Staff Overview: Noticing Processes under the Forest Practice Rules

# Overview

During the 2024 Call for Regulatory Review, the California Forestry Association raised concerns about the rules concerning procedures for noticing. One issue raised was Review Teams rejecting Plans due to differences between the information on adjacent landowners that the Review Team has access to and the information on adjacent landowners available from a specific title company or equalized assessment roll. The California Forestry Association also asked for a general review of notice processes for consistency.

During the April Committee meeting, the Committee directed Board staff to research:

* Use of RPF discretion for obtaining information on property owners near the Plan area. This is reflected in the rule text.
* Background on CEQA requirements for providing notice when a CEQA document draft is available for review.
* Options for digital notification procedures.
* Review of whether the requirement to publish notice in a local newspaper is based on statute.

During the May Committee meeting the Committee directed Board staff to address:

* Consultation with the department on language used for potential data sources of ownership data/
* Discussion with the Department of a timeline of the notice process (attached in meeting materials)

During the June Committee meeting the Committee directed Board staff to address:

* Discuss options for the Department notifying landowners based on site location or assessor’s parcel number.

# Statutory Requirements for Notices of Intent and Notices of Filing

PRC § 4582.3 requires the Board to adopt regulations regarding a notice of intent to harvest timber. This notice is to be given within two working days following submission of a timber harvesting plan, which it determines to be appropriate and which are consistent with law and Horn v. County of Ventura, 24 Cal. 3d 605. In adopting the regulations, the board shall take account of the extent of the administrative burden involved in giving the notice. The method of notice shall include, but not be limited to, mailed notice. The regulations may require the person submitting the timber harvesting plan to provide to the department a list of the names and addresses of persons to whom the notice was mailed and a written declaration that the mailing has been completed.

There is no specific statutory requirement for newspaper circulation within the Forest Practice Act. There is a specific statutory requirement for newspaper circulation in CEQA, see below for specifics.

# CEQA Requirements for Notices of Availability

CEQA requires that public agencies must make diligent efforts to involve the public; each lead agency must include provisions for public involvement. Whenever possible information should be made available via the internet or on a website maintained by the public agency (Guidelines §15201).

Upon completion of a draft EIR, the lead agency must issue a Notice of Availability. A Notice of Availability must contain descriptions of the project and location, identify significant environmental impacts, specify the review period, share public hearing information, and address where to find the draft EIR for review (PRC §§ 21092(b), 21092.6, Guidelines §§ 15087, 15150). This notice must be issued to the following: the county clerk, all responsible and trustee agencies, and anyone who requested a copy of the notice. The Notice of Availability must also be published in the newspaper with the largest circulation in the affected area (PRC § 21092(b), Guidelines § 15087(a)). The lead agency may distribute the Notice of Availability by email: it must make email access to all who request it, and it cannot be the only means of distribution of notices. (Guidelines § 15087)

The Governor’s Office of Planning and Research, California State Clearinghouse (SCH), no longer accepts notices and documents (including NEPA documents) via regular mail. All notices and documents must be submitted through CEQA Submit, the SCH online database. More information on submittal requirements can be found on the SCH Environmental Document Submission website. (SCH website, 4/30/25)