

California's Forest Practice Rules
For the Protection of Archaeological, Historical, and Cultural Sites
Title 14 of the California Code of Regulations



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assembled by:

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Note: This document contains a compilation of selected portions of the California Forest Practice Rules found in Title 14 of the California Code of Regulations (14 CCR). These rules apply to the regulation of commercial timber operations on private and other nonfederal lands in California. All applicable rule sections related to requirements for the protection of archaeological, historical, and cultural sites are included herein. Since some of these rules are found in sections outside the main grouping of archaeology rules found in sections 929, 949, and 969, this compilation may serve as a handy reference to review all of the archaeology requirements. In three rule sections (1035.3d, 1037.5 and 1104.1) CAL FIRE has also highlighted the relevant portion of the rule in bolded italicized text to make the archaeological rule easier to find. In addition to the rules themselves, this document includes applicable abbreviations and definitions. CAL FIRE has benefited from the observations of readers who have identified errors in earlier editions. Your comments in that area are solicited. Please send comments to CAL FIRE Archaeologist Tony Overly at tony.overly@fire.ca.gov

Disclaimer: This CAL FIRE document is not intended to be authoritative. There are two official published sources of the rules, and one of these is available on-line.

These are:

Barclays Official California Code of Regulations
P.O. Box 3066
South San Francisco, CA 94083
(800) 888-3600

Office of Administrative Law Web Site
www.oal.ca.gov

click on California Code of Regulations,
then
click on California Code of Regulations

Abbreviations used in the archaeological rules:

| | |
|------|---|
| ARMR | Archaeological Resource Management Report |
| CAA | Confidential Archaeological Addendum |
| CAL | Confidential Archaeological Letter |
| CCR | California Code of Regulations |
| CDF | California Department of Forestry and Fire Protection |
| LTO | Licensed Timber Operator |
| NAHC | Native American Heritage Commission |
| NTMP | Nonindustrial Timber Management Plan |
| PTHP | Program Timber Harvesting Plan |
| RPF | Registered Professional Forester |
| THP | Timber Harvesting Plan |
| USGS | United States Geological Survey |

Section 895.1 Definitions for terms used in the archaeological rules:

Archaeological Coverage Map means the map or maps required as part of a Confidential Archaeological Addendum or a Confidential Archaeological Letter pursuant to 14 CCR §§ 929.1 [949.1, 969.1] (c)(9) and 1052(a)(10). The map(s) shall contain a north arrow, a scale, and accurately display the project boundary, the site survey area showing survey intensity(ies), and specific location of all archaeological and historical sites identified within the site survey area. The map(s) must be on a 1:1 scale copy of a USGS 7.5' quadrangle(s), or digitally generated topographical equivalent. Additional maps at other scales may be required to more accurately display required information or increase clarity.

Confidential Archaeological Addendum means the archaeological and historical resources survey and impact assessment report prepared for a proposed timber operation. The addendum is confidential to the extent permitted pursuant to Government Code §§ 6254(r) and 6254.10. It shall not be included in any document provided to the public. It shall contain all information required by 14 CCR §§ 929.1, 929.2, 929.3, 929.7, 949.1, 949.2, 949.3, 949.7, 969.1, 969.2, 969.3, 969.7.

Confidential Archaeological Letter means the archaeological and historical resources survey and impact assessment prepared for an Emergency Notice covering three acres or more in size. It is included with the submittal of the Emergency Notice to the Director and contains all information required by 14 CCR § 929.1 [949.1, 969.1] (c)(2),(7),(8),(9), (10) and (11), including site records, as required pursuant to 14 CCR §§ 929.1 [949.1, 969.1] (g) and 929.5 [949.5, 969.5]. The information may be presented in either a letter or report format. It is confidential to the extent permitted pursuant to Government Code §§ 6254(r) and 6254.10 and shall not be included in any document provided to the public.

Current Archaeological Records Check means a review of the State's archaeological and historic resource files conducted at the appropriate Information Center of the California Historical Resource Information System for the area which could be affected by timber operations. The Office of Historic Preservation, which is within the Department of Parks and Recreation, has the address for the regional Information Center a person must contact. The records check must have been conducted within five years prior to the date a THP, NTMP, or Emergency Notice of 3 acres or more is submitted to the Director.

Logging Area means that area on which timber operations are being conducted as shown on the map accompanying the Timber Harvesting Plan, and within 100 feet, as measured on the surface of the ground, from the edge of the traveled surface of appurtenant roads owned or controlled by the timberland owner, timber operator or timber owner, and being used during the harvesting of the particular area. The traveled surface of such appurtenant roads is also part of the logging area.

Native Americans means the Native American Heritage Commission and those local Native American tribal groups and individuals to be notified or consulted pursuant to the Forest Practice Rules as defined in the Native American Contact List.

Native American Contact List means the list that identifies those Native Americans that must be notified or consulted pursuant to the Forest Practice Rules. The Department shall maintain this list utilizing information and advice provided by the Native American Heritage Commission (NAHC). The list shall identify the appropriate contacts to be notified or consulted during preparation or review of Timber Harvesting Plans. The list shall be organized by counties or portions of counties and shall include all local federally recognized tribal governments. It shall also include other California Native American organizations or individuals that the Department places on the list based upon demonstrated knowledge concerning the location of archaeological or cultural resources within California. The NAHC shall

also be included as a required contact for each county on the list to enable the NAHC to complete a check of their Sacred Lands File which is authorized by PRC §§ 5097.94(a) and 5097.95. The list shall be posted on the Department's internet site to make it readily available to RPFs and others needing the list to comply with these rules. The list shall also be available by mail through written request to the Department's Region offices. At least twice annually, the Department shall update the list to provide the most current information. Each update will reflect a new revision date, so users of the list may identify which version of the list they were using.

Native American Archaeological or Cultural Site means any archaeological or other cultural resource that is associated with Native Americans. These sites must be identifiable by a specific physical location containing specific physical attributes. Native American archaeological or cultural sites include but are not limited to: village sites, camp sites, petroglyphs, prehistoric trails, quarries, milling stations, cemeteries, ceremonial sites or traditional cultural sites and properties.

Professional Archaeologist means a person who holds at least a Bachelor of Arts or Science degree in Anthropology or Archaeology from a college or university and has completed at least three years of professional experience in research, writing, or project supervision in archaeological investigation or cultural resource management and protection programs.

Significant Archaeological or Historical Site means a specific location which may contain artifacts, or objects and where evidence clearly demonstrates a high probability that the site meets one or more of the following criteria:

- (a) Contains information needed to answer important scientific research questions.
- (b) Has a special and particular quality such as the oldest of its type or the best available example of its type.
- (c) Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- (d) Involves important research questions that historical research has shown can be answered only with archaeological methods.
- (e) Has significant cultural or religious importance to Native Americans as defined in 14 CCR § 895.1.

Site Survey Area means the area where a field survey is conducted for archaeological and historical sites which includes the entire logging area except appurtenant roads and those portions of the 100 foot strip along such roads unless there are timber operations to remove commercial wood products that could affect an archaeological or historical site.

Substantial Adverse Change means demolition, destruction, relocation, or alteration such that the significance of an archaeological or historical site would be impaired.

Supervised Designee means a person, who need not be an RPF, acting as an assistant under the supervision of an RPF pursuant to Article 3, Chapter 2, Division 1 of the Public Resources Code. For the purposes of this definition, "supervision" means the RPF must perform regular and timely quality control, work review and inspection, both in the office and in the field, and be able to take, or effectively recommend, corrective actions where necessary; the frequency of the review, inspection and guidance shall take into consideration the experience of the non-RPF and technical complexity of the job, but shall be sufficiently frequent to ensure the accomplishment of work to professional standards.

Article 14 (Article 12) Archaeological and Historical Resource Protection

Section 929 [949, 969] Statement of Purpose

The purpose of this article is to:

- (a) ensure that the significant archaeological and historical sites within the site survey area are adequately identified and protected,
- (b) to provide direction to RPFs preparing THPs (which includes all forms of THPs including, but not limited to, Modified THPs and Nonindustrial Timber Management Plans (NTMPs), Program Timber Harvesting Plans (PTHPs)), Notice of Emergency Timber Operations (Emergency Notices), and any Exemption Notices pursuant to 14CCR Sections 1038 and 1104.1,
- (c) provide direction to the timber operator conducting timber operations,
- (d) provide direction to the Department of Forestry and Fire Protection in its review, approval and inspection programs.

Section 929.1 [949.1, 969.1] Plan and Emergency Notice Preparation

(a) **Preparing a plan.** Prior to submitting a plan, the RPF, or the RPF's supervised designee:

- (1) Shall conduct an archaeological records check at the appropriate Information Center. A previously-conducted archaeological records check for the property may be used to satisfy this requirement if it covers the entire area proposed for timber operations and if it meets the definition of "current archaeological records check" in 14 CCR § 895.1.

- (2) Shall provide written notification to Native Americans of the preparation of a

plan. The primary purpose for this notification is to provide Native Americans an opportunity to disclose the existence of any Native American archaeological or cultural sites that are potentially within or adjacent to the site survey area, and the opportunity to comment on the plan. The RPF shall allow a minimum of 10 days for response to this notice before submitting the plan to the Director. The remainder of the 10-day waiting period is waived when all Native Americans required to be informed respond in less than 10 days. This notice shall contain the following attachments or items of information:

- (A) A request for information concerning the potential existence of any Native American archaeological or cultural sites within the plan boundaries.
 - (B) Information concerning the location of the plan including:
 - (1) A general location map that, at a minimum, shows the travel route from the nearest community or well-known landmark to the plan area.
 - (2) A copied segment of the titled USGS (if available) or equivalent map(s) that displays the approximate boundary of the plan area, and includes a map legend and a scale.
 - (3) A description of the plan location including the county, section, township, range, base and meridian, and the approximate direction and distance from the nearest community or well-known landmark.
 - (C) A statement that all replies, comments, questions, or other information submitted by Native Americans as a result of this notice be directed to the RPF. The name, address, and phone number of the RPF shall be provided.
 - (D) Information concerning the available time for response. Indicate that the RPF is requesting a response within ten days from the date of the notice so the information can be incorporated into the plan when initially submitted to the Director. Provide the estimated date the plan will be submitted to Director. Provide the following statement: “The earliest possible date the Director may approve the plan is 16 calendar days after it is submitted to Director, although typically, the plan is reviewed for at least 45 calendar days following plan submittal before the Director approves the plan.”
 - (E) A statement that the Native American groups may participate in the plan review process by submitting written comments to the Director before close of public comment period.
 - (F) A statement that locations of sites disclosed will be kept confidential.
 - (G) A statement that a Confidential Archaeological Addendum (CAA) will be prepared for the plan and a copy of pertinent information contained within the CAA may, at the discretion of the Director, be obtained from the Director.
- (3) Shall provide a professional archaeologist or a person with archaeological training (in accordance with 14 CCR § 929.4 [949.4, 969.4]) to conduct a field survey for archaeological and historical sites within the site survey area. Previous archaeological surveys within the site survey area may also be used to partially or

entirely satisfy this requirement.

(4) Shall ensure that research is conducted prior to the field survey, including review of appropriate literature and contacting knowledgeable individual, concerning potential archaeological or historical sites occurring on the property.

(b) Provide Notification to Native Americans if a Native American Archaeological or Cultural Site is located within the plan. On a plan that contains a Native American archaeological or cultural site as defined in 14 CCR § 895.1 the RPF or the RPF's supervised designee shall:

(1) provide a written notice to Native Americans informing them of the presence of Native American cultural resources within the site survey area. This notification shall include:

(A) The RPF's name, address, and telephone number.

(B) The name, number, or other designator of the plan.

(C) A list of all known Native American archaeological or cultural sites located within the site survey area, including a name, number or other designator and brief description of each site.

(D) A brief discussion of how each site shall be protected or avoided.

(E) The address and phone number of the appropriate CDF office to contact as well as a statement that written comments may be submitted to Director for consideration prior to the close of public comment.

(F) The estimated earliest date the Director may approve the plan.

(2) submit a copy of all letters sent pursuant to 14 CCR § 929.1 [949.1, 969.1] (b)(1) to the Director. The Director shall allow a minimum of 15 days from the date of the notification letter for receipt of responses to notices sent pursuant to 14 CCR § 929.1 [949.1, 969.1] (b)(1) prior to the close of public comment.

(c) Submitting a Confidential Archaeological Addendum for a plan

The RPF shall include the following information in a Confidential Archaeological Addendum with the proposed plan:

(1) Administrative Information which is not confidential and may be released to the public. This includes:

(A) The name, affiliation, address, and phone number of the archaeological surveyor.

(B) The name, affiliation, address, and phone number of the RPF, if different than the archaeological surveyor.

(C) The plan name ascribed by the RPF, plan number (if known), type, and approximate acreage.

(D) The county, legal description, and name of USGS 7.5' Quad(s) within

which the project is located.

(E) The date the CAA was completed.

(F) The name of the author of the CAA.

(G) The signature of the RPF or archaeological surveyor.

(2) Archaeological Records Check Information. A copy of the records check and written reply (including mapped information) from the Information Center shall be attached, or a justification as to why that is not possible shall be included.

(A) If the records check request and written reply from the Information Center are attached, no additional information is required.

(B) If the records check request and written reply from the Information Center are not attached, the following information shall be included:

(1) Justification why records check request and written reply could not be attached.

(2) The date the records check was conducted at the Information Center.

(3) The Information Center File Number.

(4) Summary of records check results discussing whether or not archaeological or historical sites are known or suspected to exist within the site survey area and whether or not the site survey area has a previous archaeological investigation on record.

(3) Results of notification to Native Americans of plan preparation pursuant to 14 CCR § 929.1 [949.1, 969.1](a)(2)(B). This shall include:

(A) An example of a notification letter and project map submitted to Native American contacts.

(B) Copies of any written responses received from Native American contacts.

(C) A list of the individuals or groups that were provided written notification and the date of the Native American Contact List being used.

(D) Date the notification was sent.

(E) Results of the information request, specifically addressing the results of information received from the NAHC, if those results have been received.

(4) Results of notification to Native Americans of the existence of a Native American archaeological or cultural site on the plan, if required, pursuant to 14 CCR § 929.1 [949.1, 969.1](b).

(5) A list of the research done prior to field survey. This list shall include literature reviewed and persons contacted in addition to the required archaeological records check with Information Center and Native Americans, and a summary of the results of this research.

(6) Information on the current or previous archaeological surveyor(s), which is

not confidential. This shall include:

(A) the name of the current archaeological surveyors and an indication of whether or not the person either meets the specifications of a professional archaeologist as defined in 14 CCR § 895.1 or meets the requirements specified in 14 CCR § 929.4 [949.4, 969.4].

(B) the name of any previous archaeological surveyors, if known.

(7) Description of archaeological survey methods and procedures including survey strategy, time spent conducting archaeological field survey, the date or dates the survey was conducted, survey coverage intensity, and ground visibility or other limitations.

(8) A list and description of all archaeological or historical sites identified within the site survey area including information on the site(s) size, type, and condition. The designations used in this listing of sites found shall be consistently used throughout the CAA.

(9) An Archaeological Coverage Map or maps prepared in accordance with the specifications identified in the definition of an Archaeological Coverage Map in 14 CCR § 895.1.

(10) A preliminary determination of significance of identified archaeological and historical sites, if damaging effects from timber operations cannot be avoided. This determination shall be based upon the criteria for a significant archaeological or historical site listed in 14CCR § 895.1.

(11) Description of any specific enforceable protection measures to be implemented both within the site boundaries and within 100 feet of the site boundaries.

(12) Information concerning the proposed on-site meeting between the RPF or supervised designee familiar with on-site conditions and the LTO to discuss protection of archaeological and historical resources, if required, pursuant to 14 CCR § 929.2 [949.2,969.2](b).

(13) Information concerning site recording requirements pursuant to 14 CCR § 929.1 [949.1, 969.1](d)and(g).

(14) Other applicable information, if any, concerning the archaeological survey for this project.

(15) List of attachments to the CAA.

(d) Site Records

Upon submission of a plan, the RPF or the RPF's supervised designee shall submit completed site records for each site proposed to be a significant archaeological or historical site in a manner consistent with the recording standards identified in the State Office of Historic Preservation's "Instructions For Recording Historical Resources" March, 1995, which is incorporated by reference.

(e) Emergency Notice of 3 Acres Or More

- (1) Prior to submitting an Emergency Notice of three acres or more, the RPF:
 - (A) Shall ensure that an archaeological field survey is, or has been previously conducted by a professional archaeologist or person with archaeological training (pursuant to 14CCR §929.4 [949.4, 969.4]) within the site survey area.
- (2) Prior to submitting an Emergency Notice of three acres or more, the RPF or the RPF's supervised designee:
 - (A) Shall complete a current archaeological records check. This check may be conducted by telephone. If the Information Center is unable to provide the information within three business days following receipt of an RPF's request for an Emergency Notice records check, the records check requirement is waived.
 - (B) Shall submit a Confidential Archaeological Letter that includes the information required by 14 CCR § 929.1 [949.1, 969.1](c)(2),(7),(8),(9), (10) and (11), including site records, if required pursuant to 14 CCR § 929.1 [949.1, 969.1](g) and 929.5 [949.5,969.5].
 - (C) Shall send a copy of the Emergency Notice to Native Americans.

(f) Emergency Notice of Less Than 3 Acres

- (1) Prior to submitting an Emergency Notice of less than three acres, the RPF or the RPF's supervised designee shall:
 - (A) Conduct an archaeological survey for said area to determine whether it contains any significant archaeological sites using the criteria for a significant archaeological or historical site defined in 14 CCR § 895.1.
 - (B) Send a copy of the Notice to Native Americans.
- (2) An archaeological records check, Confidential Archaeological Addendum, or Confidential Archaeological Letter, is not required.
- (3) No timber operations shall occur within the boundaries of any significant archaeological or historical sites as determined by the RPF or the RPF's supervised designee.

(g) Submitting Archaeological and Historical Information to Information Centers

Within 30 days following the Director's approval of a plan or acceptance of an Emergency Notice of three acres or larger, the Director shall send to the appropriate Information Center of the California Historical Resource Information System the following information provided by the RPF:

(1) a complete Confidential Archaeological Addendum which includes all changes and additions required in the plan review process and which identifies the plan number, or, for Emergency Notices of three acres or larger, a Confidential Archaeological Letter.

(2) two copies each of any completed archaeological or historical site records for:
(A) archaeological sites determined to be significant, or
(B) sites that a person elects to record, but for which no determination of significance has been made.

The records shall be completed by a person who satisfies the training requirements specified in 14 CCR §§ 929.4 [949.4,969.4], in a manner consistent with the recording standards identified in the State Office of Historic Preservation's "Instructions For Recording Historical Resources" March, 1995, which is incorporated by reference.

(3) The RPF or supervised designee shall ensure that the site records are completed in the manner specified in subsection (2).

Section 929.2 [949.2,969.2] Protection Measures for Plans and Emergency Notices 3 Acres and Larger

(a)(1) The RPF shall describe in the separate Confidential Archaeological Addendum or Letter, measures to be taken to mitigate or avoid substantial adverse change to any known significant archaeological or historical sites.

(2) The RPF may propose, and the Director may agree to, site specific protection measures for any identified archaeological or historical site without evaluating the significance of the site. These proposed protection measures shall be designed to ensure protection of such archaeological and historical sites from damaging effects. Avoidance of activities which will cause damaging effects is a preferred protection measure.

(b) The RPF or supervised designee familiar with on-site conditions shall meet with the LTO prior to the start of timber operations at each archaeological or historical site that is described in the plan or notice that requires avoidance or other protection measures and do the following:

(1) show the LTO the location, extent and boundaries of each archaeological or historical site requiring protection,

- (2) discuss with the LTO the protection measures,
 - (3) apprise the LTO of the confidentiality requirements for any information concerning the physical location of archaeological or historical sites.
- (c) If the RPF or supervised designee is unable to perform the duties in 14 CCR § 929.2 [949.2, 969.2](b), the RPF shall:
- (1) explain the reasons in the emergency notice, plan, or as a minor amendment to the plan,
 - (2)(A) meet with the plan submitter, timberland owner, or their authorized agent, and review in the field, the items described in 14 CCR § 929.2 [949.2, 969.2](b),
(B) if the plan submitter, timberland owner, or their authorized agent will not comply with the RPF's or RPF's supervised designee's request for a meeting, the RPF shall notify the Director.
 - (3) except for an emergency notice, notify the plan submitter in writing that it is the plan submitter's responsibility to transfer the information in 14 CCR § 929.2 [949.2, 969.2](b) to the LTO per 1035(h),
 - (4) notify the Director in writing.

(d) The LTO shall not conduct timber operations within the boundaries of any archaeological or historical site identified in the CAA unless such operations are described in the CAA and made part of the plan approved by the Director.

(e) In the event that the CAA authorizes limited timber operations within the boundaries of archaeological or historical sites identified in the plan, the LTO and the RPF, if so stated in the plan, shall be responsible for ensuring that specific protection measures and timber operations are conducted in the manner described in the CAA.

Section 929.3, [949.3, 969.3] Post-Review Site Discovery

If a person discovers a potentially significant archaeological or historical site after a plan, Emergency Notice, or Exemption is accepted by the Director, the following procedures apply:

- (a) The person who made the discovery shall immediately notify the Director, LTO, RPF, or timberland owner of record.
- (b) The person first notified in (a) shall immediately notify the remaining parties in (a).
- (c) No timber operations shall occur within 100 feet of the identified boundaries of the new site until the plan submitter proposes, and the Director agrees to, protection

measures pursuant to 14CCR § 929.2 (949.2, 969.2).

(d) A minor deviation shall be filed to the plan. The minimum information provided shall include:

- (1) A statement that the information is confidential.
- (2) The mapped location of the site.
- (3) A description of the site.
- (4) Protection measures, and
- (5) Site records, if site records are required pursuant to 14 CCR §§ 929.1(g)(2)(b) and 929.5 [949.5, 969.5].

(e) Upon receipt the Director shall immediately provide the proposed minor deviation or portions of the minor deviation, to Native Americans when Native American archaeological or cultural sites are involved.

Section 929.4, [949.4, 969.4] Archaeological Training Requirements

To meet the requirement of 14 CCR § 929.1 [949.1, 969.1] archaeological surveys of a plan or Emergency Notice areas for archaeological or historical sites shall be conducted only by a professional archaeologist or a person who has attended a training program approved by the Director within five years prior to submission of the plan or Emergency Notice. The training program must meet the following standards:

(a) The course shall use education materials approved by the Director which address the current regulations and procedures for the identification, recordation, and protection of archaeological and historical resources during timber operations.

(b) The course may require that the applicant demonstrate, in the field, and in a final written examination, the ability to conduct a record search, perform field identification, complete an archaeological site record, and to identify appropriate mitigation and protection measures for archaeological or historical sites covered in the course.

(c) The Director shall issue a verification to all students that satisfactorily complete the training course.

(d) Following an individual's successful completion of an archaeological training course approved by the Director, he or she may enroll in a refresher training course, approved by the Director, to renew a 5-year archaeological training certification.

(e) The Director may conduct the archaeological training courses (in addition to or

in-lieu of approving programs conducted by others) at least annually.

Section 929.5, [949.5, 969.5] Site Recording

The Director shall ensure that all archaeological or historical sites determined to be significant and located within the site survey area on plans or Emergency Notices are recorded by the RPF or supervised designee in a manner consistent with the recording standards identified in the State Office of Historic Preservation's "Instructions For Recording Historical Resources" March, 1995, which is incorporated by reference.

Section 929.6, [949.6, 969.6] Protection of Sites During Timber Operations

No person, except as otherwise permitted by law, who is involved in timber operations shall excavate, collect artifacts from, vandalize or loot archaeological or historical sites located within the THP, Emergency Notice, or Exemption boundary.

Section 929.7, [949.7, 969.7] Determination of Significance

(a) A determination of significance shall be made for an identified archaeological or historical site within the site survey area on a THP or Emergency Notice by a person who satisfies the requirements specified in 14 CCR 929.4 [949.4, 969.4] if damaging effects from timber operations cannot be avoided.

(b) The determination of significance shall:

- (1) Be based upon criteria defined for significant archaeological or historical sites in 14 CCR 895.1
- (2) Utilize any information provided by Native Americans, archaeological, historical or ethnographic data pertinent to the region and to the cultural resource, and physical characteristics of the archaeological or historical site.

(c) If required by subsection (a), a preliminary determination of significance shall be made by the RPF or the RPF's supervised designee and provided in the Confidential Archaeological Addendum.

(d) Where the Director determines that timber operations may cause a substantial adverse change to a significant archaeological or historical site and the RPF and the Director cannot agree upon protection measures, a professional archaeologist provided by the THP submitter shall make a survey and prepare a report on the potentially affected site or sites and the potential impacts of the proposed timber operations. The part of the report that relates to archaeological sites is confidential. This report, if it discusses impacts on Native American archaeological sites, shall be

provided by the Director to Native Americans and the NAHC. This report shall contain recommendations for mitigation, the elimination of impacts, or for the reduction of impacts to avoid or prevent substantial adverse change to significant archaeological or historical resources. The report shall meet the standards of the Preservation Planning Bulletin, Number 4, December 1989 (Office of Historic Preservation), entitled Archaeological Resource Management Reports (ARMR): Recommended Contents and Format. The Director shall make the final determination of significance and substantial adverse change based on advice of a professional archaeologist.

Section 1035 Plan Submitter Responsibility

The plan submitter, or successor in interest, shall:

(h) Disclose to the LTO, prior to the start of operations, through an on-the-ground meeting, the location and protection measures for any archaeological or historical sites requiring protection if the RPF has submitted written notification to the plan submitter that the plan submitter needs to provide the LTO with this information.

Section 1035.2 Interaction Between RPF and LTO.

After the start of the plan preparation process but before commencement of operations, the responsible RPF or supervised designee familiar with on-site conditions, shall meet with either the LTO, or supervised designee, who will be on the ground and directly responsible for the harvesting operation. The meeting shall be on-site if requested by either the RPF or LTO. An on-site meeting is required between the RPF or supervised designee familiar with on-site conditions and LTO to discuss protection of any archaeological or historical sites requiring protection if any such sites exist within the site survey area pursuant to Section 929.2[949.2,969.2](b). If any amendment is incorporated to the plan by an RPF after the first meeting, that RPF or supervised designee familiar with on-site conditions shall comply with the intent of this section by explaining relevant changes to the LTO; if requested by either that RPF or LTO, another on-site meeting shall take place. The intent of any such meeting is to assure that the LTO:

- (a) Is advised of any sensitive on-site conditions requiring special care during operations.
- (b) Is advised regarding the intent and applicable provisions of the approved plan including amendments.

Section 1035.3 Licensed Timber Operator Responsibilities

Each affected licensed Timber Operator shall:

(d) Keep a copy of the applicable approved plan and amendments available for

reference at the site of active timber operations. ***The LTO is not required to possess any confidential addenda to the plan such as the Confidential Archaeological Addendum, nor is the LTO required to keep a copy of such confidential plan addenda at the site of active timber operations.***

(f) In the event that the LTO executing the plan was not available to attend the on-site meeting to discuss archaeological site protection with the RPF or supervised designee familiar with on-site conditions pursuant to Section 929.2 [949.2,969.2] (b), it shall be the responsibility of the LTO executing the plan to inquire with the plan submitter, timberland owner, or their authorized agent, RPF who wrote the plan, or the supervised designee familiar with on-site conditions, in order to determine if any mitigation measures or specific operating instructions are contained in the Confidential Archaeological Addendum or any other confidential addendum to the plan.

Section 1037.5 Review Teams to be Established

Section 1037.5 Interdisciplinary review teams shall be established by the Director to review plans and assist the Director in the evaluation of proposed timber operations and their impacts on the environment.

(a) Review Team Composition: Each review team, when possible, shall consist of a representative from each of the following agencies: Regional Water Quality Control Board, Department of Fish and Game, a representative of county government when the county government so requests, Regional Coastal Commission (for plans in the coastal zone), California Tahoe Regional Planning Agency (for plans in the Tahoe Basin) and the Department of Forestry and Fire Protection. The Director shall request a representative from the Department of Parks and Recreation in the case of plans which may affect values in publicly owned parks. ***The Director may request other federal, state or county agencies, or Native Americans as defined in 14 CCR 895.1, when appropriate, to assist as advisors in the review process.*** The Department of Forestry and Fire Protection's representative shall be the review team Chairperson and shall be an RPF.

Section 1038 Exemption

(b) Harvesting dead, dying or diseased trees

(10) No timber operations on any site that satisfies the criteria listed in 895.1 for a significant archaeological or historical site. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(f) On parcels of 20 acres or less in size within the Lake Tahoe Basin

(12) No timber operations on historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

Section 1051 Modified THP

(a) On an ownership of 100 acres or less of timberland, a modified timber harvest plan may be filed by a plan submitter, providing that the following conditions and mitigations are met:

(12) No timber operations within potentially significant archaeological sites.

Section 1052 Emergency Notices.

(a) The notice shall include, but not be limited to, the following:

(10) For Emergency Notices covering three acres or more in size, the RPF shall include a Confidential Archaeological Letter with the Emergency Notice submitted to the Director. The Confidential Archaeological Letter shall include all information required by 14 CCR § 929.1[949.1, 969.1](c)(2),(7),(8),(9), (10) and (11), including site records, if required pursuant to 14 CCR§§ 929.1 [949.1, 969.1] (g) and 929.5. The Director shall submit a complete copy of the Confidential Archaeological Letter and two copies of any required archaeological or historical site records, to the appropriate Information Center of the California Historical Resource Information System within 30 days from the date of Emergency Notice submittal to the Director. Prior to submitting the emergency notice to the Director the RPF shall send a copy of the emergency notice to Native Americans as defined in 14 CCR § 895.1.

Section 1092.14 Licensed Timber Operator Responsibilities

Each affected Licensed Timber Operator shall:

(f) In the event that the LTO executing the plan was not available to attend the on-site meeting to discuss archaeological site protection with the RPF or supervised designee familiar with on-site conditions pursuant to Section 929.2 [949.2, 969.2] (b), it shall be the responsibility of the LTO executing the plan to inquire with the plan submitter, timberland owner, or their authorized agent, RPF who wrote the plan, or the supervised designee familiar with on-site conditions, in order to determine if any mitigation measures or specific operating instructions are contained in the Confidential archaeological Addendum or any other confidential addendum to the plan.

Section 1104.1(a)(3) Conversion Exemptions.

(3) A neighborhood notification of conversion exemption timber operations shall be posted on the ownership visible to the public by the registered professional forester, at least 5 days prior to the postmark date of submission of the notice of Conversion Exemption Timber Operations to the Director. The date of posting shall be shown on the neighborhood notice. In addition, immediately prior to the submission of the exemption to the Director, ***the landowner shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native Americans, as defined in 895.1 notifying them of the intent to harvest timber.*** The mailed letter of notice and the posted notice shall contain the following information on a form prepared by the registered professional forester: