

BOARD OF FORESTRY AND FIRE PROTECTION

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May 12, 2016

Russell K. Henly
Assistant Secretary of Forest Resources Management
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Dr. Henly:

As you requested at the Board of Forestry and Fire Protection's meeting in January, the Board of Forestry and Fire Protection (Board) has initiated the process of considering a rule-making action to address the authorization of electronic submission of timber harvesting regulatory documents. During recent testimony before the board, you indicated that the Natural Resources Agency has funding in its 2015-16 fiscal year budget to begin contracting for the development of this system. The Board's Forest Practice Committee has had further discussion of moving forward with the rule-making process at its recent meetings.

The Board understands the interest of the Natural Resources Agency, the Timber Regulation and Forest Restoration Program, and others in seeing this rule-making process move forward in a timely fashion, given a number of factors. However, it is unlikely that Board can complete this rule-making process in time for a new regulatory standard to be effective on January 1, 2017 given the truncated timeline available to the Board for rule-making pursuant to the Forest Practice Act (FPA) and Administrative Procedures Act.

The Board recognizes a number of compelling reasons for moving forward with a rule to authorize electronic filing of timber harvesting documents. First, Assembly Bill 1492 (Committee on Budget, Chapter 289, Statutes of 2012) provided the following direction to the state entities implementing timber harvesting regulations:

Public Resources Code (PRC) § 4629.2 (**emphasis added**).

In enacting this article, it is the intent of the Legislature to accomplish all of the following:

(a) . . .

(f) Promote transparency in regulatory costs and programs through the creation of performance measures and accountability for the state's forest practice regulatory program and simplify the collection and use of critical data to ensure consistency with other pertinent laws and regulations.

(g) Identify and implement efficiencies in the regulation of timber harvesting between state agencies.

The Board recognizes the potential for electronic submission of documents prepared pursuant to the Forest Practice Rules (FPR) to improve "performance measures and

accountability for the state's forest practice regulatory program and simplify the collection and use of critical data to ensure consistency with other pertinent laws and regulations." It also could "implement efficiencies in the regulation of timber harvesting between state agencies."

Second, on behalf of the Timber Regulation and Forest Restoration Program, the Center for Collaborative Policy (University of California, Sacramento) recently completed a survey of approximately 40 wide-ranging stakeholders from the California forestry arena. Among the findings from the survey were:

- There is widespread desire for the implementation of AB 1492 to result in improvement to the efficiency and effectiveness of forestry management and regulations.
- There is considerable concern among all interviewed about the ability of regulatory agencies to coordinate effectively, and to engage a broad range of stakeholder interests.
- Lengthy and costly timber harvesting plan (THP) review and approval processes are the primary challenges identified by most timber industry stakeholders and many private landowners, for whom costs can be a significant barrier to land management.
- Reasons cited for lengthy and costly review include poor interagency coordination, increasing demands for environmental and natural resource review, and multiple and simultaneous permitting process for different agencies.
- Many within the forest products industry requested greater transparency around the amount of resources spent on THP review in order to assess whether efficiency is increasing or decreasing with increased levels of staffing of agencies.

The Board recognizes that an electronic filing system for timber harvesting documents can help to address these concerns about efficiency, transparency, and accountability.

Third, AB 1492 requires lengthy and detailed annual reporting to the Legislature on the activities, accomplishments, and efficiency of the State's timber harvest permitting programs (PRC § 4629.9). Annual compilation of this information from existing databases and other disparate sources takes a large amount of time for the Natural Resources Agency and the timber harvest review team agencies (CAL FIRE, Department of Fish and Wildlife, Department of Conservation, and the State and Regional Water Boards). The Board recognizes that having a centralized electronic system for timber harvesting permitting under the FPA and FPRs will reduce the level of agency effort and cost required to annually compile and report this information.

Given the clear purpose and need for this rulemaking, the Board is committed to moving forward with this rulemaking process, though the earliest date it may result in new regulatory standards would be January 1, 2018.

Sincerely,

J. Keith Gillless
Chairman
Board of Forestry and Fire Protection