

Board of Forestry and Fire Protection

SUPPLEMENTAL STATEMENT OF REASONS

“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)**

OAL Matter No. 2017-0420-02

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. Prior to resubmittal to OAL, the Board intends this Supplemental Statement of Reasons to provide additional information regarding the clarity and necessity of 1094.16(d)(6) and to make all substantial regulatory text changes, which are sufficiently related to the originally proposed text, available for at least 15 days for public comment pursuant to Government Code section 11346.8 and Title 1 CCR section 44.

1094.16(d)(6) is the process by which entities will be made aware of the addition of Significant New Information being recirculated.

It was disapproved for the following reason (explanation provided by OAL):

The Board proposed to adopt new section 1094.16(d)(6) in Title 14 of the CCR as follows:

(d) The Director shall take the following steps when Significant New Information as defined in 14 CCR § 895.1 is added to the Plan during the course of Plan review or during the Director's determination period.

(6) The Department shall include with the Notice of Filing, a Notice of Recirculation pursuant to 14 CCR § 1032.9.

As proposed, subdivision (d)(6) suggests that the requirements for a Notice of Recirculation are found in Title 14 CCR section 1032.9. Title 14 CCR section 1032.9 provides as follows:

(a) Each applicable CAL FIRE Review Team Office shall maintain a list of plans submitted each day.

(b) When any person requests notice of submissions of timber harvesting plans, the Director shall provide the person, free of charge, with a copy of the list of timber harvesting plans submitted. on the date or dates requested. If no specific date is requested, a copy of the lists for the preceding week shall be provided.

Referenced section 1032.9 of Title 14 of the CCR provides no information which is relevant to a Notice of Recirculation or the requirements for this document. As such, proposed section 1094.16(d)(6) would not be easily understood by those persons directly affected by it and is, therefore, unclear to persons and entities subject to it regarding any such requirements.

The process is 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.

Key to formatting:

- 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