

Board of Forestry and Fire Protection

15-DAY NOTICE OF PROPOSED RULEMAKING

“WORKING FOREST MANAGEMENT PLAN”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 4, Subchapter 7, Article 6.95
Adopt: 1094.16(d)(6)**

[Notice Published July 28th, 2017]

**MODIFICATIONS TO TEXT OF PROPOSED REGULATION, SUPPLEMENTAL
STATEMENT OF REASONS AND PUBLIC HEARING DATE**

PUBLIC HEARING DATE

Pursuant to Government Code section 11349.4(a), the Board of Forestry and Fire Protection (Board) intends to resubmit 1094.16(d)(6) within 120 days of its receipt of the Office of Administrative Law’s (OAL) Decision of Disapproval of this provision.

Pursuant to the requirements of Government Code § 11346.8(c), and Title 1 of the California Code of Regulations § 44, the Board is providing notice of modifications made to 1094.16(d)(6), a portion of the “Working Forest Management Plan” (OAL Matter No. 2017-0420-02), following the Office of Administrative Law’s (OAL) Decision of Disapproval of this provision. These modifications are substantially related to the 45-day Noticed rule text, published on June 10, 2016. **The Board will conduct a public hearing to consider adoption of the proposed rule text modifications at their regularly scheduled meeting on Wednesday, August 23, 2017. The meeting will begin at 9:00am in the first floor auditorium of the Resources Building located at 1416 9th Street, Sacramento, California.**

MODIFICATIONS TO TEXT OF PROPOSED REGULATION

The Board is providing notice of proposed modifications to the 45-Day Noticed rule text published June 10, 2016. Proposed modifications to the 45-Day Noticed rule text are identified in this 15-Day Notice as follows:

- existing CCR Text (approved June 2, 2017) ----- No underline or strikethrough
- 45-Day Noticed rule text (published 06/10/16) ----- single underline
- deletions of 45-Day Noticed rule text proposed in this 15-Day Notice ----- ~~double strikethrough~~
- additional rule text proposed in this 15-Day Notice ----- double underline

Following is an explanation of the proposed modifications:

Modifications to 1094.16 Agency and Public Review for the WFMP

When Significant New Information is recirculated, a Notice of Recirculation is prepared with the same information as is contained within a Notice of Filing, and is distributed equivalent to a Notice of Filing. The following revised provision captures this process:

(6) The Department shall prepare and distribute ~~include with the Notice of Filing, a~~

Notice of Recirculation pursuant to ~~14 CCR § 1032.9~~ equivalent to a Notice of Filing as described

in 14 CCR § 1094.15.

PUBLIC COMMENTS

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed modifications described in this 15-Day Notice. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed action to the Board. **The written comment period ends at 5:00 P.M., August 12, 2017.** The Board will consider only written comments received at the Office of the Board of Forestry and Fire Protection by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias, Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias, Executive Officer
Room 1506-14

1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail to the following address:

publiccomments@bof.ca.gov

CONTACT PERSON

Requests for copies of the Supplemental Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

State Board of Forestry and Fire Protection
Attn: Matt Dias, Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-8007

The designated backup person in the event Mr. Dias is not available is Ms. Thembi Borrás, Forester III for the Board of Forestry and Fire Protection. Ms. Borrás may be contacted at the above address or by phone at (916) 531-5906.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared a Supplemental Statement of Reasons for the “Working Forest Management Plan” rulemaking proposal that provides additional information regarding the clarity and necessity of 1094.16(d)(6). This Supplemental Statement of Reasons and the Initial Statement of Reasons are available from the contact person on request. If the rule text modifications discussed in this notice are adopted by the Board as proposed on August 23, 2017, a Final Statement of Reasons will be prepared to reflect the comments and responses received during the written comment periods and public hearings. The Supplement to the Final Statement of Reasons, when prepared, will be available from the contact person(s) named in this notice.

A copy of the express terms of the original proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address:

California Department of Forestry and Fire Protection
Resources Building
Room 1506-14
1416 9th St.
Sacramento, CA 94244
Attention: Thembi Borras
Tel: (916) 531-5906

All of the above referenced information is also available on the Board website at:

http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/

15-DAY NOTICE RULE TEXT MODIFICATIONS KEY

Proposed modifications to the 45-Day Noticed rule text, published on June 10, 2016 are identified in this 15-Day Notice as follows:

- existing CCR Text (approved June 2, 2017) ----- No underline or strikethrough
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AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board again makes modifications which are sufficiently related to the originally proposed text, it will again make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised.

Notice of the comment period and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or

c) requested notification of the availability of such changes from the Board.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for no less than 15 days from the date on which they are made publicly available.