

Board of Forestry and Fire Protection

NOTICE OF PROPOSED ACTION

“WORKING FOREST MANAGEMENT PLAN”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapters 4, 5 & 6,
Articles 3, 6, 9, 13 and 14; Subchapter 7, Articles 2, 6.5, 6.95 and 7. Title 14
of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4.5.**

**Amend: §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9
[939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4,
963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038,
1090.26, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum
Number 5: Guidance on Hydrologic Disconnection, Road Drainage,
Minimization of Diversion Potential, and High Risk Crossings” (1st Edition,
revised 04/21/14)**

Adopt: §§ 1090.28 and 1094-1094.35

[Notice Published May 1, 2015]

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, June 17, 2015, at its regularly scheduled meeting commencing at 8:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1(b), writings that are public records pursuant to Government Code § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M. on Monday, June 15, 2015.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias
Assistant Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

publiccomments@BOF.ca.gov

AUTHORITY AND REFERENCE (pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

Pursuant to the Authority vested by Sections 4551, 4551.5, 4552 and 4553 of the Public Resources Code (PRC) and to implement, interpret or make specific PRC §§ 752, 753, 4528.5, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4585-4588, 4593.10, 4597.19, 4597- 4597.22, 4601, 4629.3, 21000(g), 21092 and 21160 (considered References), the Board is proposing action to adopt/ amend 14 CCR §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038, 1090.26, 1090.28, 1094-1094.35, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings”.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (pursuant to 11346.5(a)(3)(A)-(D))

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

Public Resources Code Section 4551 requires the Board to adopt forest practice rules and regulations to, among other things, "...assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources."

Existing law (pursuant to the Z'Berg-Nejedly Forest Practice Act):

1. Prohibits, in general, any person from conducting timber operations unless a harvesting plan, such as a timber harvest plan (THP), or Nonindustrial Timber Management Plan (NTMP), has been prepared by a Registered Professional Forester (RPF) and approved by the Department of Forestry and Fire Protection (Department or CAL FIRE). THPs and NTMPs, are considered the functional equivalent of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA).
2. Authorizes a nonindustrial tree farmer (an owner of less than 2,500 acres of timberland) with the long-term objective of an unevenaged timber stand and sustained yield to file a NTMP with the Department.
3. Requires a nonindustrial tree farmer with a NTMP to file a Notice of Timber Operations (NTO) with the Department when he or she plans to harvest timber. The NTO is effective for a maximum of one year and includes information that indicates whether the harvesting complies with the Forest Practice Act and Forest Practice Rules and conforms to the approved NTMP.
4. Provides that the NTMP run with the land and be transferred from one landowner to the next. The NTMP has very strict and short timelines for a new landowner to assume the old landowner's plan: if the new landowner does not formally assume the plan with 180 days, the plan is cancelled.

Laws on which the proposed action is based:

1. AB 904 creates the Working Forest Management Plan (WFMP) program. The WFMP is a long-term forest management plan available to nonindustrial landowners (with less than 15,000 acres of timberland) if they commit to uneven aged management and sustained yield. It also obligates the Board to adopt regulations needed to implement the provisions of AB 904 by January 1, 2016.
2. AB 2239 establishes a uniform process to ensure that a person who acquires timberlands described in a WFMP or NTMP receive notice on how to assume the plan. It also, gives discretion to (rather than mandates) the Department to cancel a WFMP or NTMP if the new landowner does not assume the plan within one year of receiving the notice.

3. SB 1345 corrects an erroneous cross-reference in PRC § 4597.22 to the regulations in the Forest Practice Rules describing the Southern Subdistrict of the Coast Forest District, which is excluded from the WFMP program.

The California State Board of Forestry and Fire Protection (Board) is proposing action:

1. To adopt an article of regulation (14 CCR Article 6.95, §§ 1094 through 1094.29 and 1094.31) to make specific the use of a Working Forest Management Plan (WFMP) and a Working Forest Harvest Notice pursuant to AB 904 chaptered in PRC §§ 4597-4597.16 and 4597.20-4597.21. Specifically, a person who intends to become a working forest landowner, as defined, would be allowed to file a WFMP with the Department with the long-term objective of an unevenaged timber stand and sustained yield through the implementation of the Plan. It would require numerous provisions including the following:
 - A plan be prepared by a registered professional forester, be public record, and contain certain information.
 - The Department to provide a minimum period for public comment, dependent on the size of the lands under the WFMP.
 - The Department to determine if the plan is accurate, complete, and in proper order.
 - The Director to return the plan if the Director determines that the plan is not in conformance, as provided.
 - The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved plan and who harvests any of the timber during a given year to file a working forest harvest notice, as defined, with the Department in writing.
 - The notice to be public record and to include certain information, including a statement that state or federally listed rare, threatened, candidate, or endangered plant or animal species have not been discovered in the harvest area since the approval of the Plan.
 - The Director to convene an interdisciplinary review team, as described, every 5 years to review an approved Plan's administrative record, plan summary information, as specified, and any other information relevant to verify that operations have been conducted in accordance with the Plan and applicable laws.
 - The Department to cancel a previously approved Plan if the Department determines that the objectives of unevenaged management and sustained yield are not being met or if there are other persistent violations, as provided.
2. To adopt 14 CCR § 1094.32 to regulate the transition of an approved NTMP into a WFMP and the expansion of acreage associated with an approved WFMP pursuant to AB 904 chaptered in PRC § 4597.17.

3. To adopt 14 CCR § 1094.33 to suggest participants may also seek, simultaneously with the preparation of a WFMP, approval of a Safe Harbor Agreement from the Department of Fish and Wildlife (DFW) and that all review costs associated with the Safe Harbor Agreement Approval process incurred by DFW be paid from the Timber Regulation and Forest Restoration Fund pursuant to AB 904 chaptered in PRC § 4597.18.
4. To adopt 14 CCR §§ 1090.28 and 1094.34, which would allow restoration projects, required as a condition in a NTMP or WFMP, that have a significant public benefit, to be eligible for State restoration grant funding pursuant to AB 904 chaptered in PRC § 4597.19.
5. To adopt § 1094.35 to disallow the application of the WFMP in the Southern Subdistrict of the Coast Forest District pursuant to AB 904 chaptered in PRC § 4597.22. PRC § 4597.22 originally contained an incorrect reference and was subsequently corrected pursuant to SB 1345 chaptered in PRC § 4597.22.
6. To amend 14 CCR § 1090.26 and adopt 14 CCR § 1094.30 regarding the change of ownership of land described in either a NTMP or a WFMP pursuant to AB 2239 chaptered in PRC §§ 4593.10 and 4597.9. Note: The balance of AB 2239 chaptered in PRC §§ 4597.2, 4597.15 and 4597.16 are related to clean up of AB 904 and are reflected in 14 CCR §§ 1094.3, 1094.7 and 1094.31, respectively.
7. To amend existing Forest Practice Rules to incorporate reference to the WFMP into existing rules in 14 CCR §§ 895, 895.1, 913.11 [933.11, 953.11], 916.5 [936.5, 956.5], 919.9 [939.9], 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 945.1, 1038, 1104.1, 1115.3 and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings” (1st Edition, revised 04/21/14).

The NTMP, from which the WFMP is modeled, was created by the Legislature in 1990 to allow landowners with no more than 2,500 acres to apply for a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of unevenaged forest management and proof that operations provide for sustained yield. The proposed WFMP program is similar to the NTMP program; however, it applies to nonindustrial landowners with less than 15,000 acres of timberland and contains stricter environmental standards.

Through an NTMP or WFMP, a nonindustrial timberland owner first prepares a management plan that is subject to a multi-agency review process and acts as the functional equivalent of an EIR under CEQA. The cost of preparing this management plan is greater than a typical THP, much of which is the result of the required sustained yield analysis. However, unlike a THP, which is good for no more than seven years, a NTMP and WFMP last in perpetuity and the additional cost is recaptured over time because subsequent harvest entries can

be conducted under a much simpler notice to the Department that is tiered off of the NTMP or WFMP.

In the long-term, by relieving these landowners of some of the costs and burdens of meeting the regulatory requirements designed for industrial timber companies, NTMPs and WFMPs help keep ranches and other non-industrial forest properties economically viable and make them less likely to be subdivided for housing or converted into golf courses or vineyards. Additionally, incentivizing unevenaged management may afford increased carbon sequestration, conservation of scenic values, and protection of water quality and fish and wildlife habitat.

Today, NTMPs cover over 300,000 acres of California forests. Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. A preliminary review of timberland ownership shows that there are at least 81 landowners who would qualify under the new WFMP program. Of these 81, at least 60 used even aged management (i.e., clear cutting) at some point. These landowners would have an incentive to commit to long-term uneven aged management under the WFMP.

Additionally, NTMP landowners who are close to the NTMP's 2,500 acreage limit will have an incentive to purchase additional timberlands by transferring to the WFMP. Some NTMP landowners near the 2,500 acre limit have already indicated that they plan to acquire more timberlands if the WFMP program is enacted.

In 2003, CAL FIRE issued a report on the NTMP program. The report explained that the NTMP program provides significant benefits to the State in a number of terms including societal benefits.

- The report states that "[r]etaining our non-industrial private forest lands in forest use provides tremendous...benefits, including retention of open space, protection of watersheds, water quality and forest soils, maintenance of diverse habitat for fish and wildlife, preservation of important cultural and historical sites, and promotion of recreational opportunities."
- "These benefits are all enhanced by the commitment of forest landowners to the long term stewardship and sustainable production requirements of a NTMP. On the broad statewide scale, the overarching public benefit is in encouraging owners of these small wooded parcels to take advantage of their rich forest soils, to enrich and improve their timber stands, to manage them sustainably into the future, and cumulatively retain that part of the state's rural, working landscape that characterizes California's private timberlands."
- The 2003 report concluded that "the NTMP program is meeting the uneven-aged management requirement of the Forest Practice Act...[and given] sufficient time to implement current NTMP management

prescriptions, landowners will also be able to show that they are meeting the sustained yield requirement. Therefore, [CAL FIRE] has determined that the NTMP program is improving California's timberlands and recommends that the program be continued."

- Additionally, the report recommended that the NTMP acreage limit be increased to bring more timberlands into the program. "This change would benefit both landowners and the state by providing an opportunity for these additional timberlands to be placed into a sustained yield and uneven-aged management regime." This proposed action essentially implements this recommendation by allowing larger nonindustrial timberland owners to participate in the WFMP program.

In conclusion, the primary purpose of the proposed action is to create the Working Forest Management Plan (WFMP) program, based on the model of the Nonindustrial Timber Management Plan (NTMP) program, to provide nonindustrial landowners (with less than 15,000 acres of timberland) greater opportunities for cost-effective timber management than currently exist through the application of a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of uneven aged forest management and proof that operations provide for sustained yield and stricter environmental standards (relative to the NTMP). Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional acres of timberland eligible for long-term, sustainable management. The benefits of which include:

- Making non-industrial forest properties more economically viable.
- Incentivizing unevenaged management, which may afford increased carbon sequestration, conservation of scenic values and protection of water quality and fish and wildlife habitat.
- Incentiving the purchase of additional timberlands.

Other benefits may or may not result. These beneficial effects upon the environment could be related to fire resiliency, habitat, aesthetics, carbon sequestration and decreased timberland conversion. However, these prospective benefits are speculative, but it may be presumed, at a minimum, that the level of protective effect upon the environment will not be reduced as a result of the proposed action. The proposed action is not expected to have an effect upon the health and welfare of California residents, worker safety, the prevention of discrimination, or the promotion of fairness or social equity. Neither is the proposed action expected to result in an increase in the openness and transparency in business and government.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to GOV § 11346.5(a)(3)(D). State regulations related to the proposed action were, in fact,

relied upon in the development of the proposed action, including portions of Title 14 of the California Code of Regulations (§§ 895, 895.1, 912.7 [932.7, 952.7], 913.2, 913.11 [933.11, 953.11], 916.3, 916.4, 916.5 [936.5, 956.5], 919.9 [939.9], 919.11, 923 [943, 963], 923.2 [943.2, 963.2], 923.3 [943.3, 963.3], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9], 929 [949, 969], 936.4 [936.4, 956.4], 945.1, 1032.9, 1032.10, 1035-1035.4, 1037.5, 1038, 1054, 1071, 1090-1090.28, 1092, 1093, 1094-1094.35, 1104.1, 1115.3, 15380(d), GOV § 6254.7, and Board of Forestry Technical Rule Addendum Number 5: Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings”) to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the implementation of the Z’Berg-Nejedly Forest Practice Act and found no existing State regulations that meet the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulation is entirely consistent and compatible with existing Forest Practice Rules and the Z’Berg-Nejedly Forest Practice Act.

The following document is incorporated by reference:
“A Guide to Wildlife Habitats in California,” California Department of Fish and Wildlife, 1988.

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations for timber harvesting on State or private lands.

OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5)).

The proposed action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Regarding costs or savings to any State agency, according to the Senate Appropriations Committee, the following costs and savings are projected:

1. One-time costs of at least \$150,000 from the Timber Regulation and Forest Restoration Fund to the Board of Forestry for the development of regulations as required by AB 904.
2. One-time costs of approximately \$75,000 from the Timber Regulation and Forest Restoration Fund to the regional water quality control boards (RWQCBs) for adoption and revision of general waste discharge requirements.
3. Assuming five WFMPs are submitted each year, annual costs of approximately \$500,000 - \$750,000 in fiscal year (FY) 2014-15 and growing to \$600,000 to \$950,000 in FY 2018-19, from the Timber Regulation and Forest Restoration Fund to CAL FIRE, Department of Fish and Wildlife, the RWQCBs, and Department of Conservation for the approval, then ongoing review, of WFMPs. This cost will at least be partially offset by a decrease in timber harvest plans (THPs) and Nonindustrial Timber Management Plans (NTMPs) submitted.
4. CAL FIRE and the reviewing agencies will all incur costs in the review of a WFMP application, the review of harvest notices, and the five-year review of an approved WFMP. The costs to the agencies depend on the number of plans submitted and approved as well as the complexity of those plans.
5. Based on a February 2013 report from the Natural Resources Agency and CalEPA that was required by AB 1492, the Resources Agency, CAL FIRE, DFW, SWRCB, and DOC collectively need approximately \$25 million annually and 193 positions to review all discretionary harvest permits (THPs, NTMPs, etc.) received each year. The actual cost to review each THP can vary greatly depending on factors such as the quality of the plan submitted, the size of the plan, and the complexity of the plan. Based on the number of permits submitted in 2011-12, Department staff estimates that the average cost of reviewing a THP is in the high tens of thousands.
6. Staff assumes the workload involved in reviewing and approving a WFMP will be 25-50% higher than a THP because a WFMP allows harvesting indefinitely. Assuming five plans are submitted annually, this proposed action will likely result in costs to the reviewing agencies in the range of the mid to high hundreds of thousands of dollars. Once a WFMP is approved, the reviewing agencies will incur ongoing costs to review harvest notices and to conduct the five-year review. Each WFMP is likely to result in costs collectively across the review agencies of a couple of thousands of dollars annually. Continuing with the assumption of five WFMPs submitted annually, at the end of a five year period, there will be review costs in the low hundreds of thousands of dollars.
7. Staff notes that aside from the initial costs of regulatory development for the WFMP program, the initial and ongoing costs caused by the proposed action may be at least partially offset by a decrease in THPs, depending on the extent that a WFMP supplants the submission of THPs. The extent to which a WFMP supplants THP submission is speculative.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Pursuant to GOV §11346.5(a)(8), the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

The proposed action does not affect small business as defined in GOV § 11342.610 based upon the fact that the WFMP program to be established by the proposed action is voluntary.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to GC § 11346.5(a)(10) and prepared pursuant to GC § 11346.3(b)(1)(A)-(D). The proposed action: (A) will not create or eliminate jobs within California; (B) will not create new businesses or eliminate existing businesses within California; or (C) will not affect the expansion of businesses currently doing business within California. (D) It may be speculated that the proposed regulation could benefit the environment as described in the Informative Digest, but it is not expected to affect the health and welfare of California residents or improve worker safety.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (pursuant to GOV § 11346.5(a)(9))

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The WFMP is a voluntary rather than a compulsory permitting process available for use at the discretion of nonindustrial timberland owners. In comparison to a conventional Timber Harvesting Plan (THP), the WFMP will be more costly (all else being equal). However, unlike a THP, which is good for no more than seven years, a WFMP lasts in perpetuity and the additional cost is recaptured over time because subsequent WFMP harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the WFMP.

BUSINESS REPORT (pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS (pursuant to 1 CCR 4(a) and (b))

Small business, within the meaning of GOV § 11342.610, is not expected to be effected by the proposed action because small business:

- (1) Is not legally required to comply with the regulation (the WFMP is a voluntary permitting process for timber harvesting);
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation; and
- (4) Does not incur a detriment from the enforcement of the regulation.

ALTERNATIVES INFORMATION

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Matt Dias
Assistant Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-6634

The designated backup person in the event Mr. Dias is not available is Ms. Thembi Borrás, Regulations Coordinator. Ms. Borrás may be contacted at the above address or by phone at (916) 653-9633.

AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a)(16))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that

- each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to GOV § 11346.5(b) and GOV § 11346.2(a)).
 4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at:

http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/