

BOARD OF FORESTRY AND FIRE PROTECTION

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**BOARD PROCEDURE FOR THE REVIEW OF FOREST PRACTICE RULES**

Initial Adoption: 12/06/2006

Revised: 01/29/18

Forest Practice Program and Rule Review:

The Board of Forestry and Fire Protection (Board) has the responsibility to maintain a comprehensive and effective system of regulation for all timberlands subject to statute informing Board mandates (PRC § 740) and the Z'berg-Nejedly Forest Practice Act (PRC § 4511 *et. al.*). To assure the efficacy of Forest Practice Rules, the Board must have the most current information possible on the implementation and effectiveness of rules adopted in accordance with the Forest Practice Act (PRC §§ 4551-4555). Currently, the Board must adopt regulations no later than early October to enable implementation on January 1 of the year following adoption (PRC § 4554.5 and Gov. Code § 11340 *et. seq.*). Given this statutory framework, it is necessary for the Board to receive timely feedback regarding rule implementation and effectiveness to meet its responsibility to the public and protect the state's interests.

To assure the timely dissemination and effective implementation of rule language, as well as to assist and improve subsequent rulemaking efforts, the Board has identified the following actions to be implemented by Board staff and the Department:

Board Staff:

1. Immediately following acceptance of Board approved rule language by the Office of Administrative Law (OAL), Board staff shall post the approved language and all necessary supporting background and implementation guidance materials on the Board's web site. Additionally, the rulemaking file shall be indexed and added to the Board's online [Regulations Library](#).
2. To the extent feasible, Professional Foresters Registration shall publish the OAL approved language in the following issue of Licensing News for dissemination to all valid Registered Professional Foresters (RPF).
3. To the extent feasible, no later than February 1 following the filing of the rules by the Secretary of State, the revised "California Forest Practice Rules <year>" shall be posted on the Board's website.

4. To the extent feasible, no later than **October 15** of each year, the Executive Officer shall widely disseminate an “Annual Board Regulation and Policy Review” where Board staff shall accept comments related to clarity, implementation, and effectiveness of Board rules. The Board shall rely upon these comments to inform and prioritize the topics and annual workload of the Board’s Standing Committees for the following year.

5. The Board, or its Standing Committees, shall discuss selection of priorities and assignments, based upon comment solicited from the published “Annual Board Regulation and Policy Review” in a public meeting and include the list of priorities, by committee, within the Board’s Annual Report to the Legislature.

6. All the above is intended to function as part of the Board’s obligation under PRC §§ 4552 and 4553 to provide rules and regulations based on a study of the factors and continuously review Board rules through interaction with the Department, other public agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

7. At a regularly scheduled meeting of the Board, the Board shall request agency and public comment to address the following:

- Areas where questions exist on interpretation of the regulatory standards, including potential solutions.
- Issues encountered in achieving compliance with the regulatory standard of rules, including potential solutions.
- Suggested regulatory modifications which would either 1) clarify existing rule language to better achieve the intended resource protection, or 2) which would reduce regulatory inefficiencies and maintain the same or better level of protection.

8. At a regularly scheduled meeting of the Board, the Board shall request an agency report on training that addresses the following:

- Public information, RPF and LTO education efforts planned, or which have occurred throughout the year.
- Implementation of training provided to, or planned for, Department Forest Practice Program staff.
- Implementation of training provided to, or planned for, Review Team (Responsible Agency) staff.

Department:

1. To the extent feasible, no later than February 1 following the filing of rules by the Secretary of State, the revised “California Forest Practice Rules <Year>” shall be posted on the Department’s website.

2. To the extent feasible, no later than February 1 immediately following rule implementation, the Department shall provide information to RPFs and Licensed Timber Operators (LTOs) of record regarding the new and modified rule language,

3. No later than March 1 immediately following rule implementation, the Department shall publish and distribute to all LTOs as well as make available for purchase by the public, the Department’s publication: California Forest Practice Rules <Year>.

Nothing in this policy shall preclude the Department from immediately notifying the Board of disputes arising from the interpretation or implementation of new, modified or existing rule language or allowed under PRC § 4555.