**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.

Title 14 California Code of Regulations, Article 2, exempts certain Timber Operations 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 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.

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; harvesting 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 the same time period with Plans and Exemption Notices. 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.

Exemption Notices 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 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. Additionally, at the time of submission for either a Plan or an Exemption Notice 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 allow the landowners to have a permanent management plan on their ownership. Timber operations conducted under these plans only requires a Licensed Timber Operator to be identified when a notice of timber operations is filled. Given this it is appropriate to allow overlap of these plans because each timber operation on these management plans is specifically identified and a Licensed Timber Operator identify for those operations.

When geographically overlapping Harvest areas are submitted with the use of multiple Exemption Notices over Plan harvest areas it is unclear on what enforcement standard is to be applied or who the responsible Licensed Timber Operator is for potential violations. Considering the difference in the review processes, regulatory expectations and that LTOs are required to be identified for both a Plan and Exemption Notice at the time of submission it becomes unclear to the enforcing Department to accurately determine which regulatory standard applies at the time of any potential violation of the Forest Practice Act or applicable approved Plan and it is difficult to recognize the responsible party for any potential violation of the Forest Practice Act given the different Licensed timber Operators listed on the harvesting permits when these documents overlap or are applied to the same acreage as another Harvesting permit.

After review and discussion, the Board of Forestry and Fire Protection determined in certain situations overlapping Exemption Notices over the same geographical harvest area of a Plan and other Exemption Notices 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 timber operations.

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

The **problem:** Given the fact 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 Exemption Notices on the same acreage are active at the same time, it is difficult to determine the enforcement actions, and the responsible Licensed Timber Operator should a violation occur. Current Forest Practice Rules are unclear on whether harvest permits may geographically overlap the harvest area of a different harvesting permit, creating on-the-ground confusion for resource protection and enforcement problems.

The **purpose:** The rule plead provides regulatory language clarifying the timing and use of Plans and Exemption Notices on harvest areas that geographically overlap. The goal is to 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 an Exemption Notice. 2) establish clear regulations that Exemption Notices are not permitted in the same harvest area already approved within a Plan or other Exemption Notices, 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 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 Exemption Notices within the same geographical harvest areas of other Plans or other Exemption Notices. The proposed amended language adds clarity addressing when Exemption Notices 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 exemption notices overlap a Plan or other exemption notices 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 exemption notice 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 concern is the harvest area of a Plan may not meet the minimum standards of stocking if these harvesting permits overlap, however, there is still a need to remove vegetative fuels that may contribute to the spread of wildfire. The amended language allows the use of this exemption notice requiring a Registered Professional Forester (RPF) for oversite of the approved plan and is aware of 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 exemption notices 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 exemption notices. 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)**

Exemption notices 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 exemption notice approved may not be applicable for the forest conditions requiring a different exemption to be filed for timber operations. Under the amended language in 14 CCR § 1038 a different exemption would not be able to be filed over the existing exemption notice until one (1) year has passed when the existing exemption notice has expired. The problem is this could lead to increased fire fuel build up and the potential economic loss for the landowner. The purpose of the amended language is to give the Plan Submitter an option to terminate the existing exemption notice at any time so that a different exemption may be submitted to allow for the timber operations under an appropriate exemption notice. 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 permits per timber operations within harvesting areas. 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 Exemption Notices 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 exemption notices 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 exemption notices 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 exemption notice 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.

Exemption notices 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)).