

Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

“State Forest Regulations Update, 2018”

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

Division 1.5, Chapter 9

Subchapter 1, Articles 1, 2, 3, 4, & 5,

Amend: §§ 1400.5, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1430,

1431, 1432, 1433, 1435, 1436, 1437, 1438, and 1439.

Adopt: §§ 1401.1, 1401.2

Subchapter 4,

Amend: §§ 1510, 1511, 15156, 1516, 1517, 1518, 1519, 1520, 1521

INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1))...NECESSITY (pursuant to GC § 11346.2(b)(1) and 11349(a))....BENEFITS (pursuant to GC § 11346.2(b)(1))

PRC 4656.1 provides the Board of Forestry and Fire Protection (Board) authority to “...establish rules and regulations...for the preservation, protection, and use of state forests...” and PRC 4652 allows the Department of Forestry and Fire Protection (CAL FIRE) to “collect recreational user fees for overnight camping and reserved group activities in a demonstration state forest”, provided that those fees do not exceed the costs of maintenance of and improvements to the campgrounds and associated facilities, environment, and access.

Demonstration state forests are forest lands which are owned by the state and managed and administrated by CAL FIRE. Currently, there are eight demonstration state forests throughout California, totaling over 69,000 acres. These public lands are managed to focus on demonstration of commercial timber management, plantation management, ecosystem restoration, fire prevention, recreation, and monitoring. Though the extent by which recreational opportunities are available varies among the state forests, many of the forests offer extensively developed camping, hiking, hunting, and fishing opportunities to the public.

Though all management activities require some form of initial cost, the administration and management of recreational opportunities within the state forests present significant and ongoing capital requirements. CAL FIRE spends roughly \$342,600 annually on the maintenance and development of recreational facilities on the state forests for the enjoyment of the public; facilities which are currently free of charge for public use.

The problem is that increasing demand and use of recreational facilities on some of the state forests has resulted in growing costs of maintenance and development of these resources. These increased costs are currently covered by the budgetary allowances of the state forests, but additional funding will allow for further improvement of existing resources and the development of additional camping and recreational facilities.

Additionally, many of the regulations which were adopted by the Board under the authority of PRC 4656.1 have issues with clarity of interpretation and enforcement. The existing regulations are inconsistent in their use of defined terms and are unclear on where those terms should be applied. Most of these regulations were adopted by the Board approximately three to four decades ago and have had very few amendments or updates in the intervening years, resulting in some instances of outdated references within the regulations.

The effect of this proposed action is to make specific CAL FIREs collection of fees for overnight camping and the use of designated group campgrounds, to establish a schedule for those fees, and to improve the clarity of existing regulations related to the use of state forests.

The primary benefit of the proposed action is to provide funds for the ongoing maintenance and improvement of campgrounds and associated facilities on Jackson, Mountain Home, and Boggs Mountain Demonstration State Forests. These funds will allow CAL FIRE to provide continued recreational opportunities to the regulated public and to allow for improvements to existing camping and bathroom facilities, thereby ensuring maintained environmental quality in those areas. Additionally, the proposed amendments will improve the clarity of the regulations for public implementation and allow for additional clarity of enforcement by CAL FIRE.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY'S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). Note: For each adoption, amendment, or repeal provide the problem, purpose and necessity.

The Board is proposing action to make permanent, through regular rulemaking, amendments to 14 CCR §§ 1400.5, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1430, 1431, 1432, 1433, 1435, 1436, 1437, 1438, 1439, 1510, 1511, 15156, 1516, 1517, 1518, 1519, 1520, and 1521, and adoption of §§ 1401.1 and 1401.2.

The problems are:

- Costs associated with the maintenance and improvement of camping facilities and associated infrastructure on state forests are becoming an increasingly large portion of the budget of some state forests.
- CAL FIRE would like to collect fees for overnight camping to assist in funding the maintenance and improvement of campground and associated recreational facilities, but currently no regulations exist which establishes such fees for collection.
- There are issues of clarity within existing state forest regulations.

The purposes of the proposed action are twofold: 1) to adopt regulations which allow CAL FIRE to collect fees for overnight camping and use of designated group camping areas and to establish the schedule for these fees; and 2) to improve the clarity of existing regulations related to state forests.

SUBSTANTIVE AMENDMENTS

§1400.5. Definitions

§1400.5 (d)

1. The terms “campsite” and “established campsite” were replaced with the term “Designated Camping Area”, which is defined within the chapter. This change is necessary for clarity of interpretation and enforcement.

§1400.5 (e)

1. The phrase “camping area” was changed to “an area where Camping is allowable” to avoid a circular definition of a Designated Camping Area in favor of incorporating the defined term of Camping and is necessary for clarity of interpretation and to promote a plain English reading of the regulations.
2. The provision of (2) was added to subsection (e) to ensure that all areas which are used for camping are subject to those provisions which are applicable to Designated Camping Areas. Under special use permits, Camping may occur outside of areas with signs or fences but the actions related to Camping in those areas remain subject to the regulations which govern their uses as similarly defined in 1400.5 (e)(1).

§1401. Camping Area

1. The phrase “or someone in attendance” was eliminated as an optional valid possessor of a state forest campfire and special use permit for the purposes of camping outside of a Designated Camping Area as the term is vague and lacks clarity and enforceability. Additionally, the term “Person”, as defined within the chapter, is inclusive of “all associations or combinations of persons” and allows for a group to collectively possess such a permit, provided that the permit is valid for the use.

§1402. Campfire Permits

1. The phrase “or someone in attendance” was eliminated as an optional valid possessor of a state forest campfire and special use permit for the purposes of maintain campfires in a place other than a Designated Camping Area as the phrase is vague and lacks clarity and enforceability. Additionally, the term “Person”, as defined within the chapter, is inclusive of “all associations or combinations of persons” and allows for a group to collectively possess such a permit, provided that the permit is valid for the use.

§1403. Occupancy Time Limits

1. Eliminated a reference to 14 CCR § 4455, which establishes camping time limits within parks which are operated by the Department of Parks and Recreation. State Forests are not operated or administrated by the Department of Parks and Recreation (per 14 CCR § 4450) and are not regulated by the referenced section, nor does the reference provide additional information or guidance to the regulated public regarding occupancy time limits on State Forests. The reference is irrelevant within this section.
2. The term “camping facility” was replaced with the defined term “Designated Camping Area” for clarity and to aid in implementation by the regulated public and enforcement by the Department.

§1404. Reservations

1. The term “campsite” was replaced with the defined term “Designated Camping Area” for clarity and to aid in implementation by the regulated public and enforcement by the Department.
2. A provision was added which allows for the reservation of predesignated group campgrounds. These campgrounds exist within Mountain Home Demonstration State Forest, and their fee structure is proposed for adoption within § 1401.1 (b)(3). The reservation of these group camping areas is necessary in order to facilitate their use by the public and allow for adequate logistical management by the Department. This provision is necessary to clarify that the prohibition of reservation of Designated Camping Areas does not include predesignated group campgrounds.

§1410. Nuisance, §1411. Equipment, §1413. Weapons, §1421. Rubbish

1. The term “campsite” was replaced with the defined term “Designated Camping Area” for clarity and to aid in implementation by the regulated public and enforcement by the Department.

§1412. Noise

1. Phonographs have been eliminated from the list of examples of prohibited electronic equipment as they are antiquated equipment and are unlikely to be utilized by the public.
2. The phrase “but not limited to” has been added before the list of prohibited electronic equipment to indicate to the public that the provided list of noisemaking electronic equipment includes examples of prohibited equipment and is not a

definitive list. This is necessary to improve clarity of interpretation by the public and enforcement by the Department.

§1426. Smoking

1. The term “campground” was replaced with the defined term “Designated Camping Area” for clarity and to aid in implementation by the regulated public and enforcement by the Department.

§1511. Timber Sales, §1515. Bids Solicitation, §1516 Non-Substitution Agreement, §1517. Notice of Removal, §1518. Transfer Requirement, and §1519. Preservation of Records

1. The term “timber” was changed to the defined term “State Timber” where its use was consistent and applicable with the term as defined by §1400.5(n). This is necessary to clarify that these provisions are applicable to that timber which has been processed to the standards within the definition.

Adopt §1401.1. Fees and Registration

§1401.1 (a)

1. This subsection details the schedule of fees required for use of designated camping areas within Jackson and Boggs Demonstration State Forests. These are necessary to inform the regulated public of the costs of use of designated camping areas.

§1401.1 (b)

1. This subsection details the schedule of fees required for use of designated camping areas and predesignated group campgrounds within Mountain Home Demonstration State Forest. These are necessary to inform the regulated public of the costs of use of designated camping areas and predesignated group campgrounds.

§1401.1 (c)

1. This subsection informs the regulated public that the fees within the regulations may be subject to review and revision by the Board, and that any revision will occur in compliance with the Administrative Procedure Act. This is necessary to clarify to the public, who may return to use these camping areas for many years, that the fees are subject to change.

§1401.1 (d)

1. This subsection describes to the public the information that may be collected by CAL FIRE when using a designated camping area. This is necessary for clarity of implementation and expectation by the public, and enforcement by CAL FIRE.

Adopt §1401.2 Vacating

1. This section establishes the time at which occupants of a designated camping area must vacate the site. This establishes the period of time for which occupancy is covered by applicable daily use fees. This is necessary for clarity

and provides improved implementation and interpretation by the public and improved enforcement by CAL FIRE.

Summary of Non-Substantive Amendments to 14 CCR §§ 1400.5, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1430, 1431, 1432, 1433, 1435, 1436, 1437, 1438, 1439, 1510, 1511, 15156, 1516, 1517, 1518, 1519, 1520, and 1521.

1. Capitalized defined terms including the following:
 - Affiliate
 - Campfire
 - Camping or Camp
 - Designated Camping Area
 - Purchaser
 - State Forest
 - State Forest Licensee
 - State Forest Manager
 - State Forest Officer
 - State Timber
2. Corrected grammar.
3. Added clarity and consistency through the addition, deletion or reorganization of rule text
4. Added and updated citations for Authority and Reference where absent or outdated.
5. Increased rule text congruency, consistency and clarity as compared to rule text used in other provisions of Board regulations, including:
 - Changing “California Department of Forestry” to “California Department of Forestry and Fire Protection or CAL FIRE”.
 - Changing “California State Board of Forestry” to “California State Board of Forestry and Fire Protection”.
 - Changing “Director of the Department of Forestry” to “Director of the Department of Forestry and Fire Protection or CAL FIRE”.

ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D) and provided pursuant to 11346.3(a)(3))

The **effect** of the proposed action is the following:

- To make specific the collection of fees by CAL FIRE for overnight camping and the use of predesignated group campgrounds.
- Establish a schedule of fees for overnight camping and the use of predesignated group campgrounds.
- To establish and make explicit the registration information that may be collected by CAL FIRE.
- To improve the clarity of existing regulations related to the use of state forests.

Creation or Elimination of Jobs within the State of California

The proposed action imposes a fee for use of camping facilities on state forests and will

not affect private businesses or jobs. Current staffing within the state forests affected by these new fees are able to absorb the additional workload of fee collection. No creation or elimination of jobs will occur.

Creation of New or Elimination of Businesses within the State of California

The regulatory amendments, as proposed, impose a fee for use of camping facilities on state forests and will not affect private businesses or jobs. It is expected that the proposed regulation will neither create new businesses nor eliminate existing businesses in the State of California.

Expansion of Businesses Currently Doing Business within the State of California

The proposed action imposes a fee for use of camping facilities on state forests and will not affect private businesses or jobs. Current staffing within the state forests affected by these new fees are able to absorb the additional workload of fee collection. The proposed action will not result in the expansion or contraction of businesses currently doing business within the State of California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The primary benefit of the proposed action is to provide funds for the ongoing maintenance and improvement of campgrounds and associated facilities on Jackson, Mountain Home, and Boggs Mountain Demonstration State Forests. These funds will allow CAL FIRE to provide continued recreational opportunities to the regulated public and to allow for improvements to existing camping and bathroom facilities, thereby ensuring maintained environmental quality in those areas and possibly having a positive impact on the mental health and wellbeing of individuals who use these facilities.

Business Reporting Requirement (pursuant to GOV § 11346.5(a)(11) and GOV § 11346.3(d))

The proposed regulation does not require a business reporting requirement.

Summary

In summary, the proposed action:

- (A) Will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses,
- (B) will not eliminate existing businesses within California
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits. For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the "Introduction Including Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address".

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action is the imposition of use fees for overnight camping and the use of predesignated group camping facilities within some of the Demonstration State Forests administered by CAL FIRE. These fees will only effect individuals who are seeking to camp overnight at Jackson, Boggs Mountain, and Mountain Home Demonstration State Forest. These fees will not impact industries, businesses (including small businesses), the creation or elimination of businesses, the creation or elimination of jobs, or the ability of California businesses to compete economically.

The proposed action will impact individuals who seek to camp overnight or use predesignated group camping facilities at Jackson, Boggs Mountain, and Mountain Home Demonstration State Forests.

While CAL FIRE does not currently keep exact figures for use of camp sites, the following is an estimate range for camping use at each state forest, as identified by state forest program staff:

Jackson DSF: 1,900 – 2,200 uses of designated camping areas annually.
Mountain Home DSF: 1,700 – 3,500 uses of designated camping areas annually.
Boggs Mtn DSF: 100 – 500 uses of designated camping areas annually.
Total range of 3,700 – 6,200 uses of designated camping areas annually.

Additionally, CAL FIRE state forest program staff estimate that approximately 60% of campsite users bring one vehicle, and thus will be subject to the \$15 use fee, while the remaining 40% bring an additional vehicle and will be subject to the \$20 use fee. Given the ranges provided, two scenarios for the calculation of economic impact to individuals can be proposed: Scenario 1) evaluation of impact across the entire program; or Scenario 2) evaluation of impact by state forest.

Scenario 1) It can be expected that an average total of approximately 5,000 uses of designated camping areas will occur annually, which results in a total impact of \$85,000 per year to individuals. See calculation below:

$\$15 \times (60\% \times 5,000 \text{ uses}) + \$20 \times (40\% \times 5,000 \text{ uses}) = \$85,000$ total cost to individuals

While the above figure represents the likely and realistic economic impact, an evaluation of the maximum total annual uses of campsites can also be made to verify compliance with PRC § 4652. Using the maximum figure of 6,200 annual uses, while maintaining the assumption that 60% of uses will utilize one vehicle while the remaining 40% will utilize two vehicles, it can be calculated that the maximum total impact of the proposed action is \$105,400, which is significantly less than the costs of camping administration. Please see calculation below:

$\$15 \times (60\% \times 6,200 \text{ uses}) + \$20 \times (40\% \times 6,200 \text{ uses}) = \$105,400$ maximum possible impact

Scenario 2)

Within Jackson Demonstration State Forest (JDSF): It can be expected that an average total of approximately 2,050 uses of campsites will occur annually, which will result in a total impact of \$34,850:

$\$15 \times (60\% \times 2,050 \text{ uses}) + \$20 \times (40\% \times 2,050 \text{ uses}) = \$34,850$ total costs to individuals within JDSF

While the above figure represents the likely and realistic economic impact for camping within, an evaluation of the maximum total annual uses of campsites can also be made to verify compliance with PRC § 4652. Using the maximum figure of 2,200 annual uses, the maximum possible impact to individuals camping within JDSF is \$37,400:

$\$15 \times (60\% \times 2,200 \text{ uses}) + \$20 \times (40\% \times 2,200 \text{ uses}) = \$37,400$ maximum possible impact within JDSF

This cost to individuals in both the average and maximum economic impact assessment are significantly smaller than the costs of maintenance and improvement of the recreation and camping facilities at JDSF, which are almost \$105,000 in personnel costs alone.

Within Boggs Mountain Demonstration State Forest (BMDSF): It can be expected that an average total of approximately 200 uses of campsites will occur annually, which will result in a total impact of \$3,400:

$\$15 \times (60\% \times 200 \text{ uses}) + \$20 \times (40\% \times 200 \text{ uses}) = \$3,400$ total costs to individuals within BMDSF

While the above figure represents the likely and realistic economic impact for camping within, an evaluation of the maximum total annual uses of campsites can also be made to verify compliance with PRC § 4652. Using the maximum figure of 500 annual uses, the maximum possible impact to individuals camping within BMDSF is \$8,500:

$\$15 \times (60\% \times 500 \text{ uses}) + \$20 \times (40\% \times 500 \text{ uses}) = \$8,500$ maximum possible impact within BMDSF

This cost to individuals in both the average and maximum economic impact assessment are significantly smaller than the costs of maintenance and improvement of the recreation and camping facilities at JDSF, which are roughly \$65,000 in personnel costs alone.

Within Mountain Home Demonstration State Forest (MHDSF): It can be expected that an average total of approximately 2,600 uses of campsites will occur annually, which will result in a total impact of \$44,200:

$\$15 \times (60\% \times 2,600 \text{ uses}) + \$20 \times (40\% \times 2,600 \text{ uses}) = \$44,200$ total costs to individuals within MHDSF

While the above figure represents the likely and realistic economic impact for camping within, an evaluation of the maximum total annual uses of campsites can also be made to verify compliance with PRC § 4652. Using the maximum figure of 3,500 annual uses, the maximum possible impact to individuals camping within MHDSF is \$59,500:

$\$15 \times (60\% \times 3,500 \text{ uses}) + \$20 \times (40\% \times 3,500 \text{ uses}) = \$59,500$ maximum possible impact within MHDSF

This cost to individuals in both the average and maximum economic impact assessment are significantly smaller than the costs of maintenance and improvement of the recreation and camping facilities at MHDSF, which are almost \$158,000 in personnel costs alone.

Under both of these scenarios for the evaluation of economic impacts resulting from the proposed action, total annual impacts to individuals are expected to be \$85,000 using average figures, and \$105,400 using high-end estimates of use, which are not likely, given that the imposition of a fee will deter some use within the state forests, making the average figures a much more realistic estimate.

Though there are no monetary benefit to individuals under the proposed action, there are non-monetary benefits. The primary benefit is to provide funds for the ongoing maintenance and improvement of campgrounds and associated facilities on Jackson, Mountain Home, and Boggs Mountain Demonstration State Forests. These funds will allow CAL FIRE to provide continued recreational opportunities to the regulated public and to allow for improvements to existing camping and bathroom facilities, thereby ensuring maintained environmental quality in those areas. Additionally, the proposed amendments will improve the clarity of the regulations for public implementation and allow for additional clarity of enforcement by CAL FIRE.

The proposed action will not have a significant statewide adverse economic impact on ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))

The fiscal and economic impact analysis for these Exemption Amendments relies upon contemplation, by the Board, of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development.

The majority of amendments within the proposed action are simple clarifications of existing regulation and do not impose new regulatory burdens on the public, however the fees associated with overnight camping on state forests may have economic and fiscal impact. The assessment of these impacts includes:

- Information provided by CAL FIRE regarding the use of campsites and the associated costs of maintenance of and improvements to the recreation facilities on state forests.
- Contemplation, by the Board, of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))

The Board relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action:

1. State Board of Forestry and Fire Protection Policy Chapter 0350 “Forest Management Policies”, Updated July 19, 2018.

2. Article 3. State Forests of Chapter 9. State Forest of Part 2, of Division 4, of the Public Resources Code (Sections 4645, 4646, 4647, 4648, 4649, 4650, 4650.1, 4651, 4652, 4653, 4654, 4655, 4656, 4656.1, 4656.2, 4656.3, 4657, 4658, and 4659)

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD’S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GOV § 11346.2(b)(4)(A) and (B)):

- **ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR**
- **ALTERNATIVES THAT ARE LESS BURDENSOME AND EQUALLY EFFECTIVE IN ACHIEVING THE PURPOSES OF THE REGULATION IN A MANNER THAT ENSURES FULL COMPLIANCE WITH THE AUTHORIZING STATUTE OR OTHER LAW BEING IMPLEMENTED OR MADE SPECIFIC BY THE PROPOSED REGULATION**

Pursuant to 14 CCR § 15252 (a)(2)(B), alternatives are not required because these regulations will not have any significant or potentially significant effects on the environment. Additionally, pursuant to 14 CCR § 1142(c), the discussion (of alternatives) may be limited to alternatives which would avoid the significant adverse environmental effects of the proposal. Consequently, the alternatives provided herein are provided pursuant to the APA (**GOV § 11346.2(b)(4)**) exclusively.

The Board has considered the following alternatives and rejected all but the “Proposed Action” alternative.

Alternative 1: No Action

The Board considered taking no action, but the “No Action” alternative was rejected because it would not address the problems.

The Board rejected this alternative as it does not address the existing issues of clarity, consistency, and enforcement which are present within the existing regulations. Additionally, without a schedule of fees explicit within regulation, it would be difficult for CAL FIRE to inform the public of use fees and to collect those fees to maintain funding for the maintenance and improvement of recreational and associated facilities.

Alternative 2: Take Action to Make Existing Regulation Less Prescriptive

This alternative would eliminate the prescriptive requirements of the fee schedule.

The Board rejected this alternative as it would result in fees which are difficult for the public to interpret or implement. Additionally, without explicit control of the fee amount, the Board would not be able to establish that the fees collected do not exceed the amount necessary to fund the costs of maintenance of and improvements to the campgrounds and associated facilities, environment, and access, as statutorily required by PRC 4652. Furthermore, subjecting the public to fees which are the interpretation of statute may result underground regulation.

Alternative 3: Proposed Action

The Board accepted the “Proposed Action” alternative to address the problem as it is the most cost-efficient, equally or more effective, and least burdensome alternative. Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action. Specifically, alternatives 1 and 2 would not be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation than the proposed action.

Additionally, alternatives 1 and 2 would not be more effective in carrying out the purpose for which the action is proposed and would not be as effective and less burdensome to affected private persons than the proposed action or would not be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action. Further, none of the alternatives would have any adverse impact on small business. Small business means independently owned and operated, not dominant in their field of operations, having fewer than 100 employees, and having annual gross receipts less than \$1,000,000.

Prescriptive Standards versus Performance Based Standards (pursuant to GOV §§11340.1(a), 11346.2(b)(1) and 11346.2(b)(4)(A)):

Pursuant to **GOV §11340.1(a)**, agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.

The proposed action does not introduce additional prescriptive or performance based standards, it only seeks to extend an existing mix of performance and prescriptive based standards. Alternative #3 is preferred for the reasons described above and the rationales for individual provisions serves as the explanation for why a standard, if required to be prescriptive, is prescriptive.

Pursuant to **GOV § 11346.2(b)(1)**, the proposed action does not mandate the use of specific technologies or equipment.

Pursuant to **GOV § 11346.2(b)(4)(A)**, Alternatives 1 and 2 were considered and ultimately rejected by the Board in favor of the proposed action. The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific actions or procedures. Alternatives 1 and 2 considered by the Board require fewer specific actions or procedures but would result in a less effective regulation.

DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6))

The Code of Federal Regulations has been reviewed and based on this review, the Board found that the proposed action neither conflicts with, nor duplicates Federal regulations. There are no comparable Federal regulations for the administration of state forests.