

## FILING OF PLAN OR SUBSTANTIAL DEVIATION

5446

(No. 3 June 1991)

The department has ten days from the day of receipt of a THP or deviation in a region office to determine if the THP or deviation is acceptable for filing. The intent of having the 10-day time period for filing is to provide for greater public participation. A longer filing period may allow the public to provide information that would help in determining whether a THP should be filed. However, most plans or deviations have so little potential for controversy that they do not warrant use of the full ten days provided for the decision on filing. Only the following types of plans or deviations should be held for the full 10-day period before a decision on filing is made:

- Any plan for timber harvesting within a Coastal Commission Special Treatment Area.
- Any plan involving a Special Treatment Area as defined in 14 CCR §895.1.
- Any plan within the southern sub-district of the Coast Forest District (14 CCR §907.1) the High Use subdistrict (14 CCR §909.1), or in those counties for which the board has adopted special rules. NOTE: Counties in the southern subdistrict of the Coast Forest District that have had rules adopted pursuant to PRC §4516.5 have a mandatory 10-day filing period (14 CCR §924.2).
- Any plan located within the city limits of any incorporated city.
- Any plan containing the potential for significant water quality problems.
- Any plan in an area where experience has shown that we are likely to receive public comments, such as near Clair Engle Lake, the Sinkyone Wilderness, Hope Valley (Alpine County), or areas that contain old growth sierra redwood or nesting sites of rare or endangered birds.
- Any plan with special conditions that are expected to cause public concern, such as plans regarding domestic water supplies.
- Within the 10-day period or prior to the filing of a plan or deviation received in a region office, the following actions must be taken:
  - Enter the date of receipt of the THP in the appropriate space on the THP form.
  - Assign a THP number.
  - Review the THP or substantial deviation to determine if it is acceptable for filing.

- Mail a notice of intent within two working days of receipt to the Director's office and to those persons as required by 14 CCR § 1032.7.

If the plan is accepted for filing, department personnel must determine whether a preharvest inspection (initial inspection) must be made. The review team may assist in making this determination.

When THPs are received in the Director's office or unit, promptly forward them to the appropriate region office.

The region as a new plan shall review a THP previously found unacceptable for filing when it is resubmitted, but a new plan number shall not be assigned.

The acceptance for filing of a THP by the department presumes that a proper plan has been competently prepared by an RPF for the submitter. The plan shall be reviewed with this in mind. The basis for this presumption is that the RPF, in preparing a THP, is assumed to have incorporated into the plan those silvicultural methods, operating methods, procedures, etc., that will minimize possible significant adverse impact on the environment.

## **INFORMATIVE COVER LETTER**

**5446.1**

(No. 3 June 1991)

The board has asked the department to use an Informative Cover Letter (not available in e-format) when sending a Notice of Timber Operations to a neighboring landowner under 14 CCR § 1032.7. Local variations may be desirable, but bear in mind that the format was written by the board's RFP Liaison Committee and was approved by the board.

The format of the Informative Cover Letter (not available in e-format) is not useful in counties where, under special rules adopted by the board pursuant to PRC § 4516.5, responsibility for mailing the notices may fall on the RPF who prepares the plan, not on CDF. In such cases the department should encourage use of the letter, but cannot require it.

## **NUMBERING OF PLAN**

**5446.2**

(No. 3 June 1991)

Assign a THP number to each plan upon receipt. Enter this number in the administrative box in the upper right hand corner of the THP form for purposes of identification and reference.

The following statewide numbering system is mandatory: CDF Region No. (1 digit) - Year (last two digits) - Regional Sequence No. of Plan (1 - 3 digits) and county abbreviation (3 letters), as indicated in the Rejection of a THP (not available in e-format).

Example:

Region	Numbering
1	1-86-85HUM or 1-84-212MEN
2	2-83-818SIS or 2-87-101SHA

A county sequence number or any additional number required may be used at the region chief's discretion.

## **PLAN UNACCEPTABLE FOR FILING**

**5446.3**

(No. 3 June 1991)

A THP submitted for filing is the first opportunity for CDF review. Plans submitted to CDF must be prepared in conformance with the law and regulations as noted in [5502.3](#). This is the responsibility of the RPF preparing the THP. The Department is responsible for determining if a plan meets filing requirements (14 CCR 898.1, et seq.). A THP must be filed within 10 days of receipt or it will be filed by default, unless the date for filing is extended by the plan submitter. The following guidelines are to be used in determining whether a THP is acceptable for filing:

1. The Forest Practice rules require that specific information be clearly provided on maps. Plans should not be filed if the accompanying map(s) are cluttered and cannot be clearly read, interpreted, or photocopied. Color-coded maps cannot be accepted because the CDF cannot reproduce them. Additional black and white maps with details may be necessary so that all the required information can be included. Since the map contains important information, it should be readable by an interested public person. If a map is hard for the CDF to decipher, a lay person will probably not be able to understand it. Check to be sure the mapping requirements given in 14 CCR 1034(x) are provided and clearly discernible.
2. Do not file plans when archeological information required in the THP has not been provided.
3. Do not file plans when the public noticing requirements have not been met. If it is found during plan review that noticing requirements have not been followed, the plan shall be recommended for withdrawal or denial.
4. A plan proposing exceptions and alternatives should not be filed if the explanation and justification requirements of the rules have not been met. Plans must include a description of the practice and a clear explanation of how the practice will meet or exceed the standard rule protection.

5. Do not accept plans that cite compliance with a rule rather than providing the information specified in the rules, i.e., for compliance with 916.5; WLPZ widths, etc., need to be specified. The filing of a THP is based on a paperwork review and, when available, current and firsthand on-site knowledge. This does not require an on-site inspection before filing. Use information from Water Quality, and Fish and Game, when possible, to determine whether a plan is complete. They may have site-specific information such as locations of rare and endangered species, water quality problems and domestic water sources.

An inaccurate or incomplete THP should be returned with a statement indicating what code sections have not been met, and any concerns that have to be resolved for the plan to be found acceptable for filing (14 CCR 898.2, 1037 and 1054). The Rejection of a THP provides a suggested format. The letter returning the plan shall include, for reference, the THP number. [Section 5502.3](#), and possibly 5502.4, of the Procedures Manual may apply (depending on circumstance), and a notice of violation or citation may be appropriate.

The following situations are examples of plans unacceptable for filing:

- The THP lacks the original signature of the RPF who prepared the plan. (Exception: A THP submitted for timberland conversion does not require an RPF's signature.)
- The timber owner, the timberland owner, or the timber operator has not signed the plan, or proper notice has not been provided. Each signature must be an original.
- Part of the plan is missing or is illegible (e.g., map, Notice of Intent, etc.).
- Areas upon which different silvicultural methods and yarding systems are to be applied have not been designated.
- An alternative silvicultural prescription has not been defined and described as required in the forest practice rules.
- Obvious inaccuracies exist that can be identified through the use of aerial photographs, knowledge of the area, or topographic maps.

When minor information is missing, the Director's designee may hold the plan and make a personal contact with the submitter or agent to request the missing information.

Technically, the THP submitter is withdrawing the plan when he agrees that the director's designee may hold the plan until the missing information is provided. The contact with the submitter or agent should be documented in the THP file. Under this set of circumstances, the time a THP is held awaiting submission of this information may be counted as meeting the policy of holding certain plans for 10 days prior to filing. If substantial information is lacking, the plan should be returned. The letter returning the plan shall include for reference the THP number. On any plans returned as unacceptable for filing, send a copy of the plan and the letter returning the plan to the resource management section of the Director's office.

A THP must be filed within 10 days of receipt or it will be filed by default, unless the date for filing is extended by the plan submitter.

## **NOTICE OF SUBMISSION**

**5446.4**

(No. 3 June 1991)

As required by 14 CCR § 1032.9, each region office shall maintain notices of submission (a daily list) for plans submitted. The notices will contain at least a THP number, section, township, and range for each THP submitted. The notice of intent to harvest timber may serve as the notice of submission.

When any person requests notice of submission of THPs, the region chief shall provide the person, free of charge, with a copy of the notice for plans submitted on the date or dates specified. The term "person" means any private individual, organization, partnership, corporation, city, county, district, as well as the state or any department or agency thereof. If no specific date is requested, a copy of the notices for the preceding week will be provided. A request for all notices need be honored only for up to one year.

## **NOTICE OF FILING**

**5446.5**

(No. 3 June 1991)

Within two working days of the filing date, the region chief shall send a copy of the notice of filing of an acceptable THP to the following:

- The submitter.
- The resource management section of the Director's office (two copies, one of which will be forwarded to the Resources Agency).
- The county clerk's office for the county in which timber operations are proposed so that the notice may be posted in an appropriate public place.
- Each appropriate department office in the county in which timber operations are proposed. Each notice shall be posted on a public bulletin board.
- Each public agency owning lands within 300 feet of the proposed plan, excluding public roads.
- Any person making a written request for such notification.
- Any other person who might desire or need such information.

NOTE: Counties that have had rules adopted pursuant to PRC § 4516.5 may have additional notice requirements. Review of these rules will be necessary.

Notification One\* and Notification Two\* illustrate the format that should be used for the Notice of Filing.

Notification Three\* and Notification Four\* illustrate formats for informing the submitter that a THP has been accepted for filing.

\*NOTE: Notification One, Two, Three, and Four are not available in e-format.

## **POSTING AND MAILING REQUIREMENTS**

**5446.6**

(No. 3 June 1991)

Each region shall prepare a checklist for the THP file to ensure that all department posting and mailing requirements in the rules of the board have been met as indicated below. It is important that the Director's office receive the documents where specified and when indicated since this office serves a noticing function, disseminates public information, and addresses concerns within the review period for a THP. Each region shall do the following:

Notice of Intent (Also serves as the Notice of Submission)

Mail a copy of the Notice of Intent to the Director's office, to all persons identified as property owners within 300 feet of the plan boundary, to the county clerk, to the local unit headquarters, and to other locations deemed desirable and feasible, within two working days of plan receipt.

Post copies of the Notice of Intent in a conspicuous location near the plan site by the plan submitter. Regions shall conduct spot checks to ascertain that this is being done. IF the notices are not being posted, the THP cannot be approved.

Ensure that the notice contains the specified minimum content noted in this handbook, Section 5446.4. A copy shall be provided, free of charge to any person who requests a notice for a specific date. If a specific date is not requested, then a copy of notices for THPs submitted in the previous week shall be provided.

Notice of Filing

Within two working days of filing a THP, send a copy of the Notice of Filing to the submitter, the county planning department, each appropriate CDF office, each public agency owning land within 300 feet of the proposed plan, the Department of Fish and Game, the Regional Water Quality Control Board, the Native American Heritage Commission, the Department of Parks and Recreation, the Tahoe Regional Planning Agency, or the Coastal Commission where appropriate, to any individual who requests a copy, and to any other person deemed appropriate. Send two copies to the Director's office (Attn: Resource Management).

Within two working days of filing, post or send a copy of the notice for posting to the region office, the CDF unit headquarters, to other appropriate CDF facilities, and to the county clerk's office.

### **Timber Harvesting Plan**

On or before filing of a plan, send a copy of the plan to the Department of Fish and Game, to the Regional Water Quality Control Board, to the Department of Parks and Recreation, to the county planning agency, to the Tahoe Regional Planning Agency or the Coastal Commission if appropriate, to any person making a written request, to the Director's office, and to any other person deemed appropriate. An individual should be charged the current rate for a copy of the plan, except that an individual designated by the Native American Heritage Commission may receive a free copy upon request.

Within 10 working days of the date the plan is found to be in conformance, send a copy of the plan to the Department of Fish and Game, to the Regional Water Quality Control Board, to the Department of Parks and Recreation, to the county planning agency, to the Tahoe Regional Planning Agency or the Coastal Commission if appropriate, to any person making a written request, to the Director's office, to the plan submitter, and to any other person deemed appropriate.

### **Notice of Conformance**

Within 10 working days of the date the plan is found to be in conformance, send a copy of the notice to the Department of Fish and Game, to the regional water quality control board, to the Department of Parks and Recreation, to the county planning agency, to the Tahoe Regional Planning Agency or the Coastal Commission if appropriate, to any person making a written request, to the Director's office, and to any other person deemed appropriate. This shall include responses to issues raised.

Within 10 working days of the date the plan is found to be in conformance, post a copy of the notice in the region office, the unit, any other appropriate CDF facility, and the appropriate county government office. This shall include responses to issues raised.

### **Preharvest Inspection**

As completed, send a copy of the preharvest inspection report to the plan submitter, the RPF who prepared the plan, each review team member, the Director's office, and any other person deemed appropriate.

### **Nonconcurrences**

As submitted, send a copy of the nonconcurrences to the plan submitter, the RPF who prepared the plan, each review team member, the Director's office, and any other person deemed appropriate.

**Review Team Recommendation**

As completed, send a copy of the review team recommendation to the plan submitter, the RPF preparing the plan, each review team member, the Director's office, and any other person deemed appropriate.

**County Rules and Hearing Notification**

Where county rules require extra public notice, send a copy of each document to the Director's office.

Where county hearings will be conducted and notices will be prepared, send a copy of each document to the Director's office.

NOTE: Counties that have had rules adopted pursuant to PRC § 4516.5 have additional requirements beyond the ones cited. Review of these rules will be necessary.

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE FOR FORMS/FORMS SAMPLES SITE LINK.**

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