

**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: 913.11, 933.11, 953.11

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2023-1012-02

OAL Matter Type: Regular (S)

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In this regular rulemaking, the Board of Forestry and Fire Protection is amending regulations to allow for consideration of fire risk and fire protection as factors that impact maximum sustained production of high quality timber products in areas where (1) a Sustained Yield Plan ("SYP"), a Nonindustrial Timber Management Plan ("NTMP"), or a Working Forest Management Plan ("WFMP") has not been approved for an ownership or (2) a SYP, NTMP, or WFMP is submitted for an ownership.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024 pursuant to Public Resources Code section 4554.5(a).

Date: November 28, 2023



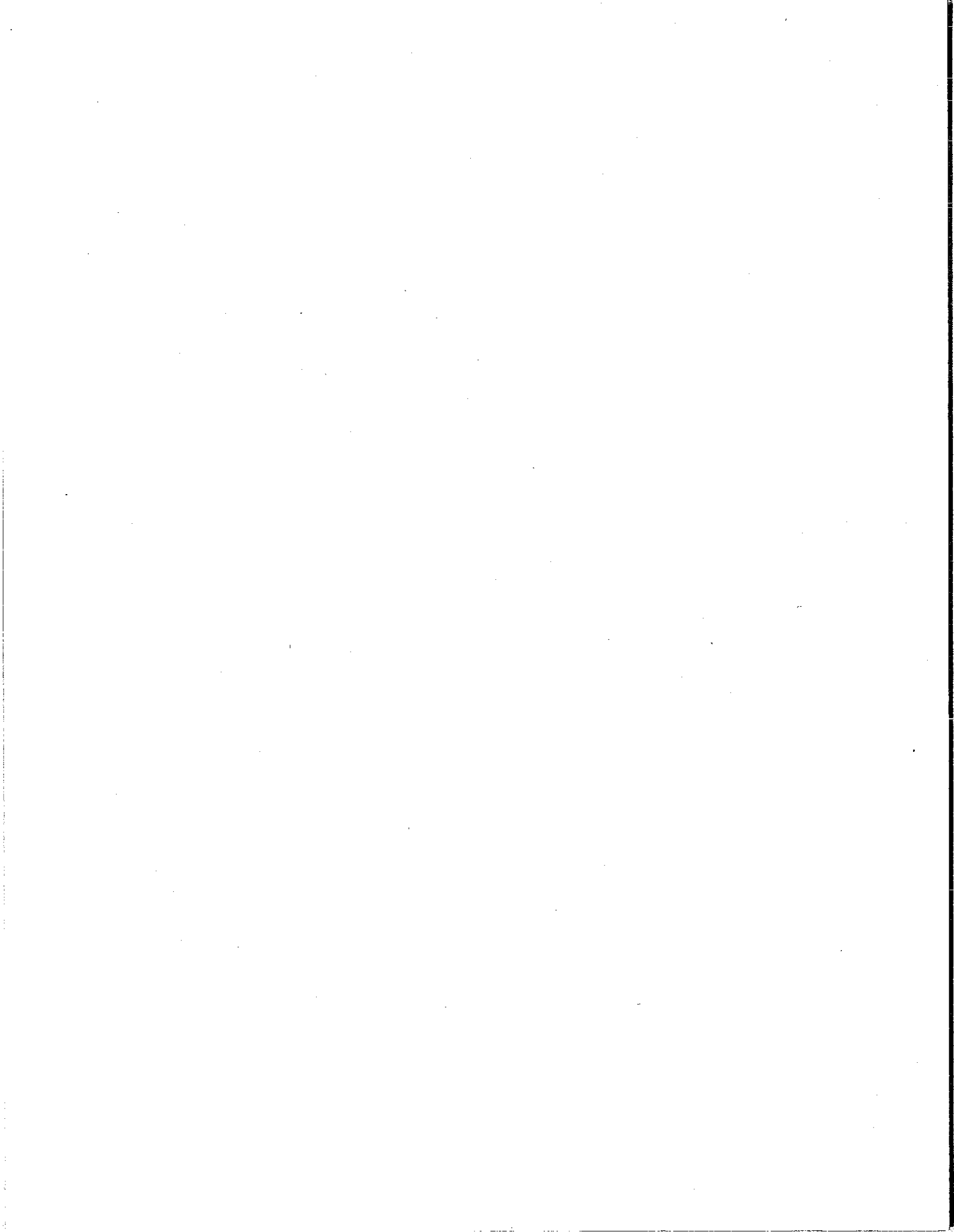
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Steven J. Escobar  
Senior Attorney

Original: Edith Hannigan, Executive  
Officer

For: Kenneth J. Pogue  
Director

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 Z-2023-0523-01	REGULATORY ACTION NUMBER 2023-1012-085	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		AGENCY WITH RULEMAKING AUTHORITY Board of Forestry and Fire Protection	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Forestry and Fire Protection		AGENCY FILE NUMBER (If any)	

ENDORSED - FILED  
in the office of the Secretary of State  
of the State of California

NOV 28 2023

1:38 PM

OFFICE OF ADMIN. LAW  
2023 OCT 12 AM 10:42

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Maximum Sustained Production Amendments,	TITLE(S) 14	FIRST SECTION AFFECTED 913.11	2. REQUESTED PUBLICATION DATE June 2, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Andrew Lawhorn	TELEPHONE NUMBER (916) 628-8090	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2023, 22-2	PUBLICATION DATE 6/2/23	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Maximum Sustained Production Amendments, 2023	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.) 14	ADOPT AMEND 913.11, 933.11, 953.11 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) January 1, 2024 per PRC 4554.5(a)

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@bof.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: 2023.10.11 14:12:04 -0700</small>	DATE 10/11/2023
TYPED NAME AND TITLE OF SIGNATORY Jane Van Susteren, Regulations Coordinator	

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**ENDORSED APPROVED**

**NOV 28 2023**

**Office of Administrative Law**

Per agency request: JC, 11/27/2023

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1 **Board of Forestry and Fire Protection**

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

3 **Division 1.5, Chapter 4:**

4 **Subchapters 4, 5, 6, Article 3**

5  
6 **Amend:**

7 **§ 913.11. Maximum Sustained Production of High Quality Timber Products.**

8 The goal of this section is to achieve Maximum Sustained Production of High Quality  
9 Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or  
10 (b) or (c) in a THP, SYP, NTMP or WFMP, or as otherwise provided in Article 6.8,  
11 Subchapter 7, Chapter 4, Division 1.5, Title 14 of the California Code of Regulations.

12 (a) Where a Sustained Yield Plan (14 CCR § 1091.1), a NTMP, or a WFMP has  
13 not been approved for an ownership, MSP will be achieved by:

14 (1) Producing the yield of timber products specified by the landowner,  
15 taking into account biologic and economic factors, including factors related  
16 to fire risk, while accounting for limits on productivity due to constraints  
17 imposed from consideration of other forest values, including but not limited  
18 to, recreation, watershed, wildlife, fire protection, range and forage,  
19 fisheries, regional economic vitality, employment and aesthetic enjoyment.

20 (2) Balancing growth and harvest over time, as explained in the THP for  
21 an ownership, within an assessment area set by the Timber Owner or  
22 Timberlands owner and agreed to by the Director. For purposes of this  
23 subsection the sufficiency of information necessary to demonstrate the  
24 balance of growth and harvest over time for the assessment area shall be  
25 guided by the principles of practicality and reasonableness in light of the

1 size of the ownership and the time since adoption of this section using the  
2 best information available. The projected inventory resulting from  
3 harvesting over time shall be capable of sustaining the average annual  
4 yield achieved during the last decade of the planning horizon. The  
5 average annual projected yield over any rolling 10-year period, or over  
6 appropriately longer time periods for ownerships which Project harvesting  
7 at intervals less frequently than once every ten years, shall not exceed the  
8 projected long-term Sustained Yield.

9 (3) Realizing growth potential as measured by Adequate Site Occupancy  
10 by Species to be managed and maintained given Silvicultural Methods  
11 selected by the landowner.

12 (4) Maintaining good Stand Vigor.

13 (5) Making provisions for adequate regeneration. At the Plan submitters  
14 option, a THP may demonstrate achievement of MSP pursuant to the  
15 criteria established in (b) where an SYP has been submitted but not  
16 approved.

17 (b) Where a SYP, NTMP, or WFMP is submitted for an ownership, an approved  
18 SYP, NTMP, or WFMP achieves MSP by providing sustainable harvest yields  
19 established by the landowner which will support the production level of those  
20 high-quality timber products the landowner selects while at the same time:

21 (1) meeting minimal Stocking, and basal area standards for the selected  
22 Silvicultural Methods as provided in these Rules as described;

23 (2) protecting the soil, air, fish and wildlife, water resources and any other  
24 public trust resources;

1 (3) giving consideration to fire risk, fire protection, recreation, range and  
2 forage, regional economic vitality, employment and aesthetic enjoyment;  
3 (4) balancing growth and harvest over time. The projected inventory  
4 resulting from harvesting over time shall be capable of sustaining the  
5 average annual yield achieved during the last decade of the planning  
6 horizon. The average annual projected yield over any rolling 10-year  
7 period, or over appropriately longer time periods for ownerships which  
8 Project harvesting at intervals less frequently than once every ten years,  
9 shall not exceed the projected long-term Sustained Yield. A THP which  
10 relies upon and is found to be consistent with an approved SYP shall be  
11 deemed adequate to achieve MSP.

12 (c) In a THP, NTMP, or WFMP, MSP is achieved by:

13 (1) for evenaged management, meeting the minimum stand age standards  
14 of 14 CCR § 913.1(a)(1), meeting minimum Stocking and basal area  
15 standards for the selected Silvicultural Methods as contained in these  
16 Rules only with group A Species, and protecting the soil, air, fish and  
17 wildlife, water resources and other public trust resources through the  
18 application of these Rules; or

19 (2) for Unevenaged Management meeting minimum Stocking and basal  
20 area standards for the selected Silvicultural Methods as contained in these  
21 Rules and protecting the soil, air, fish and wildlife, water resources and  
22 other public trust resources through the application of these Rules.

23 (3) for Intermediate Treatments and special prescriptions, complying with  
24 the Stocking requirements of the individual treatment or prescription.

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1 (4) Timberland ownerships totaling 50,000 acres or less may use  
2 subsection (c) to show MSP.

3 (5) Timberland ownerships of 50,000 acres or more may use subsection  
4 (c) through December 31, 1999. Thereafter they may use subsection (c) if  
5 an SYP or demonstration of achievement of MSP pursuant to 14 CCR §  
6 913.11(a) has been filed with the Department and has not been returned  
7 unfiled or approved.

8 (6) For Scattered Parcels on Timberlands ownerships of 50,000 acres or  
9 more, subsection (c) may be used to show MSP.

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11  
12 NOTE: Authority cited: Sections 4551 and 4554.5, Public Resources Code. Reference:  
13 Sections 4513, 4551.5, 4561, 4597 and 21080.5, Public Resources Code.

14  
15  
16 **§ 933.11. Maximum Sustained Production of High Quality Timber Products.**

17 The goal of this section is to achieve Maximum Sustained Production of High Quality  
18 Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or  
19 (b) or (c) in a THP, SYP, NTMP or WFMP, or as otherwise provided in Article 6.8,  
20 Subchapter 7, Chapter 4, Division 1.5, Title 14 of the California Code of Regulations.

21 (a) Where a Sustained Yield Plan (14 CCR § 1091.1), a NTMP, or a WFMP has  
22 not been approved for an ownership, MSP will be achieved by:

23 (1) Producing the yield of timber products specified by the landowner,  
24 taking into account biologic and economic factors, including factors related  
25 to fire risk, while accounting for limits on productivity due to constraints

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1 imposed from consideration of other forest values, including but not limited  
2 to, recreation, watershed, wildlife, fire protection, range and forage,  
3 fisheries, regional economic vitality, employment and aesthetic enjoyment.

4 (2) Balancing growth and harvest over time, as explained in the THP for  
5 an ownership, within an assessment area set by the Timber Owner or  
6 Timberland owner and agreed to by the Director. For purposes of this  
7 subsection the sufficiency of information necessary to demonstrate the  
8 balance of growth and harvest over time for the assessment area shall be  
9 guided by the principles of practicality and reasonableness in light of the  
10 size of the ownership and the time since adoption of this section using the  
11 best information available. The projected inventory resulting from  
12 harvesting over time shall be capable of sustaining the average annual  
13 yield achieved during the last decade of the planning horizon. The  
14 average annual projected yield over any rolling 10-year period, or over  
15 appropriately longer time periods for ownerships which Project harvesting  
16 at intervals less frequently than once every ten years, shall not exceed the  
17 projected long-term Sustained Yield.

18 (3) Realizing growth potential as measured by Adequate Site Occupancy  
19 by Species to be managed and maintained given Silvicultural Methods  
20 selected by the landowner.

21 (4) Maintaining good Stand Vigor.

22 (5) Making provisions for adequate regeneration. At the Plan submitters  
23 option, a THP may demonstrate achievement of MSP pursuant to the  
24 criteria established in (b) where an SYP has been submitted but not  
25 approved.

1 (b) Where a SYP, NTMP, or WFMP is submitted for an ownership, an approved  
2 SYP, NTMP, or WFMP achieves MSP by providing sustainable harvest yields  
3 established by the landowner which will support the production level of those  
4 high-quality timber products the landowner selects while at the same time:

5 (1) meeting minimal Stocking, and basal area standards for the selected  
6 Silvicultural Methods as provided in these Rules as described;

7 (2) protecting the soil, air, fish and wildlife, water resources and any other  
8 public trust resources;

9 (3) giving consideration to fire risk, fire protection, recreation, range and  
10 forage, regional economic vitality, employment and aesthetic enjoyment;

11 (4) balancing growth and harvest over time. The projected inventory  
12 resulting from harvesting over time shall be capable of sustaining the  
13 average annual yield achieved during the last decade of the planning  
14 horizon. The average annual projected yield over any rolling 10-year  
15 period, or over appropriately longer time periods for ownerships which  
16 Project harvesting at intervals less frequently than once every ten years,  
17 shall not exceed the projected long-term Sustained Yield. A THP which  
18 relies upon and is found to be consistent with an approved SYP shall be  
19 deemed adequate to achieve MSP.

20 (c) In a THP, NTMP, or WFMP, MSP is achieved by:

21 (1) for evenaged management, meeting the minimum stand age standards  
22 of 14 CCR § 933.1(a)(1), meeting minimum Stocking and basal area  
23 standards for the selected Silvicultural Methods as contained in these  
24 Rules only with group A Species, and protecting the soil, air, fish and

1 wildlife, water resources and other public trust resources through the  
2 application of these Rules; or

3 (2) for Unevenaged Management meeting minimum Stocking and basal  
4 area standards for the selected Silvicultural Methods as contained in these  
5 Rules and protecting the soil, air, fish and wildlife, water resources and  
6 other public trust resources through the application of these Rules.

7 (3) for Intermediate Treatments and special prescriptions, complying with  
8 the Stocking requirements of the individual treatment or prescription.

9 (4) Timberland ownerships totaling 50,000 acres or less may use  
10 subsection (c) to show MSP.

11 (5) Timberland ownerships of 50,000 acres or more may use subsection  
12 (c) through December 31, 1999. Thereafter they may use subsection (c) if  
13 an SYP or demonstration of achievement of MSP pursuant to 14 CCR §  
14 933.11(a) has been filed with the Department and has not been returned  
15 unfiled or approved.

16 (6) For Scattered Parcels on Timberland ownerships of 50,000 acres or  
17 more, subsection (c) may be used to show MSP.

18  
19  
20 NOTE: Authority cited: Sections 4551 and 4554.5, Public Resources Code. Reference:  
21 Sections 4513, 4551.5, 4561, 4597 and 21080.5, Public Resources Code.

22  
23 **§ 953.11. Maximum Sustained Production of High Quality Timber Products.**

24 The goal of this section is to achieve Maximum Sustained Production of High Quality  
25 Timber Products (MSP). MSP is achieved by meeting the requirements of either (a) or

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1 (b) or (c) in a THP, SYP, NTMP or WFMP, or as otherwise provided in Article 6.8,  
2 Subchapter 7, Chapter 4, Division 1.5, Title 14 of the California Code of Regulations.

3 (a) Where a Sustained Yield Plan (14 CCR § 1091.1), a NTMP, or a WFMP has  
4 not been approved for an ownership, MSP will be achieved by:

5 (1) Producing the yield of timber products specified by the landowner,  
6 taking into account biologic and economic factors, including factors related  
7 to fire risk, while accounting for limits on productivity due to constraints  
8 imposed from consideration of other forest values, including but not limited  
9 to, recreation, watershed, wildlife, fire protection, range and forage,  
10 fisheries, regional economic vitality, employment and aesthetic enjoyment.

11 (2) Balancing growth and harvest over time, as explained in the THP for  
12 an ownership, within an assessment area set by the Timber Owner or  
13 Timberland owner and agreed to by the Director. For purposes of this  
14 subsection the sufficiency of information necessary to demonstrate the  
15 balance of growth and harvest over time for the assessment area shall be  
16 guided by the principles of practicality and reasonableness in light of the  
17 size of the ownership and the time since adoption of this section using the  
18 best information available. The projected inventory resulting from  
19 harvesting over time shall be capable of sustaining the average annual  
20 yield achieved during the last decade of the planning horizon. The  
21 average annual projected yield over any rolling 10-year period, or over  
22 appropriately longer time periods for ownerships which Project harvesting  
23 at intervals less frequently than once every ten years, shall not exceed the  
24 projected long-term Sustained Yield.

1 (3) Realizing growth potential as measured by Adequate Site Occupancy  
2 by Species to be managed and maintained given Silvicultural Methods  
3 selected by the landowner.

4 (4) Maintaining good Stand Vigor.

5 (5) Making provisions for adequate regeneration. At the Plan submitters  
6 option, a THP may demonstrate achievement of MSP pursuant to the  
7 criteria established in (b) where an SYP has been submitted but not  
8 approved.

9 (b) Where a SYP, NTMP, or WFMP is submitted for an ownership, an approved  
10 SYP, NTMP, or WFMP achieves MSP by providing sustainable harvest yields  
11 established by the landowner which will support the production level of those  
12 high-quality timber products the landowner selects while at the same time:

13 (1) meeting minimal Stocking, and basal area standards for the selected  
14 Silvicultural Methods as provided in these Rules as described;

15 (2) protecting the soil, air, fish and wildlife, water resources and any other  
16 public trust resources;

17 (3) giving consideration to fire risk, fire protection, recreation, range and  
18 forage, regional economic vitality, employment and aesthetic enjoyment;

19 (4) balancing growth and harvest over time. The projected inventory  
20 resulting from harvesting over time shall be capable of sustaining the  
21 average annual yield achieved during the last decade of the planning  
22 horizon. The average annual projected yield over any rolling 10-year  
23 period, or over appropriately longer time periods for ownerships which  
24 Project harvesting at intervals less frequently than once every ten years,  
25 shall not exceed the projected long-term Sustained Yield. A THP which

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1 relies upon and is found to be consistent with an approved SYP shall be  
2 deemed adequate to achieve MSP.

3 (c) In a THP, NTMP, or WFMP, MSP is achieved by:

4 (1) for evenaged management, meeting the minimum stand age standards  
5 of 14 CCR § 953.1(a)(1), meeting minimum Stocking and basal area  
6 standards for the selected Silvicultural Methods as contained in these  
7 Rules only with group A Species, and protecting the soil, air, fish and  
8 wildlife, water resources and other public trust resources through the  
9 application of these Rules; or

10 (2) for Unevenaged Management meeting minimum Stocking and basal  
11 area standards for the selected Silvicultural Methods as contained in these  
12 Rules and protecting the soil, air, fish and wildlife, water resources and  
13 other public trust resources through the application of these Rules.

14 (3) for Intermediate Treatments and special prescriptions, complying with  
15 the Stocking requirements of the individual treatment or prescription.

16 (4) Timberland ownerships totaling 50,000 acres or less may use  
17 subsection (c) to show MSP.

18 (5) Timberland ownerships of 50,000 acres or more may use subsection  
19 (c) through December 31, 1999. Thereafter they may use subsection (c) if  
20 an SYP or demonstration of achievement of MSP pursuant to 14 CCR §  
21 953.11(a) has been filed with the Department and has not been returned  
22 unfiled or approved.

23 (6) For Scattered Parcels on Timberlands ownerships of 50,000 acres or  
24 more, subsection (c) may be used to show MSP.

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2 NOTE: Authority cited: Sections 4551 and 4554.5, Public Resources Code. Reference:  
3 Sections 4513, 4551.5, 4561, 4597 and 21080.5, Public Resources Code.

