

## **INITIAL STATEMENT OF REASONS**

### **Special Conditions Requiring Disapproval of Plans, 2010**

**[Published July 23, 2010]**

#### **Title 14 of the California Code of Regulations (14 CCR):**

##### **Amend:**

##### **14 CCR § 898.2      Special Conditions Requiring Disapproval of Plans**

#### **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATIONS ARE INTENDED TO ADDRESS**

Ensuring safety of the public from adverse effects of timber harvesting on geologic hazards is an implied requirement of the Forest Practice Act that is not specifically described in the California Forest Practice Rules (FPRs). The assessment of technical geologic experts in determining if unstable slope conditions which could affect the public should be given primacy in consideration of approving or disapproving timber harvesting operations by the Director of the California Department of Forestry and Fire Protection.

#### **SPECIFIC PURPOSE OF THE REGULATION**

The regulation requires the Director to disapprove a plan that would result in adverse slope stability impacts that could affect the health and safety of the public as determined by the California Geological Survey. The proposed regulation elevates health and safety on par with other agency's disapproval powers.

#### **ALTERNATIVES TO THE REGULATIONS CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The Board has considered several alternatives to the proposed regulation.

##### **Alternative 1: No Amendments to the existing FPRs.**

This alternative would not contribute to the purpose and necessity of the proposed action.

## **POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS**

The Board has not identified any significant adverse environmental effects as a result of the proposed rules. The proposed rule change contributes to improving the identifications of geologic hazards, consideration of these hazards by the Director, and avoidance of potential environmental impacts (debris torrents, rockslides etc) that could simultaneously impact public health and safety.

## **ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The Board staff estimated the regulation should not have any adverse economic impact on any business. Analysis of significant potential geologic hazards is already generally required in the Forest Practice Rules and detailed technical analysis is typically provided to the plan preparer by the California Geologic Survey (CGS). To the extent that a registered Professional Forester (RPF) preparing a Timber Harvest Plan would be required to modify the plan to avoid the Director's disapproval, additional work is imposed on the plan preparer. However, such work is considered to be a required disclosure by the plan preparer as part of their profession responsibilities and therefore is not "additional" work. Adoption of the regulation could result in avoiding adverse economic impacts on businesses that could occur if timber harvesting operations on an unstable area result in damage to public health or safety.

## **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The State Board of Forestry and Fire Protection consulted the following listed information and/or publications as referenced in this *Initial Statement of Reasons*. Unless otherwise noted in this *Initial Statement of Reasons*, the Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

## **Government Code § 11346.2(b)(6): Duplication with federal regulation**

In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Initial Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

### **PROPOSED TEXT**

The proposed revisions or additions to the existing rule language are represented in the following manner:

The following revisions or additions to the existing rule language are represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations,  
and

~~strikeout~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.