**Board of Forestry and Fire Protection**

**Noticing Overview**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4,**

**Subchapter 4, 5, & 6**

**§ 924.1. Plan Submittal and Notice of Intent. [Southern Subdistrict]**

(a) The Plan submitter shall prepare and submit to the Director, with the Plan, a Notice of Intent to Harvest Timber as described in 14 CCR § 1032.7(d).

(b) The Plan submitters shall furnish to the Department at the time of submission of the Plan the names and addresses of all property owners within 300 feet of the exterior boundaries of assessor's parcels upon which a Plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the Plan area and the nearest Public Roads. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.

(1) The Plan submitter shall submit business size envelopes stamped with first class postage properly addressed to the property owners identified in (b). These will be used by the Department for mailing the Notice of Filing.

(c) The Plan submitter shall mail copies of the Notice of Intent to all names in (b) prior to Plan submission. At the time of Plan submission, the Plan submitter shall certify in writing that this procedure has been followed.

(d) For Plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:

(1) All property owners not previously noticed under subsection (b) who, because of the Plan amendment, would be required to receive the notice provided for in subsection (b).

(2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

Note: Authority cited: Sections 4516.5, 4551, 4551.5, 21080 and 21092, Public Resources Code; *NRDC* v. *Arcata National Corp*. (1976), 59 Cal. Ap. 3d 959; *Horn v. Ventura County* (1979), 24 Cal 3d 605. Reference: Sections 4516.5, 4551, 4581, 4582, 4582.5, 4592, 21080 and 21092, Public Resources Code.

**§ 924.4. Notice of Filing. [Southern Subdistrict]**

In addition to those items required by 14 CCR § 1037.1, the following shall apply:

(a) The Notice of Filing shall contain:

(1) The date, time and location of the public hearing, when applicable.

(2) The Director shall include the date, time and location of the review team meeting if it is known.

(b) Within two working days of the date the Plan is filed, the Director shall send copies of the Notice of Filing to:

(1) All property owners listed in 14 CCR § 924.1(b).

(2) A newspaper of general distribution in the area.

Note: Authority cited: Sections 4516.5, 4551, 4551.5, 4552, 4582.4, 4582.6 and 21080.5, Public Resources Code; *NRDC v. Arcata National Corp.* (1976), 59 Cal. Ap. 3d 959. Reference: Sections 4516.5, 4581, 4582, 4582.5, 4582.75, 4592, 21081 and 21092, Public Resources Code.

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

14 CCR § 1032.7 subsections (c), (e), (f), (g), and (h)(1), shall not apply in Santa Clara County. In lieu of those subsections, the following shall apply:

(a) The Plan submitter shall prepare and submit to the Director, with the Plan, a Notice of Intent to Harvest Timber as described in 14 CCR § 1032.7(d).

(b) The Plan submitter shall furnish to the Department at the time of submission of the Plan the names and addresses of all property owners within 300 feet of the exterior boundaries of assessor's parcels upon which a Plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the Plan area and the nearest Public Road. The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company.

(c) The Plan submitter shall mail copies of the Notice of Intent to all names in (b) prior to Plan submission. At the time of Plan submission, the Plan submitter shall certify in writing that this procedure has been followed.

(d) For Plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:

(1) All property owners not previously noticed under subsection (b) who, because of the Plan amendment, would be required to receive the notice provided for in subsection (b).

(2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

**§ 925.3. Plan Distribution.**

Within two working days of the date of the receipt of the Plan, the Director shall transmit copies of the Plan to:

(a) The local school district within which the Plan is located.

(b) The Santa Clara Valley Water District.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

**§ 926.3. Plan Submittal and Notice of Intent. Santa Cruz County**

14 CCR § 1032.7, subsections (c), (e), (f), and (g), shall not apply in Santa Cruz County. In lieu of those subsections, the following shall apply:

(a) The Plan submitter shall prepare and submit to the Director, with the Plan, a Notice of Intent to Harvest Timber as described in 14 CCR § 1032.7(d) which shall additionally include the following:

(1) A statement that the approximate property lines have been flagged for review where truck roads, Tractor Roads or Harvest Areas are within 100 feet of the property line.

(2) In the event helicopter Yarding is proposed, the Notice of Intent will include a map that clearly identifies the areas within the proposed timber harvest Plan area that are proposed for helicopter operations, including helicopter log Landing and service area sites and a statement about the approximate duration of helicopter Yarding activities.

(b) The Plan submitter shall furnish to the Department at the time of submission of the Plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a Plan has been submitted, the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the Plan area and the nearest Public Road, and the addresses of all private road association members. “Private road association” as used in this section and all other Rules specific to Santa Cruz County shall mean those road associations appearing on a list maintained by the County and provided to the Director which are either a County Service Area which maintains any private road or any other private road association that has recorded by-laws or other organizing instruments recorded in the official records of Santa Cruz County from which it can be ascertained the assessor parcel numbers of the properties owned by the members. If helicopter Yarding is proposed, the list shall also include the names and addresses of property owners with property located within three thousand (3,000) feet of any location in the proposed timber Harvest Area in which logs are to be picked up, carried, or landed, or helicopters are to use for servicing. It is the intent of the notice provisions of this paragraph to direct the notice to both owners and residents of properties lying within the 3,000 foot notice area; accordingly if any property owner to be noticed by mail on a proposed helicopter Yarding has a mailing address located outside of the three thousand foot notice area and such property owner's property within such area has a street address within such area, the list shall also contain the street address of the property within the three thousand (3,000) foot radius, and shall list the addresses at such property as “Occupant.” The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company. Any list prepared for noticing an operation with helicopter Yarding shall be deemed accurate provided that it contains accurate information regarding at least 95% of the property owners and situs addresses entitled to notice under these Rules based upon the County Tax Assessor's records.

(c) The Plan submitter shall mail copies of the Notice of Intent to all property owners and members of those private road associations on the list provided by the County identified pursuant to (b) at least 10 days prior to Plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR § 1032.7(d)(8) at a conspicuous location on the private road where a majority of the road association members can view the notice and, if helicopter Yarding is proposed, at a minimum of one conspicuous location every half mile on all Public Roads within a 2 mile radius of the proposed area of operations. The posted Notice of Intent shall be on colored paper or identified with colored flagging so as to be easily visible to the public. The Plan submitter shall further mail the Notice of Intent to:

(1) All members of the Board of Supervisors in whose district any Timber Operation is proposed;

(2) The local school district;

(3) Any local publicly-owned water district or community water system which maintains any water production or water storage facility downstream from any location within which any Timber Operation is proposed. At the time of Plan submission, the Plan submitter shall certify to the Director in writing that this procedure has been followed.

(d) The Plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the Plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR § 1037.4.

(e) For Plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:

(1) All property owners not previously noticed under subsection (b) who, because of the Plan amendment, would be required to receive the notice provided in subsection (b).

(2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.

(f) The Plan submitter shall include with the mailed Notice of Intent sent to the Persons identified above, other than members of the Board of Supervisors, local school district or publicly-owned water district or community water systems, any available printed general information material that has been jointly approved by the County of Santa Cruz and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable Rules, ordinances or statutes.

(g) The RPF shall simultaneously file with the Department any notice of deviation given to the Plan submitter or landowner required under Public Resources Code § 4583.2.

(h) In the event the Director shall approve a timber harvest Plan which provides in whole or in part for helicopter Yarding and where such harvest operations are not commenced within the same harvest season in which the Plan is approved, the Plan submitter shall, not less than 14 days prior to the estimated commencement of helicopter operations and not more than 28 days prior to the estimated commencement of such operations:

(1) Mail a notice to all Persons previously notified of the Notice of Intent of the original application or any amendment under (b) above, providing notice of the fact that the helicopter Yarding was approved, containing a map showing the location of the Harvest Areas, Landing area, and service area approved in the Plan, the hours of operation, the estimated starting date of helicopter Yarding activities, the estimated completion date, and any conditions placed on the helicopter Yarding activity by the Director as part of the approval; and

(2) Post a copy of the notice at a minimum of one conspicuous location every half mile on all Public Roads within a 2 mile radius of the proposed area of operations. The posted notice shall be on colored paper or identified with colored flagging so as to be easily visible to the public.

(3) The Plan submitter shall further mail the notice to those Persons identified in 14 CCR § 926.3(c)(1), (2).

(4) Prior to commencement of helicopter operations, the Plan submitter shall certify to the Director in writing that these procedures have been followed.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

**§ 927.14. Notice of Intent and Filing. [Marin County]**

In addition to 14 CCR §§ 924.1(b) and 924.4(b) the Notice of Intent and Filing of THP applications shall be provided to the appropriate publicly owned water purveyor and to any school district or private school on the haul route excluding those portions of Highway 101.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

**§ 965.2. Hauling to the Nearest Public Road. [Monterey County]**

Those portions of offsite haul roads to be used in the conduct of the Timber Operation, from the area where timber harvesting is to occur to the nearest Public Road, shall be shown on the Plan. In addition to the requirements to furnish a list of certain property owners pursuant to 14 CCR § 1032.7(e), the Plan submitter shall furnish to the Department at the time of submission of the Plan the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the Plan area and the nearest Public Road. California Department of Forestry and Fire Protection shall give notice of public hearing if requested by the county to each of these owners and those individuals specified in 14 CCR §§ 1037.1(b) and 1037.3.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Sections 4516.5 and 4582.6(b), Public Resources Code.

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

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(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

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

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

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

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

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

(4) The acres proposed to be harvested.

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

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

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

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

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

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

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

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

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

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

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

**§ 1032.8. Notice of Intent – Distribution by Director.**

The Director shall distribute copies of each Notice of Intent within 2 working days of receipt to:

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

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

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

Note: Authority cited: Sections 4551, 4551.5, 4552 and 21092, Public Resources Code. Reference: Sections 4581, 4582, 4582.4, 21080.5, 21081 and 21092, Public Resources Code.

**§ 1032.10. Request for Information on Domestic Water Supplies.**

The THP submitter shall provide notice by letter to all other landowners within 1,000 feet downstream of the THP boundary whose ownership adjoins or includes a Class I, II, or IV Watercourse(s) which receives surface drainage from the proposed Timber Operations. The notice shall request that the THP submitter be advised of surface Domestic Water Use from the Watercourse, within the THP or within 1,000 feet downstream of the THP boundary. When required to notice by letter publication shall also be given one time by the THP submitter in a newspaper of general circulation in the area affected by the proposed Project. Such letter and publication shall notify the party of the proposed Timber Operation and describe its legal location and identify the name, if any, of the Watercourse it may affect. The letter and publication shall request a response by the property owner within ten days of the post-marked date on the letter or the date of publication as appropriate. The RPF may propose, with justification and explanation, an exemption to such notification requirements, and the Director may agree. Copies of either notice, proof of service and publication, and any responses shall be attached to the THP when submitted. If domestic use is noted, the Plan shall contain mitigations necessary to protect Domestic Water Use. The Plan shall not be submitted until ten days after the above notification(s) have been done.

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

**§ 1034. Contents of Plan.**

The Plan shall serve two functions: to provide information the Director needs to determine whether the proposed Timber Operation conforms to the Rules of the Board; and to provide information and direction to Timber Operators so that they comply with the Rules of the Board. For the Plan to serve these functions, it shall, as a minimum, contain the following information:

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(r) How the requirements of 14 CCR § 1032.7(f) are to be met.

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Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4527, 4582 and 4583, Public Resources Code.

**§ 1037.1. Notice of Filing.**

(a) The Director shall prepare a notice of filing which shall contain the basic information contained in the Notice of Intent (14 CCR § 1032.7) plus the assigned timber harvesting Plan number.

(b) Within 2 working days of the date the Plan is filed, the Director shall transmit copies of the Notice of Filing to:

(1) The Person submitting the Plan.

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

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

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

(5) All public agencies having custodial responsibility for lands within 91.44 meters (300 feet).

(6) Anyone else, as required by PRC §§ 4582.4 and 4582.6.

Note: Authority cited: Sections 4551, 4551.5, 4552, 4582.4, 4582.6 and 21080.5, Public Resources Code; and *NRDC* v. *Arcata National Corp.* (1976), 59 Cal. App. 3d 959. Reference: Sections 4581, 4582, 4582.5, 4582.7, 4582.75, 4592, 21081 and 21092, Public Resources Code.

**§ 1037.3. Agency and Public Review.**

(a) Upon receipt of the filed Plan in accordance with 14 CCR § 1037, the Director shall place it, or a true copy thereof, in a file available for public inspection, and shall transmit a copy to the CDFW, the appropriate RWQCB, the CGS, the Department of Parks and Recreation, the county planning agency and, if the areas are within their jurisdiction, to the California Tahoe Regional Planning Agency and the California Coastal Commission.

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

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

(d) The Director shall invite written comments, and will consider these comments. All comments regarding Plans shall be in writing and shall be addressed to the Director at the appropriate CAL FIRE Review Team Office where the Plan is filed. Comments from reviewing public agencies shall be considered based on the comments' substance, and specificity, and in relation to the commenting agencies' area(s) of expertise and statutory mandate, as well as the level of documentation, explanation or other support provided with the comments.

(e) Any Substantial Deviation in the Plan or the inclusion of “Significant New Information” (as described in 14 CCR § 895.1), made during the Director's review of the Plan shall require recirculation as described in this section and reopening or extending the public comment period for a minimum of thirty (30) days.

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

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

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

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

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

1. The Plan number and County.

2. The names of the Timberland owner and the Plan Submitter.

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

4. The name of the nearest major Watercourse or CAL Watershed ID.

5. The acres proposed to be harvested.

6. The Silvicultural Systems to be used.

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

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

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

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

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

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

(5) The Department need only respond to:

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

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

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

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4582.6, 4582.7 and 4582.75, Public Resources Code; and *Joy Road Area Forest and Watershed Association,* v. *California Department of Forestry & Fire Protection*, Sonoma County Superior Court No. SCV 229850.

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

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

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

(c) The plan submitter shall prepare and submit to the Director, with the Plan, a notice of preparation to harvest timber (notice of preparation)

(1) If any proposed Plan boundary lies within three hundred (300) feet of any property owned by any Person other than the plan submitter, or

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

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

(d) A notice of preparation shall include the following information:

(1) The name of the plan submitter.

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

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

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

(5) The Silvicultural Method(s) proposed.

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

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

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

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

(g) Prior to Plan submission, the Person submitting the Plan shall post a copy of the notice of preparation at a conspicuous location that is easily visible to the public and near the Plan site. Notwithstanding other Rules, the notices required by 14 CCR § 1032.10 of this article shall be completed prior to submission of the NTMP, and within counties with special Rules, (14 CCR, Subchapter 4, Art. 13, commencing with § 924, Subchapter 5, Art. 13, commencing with § 945, and Subchapter 6, Art. 13, commencing with § 965.) the noticing requirements will be the same as for a THP.

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

**§ 1090.3. Notice of Preparation – Distribution by Director.**

The Director shall distribute copies of each notice of preparation within two (2) working days of receipt to:

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

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

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

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

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

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

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

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

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

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

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

(f) The Director shall take the following steps when “Significant New Information” is added to the Plan during the course of Plan review or during the Director's determination period.

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

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

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

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

1. The Plan number and County.

2. The names of the Nonindustrial Tree Farmer(s) and the plan Submitter.

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

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

5. The acres proposed to be harvested.

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

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

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

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

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

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

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

(5) The Department need only respond to:

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

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

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

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

**§ 1090.16. Notice NTMP of Filing.**

(a) The Director shall prepare a notice of filing which shall contain the basic information contained in the notice of preparation (14 CCR § 1090.2) plus the assigned NTMP number.

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

(1) The Person submitting the Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The acres proposed to be harvested.

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

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

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

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

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

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

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

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

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

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

**§ 1092.05. Notice of Intent Distribution.**

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

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

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

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

Note: Authority cited: Sections 4551, 4551.5, 4552 and 21092, Public Resources Code. Reference: Sections 4581, 4582.4, 21080.5, 21081 and 21092, Public Resources Code.

**§ 1092.17. Notice of PTHP Filing.**

(a) The Director shall prepare a notice of filing which shall contain the basic information contained in the Notice of Intent (14 CCR § 1092.04).

(b) Within two working days of the date the PTHP is filed, the Director shall transmit copies of the Notice of Filing to:

(1) The Person submitting the PTHP.

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

(3) The local CAL FIRE headquarters for posting.

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

(5) All public agencies having custodial responsibility for lands within 300 ft. of the PTHP boundary.

(6) Anyone else, as required by Public Resources Code §§ 4582.4 and 4582.6.

Note: Authority cited: Sections 4551, 4551.5, 4552, 4582.4, 4582.6 and 21080.5, Public Resources Code; and NRDC v. Arcata National Corp. (1976), 59 Cal. App. 3d 959. Reference: Sections 4581, 4582.5, 4582.7, 4582.75, 4592, 21081 and 21092, Public Resources Code.

**§ 1092.18. Agency and Public Review for the PTHP.**

(a) Upon filing a PTHP in accordance with 14 CCR § 1092.16 the Director shall place it, or a true copy thereof, in a file available for public inspection, and shall transmit a copy to the CDFW, the appropriate RWQCB, the CGS, the Department of Parks and Recreation, the county planning agency and, if the areas are within their jurisdiction, to the California Tahoe Regional Planning Agency and the California Coastal Commission.

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

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

(d) The Director shall invite written comments, and will consider these comments. All comments should address any areas where there is a question of consistency with the PTEIR, the Act, the applicable Rules of the Board and any other applicable legal requirements. All comments shall be in writing and shall be addressed to the Director at the applicable CAL FIRE Review Team Office where the PTHP was filed.

(e) Any Substantial Deviation in the Plan or the inclusion of “Significant New Information” (as described in 14 CCR § 895.1), made during the Director's review of the Plan shall require recirculation as described in this section and reopening or extending the public comment period for a minimum of thirty (30) days.

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

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

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

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

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

1. The Plan number and County.

2. The names of the Timberland owner and the Plan Submitter.

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

4. The name of the nearest major Watercourse or CAL Watershed ID.

5. The acres proposed to be harvested.

6. The Silvicultural Systems to be used.

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

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

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

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

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

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

(5) The Department need only respond to:

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

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

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

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4582.7 and 4582.75, Public Resources Code; and *Joy Road Area Forest and Watershed Association,* v. *California Department of Forestry & Fire Protection*, Sonoma County Superior Court No. SCV 229850.

**§ 1094.3. WFMP Submittal and Notice of Preparation to Harvest Timber.**

A WFMP may be submitted to the Department in writing by a person who intends to become a Working Forest Landowner(s) with the long-term objectives of promoting forestland stewardship, uneven aged timber stand(s) and sustained yield through the implementation of a WFMP. The WFMP shall be prepared by a RPF, shall be a public record, shall include all of the specified information pursuant to 14 CCR § 1094.6, and the following conditions shall be met:

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

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

(c) The plan submitter(s) shall prepare and submit to the Director, with the Plan, a Notice of Preparation to Harvest Timber if:

(1) Any proposed Plan boundary lies within 300 ft. of any property owned by any person other than the plan submitter, or

(2) Any deviation changes a Plan boundary where the new boundary of the additional area lies within 300 ft. of any property owned by any person other than the plan submitter(s), or

(3) Any deviation changes the silvicultural method if a Notice of Preparation to Harvest Timber was required for the Plan by conditions (1) or (2) above.

(d) A Notice of Preparation to Harvest Timber shall include the following information:

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

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

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

(4) The acreage of the WFMP area and the acreage of the Working Forest Timberlands within which timber operations under the WFMP are to be conducted.

(5) The silvicultural method(s) proposed.

(6) The estimated earliest date that the Director may approve the Plan pursuant to 14 CCR § 1094.17.

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

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

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

(g) Prior to Plan submission, the person submitting the Plan shall post a copy of the Notice of Preparation to Harvest Timber at a conspicuous location that is easily visible to the public and near the Plan site. Notwithstanding other Board Rules, the notices required by 14 CCR § 1032.10 shall be completed prior to submission of the WFMP, and within counties with special Rules, (14 CCR Subchapter 4, Article 13 and Subchapter 6, Article 13) the noticing requirements will be the same as for a THP.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.2 and 4597.3, Public Resources Code.

**§ 1094.4. Notice of Preparation to Harvest Timber-Distribution by Director.**

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

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

(b) The local Unit headquarters for posting.

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

(d) Any additional distribution of the Notice of Preparation to Harvest Timber required by the Board Rules for individual counties.

(e) Department's Internet Website.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.3, Public Resources Code.

**§ 1094.14. Notification of Commencement of Operations.**

For each Working Forest Harvest Notice submitted, within fifteen (15) days before, and not later than the day of the start of timber operations, the Designated Agent shall notify the Department of the start of timber operations. The notification, by telephone, mail, or email, shall be directed to the appropriate CAL FIRE Unit Headquarters, Forest Practice Inspector, or other designated personnel.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Section 4597.15, Public Resources Code.

**§ 1094.15. Notice of WFMP Filing.**

(a) The Director shall prepare a Notice of Filing which shall contain the basic information contained in the Notice of Preparation to Harvest Timber pursuant to 14 CCR § 1094.3, plus the assigned WFMP number.

(b) Within two (2) working days of the date the Plan is filed, the Director shall transmit copies of the Notice of Filing to:

(1) The person submitting the Plan.

(2) The office of the County Clerk of the county(s) in which the operations are proposed. The Notice of Filing shall be posted at the normal place for posting environmental notices.

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

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

(5) All public agencies having custodial responsibility for lands within 300 ft. of the WFMP boundary.

(6) The Department's Internet Web site.

(7) To any person who requests notifications in writing.

(c) Notice of Filing may be transmitted through internet based email.

Note: Authority cited: Sections 4551, 4551.5, 4552 and 4553, Public Resources Code. Reference: Sections 4597.3 and 4597.4, Public Resources Code.