications of Logging Roads,
11 Logging Road ~~W~~watercourse crossings, and Landings to be abandoned or deactivated shall be shown.

12 (hh) A certification by the RPF preparing the Plan that ~~he, she~~they, or a designee personally inspected
13 the area.

14
15 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.3, Public Resources
16 Code. Reference: Sections 4593 and 4593.3, Public Resources Code.

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18 **§ 1090.6. Notice of Timber Operations.**

19 Following confirmation by the nonindustrial tree farmer that all necessary field work is ~~F~~functional and
20 useable (including, flagging or Marking), the nonindustrial tree farmer who owns, leases, or otherwise
21 controls or operates on all or any portion of any Timberland within the boundaries of an approved
22 ~~NTMP Nonindustrial Timber Management Plan, or their Designated Agent (if applicable)~~, shall submit a
23 Notice of Timber Operations including the certification required by PRC § 4594.6 to the appropriate CAL
24 FIRE Review Team Office. ~~The nonindustrial tree farmer or Designated Agent shall submit the Notice of~~
25 ~~Timber Operations by certified mail, or personal delivery or digital delivery.~~ Timber Operations may

1 commence immediately unless the notice has been filed by mailing, in which case operations may
2 commence three (3) days after the notice has been mailed.

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4 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4594, Public Resources
5 Code. Reference: Section 4594, Public Resources Code.

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7 **§ 1090.7. Notice of Timber Operations Content.**

8 The purpose of the Notice ~~of Timber Operations~~ is to provide guidance for implementation of the
9 standards and protective measures in the approved NTMP or most recent amended NTMP and the
10 applicable Rules ~~of the Board~~. For the Notice to serve these functions, it shall as a minimum, contain the
11 following:

12 (a) Identification number of the NTMP

13 (b) The name and address and phone number of the ~~T~~timberland owner, the Timber Owner, the
14 Designated Agent (if applicable), the RPF and their license number, the LTO and their License number,
15 the Person responsible for on the ground supervision of the Timber Operations.

16 (c) Expected dates of commencement and completion of Timber Operations.

17 (d) A legal description (~~Section, Township, Range~~) of the area of the NTMP, including acreage by Timber
18 Owner(s), on which Timber Operations will be conducted.

19 (e) Identification of silvicultural prescriptions to be applied.

20 (f) The type of heavy equipment to be used for Yarding or road construction.

21 (g) A statement that no archeological sites have been discovered in the Harvest Area since the approval
22 of the NTMP.

23 (h) A statement that no Listed Species has~~ve~~ been discovered in the Cumulative Impacts assessment
24 area since the approval of the NTMP.

1 (i) A statement that there have been no physical environmental changes in the Cumulative Impacts
2 assessment area that are so significant as to require any amendment of the NTMP.

3 (j) Special provisions, if any, to protect any Unique Area within the area of Timber Operations.

4 (k) Instructions on felling, Yarding, road construction or reconstructions, hauling, Erosion Control work,
5 Site Preparation, Erosion Control maintenance, ~~w~~Winter Period operations, Watercourse protection
6 measures and ~~S~~lash treatment.

7 (l) A certification by the RPF that the notice as submitted will carry out

8 (1) ~~t~~The best management practices for the protection of the Beneficial Uses of water, soil
9 stability, forest productivity, and wildlife as required by the current Rules of the Board, or

10 (2) ~~i~~s consistent with the Plan and will not result in significant degradation of the Beneficial Uses
11 of water, soil stability, forest productivity, or wildlife or be in violation of applicable legal
12 requirements.

13 (m) A verification that the LTO has been briefed by the RPF on the content of the ~~n~~Notice and intentions
14 of implementation to comply with the NTMPmanagement Plan.

15 (n) On a USGS quadrangle or equivalent map of a scale not less than two (2") inches to the mile, the
16 following information reflecting current conditions pertinent to the Notice ~~of Operations~~ shall be clearly
17 provided. Additional maps may be required to show specific details, and may be planimetric. Color coding
18 shall not be used. A legend shall be included indicating the meaning of the symbols used. See the District
19 Rules for the appropriate minimum mapping acreages.

20 (1) Boundaries of area to be harvested (quadrangle map or its equivalent) by Timberland
21 Owner(s).

22 (2) Boundaries of areas for specified Regeneration Methods, Intermediate Treatments, special
23 Harvesting Methods, and Alternative Prescriptions that are to be applied.

24 (3) Boundaries of areas for specified Yarding (logging) systems, if more than one system is to be
25 used.

1 (4) Location of all roads.

2 (A) Classification of all roads.

3 (B) WLPZ roads and landings.

4 (C) Rock pits and water drafting sites.

5 (D) Public roads within one-quarter mile of the harvest area.

6 (E) Logging roads and landings to be abandoned or deactivated.

7 (F) The location of significant existing or potential erosion sites.

8 (45) Location of Public Roads within the Notice area, and private roads appurtenant to the Timber
9 Operations where such roads are under the ownership or control of the Timberland owner, and
10 are contiguous with the Notice area, and classification of all proposed and existing Logging
11 Roads as permanent, seasonal, or Temporary Roads.

12 (56) Location of proposed and existing Landings in the Watercourse and Lake Protection Zone,
13 and Landings outside the zone that are greater than 1/4 acre in size or whose construction
14 involves substantial excavation.

15 (67) Road Failures on existing roads to be reconstructed.

16 (78) Location of all existing and proposed ~~W~~watercourse crossings on logging and Tractor Roads;
17 if a permanent culvert is involved, its minimum Diameter shall be provided.

18 (89) Designate areas of high or extreme Erosion Hazard Rating, if more than one.

19 (910) Location of Watercourse with Class I, II, III or IV waters.

20 (4011) Location of known Unstable Areas or slides.

21 (4412) Location of Unique Areas.

22 (13) Excess Material disposal sites on slopes greater than forty (40) percent or on active Unstable
23 Areas.

24 (14) Tractor road watercourse crossings (except dry, temporary Class III).

25

1 (15) Main ridge tops on the logging area suitable for fire suppression efforts that will require felling
 2 of Snags.

3 (o) Any other information the Board provides by regulation to meet its Rules and the standards of this
 4 chapter.

5 (p) A statement that the Notice ~~of Timber Operations~~ conforms to the provisions of the approved NTMP.

6
 7 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4594, Public Resources
 8 Code. Reference: Section 4594, Public Resources Code.

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10 **§ 1090.9. Plan Submitter Responsibility.**

11 The Plan submitter, or successor in interest, shall:

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

13 (b) Provide the RPF preparing the Plan or amendments with complete and correct information regarding
 14 pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the
 15 planning and conduct of Timber Operations.

16 (c) Sign the NTMP certifying knowledge of the Plan contents and the requirements of this section.

17 (d) Within five (5) working days of change in RPF responsibilities for NTMP implementation or substitution
 18 of another RPF, file with the Director a notice which states the RPF's name and registration number,
 19 address, and subsequent responsibilities for any RPF required field work, amendment preparation, or
 20 operation supervision. Corporations need not file notification because the RPF of record on each
 21 document is the responsible Person.

22 (e) Provide a copy of the approved NTMP and Notice ~~of Timber Operations~~ to the LTO.

23 (f) Notify the Director prior to commencement of Site Preparation ~~operations~~. Receipt of a burning permit
 24 is sufficient notice.

1 (g) Provide the RPF preparing the Notice and LTO each a copy of the current NTMP and subsequent
2 amendments.

3 (h) File with the Director a Minor Deviation identifying a Designated Agent that represents
4 the Plan submitter(s) at least five (5) days prior to filing the first Notice, unless already identified in the
5 NTMP.

6 (i) File with the Director a Minor Deviation identifying a change in the Designated Agent:

7 (1) Within five (5) working days if active Timber Operations are occurring.

8 (2) Within thirty (30) working days if no active Timber Operations are occurring.

9 (3) The plan submitter(s), or successor(s) in interest, may delegate responsibility for 14 CCR §§
10 1090.9(d) through (g) to the Designated Agent, with written notification to the Director.

11
12 Note: Authority Cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

13 Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

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15 **§ 1090.10. Registered Professional Forester Responsibility.**

16 (a) Upon submission of a NTMP, the RPF who prepares and signs a Plan is responsible for the accuracy
17 and completeness of its contents.

18 (b) The RPF preparing the Plan shall:

19 (1) inform the Director and landowner by phone or letter if he or she will be attending the review
20 inspection; and

21 (2) provide the landowner a copy of the Rules of the Board in effect on the date of NTMP
22 approval.

23 (c) The RPF preparing the Notice shall list or describe in the Notice any work which will be performed by
24 the RPF Notice preparer or Supervised Designee. This may include, but is not limited to, field work in
25 identifying Watercourse and Lake Protection Zones or Special Treatment Areas, Marking trees, or other

1 activities. The RPF is only responsible for the activities required of the RPF by the Rules of the Board and
2 those activities for which he or she is employed.

3 (d) The RPF preparing the Notice shall, in writing, inform the Plan submitter~~(s)~~ or Designated Agent of
4 their responsibility pursuant to 14 CCR § 1090.9 ~~of this Article~~ for compliance with the requirements of the
5 Act and, where applicable, ~~Board~~ Rules regarding Site Preparation, Stocking, and maintenance of roads,
6 Landings, and Erosion Control facilities.

7 (e) The RPF shall without delay notify, in writing, the LTO(s), the Plan submitter or the
8 Designated Agent, and the Director of a decision to withdraw professional services from
9 the Plan.

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11 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

12 Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

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14 **§ 1090.11. Interaction Between RPF and LTO on Notice of Timber Operations.**

15 From the start of the preparation of the Notice ~~of Timber Operation, preparation~~ but before
16 commencement of operations, the responsible RPF or Supervised Designee shall meet with either the
17 LTO, or ~~Supervised Designee~~their representative, who will be on the ground and directly responsible for
18 the ~~harvesting~~ Timber ~~o~~Operations. The meeting shall be on site if requested by either the RPF or LTO. If
19 any amendment is incorporated to the ~~r~~Notice by an RPF after the first meeting, that RPF or Supervised
20 Designee shall comply with the intent of this section by explaining relevant changes to the LTO~~;~~ ~~if~~
21 requested by either the RPF or LTO, another on-site meeting shall take place. The intent of any such
22 meeting is to assure that the LTO:

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

24 (b) Is advised regarding the intent and applicable provisions of the approved Plan including amendments.

1 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

2 Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

3 ***

4 **§ 1090.12. Licensed Timber Operator Responsibilities.**

5 Each LTO shall:

6 (a) Inform the responsible RPF and ~~Pp~~lan submitter, either in writing or orally, of any site conditions which
7 in the LTO's opinion prevent implementation of the approved NTMP or Notice.

8 (b) Keep a copy of the applicable approved Notice and amendments available for reference at the site of
9 active Timber Operations.

10 (c) Comply with all provisions of the Act, ~~Board and~~ Rules ~~and regulations~~, the applicable Notice and any
11 approved amendments.

12
13 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

14 Reference: Sections 4593, 4593.3, and 4594, Public Resources Code.

15 ***

16 **§ 1090.13. Notification of Commencement of Operations.**

17 For each Notice ~~of Timber Operations~~ submitted, within fifteen (15) days before, and not later than the
18 day of the start ~~up of a~~ Timber Operations, the ~~Ss~~submitter of the Notice ~~or Designated Agent, unless the~~
19 ~~NTMP identifies another Person as responsible,~~ shall notify ~~CAL FIRE the Director~~ of the ~~start~~
20 commencement of Timber Operations.

21 The notification, by telephone or by mail, shall be directed to the appropriate CAL FIRE Unit
22 Headquarters, Forest Practice Inspector, or other designated personnel.

23
24 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

25 Reference: Sections 4593, 4593.3 and 4594, Public Resources Code.

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§ 1090.14. NTMP Deviations.

(a) "Minor Deviations" means any change, minor in scope, in a Plan which can reasonably be presumed not to make a significant change in the conduct of Timber Operations and which can reasonably be expected not to significantly adversely affect Timberland productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or to result in a violation of the applicable water quality control plan.

(b) All other changes are presumed to be Substantial Deviations which means they could significantly affect the conduct in Timber Operations and potentially could have a significant adverse effect on timber productivity or values relating to soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment.

Such actions include, but are not limited to:

- (1) Change in location of ~~t~~Timber ~~harvesting~~ ~~e~~Operations or enlargement of the area or volume planned to be cut.
- (2) Change in the ~~s~~Silvicultural ~~m~~Method and ~~e~~Cutting ~~Method~~system on any portion of the Plan area.
- (3) Change in type or location of ~~logging~~ (~~Yarding~~) system or basic type of equipment.
- (4) Change in location, nature or increase in length of proposed Logging Roads incorporating one or more of the following criteria:
 - (A) Any road in a Watercourse or Lake Protection Zone or where Sidecast will extend into the Watercourse or Lake Protection Zone.
 - (B) Any road located in an extreme Erosion Hazard ~~b~~Rating area.
 - (C) Any road where the average side slope exceeds 50%.
 - (D) Any road where Unstable Areas, active soil movement, or Slide Areas must be traversed.

1 (E) Any increase in gradient allowed by the District Rules as an exception and not
2 provided for in the original Plan.

3 (F) Any road extension of more than six-hundred (600) feet ~~(182.9 m)~~.

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

7 (6) Use of any roads not shown in the Plan which would affect the key habitat of rare or
8 endangered ~~S~~species or other critical wildlife habitat.

9 (7) Enlargement of Landings where such enlargement was not justified in the original Plan.

10 (8) Any change of operation in, or designation of, the Watercourse or Lake Protection Zone.

11 (9) Any downgrading of Watercourse classification.

12 (10) A change to ~~w~~Winter Period operations where summer operations ~~was~~were previously
13 specified.

14
15 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593, Public Resources
16 Code. Reference: Sections 4593, 4593.8 and 4593.9, Public Resources Code.

17
18 **§ 1090.16. Notice NTMP of Filing.**

19 (a) The Director shall prepare a notice of filing which shall contain the basic information contained in the
20 Notice of Preparation (14 CCR § 1090.2) plus the assigned ~~timber management Plan~~NTMP number.

21 (b) Within two (2) working days of the date the Plan is filed, the Director shall transmit copies of the
22 ~~N~~notice of ~~F~~filing to:

23 (1) The Person submitting the Plan.

24 (2) The office of the County Clerk of the county in which the operations are proposed. The notice
25 of filing shall be posted at the normal place for posting environmental notices.

1 (3) The local CAL FIRE Unit headquarters for posting.

2 (4) At such other locations as the Director may deem desirable and Feasible to provide adequate
3 public notice.

4 (5) All public agencies having custodial responsibility for lands within three-hundred (300) feet of
5 the NTMP boundary.

6 (6) Any Person requesting in writing a copy of the notice of filing.

7
8 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
9 Code. Reference: Sections 4593, 4593.3 and 4593.7, Public Resources Code.

10
11 **§ 1090.17. Agency and Public Review for the NTMP.**

12 (a) Upon receipt of the filed Plan in accordance with 14 CCR § 1090.16 the Director shall place it, or a
13 true copy thereof, in a file available for public inspection, and shall transmit a copy to ~~the~~ CDFW, ~~the~~
14 CGS, and to the appropriate RWQCB, the Department of Parks and Recreation, the county planning
15 agency and, if the areas are within their jurisdiction, to the California Tahoe Regional Planning Agency
16 and the California Coastal Commission and all other agencies having jurisdiction by law over natural
17 resources affected by the Plan.

18 (b) The Director shall also transmit a copy of any specific Plan to any Person who has made a written
19 request therefore.

20 (c) The Department shall bill such Persons for the cost of providing such copies and such monies shall be
21 paid to the Department.

22 (d) The Director shall invite written comments, and will consider these comments. All comments regarding
23 Plans shall be in writing and shall be addressed to the Director at the appropriate CAL FIRE Review
24 Team Office where the Plan is filed.

1 (e) Any Substantial Deviation in the Plan or the inclusion of "Significant New Information" (as described in
2 14 CCR § 895.1), made during the Director's review of the Plan shall require recirculation as described in
3 this section and reopening or extending the public comment period for a minimum of thirty days.

4 (f) The Director shall take the following steps when "Significant New Information" is added to the Plan
5 during the course of Plan review or during the Director's Determination period.

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

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

10 (3) The Department shall prepare a letter of recirculation which shall include:

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

- 13 1. The Plan number and County.
- 14 2. The names of the Timberland owner and the Plan Submitter.
- 15 3. The location of the Plan area by county, section, township, and range.
- 16 4. The name of the nearest major Watercourse or CALWATER 2.2 Watershed
17 ID.
- 18 5. The acres proposed to be harvested.
- 19 6. The Silvicultural Systems or Cutting Method to be used.

20 (B) A summary of changes made to the Plan and a brief description of "Significant New
21 Information" contained in the Plan.

22 (C) Clarification as to whether the entire Plan or only those recirculated portions of the
23 Plan are open for public comment.

24 (D) The starting and ending dates for the review period during which public comments will
25 be received.

1 (E) The date, time, and place of any scheduled public meetings when known by the lead
2 agency at the time of notice.

3 (F) The address where copies of the Plan record ~~is~~are available for public review.

4 (4) The letter of recirculation shall be sent to all review team members; any agency, Person, or
5 organization that commented on the Plan; and all landowners who received a Notice of ~~Intent (or~~
6 ~~Preparation)~~.

7 (5) The Department need only respond to:

8 (A) Comments received during the initial circulation period that relate to sections or
9 portions of the Plan that were not revised and recirculated, and;

10 (B) Comments received during the recirculation period that relate to the sections or
11 portions of the Plan that were revised and recirculated.

12 (6) The Department shall include with the notice of submissions, a notice of recirculation pursuant
13 to 14 CCR § 1032.9.

14
15 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
16 Code. Reference: Sections 4593, 4593.4 and 4593.7, Public Resources Code; and Joy Road Area Forest
17 and Watershed Association v. California Department of Forestry & Fire Protection, Sonoma County
18 Superior Court No. SCV 229850.

19
20 **§ 1090.18. Director's Determination.**

21 The Director shall have ~~fourty-five (45)~~ days from the date the initial inspection is completed, or in the
22 event the Director determines that such inspection need not be made, ~~fourty-five (45)~~ days from the date
23 of filing of an accepted Plan in accordance with 14 CCR § 1090.16 or such longer period as may be
24 mutually agreed upon by the Director and the Person submitting the Plan, to determine if the Plan is in
25 conformance with the applicable Rules adopted by the Board. The Director shall insure that an

1 interdisciplinary review team has had an opportunity to review each Plan before determining if the Plan
2 conforms to the Rules of the Board. The Director shall consider all written comments regarding the Plan.

3
4 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
5 Code. Reference: Sections 4593, 4593.4 and 4593.7, Public Resources Code.

6
7 **§ 1090.19. Review Teams to Be Established to Review Timber Management Plan.**

8 Interdisciplinary review teams shall be established by the Director to review Plans and assist the Director
9 in the evaluation of proposed ~~NTMP~~timber management Plan(s) and its impacts on the environment. The
10 ~~R~~review ~~T~~team composition, function, tasks and procedures shall be the same as those described in 14
11 CCR § 1037.5.

12
13 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
14 Code. Reference: Sections 4593, 4593.4 and 4593.7, Public Resources Code.

15
16 **§ 1090.20. Nonconformance of NTMP.**

17 If the Director determines that a Plan is not in conformance with the Rules of the Board the Plan shall be
18 returned in accordance with 14 CCR § 1054. In addition, the Director shall state any changes and
19 reasonable conditions that in the Director's professional judgment are needed to bring the Plan into
20 conformance with the applicable Rules of the Board and offer to confer with the ~~forester~~(RPF) in order to
21 reach agreement on the conditions necessary to bring the Plan into conformance.

22
23 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
24 Code. Reference: Sections 4593, 4593.4 and 4593.7, Public Resources Code.

1 **§ 1090.21. Conformance of NTMP.**

2 If the Director determines that the Plan is in conformance with the Rules ~~of the Board~~, then the Person
3 submitting the Plan shall be notified Timber Operations thereunder may only commence after submission
4 of a Notice ~~of Timber Operations~~ as prescribed in 14 CCR § 1090.7.

5
6 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
7 Code. Reference: Sections 4593, 4593.4 and 4593.7, Public Resources Code.

8
9 **§ 1090.22. Notice of Conformance of the NTMP.**

10 Within ten (10) working days of the date a Plan is found in conformance, the Director shall transmit a
11 notice thereof to the agencies and Persons referred to in 14 CCR § 1090.17 and for posting at the places
12 named in 14 CCR § 1090.16. A copy of the notice shall be filed with the Secretary for Resources. The
13 notice of conformance shall include a written response of the Director to significant environmental points
14 raised during the evaluation process.

15
16 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
17 Code. Reference: Sections 4593, 4593.4 and 4593.7, Public Resources Code.

18
19 **§ 1090.23. Public Inspection.**

20 Notices of ~~Co~~conformance, pursuant to 14 CCR § 1090.22 and notices of approval by the Board, pursuant
21 to 14 CCR § 1054, shall be available for public inspection, and a list of such notices shall be posted on a
22 weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of
23 thirty (30) days.

1
2 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4593, 4593.4 and 4593.7, Public
3 Resources Code. Reference: Sections 4593 and 4593.8, Public Resources Code.

4 *****

5 **§ 1090.25. Report Minor Deviations.**

6 Minor Deviations may be undertaken by the Person who submitted the NTMP or Notice without
7 submission of an amendment to the Plan and shall be reported immediately in writing to the Director.

8 Actions described in 14 CCR § 1090.14 which are normally presumed to be Substantial Deviations may,
9 in a given instance, be Minor Deviations. Actions listed as Substantial Deviations in 14 CCR § 1090.14

10 but considered to be minor by the Plan submitter, may be undertaken only if the ~~Person who submitted~~
11 ~~the Plan~~ submitter or the Designated Agent (if applicable) submits the proposed deviation in writing to the
12 Director for review and receives approval.

13 Approval shall be given if the Director determines that the proposed ~~Minor~~ Deviation conforms to the
14 standards provided in 14 CCR § 1090.14(a). The Director shall have five (5) working days to act on the
15 application. If the Director or the representative of the Director does not act within five (5) working days of
16 receipt of such a deviation, Timber Operations may commence pursuant to such amendment.

17
18 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.9, Public Resources
19 Code. Reference: Sections 4593, 4593.8 and 4593.9, Public Resources Code.

20
21 **§ 1090.26. Change of Timberland Owner(s).**

22 (a) Upon a change of ownership of the land described in the NTMP, the transferring ~~T~~iberland owner(s)
23 or the Designated Agent shall provide the acquiring ~~T~~iberland owner(s) with a written ~~T~~itransfer of
24 ~~R~~esponsibilities ~~N~~otice that discloses the existence of the NTMP and informs the acquiring ~~T~~iberland
25 owner(s) of the need to notify the Department of the acquiring ~~T~~iberland owner's(s)' intent to assume

1 the responsibilities of the NTMP. The transferring ~~T~~timberland owner(s) shall also send the Department a
2 copy of the ~~T~~transfer of ~~R~~responsibilities ~~N~~notice provided to the acquiring ~~T~~timberland owner(s).

3 (b) If the transferring ~~T~~timberland owner(s) fails to provide the ~~N~~notice required in 14 CCR § 1090.26(a)
4 and the Department discovers the change of ownership, the Department shall provide the acquiring
5 ~~T~~timberland owner(s) with the ~~T~~transfer of ~~R~~responsibilities ~~N~~notice.

6 (c) The acquiring ~~T~~timberland owner(s) shall have one (1) year from the date of receipt of the ~~T~~transfer of
7 ~~R~~responsibilities ~~N~~notice pursuant to either 14 CCR § 1090.26(a) or 14 CCR § 1090.26(b), whichever is
8 applicable, to notify the Department in writing of their intent to assume the responsibilities of the NTMP. If
9 the Department does not receive notification within this period, the Department may cancel the NTMP.

10 (d) A violation of this section by a ~~T~~timberland owner(s) does not constitute a crime pursuant to PRC §
11 4601.

12 (e) After a Plan is found in conformance with the ~~Beard~~ Rules, the Director may file a ~~N~~notice of ~~S~~stocking
13 ~~R~~requirements on the property with the recorder of the county within which the Plan is located if any area
14 logged under a Notice ~~of Timber Operations~~ has not had a report of satisfactory Stocking issued by the
15 Director.

16
17 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.10, Public Resources
18 Code. Reference: Sections 4593, 4593.4 and 4593.10, Public Resources Code.

19 *****

20 END