

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 (65) percent ~~65%~~ for one hundred (100%) lineal feet or
19 more.

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

23 (c) The location of all Logging Roads to be constructed or to be Reconstructed shall be flagged or
24 otherwise identified on the ground prior to the pre-harvest inspection. Exceptions may be explained and
25

1 justified in the Plan and agreed to by the Director if flagging is unnecessary as a substantial aid to
2 examining:

3 (1) compatibility between Logging Road location and Yarding and Silvicultural Systems, or:

4 (2) possible significant adverse effects of Logging Road location on the factors listed under 14
5 CCR § 923(b).

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7 Note: Authority cited: Sections 4551, 4551.5 and 4553, Public Resources Code. Reference: Sections
8 4512, 4513, 4551, 4551.5, 4562.5, 4562.7 and 4597, Public Resources Code; 33 USC 1288(b); and
9 Natural Resources Defense Council, Inc. v. Arcata Natl. Corp. (1976) 59 Cal.App.3d 959, 131 Cal. Rptr.
10 172.

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

13 **§ 1090. Rule Application.**

14 Where the abbreviation THP, the term Timber Harvesting Plan, or the word Plan is used in chapter 4,
15 subchapters 1 through 6 and chapter 4.5 it shall also mean Nonindustrial Timber Management Plan as
16 specified in article 7.5 of the Public Resources Code. In subchapter 7 this equivalency will occur for all
17 sections except §§ 1031 through 40421037.511, and 1039 through 1042.

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

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

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22 **§ 1090.01. Definitions.**

23 (a) The following definitions apply to this article:

24 (1) "Designated Agent" means a person granted sole authority, through written certification of all

25 the ~~Nonindustrial Tree Farmer/Working Forest Landowner~~(s) designated in a submitted or

1 approved NTMP, to conduct those activities specifically assigned to a Designated Agent by
2 Rules. A Designated Agent shall only be required when an NTMP includes one or more legal
3 parcels owned by more than a single ownership or has more than one RPF responsible for
4 the NTMP. A single ownership may include, but is not limited to, entities comprised of a
5 single ownership of divided interest, natural persons with undivided interests, or a legally
6 established artificial person (such as liability companies, corporations, partnerships or trusts).

7 (2) "Nonindustrial Timberland" means, pursuant to PRC § 4593.2(a), Timberland owned by a
8 Nonindustrial Tree Farmer.

9 (3) "Nonindustrial Tree Farmer" means, pursuant to PRC § 4593.2(b), an owner of Timberland
10 with less than 2,500 acres who has an approved nonindustrial management plan and is not
11 primarily engaged in the manufacture of forest products.

12 (4) "Notice of Timber Operations" means a nonindustrial timber harvest notice pursuant to PRC §
13 4593.2(f).

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15 Note: Authority cited: Section 4551, Public Resources Code. Reference: Sections [4593.2](#) and [4597](#),

16 Public Resources Code.

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18 **§ 1090.1. Timber Management Plan and Notice of Timber Operations Filing Locations.**

19 The ~~Nonindustrial Timber Management Plan (NTMP)~~ or Notice of Timber Operations ~~(Notice)~~ for
20 proposed Timber Operations provided for by Article 7.5, Chapter 8, Part 2, Division 4 of the Public
21 Resources Code (commencing with § 4593) shall be submitted in writing to the Director at the appropriate
22 CAL FIRE Review Team Office having jurisdiction for the Timber Operations, and shall contain the
23 information specified in 14 CCR § 1090.5.

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

3
4 **§ 1090.2. NTMP Submittal and Notice of Preparation.**

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

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

8 (c) The ~~P~~lan submitter shall prepare and submit to the Director, with the Plan, a ~~N~~notice of ~~P~~preparation
9 to ~~H~~arvest ~~T~~timber (~~N~~notice of ~~P~~preparation)

10 (1) ~~i~~f any proposed Plan boundary lies within three hundred (300) feet of any property owned by
11 any Person other than the ~~P~~lan submitter, or

12 (2) ~~w~~With any Plan amendment that changes a Plan boundary so that the new boundary lies
13 within three hundred (300) feet of any property owned by any Person other than the ~~P~~lan
14 submitter, or

15 (3) ~~w~~With any Plan amendment that changes the silvicultural method if a ~~N~~notice of ~~P~~preparation
16 was required for the Plan by condition (1) or (2) above.

17 (d) A ~~N~~notice of ~~P~~preparation shall include the following information:

18 (1) The name of the ~~P~~lan submitter.

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

21 (3) The name of the nearest perennial blue line Stream flowing through or downstream from the
22 Plan area.

23 (4) The acreage of the area to be included in the Plan.

24 (5) The ~~s~~ilvicultural ~~m~~ethod(s) proposed.

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

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

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

8 (f) The Department shall mail copies of the ~~N~~notice of ~~P~~preparation within two (2) working days of receipt
9 of the Plan to all Persons identified in (e) above.

10 (g) Prior to Plan submission, the Person submitting the Plan shall post a copy of the ~~N~~notice of
11 ~~P~~preparation at a conspicuous location that is easily visible to the public and near the Plan site.

12 Notwithstanding other ~~Board~~ Rules, the notices required by 14 CCR § 1032.10 of this article shall be
13 completed prior to submission of the NTMP, and within counties with special Rules, (14 CCR, Subchapter
14 4, Art. 13, commencing with § 924, Subchapter 5, Art. 13, commencing with § 945, and Subchapter 6, Art.
15 13, commencing with § 965.) the noticing requirements will be the same as for a THP.

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

19
20 **§ 1090.3. Notice of Preparation-Distribution by Director.**

21 The Director shall distribute copies of each ~~N~~notice of Preparation within two (2) working days of receipt
22 to:

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

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

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

3 (d) Any additional distribution of the notice required by the Rules ~~of the Board~~ for individual counties.
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5 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551, 4593.4 and 21092, Public
6 Resources Code. Reference: Sections 4551, 4593 and 4593.4, Public Resources Code.
7

8 **§ 1090.4. Request for Notification of NTMP or Notice of Timber Operations Submission.**

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

11 (b) When any Person requests notice of submissions of ~~timber management Plans~~ NTMPs, the Director
12 shall provide the Person, free of charge, with a copy of the list of NTMPs or Notices of Timber Operations
13 submitted on the date or dates requested. If no specific date is requested, a copy of the lists for the
14 preceding week shall be provided.
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16 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.4, Public Resources
17 Code. Reference: Sections 4551, 4593, 4593.4, 21080.5, 21081 and 21092, Public Resources Code.
18

19 **§ 1090.5. Contents of NTMP.**

20 The Plan shall serve three functions: (1) to provide information the Director needs to determine whether
21 the proposed NTMP conforms to the Rules of the Board; (2) to provide information and direction for
22 timber management so it complies with the Rules of the Board and the management objectives of the
23 landowner; and (3) to disclose the potential Effects of timber management to the public. For the Plan to
24 serve these functions, it shall, as a minimum, contain the following information:
25

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

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

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

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

6 ~~(de)~~ A description of the Plan area within which Timber Operations are to be conducted. The description
7 shall include the following:

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

9 (2) ~~t~~Township, range, and section number(s),

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

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

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

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

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

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

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

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

22 This must include

23 (1) ~~p~~Projected frequencies of harvest,

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

25 (3) ~~t~~Type of Yarding systems to be used for each area,

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

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

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

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

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

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

13 (o) A description of potential impacts and protections for the quality and Beneficial Uses of waters within
14 Watercourses, Lakes, Wet Meadows and Other ~~w~~Wet ~~a~~Areas.

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

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

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

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

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

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

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

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

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

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

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

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

11 (4~~5~~) Location of all roads to be used for, or potentially impacted by, Timber Operations. This shall
12 include:

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

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

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

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

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

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

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

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

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

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

10 (K) New Logging Road crossings.

11 (L) Logging Road crossings to be abandoned.

12 ~~(56)~~ Probable location of proposed and existing Landings in the Watercourse and Lake
13 protection zone, and Landings outside the zone that are greater than one-quarter (1/4)
14 acre in size or whose construction involves substantial excavation.

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

16 ~~(78)~~ Location of all existing and proposed Permanent Watercourse Crossing drainage
17 structures and temporary crossings on Class I and II Watercourses on roads; if a permanent
18 culvert is involved, its minimum Diameter shall be provided.

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

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

21 ~~(1011)~~ Location of known ~~Unstable Areas~~ or slides Areas.

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

1 (4213) Location of boundaries of timber-site classes needed for determination of Stocking
2 Standards to be applied, down to at least a ten (10) acre minimum or as specified in the
3 District Rules.

4 (4314) Location of Unique Areas including, Coastal Commission Special Treatment Areas or any
5 special treatment area.

6 (4415) A soils map ~~where available~~.

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

9 (17) Location of Late Successional Forest Stands.

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

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

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

16 (aa) A Winter Period operating ~~P~~lan where appropriate.

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

19 (cc) Explanation and justification of any in-lieu or alternative practices for Watercourse and Lake
20 protection Zones.

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

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

23 (ff) Any other information required by the Rules or the Act to be included in the Plan. The District Rules
24 provide for exceptions and alternatives to standard requirements that require inclusion of information in
25 the NTHMP.

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

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

5
6 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.3, Public Resources
7 Code. Reference: Sections 4593 and 4593.3, Public Resources Code.

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9 **§ 1090.6. Notice of Timber Operations.**

10 ~~Following confirmation by the nonindustrial tree farmer that all necessary field work is Ffunctional and~~
11 ~~useable (including, flagging or Marking), tThe nNonindustrial tTree fFarmer(s) who owns, leases, or~~
12 ~~otherwise controls or operates on all or any portion of any Timberland within the boundaries of an~~
13 ~~approved NTMP Nonindustrial Timber Management Plan, or their Designated Agent (if applicable), who~~
14 ~~controls any portion of Noninindustrial Timberland and who plans to harvest any of the timber thereon~~
15 ~~during a given year,~~ shall submit a Notice of Timber Operations including the certification required by
16 PRC § 4594.6 to the appropriate CAL FIRE Review Team Office. ~~The nonindustrial tree farmer or~~
17 ~~Designated Agent shall submit the Notice of Timber Operations by certified mail, or personal delivery or~~
18 ~~digital delivery.~~ Timber Operations may commence immediately unless the ~~n~~Notice of Timber Operations
19 has been filed by mailing, in which case operations may commence three (3) days after the ~~n~~Notice of
20 Timber Operations has been mailed.

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

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25 **§ 1090.7. Notice of Timber Operations Content.**

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

5 (a) Identification number of the NTMP

6 (b) The name and address and phone number of the Nonindustrial Tree Farmer~~Timberland owner~~, the
7 Timber Owner, the Designated Agent (if applicable), the RPF and their license number, the LTO and their
8 License number, the Person responsible for on the ground supervision of the Timber Operations.

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

10 (d) A legal description (~~Section, Township, Range~~) of the area of the NTMP, including acreage by
11 Nonindustrial Tree Farmer~~timberland owner owner~~(s), on which Timber Operations will be conducted.

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

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

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

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

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

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

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

24 (l) A certification by the RPF that the ~~a~~Notice of Timber Operations as submitted will carry out
25

- 1 (1) ~~¶~~The best management practices for the protection of the Beneficial Uses of water, soil
2 stability, forest productivity, and wildlife as required by the current Rules of the Board, or
3 (2) ~~¶~~s consistent with the Plan and will not result in significant degradation of the Beneficial Uses
4 of water, soil stability, forest productivity, or wildlife or be in violation of applicable legal
5 requirements.

6 (m) A verification that the LTO has been briefed by the RPF on the content of the ~~¶~~Notice of Timber
7 Operations and intentions of implementation to comply with the NTMP~~management Plan~~.

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

13 (1) Boundaries of area to be harvested (quadrangle map or its equivalent) by Nonindustrial Tree
14 Farmertimberland owner(s).

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

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

19 (4) Location of all roads.

20 (A) Classification of all roads.

21 (B) WLPZ roads and landings.

22 (C) Rock pits and water drafting sites.

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

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

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

1 (45) Location of Public Roads within the Notice of Timber Operations area, and private roads
2 appurtenant to the Timber Operations where such roads are under the ownership or control of
3 the Nonindustrial Tree Farmer-Timberland owner, and are contiguous with the Notice of Timber
4 Operations area, and classification of all proposed and existing Logging Roads as permanent,
5 seasonal, or Temporary Roads.

6 (~~56~~) Location of proposed and existing Landings in the Watercourse and Lake Protection Zone,
7 and Landings outside the zone that are greater than 1/4 acre in size or whose construction
8 involves substantial excavation.

9 (~~67~~) Road Failures on existing roads to be reconstructed.

10 (~~78~~) Location of all existing and proposed ~~W~~watercourse crossings on logging and Tractor Roads;
11 if a permanent culvert is involved, its minimum Diameter shall be provided.

12 (~~89~~) Designate areas of high or extreme Erosion Hazard Rating, if more than one.

13 (~~910~~) Location of Watercourse with Class I, II, III or IV waters.

14 (~~1011~~) Location of known Unstable Areas or slides.

15 (~~1112~~) Location of Unique Areas.

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

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

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

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

23 (p) A statement that the Notice of Timber Operations conforms to the provisions of the approved NTMP.
24
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1 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4594, Public Resources
2 Code. Reference: Section 4594, Public Resources Code.

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4 **§ 1090.9. Plan Submitter Responsibility.**

5 The ~~R~~plan submitter, or successor in interest, shall:

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

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

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

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

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

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

19 (g) Provide the RPF preparing the Notice of Timber Operations and LTO each a copy of the current
20 NTMP and subsequent amendments.

21 (h) File with the Director a Minor Deviation identifying a Designated Agent that represents
22 the ~~R~~plan submitter(s) at least five (5) days prior to filing the first Notice of Timber Operations, unless
23 already identified in the NTMP.

24 (i) File with the Director a Minor Deviation identifying a change in the Designated Agent;

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

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

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

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

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

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8 **§ 1090.10. Registered Professional Forester Responsibility.**

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

11 (b) The RPF preparing the Plan shall:

12 (1) ~~i~~Inform the Director and landowner by phone or letter if he or she will be attending the review
13 inspection; and

14 (2) ~~p~~Provide the landowner a copy of the Rules of the Board in effect on the date of NTMP
15 approval.

16 (c) The RPF preparing the Notice of Timber Operations shall list or describe in the Notice of Timber
17 Operations any work which will be performed by the RPF Notice of Timber Operations preparer or
18 Supervised Designee. This may include, but is not limited to, field work in identifying Watercourse and
19 Lake Protection Zones or Special Treatment Areas, Marking trees, or other activities. The RPF is only
20 responsible for the activities required of the RPF by the Rules of the Board and those activities for which
21 he or she is employed.

22 (d) The RPF preparing the Notice of Timber Operations shall, in writing, inform the ~~P~~plan submitter(s) or
23 Designated Agent of their responsibility pursuant to 14 CCR § 1090.9 ~~of this Article~~ for compliance with
24 the requirements of the Act and, where applicable, ~~Board~~ Rules regarding Site Preparation, Stocking, and
25 maintenance of roads, Landings, and Erosion Control facilities.

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

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

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

7 ***

8 **§ 1090.11. Interaction Between RPF and LTO on Notice of Timber Operations.**

9 From the start of the preparation of the Notice of Timber Operation, ~~preparation~~ but before
10 commencement of operations, the responsible RPF or Supervised Designee shall meet with either the
11 LTO, or ~~Supervised Designee~~ their representative, who will be on the ground and directly responsible for
12 the ~~harvesting~~ Timber ~~Operations~~. The meeting shall be on site if requested by either the RPF or LTO. If
13 any amendment is incorporated to the ~~Notice~~ of Timber Operations by an RPF after the first meeting,
14 that RPF or Supervised Designee shall comply with the intent of this section by explaining relevant
15 changes to the LTO; ~~if~~ if requested by either the RPF or LTO, another on-site meeting shall take place.

16 The intent of any such meeting is to assure that the LTO:

- 17 (a) Is advised of any sensitive on-site conditions requiring special care during operations.
18 (b) Is advised regarding the intent and applicable provisions of the approved Plan including amendments.

19
20 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

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

22 ***

23 **§ 1090.12. Licensed Timber Operator Responsibilities.**

24 Each LTO shall:

1 (a) Inform the responsible RPF and ~~Plan~~ submitter, either in writing or orally, of any site conditions which
2 in the LTO's opinion prevent implementation of the approved NTMP or Notice of Timber Operations.

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

5 (c) Comply with all provisions of the Act, ~~Board and Rules and regulations~~, the applicable Notice of
6 Timber Operations and any approved amendments.

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

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

10 ***

11 **§ 1090.13. Notification of Commencement of Operations.**

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

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

18
19 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Section 4551, Public Resources Code.

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

21
22 **§ 1090.14. NTMP Deviations.**

23 (a) "Minor Deviations" means any change, minor in scope, in a Plan which can reasonably be presumed
24 not to make a significant change in the conduct of Timber Operations and which can reasonably be
25 expected not to significantly adversely affect Nonindustrial Timberland productivity or values relating to

1 soil, water quality, watershed, wildlife, fisheries, range and forage, recreation, and aesthetic enjoyment or
2 to result in a violation of the applicable water quality control plan.

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

7 Such actions include, but are not limited to:

8 (1) Change in location of ~~timber harvesting~~ Operations or enlargement of the area or volume
9 planned to be cut.

10 (2) Change in the ~~silvicultural method and cutting method~~ system on any portion of the Plan
11 area.

12 (3) Change in type or location of ~~logging (Yarding)~~ system or basic type of equipment.

13 (4) Change in location, nature or increase in length of proposed Logging Roads incorporating one
14 or more of the following criteria:

15 (A) Any road in a Watercourse or Lake Protection Zone or where Sidecast will extend into
16 the Watercourse or Lake Protection Zone.

17 (B) Any road located in an extreme Erosion Hazard ~~or~~ Rating area.

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

19 (D) Any road where Unstable Areas, active soil movement, or Slide Areas must be
20 traversed.

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

23 (F) Any road extension of more than six-hundred (600) feet (182.9 m).
24
25

- 1 (5) Any use of existing roads not shown in the original Plan when reconstruction work to allow for
2 vehicle travel will be substantial. Substantial work on an existing road means more than minor
3 repair and dressing of the travel surface and removal of vegetation to allow vehicle passage.
- 4 (6) Use of any roads not shown in the Plan which would affect the key habitat of rare or
5 endangered ~~S~~species or other critical wildlife habitat.
- 6 (7) Enlargement of Landings where such enlargement was not justified in the original Plan.
- 7 (8) Any change of operation in, or designation of, the Watercourse or Lake Protection Zone.
- 8 (9) Any downgrading of Watercourse classification.
- 9 (10) A change to ~~w~~Winter Period operations where summer operations ~~was~~were previously
10 specified.

11

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

14

15 **§ 1090.16. Notice NTMP of Filing.**

16 (a) The Director shall prepare a notice of filing which shall contain the basic information contained in the
17 ~~N~~notice of ~~P~~preparation (14 CCR § 1090.2) plus the assigned ~~timber management Plan~~NTMP number.

18 (b) Within two (2) working days of the date the Plan is filed, the Director shall transmit copies of the

19 ~~N~~notice of ~~F~~filing to:

- 20 (1) The Person submitting the Plan.
- 21 (2) The office of the County Clerk of the county in which the operations are proposed. The notice
22 of filing shall be posted at the normal place for posting environmental notices.
- 23 (3) The local CAL FIRE Unit headquarters for posting.
- 24 (4) At such other locations as the Director may deem desirable and Feasible to provide adequate
25 public notice.

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

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

4
5 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4551 and 4593.7, Public Resources
6 Code. Reference: Sections 4593, 4593.3 and 4593.7, Public Resources Code.

7
8 **§ 1090.17. Agency and Public Review for the NTMP.**

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

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

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

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

22 (e) Any Substantial Deviation in the Plan or the inclusion of "Significant New Information" (as described in
23 14 CCR § 895.1), made during the Director's review of the Plan shall require recirculation as described in
24 this section and reopening or extending the public comment period for a minimum of thirty days.

1 (f) The Director shall take the following steps when "Significant New Information" is added to the Plan
2 during the course of Plan review or during the Director's ~~D~~etermination period.

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

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

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

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

10 1. The Plan number and County.

11 2. The names of the ~~Nonindustrial Tree Farmer(s) Timberland owner~~ and the
12 ~~P~~lan Submitter.

13 3. The location of the Plan area by county, section, township, and range.

14 4. The name of the nearest major Watercourse or CALWATER 2.2 Watershed
15 ID.

16 5. The acres proposed to be harvested.

17 6. The Silvicultural Systems or Cutting Method to be used.

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

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

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

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

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

2 (4) The letter of recirculation shall be sent to all review team members; any agency, Person, or
3 organization that commented on the Plan; and all landowners who received a ~~N~~notice of ~~Intent~~
4 (~~or P~~preparation).

5 (5) The Department need only respond to:

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

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

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

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; and Joy Road Area Forest
15 and Watershed Association v. California Department of Forestry & Fire Protection, Sonoma County
16 Superior Court No. SCV 229850.

17
18 **§ 1090.18. Director's Determination.**

19 The Director shall have fourty-five (45) days from the date the initial inspection is completed, or in the
20 event the Director determines that such inspection need not be made, fourty-five (45) days from the date
21 of filing of an accepted Plan in accordance with 14 CCR § 1090.16 or such longer period as may be
22 mutually agreed upon by the Director and the Person submitting the Plan, to determine if the Plan is in
23 conformance with the applicable Rules adopted by the Board. The Director shall insure that an
24 interdisciplinary review team has had an opportunity to review each Plan before determining if the Plan
25 conforms to the Rules of the Board. The Director shall consider all written comments regarding the Plan.

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

§ 1090.19. Review Teams to Be Established to Review Timber Management Plan.

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

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

§ 1090.20. Nonconformance of NTMP.

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

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

§ 1090.21. Conformance of NTMP.

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

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

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

9 Within ten (10) working days of the date a Plan is found in conformance, the Director shall transmit a
10 notice thereof to the agencies and Persons referred to in 14 CCR § 1090.17 and for posting at the places
11 named in 14 CCR § 1090.16. A copy of the notice shall be filed with the Secretary for Resources. The
12 notice of conformance shall include a written response of the Director to significant environmental points
13 raised during the evaluation process.
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.
17

18 **§ 1090.23. Public Inspection.**

19 Notices of Conformance, pursuant to 14 CCR § 1090.22 and notices of approval by the Board, pursuant
20 to 14 CCR § 1054, shall be available for public inspection, and a list of such notices shall be posted on a
21 weekly basis in the Office of the Resources Agency. Each such list shall remain posted for a period of
22 thirty (30) days.
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1 Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13; and Sections 4593, 4593.4 and 4593.7, Public
2 Resources Code. Reference: Sections 4593 and 4593.8, Public Resources Code.

3 *****

4 **§ 1090.25. Report Minor Deviations.**

5 Minor Deviations may be undertaken by the Person who submitted the NTMP or Notice of Timber
6 Operations without submission of an amendment to the Plan and shall be reported immediately in writing
7 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
12 the 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 Nonindustrial Tree
23 Farmer~~Timberland owner~~(s) or the Designated Agent shall provide the acquiring ~~Timberland~~ owner(s)
24 with a written ~~Transfer of Responsibilities~~ Notice that discloses the existence of the NTMP and informs
25 the acquiring ~~Timberland~~ owner(s) of the need to notify the Department of the acquiring ~~Timberland~~

1 owner's(s') intent to assume the responsibilities of the NTMP. The transferring Nonindustrial Tree
2 ~~Farmer~~~~Timberland owner~~(s) shall also send the Department a copy of the ~~T~~transfer of ~~R~~responsibilities
3 ~~N~~notice provided to the acquiring ~~T~~timberland owner(s).

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

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

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

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

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

20 *****

21 END