**Board of Forestry and Fire Protection**

**INITIAL STATEMENT OF REASONS**

**“Geographically Overlapping Harvesting Permits”**

**Board of Forestry and Fire Protection**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4 Subchapter 7, Article 2**

**Amend § 1038 & 1038.1**

**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))**

Pursuant to the Z’berg-Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq*. (Act) 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.

PRC § 4551 requires the Board to “…adopt district forest practice rules… to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources…” and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

PRC § 4551.5 requires that the rules and regulations adopted by the Board apply to the conduct of Timber Operations, which is defined within PRC § 4527(a)(1) as “the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from Timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as tree marking, surveying, or road flagging.” The term “commercial purposes”, as used within PRC § 4527 is defined by reference to an illustrative, non-exhaustive list of activities within PRC § 4527(a)(2) that include “(A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber that are subject to Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.”

Additionally, the Act defines “Timberland” within PRC § 4526 as “land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.”

The Act recognizes that the “forest resources and timberlands of the state are among the most valuable of the natural resources of the state”, and that “it is the policy of this state to encourage prudent and responsible forest resource management…” (PRC § 4512).

Public Resources Code 4581 requires any person who plans to conduct Timber Operations to submit a timber harvest plan (Plan). A Plan is defined per 14 CCR § 895.1 as a Timber Harvest Plan (THP) as described in PRC § 4582, a Nonindustrial Timber Management Plan (NTMP) as described in § 4593.2(e), a Program Timber Harvesting Plan (PTHP) as described in 14 CCR §§ 1092 and 1092.1, and a Working Forest Management (WFMP) as described in PRC § 4597.1.

Pursuant to PRC § 4584 and Title 14 California Code of Regulations, Article 2, certain Timber Operations are exempt from the Plan preparation and submission requirements of PRC § 4581 and from the completion report and Stocking report requirements of PRC §§ 4585 and 4587 of the Forest Practice Act. This includes Timber Operations conducted under any Notice of Exemption (Notice), which are limited to one (1) year from the date of receipt by the Director and which must comply with all operational provisions of the Forest Practice Act and District Forest Practices Rules applicable to “Timber Harvest Plan”, “THP”, and “Plan” definitions per 14 CCR § 895.1, and with certain operational constraints as therein described.

Timber operations that are exempt from plan preparation include: the harvesting of Christmas trees; harvesting dead trees, dying trees, or diseased trees of any size, fuelwood or split products in amounts less than ten (10) percent of the average volume per acre, or the removal of slash and woody debris that is not located within a Watercourse and Lake Protection Zone; the cutting or removal of trees in compliance with PRC §§ 4290 and 4291, which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration and intensity; harvesting dead trees, dying trees or diseased trees, fuelwood, or split products in response to drought related stress or dead trees which are unmerchantable as sawlog-size timber that are located upon substantially damaged timberlands; the cutting or removal of trees to restore and conserve California black (Quercus kelloggii) or Oregon white (Quercus garryana) oak woodlands and associated grasslands; harvesting of trees for forest resilience; and harvesting trees which are dead or dying trees as a result of wildfire within three-hundred (300) feet from any point of an approved and legally permitted structure or an approved and legally permitted structure that was damaged or destroyed by wildfire.

Current regulatory language does not address conducting Timber Operations within the same geographical harvest area and within the same time period with Plans and Notices of Exemptions. Harvest permits identified as a Plan are approved through a multi-agency review process and potentially may have specific on-site regulatory standards that are developed during the multi-agency review processes. Additionally, the use of a Plan for timber operations allows the use of In-lieu practices within WLPZs as specified under Article 6 of the rules, exceptions to the rules, and alternative practices.

Notices of Exemptions allowed under 14 § CCR 1038 which have been identified by the Board of Forestry and Fire Protection for specific types of operations to improve forest health and public safety are exempt from the multi-agency review process. These Notices of Exemptions shall abide by the Forest Practice Act; however, in-lieu practices within WLPZs as specified under Article 6 of these Rules, exceptions to the Rules, and alternative practices are not allowed, and certain operational constraints are imposed in 14 § CCR 1038.1. Additionally, at the time of submission for either a Plan or Notices of Exemption a Licensed Timber Operator (LTO) must be identified per 14 CCR §1035.3 Licensed Timber Operator Responsibility and 14 CCR §1038.1(a)(2). Non-Industrial Timber Management Plans and Working Forest Management Plans are Plans that provide the landowners with a long-term management of their ownership utilizing un-even aged management with the goal of assuring sustained yield over the long term. Timber operations under these harvesting documents require that a notice of timber operations be filed prior to starting operations which specifically identify the area of operations and the responsible Licensed Timber Operator. Harvesting operations under Notices of Exemptions within the NTMPs and WFMPs are used to meet the long-term goals of the management plan and are not considered to cause a significant deviation from the long-term management of the lands as described in these plans. Given this it is appropriate to allow overlapping of these plans with Notices of Exemption because each timber operation on these management plans is specifically identified, and a Licensed Timber Operator identified for those specific operations.

When a Notice of Exemption is submitted for areas that overlap an active Timber Harvest Plan, it is unclear which operational standards are to be applied or which Licensed Timber Operator is responsible for the conduct of operations, considering that there are different regulatory standards and that the LTOs identified within the Plan and a Notice of Exemption may be different for each document. It may be difficult to the Department to accurately determine which regulatory standard applies at the time of any potential violation of the Forest Practice Act or the provisions of the approved Plan or to recognize the party responsible for any potential violation of the Forest Practice Rules.

After review and discussion, the Board of Forestry and Fire Protection determined in certain situations that Notices of Exemptions and active Plans that overlap the same geographical harvest area needed clarification. The Forest Practice Committee worked with agency, public, and industrial stakeholders developing language clarifying regulatory language to reduce confusion and allow for clear enforcement of regulations pertaining to timber operations.

The allowance for retaining the ability of a landowner to overlap an active Plan with the cutting of Christmas trees as described in 1038(a) and the harvesting of dead, dying, and diseased timber in amounts of less than 10% per acre by volume as described in 1038(b) comes with provisions requiring the landowner to provide specific additional information about the location, timing, and responsible LTO that addresses the concerns regarding overlapping operations as described. This allowance was made for Christmas tree cutting because it rarely involves the use of heavy equipment or ground-disturbing activities and is limited to a relatively short time period. The allowance was made for the harvest of dead, dying, and diseased trees due to the importance of being able to respond to mortality due to insects and disease in order to maintain the health of the forest, and to be able to recover the economic value of these trees, of particular value to small forest landowners, and in recognition of the limited scope of operations allowed under the restrictions provided in 1038.1.

The rule plead as presented amends regulatory section 14 CCR §§ 1038 & 1038.1 clarifying specific Notices of Exemptions per 14 CCR § 1038 may not have a harvest area that geographically overlaps with the harvest area of another non-expired Plan or Notices of Exemptions. The intent of the amended language is to clarify what Notices of Exemptions may not overlap the geographical harvest area of an active Plan or other active Notices of Exemption.

The **problem:** Given that the Forest Practice Act has different harvesting permits that may be submitted allowing Timber Operations in California and these harvest permits have different review processes and regulatory standards, when Plans and Notices of Exemptions on the same acreage are active at the same time, it is difficult to determine the enforcement actions, and the Licensed Timber Operator responsible for the conduct of operations should a violation occur. The current Forest Practice Rules do not specifically preclude the spatial or temporal overlap of active harvest permits, creating the potential for on-the-ground confusion relating to applicable standards for resource protection and potential enforcement actions.

The **purpose:** The rule plead provides regulatory language clarifying the timing and use of Plans and Notices of Exemptions on harvest areas that geographically overlap. The goal is to largely eliminate the practice of geographically overlapping harvest areas that have different review and regulatory standards to better ensure resource protection on those harvest areas.

The **effect** of the proposed action will: 1) reduce the concern of different regulatory standards being applied to the same harvest areas due to the difference in review and regulatory requirements between a Plan and a Notice of Exemption. 2) establish clear regulations that Notices of Exemptions are not permitted except in limited circumstances in the same harvest area already approved within a Plan or other Notices of Exemptions, and 3) allow for clear enforcement of timber operations based on the specific harvesting permits submitted for timber operations.

The **benefit** of the amended language will allow for clear enforcement of regulatory standards and resource protection within harvest areas by largely eliminating the ability to overlap harvesting areas with multiple harvesting permits that have different regulatory standards.

**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 amend 14 CCR §§ 1038 & 1038.1

**Amend §§ 1038**

Current language does not address the use of Notices of Exemptions within the same geographical harvest areas of other Plans or other Notices of Exemptions. The proposed amended language adds clarity addressing when Notices of Exemptions can be used and clearly states “Exemption Notices authorized by this section shall not have a harvest area that geographically overlaps with the harvest area of another non-expired Notice or Plan”, with the exception of an approved NTMP or WFMP and 1038 (a) & (b) The purpose of this language is to eliminate overlapping harvesting permits within the same geographical harvesting area with different regulatory standards. Allowing one harvest permit type in harvest areas. The problem is when Notices of Exemptions overlap a Plan or other Notices of Exemptions the enforcement of these harvesting permits becomes difficult due to the different regulatory standards based on the specific harvesting permit. The purpose of amending this language will provide better regulatory oversight and enforceability of regulatory standards based on the specific document submitted.

**Amend** **§§ 1038(b)(1)**

Current language allows timber operations in situations where there are dead trees, dying trees, or diseased trees of any size, fuelwood or split products in amounts less than ten (10) percent of the average volume per acre, or the removal of slash and woody debris that is not located within a Watercourse and lake Protection Zone (WLPZ). This exemption allows for the continued use to allow for the clean up of vegetative fuels that pose a fire threat in forested landscapes. The problem is when this Notices of Exemption is overlapped with a Plan it is unclear on the regulatory standards that apply. Plans are good for up to seven (7) years and trees may die or become diseased during that seven (7) year period which may need to be removed to eliminate potential vegetative fuels that contribute to the spread of wildfire. The amended language allows the use of this Notice of Exemption with the additional requirement that the Registered Professional Forester (RPF) overseeing the approved plan is aware of the distinct harvest operations and that harvesting under the Notice of Exemption will be in compliance with the stocking standards and other regulatory requirements of the approved plan.

**Amend** **§§ 1038.1 Table 1: Additional Exceptions or Requirements**

Table 1: identifies additional exceptions or requirements which apply to exemptions pursuant to 14 CCR § 1038. 14 CCR § 1038.1(c)(1)-(16) identifies regulatory standards which apply to the various Notices of Exemptions per 14 CCR § 1038. Table 1 is a quick reference guide identifying the regulatory standards that apply under 14 CCR 1038.1(c)(1)-(16) on the different Notices of Exemptions. The table has been amended to reflect the addition of (c)(16) and provides regulatory clarity that (c)(16) applies to all Notice of Exemptions pursuant to 14 CCR § 1038.

**Adopt §§ 1038.1(c)(16)**

Notices of Exemptions are valid for 1 year from approval even though timber operations may have been completed in the harvest area. The problem is once timber operations have been completed the forest stand conditions may change over the year and the Notices of Exemption approved may not be applicable for the forest conditions requiring a different Notice of Exemption to be filed for timber operations. Under the amended language in 14 CCR § 1038, a different Notice of Exemption would not be able to be filed over the existing Notice of Exemption until one (1) year has passed when the existing Notice of Exemption has expired. The problem is this could lead to increased fire fuel build up, potential economic loss for the landowner, and an inability to respond to conditions that would require activity under a different Notice of Exemption. The purpose of the amended language is to give the Plan Submitter an option to terminate the existing Notice of Exemption at any time so that a different Notice of Exemption may be submitted to allow for the timber operations under an appropriate Notice of Exemption. The adopted language provides the opportunity for a Plan Submitter or Landowner the ability to capture economic value while maintaining fire resilient forest conditions.

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

The **effect** of this proposed action will allow better resource protection and enforceability of timber operations by only permitting one harvesting permit per timber operations within harvesting areas, with limited exceptions. Additionally, this will allow Plan submitters and Landowners the ability to capture economic value while maintaining fire-resilient forest conditions. The addition of the proposed regulation does not impose additional regulatory burdens on individuals or businesses which choose to engage in the discretionary timber harvesting permitting process provided by the proposed regulations. There are no potential economic impacts associated with this proposed action.

**Creation or Elimination of Jobs within the State of California**

The proposed action does not mandate any action; rather, it clarifies the use and timing of Notice of Exemption and Plans during timber operations. The proposed action does not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permitting process provided by the proposed regulations. There is no creation or elimination of jobs within the State of California expected as a result of the proposed action.

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

The proposed action amends regulatory language to clarify the use of Notice of Exemptions when there is an existing approved Plan and the harvest areas between the two harvest permits overlaps the same harvest area. This amended language is written to provide clear regulatory language allowing for the consistent application of enforcement on harvest areas. The proposed action provides clarifying language and does not impose additional requirements on individuals and businesses. There is no creation or elimination of businesses within the State of California expected as a result of the proposed action.

**Expansion of Businesses Currently Doing Business within the State of California**

The proposed action represents a continuation of existing forest practice regulations. The proposed action does not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permitting process provided by the proposed regulations. There is no expansion or contraction of businesses within the State of California expected as a result of the proposed action.

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

The **benefit** of the amended language allows for clear enforcement of regulatory standards and resource protection within harvest areas by eliminating the ability to overlap harvesting areas with multiple harvesting permits that have different regulatory standards. The proposed action would result in increased clarity and efficacy in the Forest Practice Rules, and as a result, promote more efficient implementation and enforcement of the regulations. The proposed action will not directly have an effect on the residents of California or workers safety because the amended language only adds clarifying language of existing regulations. The health and welfare of California residents will remain consistent with existing regulatory standards which allow the harvesting of timberlands. The amended language adds clarity it does not change existing land management options and will benefit the states environment by providing clear enforcement of regulatory standards within harvest areas providing for better resource protection during timber operations.

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

The proposed action does not impose any reporting requirement.

**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:

* Will not create jobs within California (GOV § 11346.3(b)(1)(A)).
* Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A)).
* Will not create new businesses (GOV § 11346.3(b)(1)(B)).
* Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B)).
* Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C)).
* Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action

would result in increased clarity and efficacy in the Forest Practice Rules, and as

a result, promote more efficient implementation and enforcement of the

regulations. This adoption will provide clarity and enforceability, resulting in improved environmental outcomes, yielding non-monetary benefits in accordance with GOV § 11346.3(b)(1)(D).

**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 **GOV § 11346.2(b)(4)**, 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, 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.

**Alternative 1: No Action Alternative**

The Board considered taking no action, but this alternative was rejected because it would not address the problem.

**Alternative #2:**  **Prepare prescriptive regulations**

This action would require the Board of Forestry to develop prescriptive regulations requiring each Notice of Exemption to identify the specific actions that will be taken by the Licensed Timber Operator and identify the specific area of operations when area of timber operations overlap between Notice of Exemptions and Plans. This would create a level of review to be completed by the reviewing department to identify differences in timber operations when harvesting operations overlap. This review doesn’t currently exist when an Notice of Exemption is filled and would increase the need for staffing, increasing fiscal impacts and workload of the reviewing Department. Additionally, this would delay timber operations reducing the ability for landowners to capture economic value and the opportunity to develop fire resilient forests on their ownerships. The purpose of this amended language is to allow for clear enforcement of regulatory standards and resource protection within harvest areas by eliminating the ability to overlap harvesting areas with multiple harvesting permits with different regulatory standards.

**Alternative #3: Proposed Action**

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.

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 businesses.

**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 is as prescriptive as necessary to address the problem and contains a mixture of performance-based and prescriptive requirements. Current Forest Practice Rules did not address the use of multiple harvesting permits in the same harvesting area. The use of multiple harvesting permits with different regulatory standards made it difficult to determine what enforcement action was needed if a violation of the Forest Practice Act occurred. This regulatory amendment limits the ability to geographically overlapping harvesting permits unless there is oversight by a Registered Professional Forester in certain instances. This amendment is a prescriptive standard and is necessary in order to provide adequate clarity within the regulations and provide for effective and enforceable operational standards when timber operations are occurring.

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)**, the abovementioned alternatives 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.

**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))**

The fiscal and economic impact analysis for these 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 effect of the proposed action is a clarification and extension of existing state forest practice law. The clarifications and timing extensions provided by the proposed action do not impose additional regulatory burden on individuals or businesses which choose to engage in the timber harvesting permitting process by the proposed regulations. There are no potential economic impacts associated with the proposed action.

The proposed action will not have a statewide adverse economic impact directly affecting businesses as it does not impose any requirements on businesses.

**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 related to conducting Timber Operations on private, state, or municipal forest lands.

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

CEQA requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified Project. Pursuant to case law, the review and processing of Plans has been found to be a Project under CEQA.

Additionally, the Board’s rulemaking process is a certified regulatory program having been certified by the Secretary of Resources as meeting the requirements of PRC § 21080.5.

While certified regulatory programs are excused from certain procedural requirements of CEQA, they must nevertheless follow CEQA's substantive requirements, including PRC § 21081. Under PRC § 21081, a decision making agency is prohibited from approving a Project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures

Further, pursuant to PRC § 21080.5(d)(2)(B), guidelines for the orderly evaluation of proposed activities and the preparation of the Plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program are required by the proposed action and existing rules.

The proposed action represents clarification of the state’s existing comprehensive Forest Practice Program, under which all commercial timber harvest activities are regulated, through the adoption of additional established environmental protection measures. The amended language has been developed to address potential impacts to forest resources, including both individual and cumulative impacts, project specific mitigations along with the Department oversight (of rule compliance) function expressly to prevent the potential for significant adverse environmental effects.

Please see discussion of individual provisions within “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))” for additional information related to these protection measures.

The permitted operations within the proposed action do not change any existing operational rules or regulations of the Forest Practice Act. The proposed action amends language to allow clear enforcement of regulatory standards and resource protection within harvest areas by eliminating the ability to overlap harvesting areas with multiple harvesting permits that have different regulatory standards.

Notice of Exemption and Plans which permit timber operations contain a mix of project relevant avoidance and mitigation measures to reduce the risk for potential significant adverse effects. This proposed action adds specific regulatory guidance which eliminates the ability of multiple harvest permits with different regulatory standards to be used in the same harvest area. This will allow for clear enforcement of regulatory standards which apply to the specific harvest permit approved for the harvest area.

Pursuant to 14 CCR § 896(a), it is the Board's intent that no Plan shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in the Rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment.

Once Plans are approved, state representatives continue with compliance inspections of approved Plans until the conclusion of the Plan’s lifespan. Where the Rules or approved Plan provisions have been violated, specified corrective and/or punitive enforcement measures, including but not limited to financial penalties, are imposed upon the identified offender(s).

In summary, the proposed action does not have the potential to result in significant adverse environmental effects and therefore no alternative or mitigation measures are proposed to avoid or reduce any significant effects on the environment (14 CCR §15252(a)(2)(B)).