

1 Title 14 Chapter 4 California Forest Practice Rules

2 ROAD MANAGEMENT PLAN, 2005

3 (45 Day Notice Regulation Language, Published May 27, 2005)

4
5 Amend 14 CCR § 895 Abbreviations Applicable Throughout Chapter

6 ref. Refer, reference

7 **RMP** Road Management Plan

8 **RPF** Registered Professional Forester

9 **NOTE:** Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference:
10 Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526,
11 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code

12 **Adopt 14 CCR Article 6.9 Road Management Plan**

13
14 **Adopt 14 CCR § 1093 Road Management Plan**

15 (a) Where the word "Plan" is used in this article it shall mean a project or programmatic
16 level document approved by the Director including a Timber Harvesting Plan (THP),
17 Nonindustrial Timber Management Plan (NTMP), Program Timber Harvesting Plan (PTHP),
18 Sustained Yield Plan (SYP), or Programmatic Timber Environmental Impact Report (PTEIR).

19 (b) General. This Article establishes requirements applicable to the management of a
20 transportation system for one or more planning watersheds.

21 (c) Authority and Intent. This Article carries out the Legislature's direction that the
22 Board adopt regulations to assure the continuous growing and harvesting of commercial forest
23 tree species and to protect the soil, air, fish and wildlife, and the beneficial uses of water in
24 accordance with the policies of the Forest Practice Act. A Road Management Plan (RMP) may
25 be submitted at the option of the timberland owner and is intended to supplement the Plan

1 process by establishing a landscape level framework for addressing long-term issues of
2 sustained timber production, and cumulative effects analysis that includes the impacts of
3 transportation systems on fish, wildlife, the beneficial uses of water, and watersheds.

4 **(d) The informational and/or analytical support for an RMP shall be based upon**
5 **practicality and reasonableness. The extent to which the RMP may be used as part of**
6 **cumulative impacts assessments for proposed timber operations for Plans shall be based upon**
7 **the extent and quality of information provided in the RMP.**

8 **NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources**
9 **Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)**
10 **and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections**
11 **1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.**
12 **Arcata Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.**

13 14 **Adopt 14 CCR § 1093.01, Relationship to Plans**

15 A Plan may rely on the RMP. A RMP shall not replace a Plan. However, to the extent
16 that the impacts referred to in this section are addressed in an approved RMP, these issues
17 shall be considered to be addressed in a Plan.

18 **NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources**
19 **Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)**
20 **and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections**
21 **1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.**
22 **Arcata Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.**

23 24 **Adopt 14 CCR § 1093.02 Management Unit**

25 “Management Unit” means the part or parts of timberland ownership(s) that are analyzed

1 together as part of a RMP and may include areas of one or more timberland ownerships. The
2 Management Unit shall be limited to one Forest District unless otherwise approved by the
3 Director. The landowner has the option of including within their Management Unit their entire
4 ownership(s) within the Forest District and any areas outside the district that the Director agrees
5 are part of a logical Management Unit based upon regulatory and ecological factors. The
6 Management Unit must include one or more planning watersheds, and may include associated
7 resource assessment areas.

8 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
9 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
10 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
11 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.
12 Arcata Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

14 **Adopt 14 CCR § 1093.03 Road Management Plan Assessment**

15 A RMP shall specify measures to be applied to a forest transportation system to protect,
16 maintain, and enhance the beneficial uses of water and other environmental resources
17 consistent with the objectives of the timberland owner and may be submitted by one or more
18 timberland owners for the Directors review and approval. Specific objectives of an RMP shall
19 be to:

20 (a) Identify and meet the long-term access and transportation objectives of the
21 timberland owner(s).

22 (b) Identify biological habitat (including aquatic and terrestrial wildlife, rare or
23 endangered species), noxious weed species and water quality concerns that could be affected
24 by road management activities.

25 (c) Identify, prioritize and implement activities that will enhance environmental protection

1 and mitigate adverse impacts to resources identified in (b) above as well as reduce long-term
2 management costs, and, with respect to discharges from roads and related facilities, maintain
3 the quality and beneficial uses of water where they are in good condition, protect them where
4 they are threatened, and insofar as feasible, restore them where they are impaired.

5 (d) The RMP shall be prepared by an RPF and utilize the services of other licensed
6 professionals or qualified experts as is required pursuant to PRC § 752(b). The information
7 needed in a RMP and the stringency of road management practices will be scaled to the
8 condition, sensitivity and trend of the condition of the beneficial uses and/or public trust
9 resources. The RMP may be as extensive and detailed as the timberland owner desires and
10 may contain approaches to solving problems which include exceptions, in lieu practices and
11 alternatives to the rules pertaining to roads and landings. The RMP will need to provide as
12 much detail as is required in any other plan to justify any exceptions, in lieu or alternative
13 practices or shall be included in the accompanying plan that relies on an RMP. Future plans
14 that incorporate the RMP may rely on such practices provided they demonstrate continued
15 compliance with the RMP, including monitoring and tracking information.

16 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
17 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
18 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
19 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.
20 Arcata Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

21
22 **Adopt 14 CCR § 1093.04 Content of Road Management Plan**

23 (a) Name and Address of timber and timberland owner(s).

24 (b) Ownership(s) description and location, including legal descriptions and maps
25 depicting the ownership(s) and Management Units covered by the RMP. Maps shall be at a

1 scale and detail sufficient to allow the Director to depict the area covered by the RMP.

2 (c) The RMP shall contain a goals and objectives element, an evaluation element, an
3 operational element, a verification element, and an adaptive management element.

4 (1) The goals and objectives element shall include at least the following

5 (A) A description of the timberland owner's long-term road planning
6 process and objectives.

7 (B) The timberland owner's desired future conditions, performance
8 standards, and priorities for the road system [Option 1: and for the beneficial uses of water and
9 other public trust resources] needed to attain the objectives of the RMP program.

10 (C) The applicable legal requirements that the RMP submitter intends to
11 satisfy through the RMP.

12 (2) The evaluation element shall contain at least the following information:

13 (A) A general introduction and description of the watersheds covered by
14 the RMP as well as the current and historic road system and history as it pertains to sediment
15 production, delivery to water bodies, and transport within water bodies, and the effect of
16 sediment on beneficial uses of water and other public trust resources.

17 (B) Significant constraints on the landowner's road management options
18 which may include, but are not limited to, environmental, social, economical, legal,
19 archeological, and listed species, and how these constraints will be addressed.

20 (C) A brief description of the methods used to: 1) inventory permanent,
21 seasonal and temporary roads, landings and crossings, and historic roads, 2) evaluate the
22 location, condition, trend, and sensitivity of beneficial uses of water and other public trust
23 resources that may be affected by roads and landings, and 3) assess and establish priorities for
24 any maintenance, repair, improvement or abandonment of individual components of the overall
25 road system.

1 **(D) The results of the evaluations including, but not limited to, the**
2 **following, and be implemented incrementally and conducted according to 14 CCR § 1093.04**
3 **(c)(2)(C) above :**

4 **1. The results of the road system inventory, including a**
5 **description of roads inventoried within each management unit, and road system maps at an**
6 **appropriate scale showing the location and classification of all roads within each management**
7 **unit.**

8 **2. The results of the evaluation of the location, condition, trend,**
9 **and sensitivity of beneficial uses of water and forest resources.**

10 **3. The road management priorities, with clear and logical links to**
11 **the stated objectives and evaluation findings.**

12 **(3) The operational element shall include at least the following items addressing**
13 **proposed road management operations, stated time frames for actions, clear lines of**
14 **responsibility for implementation, and schedules as implemented in a plan, including:**

15 **(A) A road construction/reconstruction component including provisions**
16 **for addressing wet weather use and restrictions;**

17 **(B) A road use component including provisions for wet weather use and**
18 **restrictions, surfacing objectives and water drafting;**

19 **(C) A road improvement component, including proposed actions or**
20 **treatments and an implementation schedule;**

21 **(D) A road maintenance (including erosion control and soil stabilization**
22 **treatments) and inspection component;**

23 **(E) A road abandonment component, if proposed, including provisions**
24 **for closure and access control;**

25

1 (F) Contingency plans for addressing emergencies as defined by 14

2 CCR 15359.

3 (4) The verification element shall include the procedures and schedule to be

4 used to:

5 (A) Monitor implementation of, and verify compliance

6 with, the operational provisions of the RMP.

7 (B) Monitor the effectiveness and progress of the plan's operational

8 element in achieving the RMP's stated goals and objectives. Such provisions may include

9 evaluation by the RMP submitter and evaluation of affected areas with representative

10 conditions.

11 (C) Report monitoring and evaluation information to the Department and

12 review team agencies.

13 (5) The adaptive management element shall include:

14 (A) The criterion used to determine when to update and revise the RMP

15 based on new information, scientific reports and data, new legal requirements, monitoring

16 results, and changing environmental conditions.

17 (B) The process to implement changes into the RMP resulting from new

18 information, scientific reports and data, new legal requirements, monitoring results, and

19 changing environmental conditions.

20 (C) The method to be used to monitor the progress toward achieving the

21 plan's environmental goals and objectives. As necessary the RMP shall be amended per 14

22 CCR § 1093.10.

23 NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources

24 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)

25 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections

1 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.
2 Arcata Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

3
4 **Adopt 14 CCR § 1093.05 Limitation on Information Requirements**

5 Where the Management Unit(s) to be included in an RMP contain(s)
6 land or timber owner(s) who are not participating in the development and approval of the RMP,
7 the information required of the RMP submitter regarding past, present, and reasonably
8 foreseeable probable future projects shall be limited to: 1) information regarding the
9 ownership(s) seeking RMP approval, and 2) matters of public record readily available to the
10 submitter and shall be guided by the principles of practicality and reasonableness.

11 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
12 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
13 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
14 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.
15 Arcata Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

16
17 **Adopt 14 CCR § 1093.06 RMP Effective Period**

18 The effective period of the RMP shall be no more than ten years unless extended by the
19 Director. During the effective period of the RMP, the submitter may request a ten year
20 extension and the Director may grant such extension provided there are no substantial changes
21 in [Option 2: environmental and legal] conditions or significant impacts found that were not
22 addressed in the effective RMP. The submitter may request multiple extensions. Each
23 extension shall be considered a substantial deviation and reviewed in accordance with 14 CCR
24 §1093.07.

25 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources

1 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
2 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
3 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.Arcata
4 Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

5
6 **Adopt 14 CCR § 1093.07 Review of Road Management Plan**

7 The Director shall review and approve or disapprove a RMP. The Director's
8 determination shall be based on multi-disciplinary review used to determine whether the RMP
9 identifies potentially significant adverse impacts and includes feasible measures necessary to
10 mitigate or avoid such impacts. Where potentially significant impacts are identified and feasible
11 mitigation is not included in the RMP, a Plan relying upon the RMP shall address these
12 remaining impacts. Reasonable mitigation considered but rejected as infeasible shall be
13 identified in the RMP.

14 (a) Each Regional or Area Office of the Department shall maintain a list of RMPs and
15 date submitted.

16 (b) When any person requests a notice of submission of the RMP, the Director shall
17 provide the person, free of charge, with a copy of the list of RMPs submitted on the date or
18 dates requested, or a list of the specific RMPs requested. If no specific date is requested, a
19 copy of the lists for the preceding week shall be provided.

20 (c) Within 20 days of the receipt of an RMP, the Director shall determine if the RMP
21 meets the informational requirements of 14 CCR § 1093.04 and if so, the RMP shall be filed. If
22 the RMP is not acceptable for filing the Director shall return the RMP with written specifications
23 of the deficiencies. During this same period, the Director shall determine if a field pre harvest
24 inspection is necessary.

25 Where the Director does not make this determination within 20 days the plan shall be

1 deemed filed. Once the RMP is accepted for filing the Director shall have 30 days, or a longer
2 period as mutually agreed to by the submitter and the Director, to review and determine if the
3 RMP contains sufficient and complete information to permit further review by the public and
4 other agencies. If the RMP does not contain sufficient information, the Director will
5 communicate with the submitter with written specification of the deficiencies including any
6 information necessary to review and analyze the RMP. When the submitter provides adequate
7 written response to each of the deficiencies, the RMP will be scheduled for further review. The
8 Director shall return the RMP if the information is not provided or is insufficient.

9 Once the RMP is accepted for filing, the Director shall schedule a date for the start of a
10 45 day or longer period, as mutually agreed to by the submitter and the Director, for public and
11 other agency review. If a field inspection is determined to be needed it shall be in this time
12 period.

13 **(d) Public Notice of RMP.** The Director shall 10 days prior to the start of the 45 day
14 scheduled review transmit notice to the public and agencies. The notice shall advise the public
15 of the name of the submitter, geographic location of the RMP, where a copy of the RMP can be
16 reviewed or obtained, and the earliest date of the Director's determination.

17 **(e) Determination Period.** At the end of the 45 day review and comment period the
18 Director shall have 15 working days, or a longer period which is mutually agreeable, to review
19 public input, consider recommendations and mitigation measures of other public agencies,
20 respond in writing to the issues raised and determine if the RMP is in conformance with the
21 rules. Within this period, the Director shall make a determination of conformance.

22 **(f) RMP Disapproval.** If the Director disapproves a RMP, the Director shall provide
23 written reasons for disapproval that conform with 14 CCR § 1054. In addition, the Director shall
24 state any changes and reasonable conditions that in the Director's professional judgment are
25 needed to bring the plan into conformance with the applicable rules of the Board and offer to

1 confer with the RPF in order to reach agreement on the conditions necessary to bring the plan
2 into conformance.

3 (g) Appeals of RMPs shall be same as provided in the Forest Practice Act for
4 THPs at PRC 4582.7 (b)-(d) and 14 CCR § 1054.1-1054.8. For Head of Agency Appeals, the
5 appealing agency shall have 10 days from the Director's determination date to notify the Board
6 of their intent to appeal. The other requirements of 14 CCR § 1056(a) shall be submitted to the
7 Board within 30 days after the Director's decision. The 30 days specified in 14 CCR § 1056.2
8 commence when the appeal statement meets the requirements of 14 CCR § 1056(a).

9 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
10 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
11 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
12 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.Arcata
13 Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

14 15 **Adopt 14 CCR § 1093.08 Review Teams to be Established to Review Road**

16 **Management Plan**

17 Interdisciplinary review teams shall be established by the Director to review RMPs. The
18 Review Team composition, function, tasks and procedures shall be the same as those
19 described in 14 CCR § 1037.5, and shall also assist the Director in the evaluation of proposed
20 RMP(s) for potential compliance with other applicable legal requirements.

21 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
22 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
23 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
24 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.Arcata
25 Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

1 **Adopt 14 CCR § 1093.09 Amendments**

2 **(a)** The RMP will be effective until such time as substantial changes in **[Option 3: legal**
3 **and environmental]** conditions occur or significant environmental impacts are identified which
4 **are not addressed in the RMP. When this occurs the RMP may be amended or supplemented**
5 **to address such conditions or impacts. New information may be supplemented to address**
6 **changes or impacts that are less than substantial or significant.**

7 **(b)** Substantial deviations proposed to an approved RMP shall not be undertaken in a
8 **plan that relies on an RMP until such amendments for the RMP has been filed and approved by**
9 **the Director in accordance with 14 CCR § 1093.07.**

10 **(c)** Minor deviations shall be reported to the Director immediately in writing but shall not
11 **require amendment of the plan.**

12 **(d)** RMP amendments are not required to conduct changes to operations under
13 **emergencies as defined in 14 CCR 15359.**

14 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
15 **Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)**
16 **and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections**
17 **1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.Arcata**
18 **Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.**

19
20 **Adopt 14 CCR § 1093.10 Change of Ownership**

21 **Changes in ownership of land or timber with a submitted RMP shall be in accordance with 14**
22 **CCR § 1042.**

23 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
24 **Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)**
25 **and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections**

1 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.Arcata
2 Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

3
4 **Adopt 14 CCR § 1093.11 Cancellation of an RMP by a Submitter**

5 All parties who submitted the RMP, or their successors, must sign the request to the
6 Director for cancellation of a RMP. Once a Plan has been approved based on the provisions of
7 a RMP, the provisions of the RMP may not be cancelled except as to lands not operated upon.

8 **NOTE:** Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources
9 Code. Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b)
10 and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; Sections
11 1600 and 5650(c), Fish and Game Code; and Natural Resources Defense Council, Inc. v.Arcata
12 Natl. Corp. (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

13
14 **Adopt 14 CCR § 1093.12 Termination by the Director.**

15 The Director may terminate an approved RMP if it is determined that the submitter is:

16 **(a) Failing to implement practices or measures specified in the RMP, or**

17 **(b) Failing to conduct monitoring and report monitoring results as specified in the RMP**
18 **or falsifying the monitoring results.**

19 Prior to termination the Director shall notify the RMP submitter in writing of deficiencies
20 and allow 30 days, or longer if mutually agreed, for corrections of said deficiencies. No plan
21 shall be filed or approved following notification of deficiencies until the deficiencies are
22 corrected. Once a Plan has been approved based on the provisions of a RMP, the provisions of
23 the RMP may not be terminated except as to lands not operated upon.

24 **NOTE:** Authority cited: Sections 4551, Public Resources Code. Reference: Sections 4551.5,
25 4561, 21003 and 21068.5, Public Resources Code.