**Board of Forestry and Fire Protection**

**FINAL STATEMENT OF REASONS (FSOR), pursuant to GOV §11346.9(a)**

**“LICENSING FEE AMENDMENTS, 2024”**

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

**Division 1.5, Chapter 10:**

**Article 2**

**Amend: § 1605 (b)**

# UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))

No information contained in the Initial Statement of Reasons (ISOR) requires an update.

All material relied upon was identified in the ISOR and made available for public review prior to the close of the public comment period.

# SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))

There are no revisions to the 45-Day rule text as noticed.

# MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS (pursuant to GOV §11346.9(a)(2))

The adopted regulation does not impose a mandate on local agencies or school districts.

# COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH THE APPLICABLE GOVERNMENT CODE SECTIONS COMMENCING WITH GOV §17500 (pursuant to GOV §11346.9(a)(2))

The adopted regulation does not impose a reimbursable cost to any local agency or school district.

**ALTERNATIVE 3, BOARD’S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4)): Adopt Rulemaking Proposal as Modified Through Formal Public Review and Comment Process**

The Board selected Alternative #3 as proposed.

The proposed action 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 and having less than 100 employees.

## ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5))

No other alternatives have been proposed or otherwise brought to the Board's attention, except as set forth in the ISOR and provided herein in the summary and responses to comments. Based upon the findings below and a review of alternatives the Board has determined the following:

* No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
* No alternative would be as effective and less burdensome to affected private persons than the adopted regulation.
* No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

No alternative considered would lessen any adverse economic impact on small business.

## FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION

* The Board finds that the Professional Foresters Law (PFL) authorizes the Board to establish certain fees, within described ranges, as necessary to administer the PFL (PRC § 782).
* The Board finds that those regulatory fees, as adopted in 2020 and currently implemented, no longer provide adequate revenue for the administration of the PFL, even with the various cost-cutting measures which have already been implemented.
* The Board finds that, in addition to the insolvency caused by inadequate fees, the number of licensees is decreasing due to retirements, which will result in further fund insolvency. The rate at which individuals relinquish their license is also likely to increase if renewal fees increase.
* The Board finds that the adopted alternative will increase the revenue to the Registered Professional Foresters (RPF) Fund to operable levels.
* The Board also finds that the adopted alternative promotes and preserves the environmental benefits that are associated with work performed by qualified, licensed professionals.
* The Board finds the adopted alternative fulfills the obligations of the Board, specified in statute, and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of these amendments.

## BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))

### 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 which are present within the existing regulations. Additionally, this lack of clarity may affect not only existing certified specialties, but any future certified specialties which may exist in the future.

### Alternative #2: Make Existing Regulation Less Prescriptive

This action could include greatly simplifying the fee structure to one standard amount for all Registered Professional Foresters, Specialty Certificants and any other proposed future limited license class. This alternative was rejected as it would create further complications since the savings of a widely distributed uniform fee would be outweighed by the anticipated license withdrawal and voluntary relinquishment of both retired RPFs and both retired and active Specialty Certificants.

# SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))

The comments below are identified in the following format: The letter W is followed by a series of numbers separated by a hyphen, followed by the name and affiliation (if any) of the commenter (e.g. W1-8: John Doe, Healthy Forest Association).W: Indicates the comment was received in a written format.

1st number: Identifies the comments in the order in which it was received.

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED** **SEPTEMBER 20, 2024**

W1-1: Don Gasser, RPF #495: The commentor inquired about the current structure and cost of the program compared to the establishment of the program in 1974. The concern was Board Staff has increased from the original 2 employees to 16 employees and notes that the salaries of RPFs have not grown by the same factor, so burdening RPFs with these costs is impractical.

**Response:** While the Board has added staff over the last fifty years, funding for the Office of Professional Foresters Registration supports only the Assistant Executive Officer (EO) for Professional Forester licensing and a full time assistant to run the Office of Professional Foresters Registration. A substantial portion of the personnel costs for the EO (60%) is funded through the Board and not the RPF fund. The RPF Fund supports only the duties of the Office of Professional Foresters Registration. Other Board personnel are paid through funding sources other than the Professional Forester’s Fund.