

**Board of Forestry and Fire Protection**

**INITIAL STATEMENT OF REASONS**

**“Apprentice Professional Forester Educational Program Proposal, 2024”**

**Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 10:  
Article 2  
Amend: § 1600**

**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 Professional Foresters Law (PRC § 750, *et seq.*), there is the existence of a public interest in the management and treatment of the forest resources and timberlands of this state and to provide for the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment, and through that regulation to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds by flood and soil erosion control, the production and increased yield of natural resources, including timber, forage, wildlife, and water, and outdoor recreation, to meet the needs of the people.

The proposed action is in response to budgetary investigations by the Office of Foresters Registration. In 2019, after several years of review by the Professional Foresters Examination Committee (PFEC), it was determined that fund 0300, also known as the Professional Forester Fund, would have insufficient funds to conduct the normal processes and functions for the examination and licensing of Registered Professional Foresters (RPF) and the Certified Rangeland Manager (CRM) specialty. Exacerbating the problem, demand for these professionals has increased as a result of government actions to address wildland fire. The last five years has seen the largest, most destructive wildland fires in California history, leading the Governor to mandate the increase in the “pace and scale” of forest fuel treatment projects across the state and budgeting over two billion dollars for those treatments on “Forested Landscapes” where the supervision by an RPF is required. The combination of poor fund condition, an aging RPF demographic where 40% have been practicing for over 30 years and 27% are currently retired, and increased demand for their services, requires an increase in the pace of licensing to meet demand. The root causes of the problem are the combination of three factors.

First, the fee structure had not changed for 27 years since last revised in 1991. In 2019, the PFEC advised the Board of Forestry to approve a revised fee structure increasing

RPF and CRM renewal fees by 84%.

Second, a slow, consistent attrition of the RPF registry needed to be addressed due to an aging RPF demographic that exceeded the rate of new licensing by approximately 1% every year. The PFEC recommended to the Board the creation of a new fee as part of the 2019 fee revisions limiting RPF registrants of 30 years or more to a 34% increase. This was done to retain long registered or retired registrants who might be sensitive to fee increases.

The third factor necessitates this proposal. The problem is the RPF licensing and examination process has always been challenging and this is on purpose, to ensure only qualified individuals are licensed. Applicants are required to attain seven years of qualifying forestry work experience or a combination of qualifying forestry work experience and substitutable forestry education for experience. Three of the seven years must be under the supervision of an RPF or a qualified exempt supervisor, and all experience must demonstrate increasing responsibility and complexity. After the seven years of experience and/or combined education and experience has been attained, the applicant must pass a rigorous 7 ½ hour examination comprised of multi-component forestry essay questions. Records show the pass rate of the RPF examination has hovered around 45% for the last forty years. Between 2017 and 2020, examination success rates had declined further to just 37%. Much of this is attributed to declining forestry school enrollments, college curriculum which focus less on core forestry applications like mensuration, silviculture, forest operations and economics, and the lack of forestry mentorship to recent graduates with forestry and forestry related degrees.

The **purpose** of the proposed action is to improve the examination outcomes by creating regulation allowing for an alternative licensing pathway titled as the Apprentice Professional Forester (APF) educational program. Mirrored after the existing specialty program, any public agency or professional society could submit to the Board their proposal to educate forestry licensing applicants and provide testing of core competency subject matter in forestry. Applicants could join the program having achieved only four years of qualifying forestry work experience or the combination of four years of forestry work and qualifying educational substitution. Upon completion of the APF program and passing of the **programs** core competency exam, at year seven, mentored forester graduates would only need to pass an abbreviated exam that tests applied knowledge. The abbreviated exam will be roughly equivalent to 1/2 of the current RPF exam in length and like the current RPF exam, it is focused on situational, multi- component essay questions.

The **effect** of the proposed action will be to create opportunity for forestry workers and forestry graduates to test for licensing over two examinations rather than one. Starting at year four of the required seven years of forestry work experience, program participants will be tested on core competency. the final exam will be at year seven and will be abbreviated from the current 7 ½ hour exam to test only on applied knowledge.

The **benefit** of the proposed action is to provide an opportunity for forestry graduates and workers participating in an APF educational program early examination testing for core competency. It is the opinion of the examining committee (PFEC) that this early examination will result in better examination outcomes as evidenced by a trial mentorship program by the California Licensed Forester Association (CLFA) that indicate a 16% increase in exam performance for participating applicants since its inception in 2021.

**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 insert new section 14 CCR § 1623 and 1640.4 and amend existing section 14 CCR § 1640.3(a)(b)(1)(2) to create a pathway for an additional examination as provided for under PRC 769(c).

The **problem** is the RPF registry is at an all-time low with 40% of RPFs having been registered 30 years or more and 27% of total registrants indicating they are currently retired. This leaves approximately 800 RPFs actively practicing forestry during a time of overwhelming state need and unprecedented state efforts to increase the pace and scale of forestry treatments.

The **purpose** of the proposed action is to provide an incentive to utilize a more efficient pathway to RPF licensing by allowing for an APF educational program pathway supervised by a valid RPF, where RPF licensing applicants are mentored, educated, and tested on forestry core competency subject matter that enables these licensing applicants to take their first step towards licensing earlier in the RPF licensing process, at year four of the seven required to qualify for the license.

The **effect** of the proposed action is as follows:

- Participants in the program will be educated, mentored, or supervised by a Registered Professional Forester, a forest management expert knowledgeable, trained, experienced and skilled in the scientific fields relating to forestry.
- It is expected that increasing numbers of four-year graduates in forestry will engage in the licensing qualification process earlier.
- It is expected that increasing numbers of forestry related graduates will engage in the licensing qualification process earlier.
- Testing on core competency subject matter closer to graduation will improve subject matter knowledge retention for testing, thus improving examination outcomes.

- It is expected that early testing at year four will create less anxiety for examinees who otherwise must prepare for a 7 ½ hour, handwritten essay examination at year seven, as is current the practice.
- Early opportunity for testing will keep more forestry and forestry related graduates from departing from the RPF licensing pathway for jobs outside of forestry. This will help to support the RPF supervision requirements in 14 CCR 1622.

### **Aggregated Explanation**

**Add new section 1623.** This insertions will do the following:

- New section 1623 provides direction to provide evidence of successful completion of an alternative program certifying core competency under new section 1640.4 and as described in 1640.3 as amended.

**Amendments section 1640.3(a)(b)(1)(2).** These amendments do the following:

- Amended section 1640.3 clarifies the examination subject material with respect to core concepts and working knowledge and further explains the examination process related to the alternative program inserted as 1640.4.

**Add new section 1640.4** These insertions do the following:

- Inserted section 1640.4 clarifies the alternative program requirements.

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

The effect of the proposed action is the following:

- increase the rate of RPF licensing examination success through a RPF mentored alternative educational licensing pathway.

The proposed action:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses,
- (B) will not eliminate existing businesses within California
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits.

~~The costs of the proposed action are as follows for our current examination cycle which occurs twice per year:~~

- ~~• Time associated for the Professional Foresters Examining Committee (PFEC) to review the sponsoring professional society or public agency's proposed core competency examination. Estimated as one and one-half additional hours per year total.~~

- ~~• The Executive Officer (EO) will need to review the qualifications of additional applicants for entry into the APF program. Currently we average only 42 applications per year. The EO estimates an additional 20 applications per year for review resulting in an estimated 5 additional hours per year total.~~
- ~~• The EO or his assistant will need to enter the application information into CalTREES for tracking. EO estimates 20 applications scanned and information entry as 4 additional hours per year.~~

~~Therefore, the total cost for the action is:~~

<del>PFEC exam review, 8 members, \$100 per hour x 1.5 hours</del>	<del>= \$1,500</del>
<del>EO application review \$100 per hour x 5.0 hours</del>	<del>= \$ 500</del>
<del>EO or Assistant enters into CalTREES \$100 per hour x 4.0 hours</del>	<del>= \$ 400</del>
	<del>Net cost/Rev. = \$ 2,400 per year</del>

~~Thus, there is a slight cost increase of \$ 2,400 dollars annually, but these costs are outweighed if the APF program improves examination scores as predicted enhancing both monetary and non-monetary benefits by increasing the number of dues paying licensed RPFs to conduct needed forestry work in the state.~~

### **Add Alternative Program**

The nominal cost for the program will be absorbed by the Registered Professional Forester Fund and paid for through any subsequent renewal fee increase. The proposed action may increase costs to RPFs and businesses that pay the renewal fee for their employees eventually. However, it is not expected that the proposed action will be so economically expensive it will result in contraction of businesses or so time consuming that it will result in an expansion of businesses.

The number of businesses impacted, including small business, is unknown. Small businesses mean independently owned and operated, not dominant in their field of operations and having annual gross receipts less than \$1,000,000. No businesses are expected to be created or eliminated.

The geographic extent is Statewide.

The proposed action will not affect the ability of California business to compete with other States by making it costlier to produce goods and services in California and it will not make managing forestland more expensive in California as compared to other States, so it will have no impact on investment in the State.

There is one reporting requirement associated with the proposed action. The sponsoring Professional Society or Public Agency will be required to report to the Executive Officer annually. The report shall include information regarding the number individuals who apply to the program, the number of individuals accepted into the program, the number of accepted participants who successfully complete the program,

a summary of reasons any individuals failed to complete the program, and copies of any examinations or other criteria used by the entity to determine that a participant has successfully completed the program.

The proposed action does not afford the incentive for innovation in products, materials, or processes.

The proposed action will have a neutral effect on health, welfare, and worker safety, but will benefit the State's environment through the continued functions of the Office of Foresters Registration.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))**

The Board of Forestry and Fire Protection relied on the following list of technical, theoretical, and/or empirical studies, reports, or similar documents to develop the proposed action:

1. State of California Public Resources Code (PRC) §§ 750-783
2. State of California Code of Regulations Title 14 (14 CCR) §§ 1600-1651

**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 § 11346.5(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, 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 the no action alternative was rejected because it would not address the problem.

There are no other viable alternatives. Without regulatory changes, the RPF fund will continue to likely be depleted in two years requiring increases in renewal fees with a

substantial component of retired registrants who may elect to stop paying the fee and relinquish their license. This will likely require a state subsidy for the office to continue to perform the functions of examination, licensing, and discipline of RPFs and CRMs.

**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 prescriptive as necessary to address the problem. Performance based changes are not considered viable alternatives as the costs and revenues associated with running the licensing program have not significantly changed since 1991. The greatest impact to the program has been the downward trajectory of revenue due to a declining registry which can only be redressed by a prescriptive fee increase.

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

**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 for timber harvesting on State or private lands.

**POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS**

The Board has considered whether there will be any potentially significant adverse environmental effects from the proposed action. Such consideration was conducted to

meet California Environmental Quality Act (CEQA) requirements for a project by using the functional equivalent certification to an EIR granted to the Board for its rulemaking process pursuant to PRC § 21080.5.

The proposed action would maintain the current regulation and licensing of professional foresters and specialty certificates in support of the State's comprehensive Forest Practice Program under which all commercial timber management is regulated. The Board's licensing of foresters and specialty certificates and its FPRs along with the Department oversight of rule compliance, functions expressly to prevent adverse environmental effects.

In summary, the proposed action will not result in any significant or potentially significant adverse environmental effects. The proposed action is to maintain the existing licensing of professional foresters and specialty certificates in support of a program for the regulation and mitigation of commercial timber harvesting activities. However, the proposed action is not a mitigation, pursuant to the CEQA definition.