

**State of California  
Office of Administrative Law**

**In re:**  
**Board of Forestry and Fire Protection**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Amend sections: 1032.7, 1092.04**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2022-0915-02**

**OAL Matter Type: Regular (S)**

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This action by the Board of Forestry and Fire Protection requires disclosure of all proposed silvicultural methods within a notice of intent to harvest timber.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on January 1, 2023 pursuant to Public Resources Code section 4554.5(a).

**Date:** October 27, 2022



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**Nicole C. Carrillo  
Senior Attorney**

**For: Kenneth J. Pogue  
Director**

**Original: Matt Dias, Executive Officer  
Copy: Andrew Lawhorn**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2022-0915-025</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW 2022 SEP 15 PM4:35	<b>ENDORSED FILED</b> in the office of the Secretary of State of the State of California <b>OCT 27 2022</b> 1:52 pm
NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY Board of Forestry and Fire Protection	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Notice of Intent Amendments, 2022		TITLE(S) 14	FIRST SECTION AFFECTED 1032.7	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Eric Hedge		TELEPHONE NUMBER 916.653.9633	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Amendments to Notice Intent	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
TITLE(S) <b>14</b> per agency request	AMEND 1032.7 & 1092.04
	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2023 (PRC 4554.5(a))</b>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Andrew Lawhorn	TELEPHONE NUMBER (916) 628-8090	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) andrew.lawhorn@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Jane Van Susteren <small>Digitally signed by Jane Van Susteren Date: 2022.09.15 15:05:21 -0700</small>	DATE 09/15/2022
TYPED NAME AND TITLE OF SIGNATORY Jane Van Susteren, Regulations Coordinator	

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**Board of Forestry and Fire Protection**

**“Notice of Intent Amendments, 2022”**

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

**Division 1.5, Chapter 4,**

**Subchapter 7, Articles 2 and 6.8**

**§ 1032.7. Plan Submittal and Notice of Intent.**

(a) A Plan shall be submitted by the Person who owns, leases, contracts, or operates on Timberland to harvest timber for commercial purposes.

(b) Where the land or timber is owned or operated by parties other than the Person executing the Plan, the Person submitting the Plan shall give prompt written notice of such Plan to those parties.

(c) The RPF preparing the Plan shall submit to the Director, with the Plan, a Notice of Intent to Harvest Timber (Notice of Intent) if:

(1) any proposed Plan boundary lies within three-hundred (300) feet of any property not owned by the Timberland owner, or

(2) any Plan amendment that changes a Plan boundary so that the new boundary lies within three-hundred (300) feet of property not owned by the Timberland owner, or

(3) any Plan amendment changes the silvicultural method if a Notice of Intent was required for the Plan by condition (1) or (2) above or,

(4) any overhead electrical power line, except a line from a transformer to a service panel, is present within the Plan area or within two-hundred (200) feet outside the Plan boundary, or

1 (5) any Plan amendment changes a Plan boundary so that any overhead  
2 electrical power line, except a line from a transformer to a service panel, is within  
3 the new boundary or is within two-hundred (200) feet outside the new Plan  
4 boundary.

5 (d) A Notice of Intent shall include the following information:

6 (1) The names of the Timberland owner, RPF who prepared the Plan, and the  
7 Plan submitter.

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

11 (3) The name of and distance from the nearest perennial Stream and major water  
12 course flowing through or downstream from the Plan area.

13 (4) The acres proposed to be harvested.

14 (5) The Silvicultural Systems to be used, including Regeneration Methods, and  
15 Intermediate Treatments, Special Prescriptions, and Alternative Prescriptions ~~to~~  
16 ~~be used.~~ (6) The estimated earliest date that the Director may approve the Plan.

17 This is fifteen (15) days from receipt of the Plan by the Department, except in  
18 counties for which Rules and regulations have been adopted pursuant to §§  
19 4516.5 or 4516.8 of the Public Resources Code where the earliest date the  
20 Director may approve the Plan is forty-five (45) days after receipt of the Plan by  
21 the Department.

22 (7) A statement that the public may review the Plan at the appropriate CAL FIRE  
23 Review Team Office and that a copy of the Plan may be obtained from the  
24 Department upon payment of the applicable charge.

FINAL DOCUMENT

1 (8) A map which provides the approximate boundary of the THP area, a map  
2 legend, and a scale. This map shall be posted with the Notice of Intent.

3 (9) A statement that questions or concerns regarding the specific Plan should be  
4 directed to the applicable CAL FIRE Review Team Office for public input  
5 incorporation into an Official Response Document.

6 (10) A statement of whether there is a known overhead electric power line within  
7 the proposed Plan area except a line from a transformer to a service panel.

8 (e) The RPF preparing the Plan shall furnish to the Department at the time of  
9 submission of the Plan, the names and mailing addresses of all property owners within  
10 three-hundred (300) feet of the plan boundary. Either a list compiled from the latest  
11 equalized assessment roll or a list provided by a title company doing business in  
12 California compiled within sixty (60) days of submission of the Plan shall be deemed  
13 sufficient for compliance with the subsection.

14 (f) The RPF preparing the Plan shall furnish to the Department at the time of submission  
15 of the Plan, the names and mailing addresses of utilities that operate overhead  
16 electrical power lines within the Plan boundary or within two-hundred (200) feet outside  
17 the Plan boundary. This information shall be obtained from the Utility Contact List.

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

20 (h) Prior to submission of the Plan, the Person submitting the Plan shall post a copy of  
21 the Notice of Intent including a map as described in (d)(8) at a conspicuous location on  
22 the Public Road nearest the Plan. Said Notice of Intent shall be on colored paper or  
23 identified with colored flagging so as to be easily visible to the public.  
24

1 Note: Authority cited: Sections 4551 and 4582.3, Public Resources Code. Reference:  
2 4551, 4581, 4582.3, 21080 and 21092, Public Resources Code.

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4 **§ 1092.04. Program Timber Harvesting Plan (PTHP) Submittal.**

5 (a) A PTHP shall be submitted by the Person who owns, leases, contracts, or operates  
6 on Timberland and Plans to harvest timber for commercial purposes.

7 (b) Where the land or timber is owned or operated by parties other than the Person  
8 executing the PTHP the Person submitting the PTHP shall give prompt written notice of  
9 such PTHP to those parties.

10 (c) The RPF preparing the PTHP shall submit to the Director, with the PTHP, a copy of  
11 a Notice of Intent to Harvest: (1) if any proposed boundary lies within 300 feet of any  
12 property not owned by the Timberland owner, or (2) any PTHP amendment that  
13 changes a PTHP boundary so that the new boundary lies within 300 ft. of property not  
14 owned by the Timberland owner.

15 (d) A Notice of Intent shall include the following information:

16 (1) The names of the Timberland owner, the RPF who prepared the PTHP, and  
17 the PTHP submitter.

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

21 (3) The name of and distance from the nearest perennial Watercourse flowing  
22 through or downstream from the PTHP area.

23 (4) The acres proposed to be harvested.

24 (5) The Silvicultural Systems to be used, including Regeneration Methods, and  
25 Intermediate Treatments, Special Prescriptions, and Alternative Prescriptions-

1 ~~to be used.~~ (6) The estimated earliest date that the Director may approve the  
2 PTHP. This is 15 days from receipt of the PTHP by the Department, except in  
3 counties for which Rules and regulations have been adopted pursuant to §§  
4 4516.5 and 4516.8 of the PRC where the earliest date the Director may approve  
5 the PTHP is 45 days after the receipt of the PTHP by the Department.

6 (7) A statement that the public may review the PTHP at the appropriate CAL  
7 FIRE Review Team Office and that a copy of the PTHP may be obtained from  
8 the Department upon payment of the applicable charge.

9 (8) A map which provides the approximate boundary of the PTHP area, a map  
10 legend, and a scale.

11 (9) A statement that questions or concerns regarding the specific PTHP should  
12 be directed to the appropriate CAL FIRE Review Team Office.

13 (e) The RPF preparing the PTHP shall furnish to the Department at the time of  
14 submission of the PTHP the names and mailing addresses of all property owners within  
15 300 ft. of the PTHP boundary. Either a list compiled from the latest equalized  
16 assessment roll or a list provided by a title company doing business in California  
17 compiled within 60 days of submission of the PTHP shall be deemed sufficient for  
18 compliance with the subsection.

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

21 (g) Before PTHP submission, the Person submitting the PTHP shall post a copy of the  
22 Notice of Intent including a map as described in (d)(8) at a conspicuous location on the  
23 Public Road nearest the PTHP site. The Notice shall be on colored paper or identified  
24 with colored flagging so as to be easily visible to the public.

FINAL DOCUMENT

1 (h) A statement of whether there is a known overhead electric power line on the  
2 proposed Plan area except lines from transformers to service panels.

3 Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference:  
4 Section 4581, Public Resources Code.