

**State 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” (1<sup>st</sup> Edition, revised 04/21/14)**

**Adopt: §§ 1090.28 and 1094-1094.35**

[Notice Published June 10, 2016]

**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 Thursday, August 24, 2016, at its regularly scheduled meeting commencing at approximately 9:00 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 written summary of their statements.

Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 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 Board or its staff, 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 August 1, 2016.

The Board will consider only written comments received at the Board office by 5:00 P.M. on Monday August 1, 2016 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:

State Board of Forestry and Fire Protection  
Attn: Matt Dias  
Acting 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:

State Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> 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, 4512, 4512.1, 4513, 4527, 4527.5, 4528.5, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4583, 4585-4588, 4593.10, 4597- 4597.22, 4601, 4629.3, 21000(g), 21092, and 21160 (considered References) and 14 CCR § 15380(d) (considered Reference) , 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 and 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” (1<sup>st</sup> Edition, revised 04/21/14).

## **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. (FPA) the Board is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 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."

Pursuant to authority given to the Board in the FPA, the Board is proposing the following action to create the Working Forest Management Plan (WFMP) program. The proposed action is mandated by the legislature and Governor through the recent passage of Assembly Bill (AB) 904, AB 2239 and Senate Bill (SB) 1345, which chaptered and subsequently amended PRC §§ 4593.10 and 4597 et seq. It was the intent of the legislature, under AB 904, to structure the WFMP based on the existing Non-Industrial Timber Management Plan (NTMP).

Laws on which the proposed action is based:

1. AB 904 creates the 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 receives notice on how to assume the plan. It also gives discretion to the Department (CAL FIRE) 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 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 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 WFMP. It would require numerous provisions including the following:

- A WFMP be prepared by a registered professional forester, shall be public record, and contain certain information.

- The Department will provide a minimum period for public comment, dependent on the size of the lands under the WFMP.
  - The Department will determine if the WFMP is accurate, complete, and in proper order.
  - The Director will return the WFMP if the Director determines that the WFMP 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 WFMP 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 shall 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 WFMP.
  - The Director to convene an interdisciplinary review team, as described, every 5 years to review an approved WFMP's administrative record, plan summary information, as specified, and any other information relevant to verify that operations have been conducted in accordance with the WFMP and applicable laws.
  - The Department may cancel a previously approved WFMP 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 the Board's existing Forest Practice Rules to include 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" (1<sup>st</sup> Edition, revised 04/21/15, which is incorporated by reference).

The problem addressed by the proposed action is the increasing cost of timber management and the consequent adverse impacts including conversion, habitat fragmentation, decreasing forest health, and decreasing timber industry infrastructure.

The primary purpose of the proposed action is to provide nonindustrial landowners with less than 15,000 acres of timberland greater opportunities for cost-effective timber management than currently exist.

The effect of the proposed action would be to create the WFMP program, based on the model of the NTMP program, which would require preparation of a WFMP that would allow for long-term approval of harvesting 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.

Allowing landowners with up to 15,000 acres to utilize the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management, and provide the following other benefits:

- Make non-industrial forest properties more economically viable by relieving eligible landowners of some of the costs and burdens of meeting the regulatory requirements designed for industrial timber companies, consequently curtailing conversion and habitat fragmentation, increasing the opportunity for management to improve forest health, and reducing the rate of loss of timber industry infrastructure.
- Incentivize unevenaged management, which may afford increased carbon sequestration, conservation of scenic values, and protection of water quality and fish and wildlife habitat.
- Incentivize the purchase of additional timberlands. NTMP landowners who are close to the NTMP's 2,500 acreage limit may purchase additional timberlands if they have the option to transfer to a 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.
- Implement rigorous timber inventory standards that are subject to periodic review and verification by the Department will ensure achievement of other long-term environmental benefits, including fire resiliency, improved fish and wildlife habitat, aesthetics, and added carbon sequestration (PRC §4597(a)(5)).

The proposed WFMP program is modeled from the NTMP program; however, it applies to nonindustrial landowners with up to 15,000 acres of timberland and contains stricter environmental standards. The NTMP was created by the California Legislature in 1990 to allow landowners with up to 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.

Through an NTMP, a nonindustrial timberland owner first prepares a management plan that is subject to an interdisciplinary 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. However, unlike a THP, which is good for no more than seven years, a NTMP lasts in perpetuity and the additional cost may be 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.

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. The California Department of Forestry and Fire Protection issued a preliminary report in January of 2013 titled *NTMP Expansion Study* that sought to identify the number of forestland owners that would be eligible for an NTMP if the acreage cap was lifted from 2,500 acres to 15,000 acres. This report identified 81 landowners with ownerships between 2,500 and 15,000 acres. However, given the exclusion of ownerships within the Southern Subdistrict of the Coast Forest District, for which the WFMP statute does not apply, the revised estimate of forestland owners with ownerships between 2,500 and 15,000 acres that are eligible for a WFMP is 67. In fact, the number of forestland owners eligible for a WFMP is higher, but is unknown, because there are a couple of other pathways for timberland owners to become eligible for a WFMP. First, a collection of two (2) or more landowners with a combined acreage of timberlands less than 15,000 acres may file a WFMP jointly and second, the owner of less than 2,500 acres of timberland may acquire ownership of additional acres.

At least 60 of the 81 landowners identified in the report 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 a WFMP. Incentivizing unevenaged management and requiring a rigorous timber inventory that is subject to periodic review and verification by the Department will ensure achievement of other long-term benefits upon the environment including fire resiliency, improved fish and wildlife habitat, aesthetics, and added carbon sequestration (PRC §4597(a)(5)).

In 2003, the Department 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, [the Department] 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." Note: The Board's proposed action implements this recommendation.

The history of the development of this regulation is as follows:

- Published 45-Day Notice on January 16, 2015.
- Published Decision Not To Proceed on May 1, 2015.
- Published 45-Day Notice on May 1, 2015.
- Published Notice of Addition of Documents and Information to Rulemaking File on September 01, 2015.
- The Office of Administrative Law (OAL) informed Board staff that the file could not be approved based on issues of clarity, consistency, some necessity, failure to follow APA procedures, and other miscellaneous issues. The Board withdrew the rulemaking file from OAL, to avoid disapproval, on November 25, 2015.
- Published Decision Not To Proceed on February 19, 2016.

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 [933.2, 953.2], 913.10 [933.10, 953.10], 913.11 [933.11, 953.11], 916.1 [936.1, 956.1], 916.3 [936.3, 956.3], 916.4 [936.4, 956.4], 916.5 [936.5, 956.5], 919.9 [939.9], 919.11, 923 [943, 963], 923.1 [943.1, 963.1], 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, 1032.9, 1032.10, 1034, 1035-1035.4, 1037.5, 1038, 1054, 1071, 1090-1090.27, 1092, 1093, 1104.1, 1115.3, 15380(d), 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 amendments and adoptions are neither inconsistent nor incompatible with existing state regulations including the Forest Practice Rules and the Z’Berg-Nejedly Forest Practice Act.

Statute to which the proposed action was compared: Excerpts from the Public Resources Code (PRC), 2014: §§ 752, 753, 4512, 4512.5, 4513, 4527, 4527.5, 4528.5, 4551, 4551.5, 4552, 4553, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4583, 4585-4588, 4593.10, 4597-4597.22, 4601, 4629.3, 21000(g), 21092 and 21160.

Excerpts from Government Code (GOV), 2015: § 6254.7

#### **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 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.

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 the 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 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 (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. Workloads 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 reviewing agencies of a several 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.

Additional expenditures will be absorbed within existing budgets and resources. In general, the cost to administer the Forest Practice Program, which includes review and inspection of Plans, is covered by the Timber Regulation and Restoration Fund.

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), 11346.5(a)(7) and 11346.5(a)(8))**

The Board's 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. Businesses will be beneficially impacted by the proposed action.

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:

This fiscal and economic impact analysis for the WFMP relies upon research and outreach conducted by Board staff to affected stakeholders, including the regulated public and agency personnel. A request for information (399 Request for Economic Data dated June 26, 2015) was widely distributed via email, online posting, and made available at the July 2015 Board meeting that requested specific information on the potential economic impacts of the proposed action. In addition, Board staff reached out to consulting foresters throughout the state to further garner data on potential economic impacts via the questions posed in the referenced request for information. The determination of fiscal and economic impact analysis is also based on the September 3, 2013 Senate Appropriations Committee Fiscal Summary and relies on the decades of experience that Board staff has practicing forestry in California.

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

The results of the economic impact assessment are provided below pursuant to GOV § 11346.5(a)(10) and prepared pursuant to GOV § 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 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 is not expected to be affected 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.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with **GOV § 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  
Acting Executive Officer  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-8007

The designated backup person in the event Mr. Matt Dias is not available is Linda Cano, Executive Assistant to the Board of Forestry and Fire Protection. Ms. Cano may be contacted at the above address or by phone at (916) 653-8007.

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

All of the following are available from the contact person:

1. The 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. The 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. 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://www.bof.fire.ca.gov/regulations/proposed\\_rule\\_packages/](http://www.bof.fire.ca.gov/regulations/proposed_rule_packages/)