

**Board of Forestry and Fire Protection**

**INITIAL STATEMENT OF REASONS**

**“Less Than 3-acre Conversion Exemption Amendments, 2024”**

**Board of Forestry and Fire Protection  
Title 14 of the California Code of Regulations  
Division 1.5, Chapter 4 Subchapter 7**

**Amend §§ 1100 & 1104.1**

**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 Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* (Act) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to “...adopt district forest practice rules... to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources...” and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

PRC § 4551.5 requires that the rules and regulations adopted by the Board apply to the conduct of Timber Operations, which is defined within PRC § 4527(a)(1) as “the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, from Timberlands for commercial purposes, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuelbreaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as treemarking, surveying, or roadflagging.” The term “commercial purposes”, as used within PRC § 4527 is defined by reference to an illustrative, non-exhaustive list of activities within PRC § 4527(a)(2) that include “(A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber that are subject to Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.”

Additionally, the Act defines “Timberland” within PRC § 4526 as “land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.”

The Act recognizes that the “forest resources and timberlands of the state are among the most valuable of the natural resources of the state”, and that “it is the policy of this state to encourage prudent and responsible forest resource management...” (PRC § 4512). The act also recognizes that some landowners who own timberland and forest resources may wish to utilize their land for purposes other than the growing, harvesting, and management of timber. To accommodate these activities, the Act contains provisions for the conversion of timberland through several mechanisms including Article 9 of the Act, and PRC § 4584 (g).

PRC § 4584 authorizes the Board to adopt regulations to provide an exemption, from all or portions of the Act, to a person engaging in certain forest management activities specified by the statute.

PRC § 4584 (g) allows the Board to adopt regulations exempting an individual from all or portions of the Act when the landowner is engaged in “[t]he one-time conversion of less than three-acres to a nontimber use,” can demonstrate a bona fide intent to convert the land use, and has met certain other criteria. The Board has interpreted and implemented these statutory provisions through the adoption of 14 CCR § 1104.1(a). These regulations were adopted by the Board, pursuant to its statutory authority, to provide landowners relief from certain onerous or burdensome portions of the FPRs, including Plan preparation and conversion permit requirements, while maintaining environmental quality by requiring Timber Operations to comply with all other applicable provision of the Act and existing regulations.

Since their initial adoption as part of the Forest Practice Rules (Rules) in 1974, the less than three-acre Conversion Exemption regulations of 14 CCR § 1104.1(a) have been widely utilized by landowners seeking to accomplish various conversion goals, from the construction of residences to improving rangeland resources, and the Department of Forestry and Fire Protection (Department) has received over 15,000 applications statewide to date. The widespread use of the regulations has brought to light various misapplications and other shortcomings which have been addressed through statutory and regulatory amendments to clarify and make specific the process while maintaining the Less than 3-acre Conversion Exemption as a functional tool for forest land management.

In 2018, the legislature passed, and the Governor approved, Senate Bill (SB) 901 (Chapter 626), which broadly reorganized the statutory structure of authorization for many of the authorized regulatory exemptions from the Act provided for in PRC § 4584. Acting in response to these changes, the Board broadly restructured the regulatory exemptions provided by most of PRC § 4584 within 14 CCR §§ 1038, 1038.1, 1038.2,

1038.3, and 1038.4 to address the changes stemming from SB 901 but did not revise those exemptions adopted within 1104.1 which were authorized by PRC § 4854.

In 2023, Governor Newsom signed AB 1526, which amended PRC § 4584(g)(2)(A)(iv) to allow the Board to adopt a waiver of the one-time limitation on less than three acre conversion if the one-time limitation would impose an undue hardship.

The **problems** are that, though the provisions exempting Less than 3-acre Conversion activities have long existed within regulation, their implementation (both by the regulated public and the Department which administers them) has been inconsistent and the regulations themselves require clarification of several features. The current regulations lack clarity; for example, applicants are instructed to obtain a county use permit or provide evidence that no permit is required but are not provided with an avenue to certify their contact person at the relevant county if the county lacks an authorized designee.

Additionally, current less than 3-acre conversion exemption regulations do not address the general requirements for other exemptions (as described under § 1038 et seq.) as relates to environmental and safety protections such as surface fuel treatment, watercourse and lake protections, and erosion control. These regulations do not provide a minimally burdensome ministerial permitting process for conversion activities that may impact natural resources and communities.

Under current regulations, work under the less than 3-acre conversion permit is limited to a single conversion event per contiguous land ownership. This leads to circumstances where landowners must determine the full extent of long-term property development within Timberland during a single permit application, often resulting in immediate removal of all commercial trees within the 3-acre potential developed area or the full extent of their property, whichever is smaller. There is no current option in the rules that allows landowners to retain timberland until development is desired, maximizing the number of acres of timberland lost under this permit process. Landowners who do not predict all of the circumstances for future development of their property, including landowners who become disabled and need to install additional facilities for access to their homes, landowners who need to widen driveways and install turnouts to comply with fire safety requirements, and landowners who wish to build additions, ADUs, gardens, or install fire-safe landscaping features, are either faced with requirements to remove any number of trees that are commercial species using both a Timberland Conversion Permit and a Timber Harvest Plan – the functional equivalent of an Environmental Impact Report – to refrain from property development, or to pursue these developments without appropriate permits.

Some aspects of the current less than 3-acre conversion permit application process require clarity to streamline submission, notification, and review. There is no current requirement for the notification of trustee agencies about potential impacts to natural resources, and mapping instructions do not include requirements to denote the location of areas with potential outsized impact including watercourses and unstable areas.

Furthermore, the applicability of the term “Timberland Conversion” as defined within 14 CCR § 1100(g) to less than 3-acre conversion exemptions on Timber Production Zone land is ambiguous, as the existing regulation states that the existing definition is not applicable to those activities pursuant to 14 CCR § 1104.1.

The **purpose** of the proposed action is to: 1) revise the regulatory spatial and temporal limitations of the existing less than 3-acre conversion exemption within 1104.1 to provide additional clarity; 2) improve the clarity and efficiency of the regulations related to the regulatory exemptions authorized by PRC § 4584(g) to make them consistent with the regulatory revisions to exemptions following the passage of SB 901 and general purpose of the Act to provide adequate resource protection while maintaining a minimally burdensome ministerial permitting process for those activities; 3) adopt the waiver of the one-time conversion permitted by the passage of AB 1526; 4) establish an option for the waiver of the contiguous land ownership limitation for less than 3-acre conversion exemptions, 5) clarify some aspects of the less than three acre exemption submission, notification, and review process; and 6) improve the overall clarity of the regulations and to ensure consistency with the purposes of the Act, particularly those purposes related to resource protection.

The **effect** of the proposed action is to: 1) provide clarity to applicants on how to complete less than 3-acre conversion exemptions; 2) revise the structure and content of the entirety of 14 CCR § 1104.1 to clarify submission, notification, and operational requirements and limitations for all permitted activities to promote consistency with the statutory changes within SB 901 and elsewhere in the regulations in 14 CCR § 1038 *et seq.*; 3) provide for waivers of the one-time limitation and contiguous land ownership limitation to use of the less than 3-acre conversion exemption under circumstances that would provide undue hardship to the applicant, while also limiting serial conversion and the loss of timberland, and identify circumstances under which the Department may determine that circumstances qualify as “undue hardship”; 4) update requirements for notification and review processes for relevant agencies for this exemption; and 5) clarify the definition of Timberland Conversion for activities conducted under statutory exemption within PRC § 4584(g) on TPZ lands.

The **benefit** of the proposed action is the maintenance of a comprehensive regulatory scheme which allows for the clear and consistent application and enforcement of the Forest Practice Rules related to less than 3-acre conversion exemptions. These measures may benefit environmental quality throughout the state through improved clarity regarding prohibitions and limitations related to Timber Operations which are intended to prevent environmental impact and improving mapping and notification requirements. Additionally, the improvement of notification processes will benefit the efficiency of the Department’s inspections and enforcement of exemption operations. Further, waiver of the one-time limitation benefits landowners by allowing them to stagger development over time in response to evolving circumstances, up to the existing aggregate maximum of three acres, which also has the incidental benefit of retaining Timberland until the landowner is prepared to proceed with minor

developments to their parcel. Finally, waiver of the contiguous land ownership limitation benefits holders of large contiguous ownerships by allowing them, to undertake additional less than 3-acre conversion exemptions on additional properties in the same manner as owners of individual parcels, under appropriate circumstances of undue hardship while protecting against risk of serial conversion.

**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 amend 14 CCR §§ 1100, and 1104.1.

#### **General Note on the Amendment of "THP" to "Plan"**

Throughout the proposed action, the defined initialism "THP" (14 CCR § 895), or other terms which are inclusive within the defined term of "Plan" within 14 CCR § 895.1, have been replaced with the defined term "Plan". When these regulations were initially adopted, the Timber Harvesting Plan (THP) was one of the only discretionary permits for timber harvesting provided by the Rules. Since that time, numerous discretionary permitting vehicles have been created within regulation, which are identified throughout most of the modern Rules as "Plans". The purpose of amending this term within these provisions is to capture the applicability of the regulations to all discretionary timber harvesting permitting vehicles, not simply the Timber Harvest Plan. This is necessary to clarify the applicability of the regulations and to aid in their implementation and enforcement.

#### **Amend § 1100. Definitions**

The proposed action imposes the existing regulatory definition of "Timberland Conversion" for activities on non-TPZ timberland to those on TPZ lands for activities pursuant to 14 CCR § 1104.1. Currently, Timberland Conversion on non-TPZ land in 14 CCR § 1101(g)(1) is identified as transforming timberland to a non-timber use where "(A) Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon", among other conditions. However, on TPZ lands, timberland conversion is identified as "...the immediate rezoning of TPZ lands," but conversion exemptions pursuant to 14 CCR § 1104.1 are excepted from this requirement of immediate rezoning. If given a literal construction, the extant provision is potentially inconsistent with the purposes and the Act, and the Board's intent in adopting it, to the extent that it suggests that zoning is the exclusive criteria by which a conversion occurs on TPZ lands. The immediate rezoning of TPZ land, as described in the extant provision, is intended to reflect a situation unique to TPZ land in which a conversion can occur in the absence of timber operations. In addition, the extant language presents a

potential issue with the regulations where the filing of a conversion exemption on TPZ land simply becomes a *de jure* conversion even when there is no “conversion” of the land, as defined by plain English or other Board regulations or statute. The purpose of the proposed action is to clarify that timberland conversions pursuant to 14 CCR § 1104.1 exemptions on TPZ lands must comply with those conditions of 1101(g)(1)(A)-(C), which would ensure that actual physical conversion was occurring and that this process is used appropriately. This amendment is necessary to clarify the definition of these activities to adequately implement and enforce regulations related to the conversion of Timberlands.

**Amend §1104.1(a)**

The proposed action limits the scope of the prohibition against the Director accepting a notice of conversion exemption if any portion of the contiguous land ownership has been subject to prior unpermitted timberland conversions to only such unpermitted conversions that occurred under the current owner. The purpose of this amendment is to clarify that a landowner is not responsible and should not be penalized for unpermitted conversions that occurred prior to that person’s ownership. The amendment is necessary to clarify these requirements and promote fair standards.

**Amend § 1104.1(a)(1)**

The proposed action requires that the notice required for submission to conduct Timber Operations pursuant to 14 CCR § 1104.1(a) must be prepared by an RPF on a form prepared the Department and submitted prior to the commencement of Timber Operations. The purpose of this amendment is to clarify the format and timing by which the notice must be submitted. These amendments are necessary to adequately implement the requirements surrounding the notice by the regulated public, and to provide appropriate review and enforcement of those provisions by the Department.

**Amend § 1104.1(a)(1)(A)**

The proposed action requires that a notice of conversion exemptions pursuant to this section include certain contact and identification information for the Timberland owner. The purpose of this amendment is to clarify the previously utilized term of “owner of the Timberland to be converted” as the term “Timberland owner” is widely utilized throughout the Rules and there is no distinction between the parties identified by either phrase. This amendment is necessary to ensure appropriate and accurate implementation and enforcement of these regulations.

**Amend § 1104.1(a)(1)(B)**

The proposed action requires that a notice of conversion exemption pursuant to this section include a legal description of the location of the timber Operation, as well as the county, and assessor parcel number. The purpose of this amendment is to clarify the required submission information necessary to accurately identify where operations are taking place, as well as to eliminate redundant requirements to show section, township, and range, which is information which is inclusive of a legal description. These amendments are necessary to accurately implement and enforce these regulations.

### **Repeal § 1104.1(a)(1)(C)**

The proposed action repeals the existing mapping requirements in favor of those adopted within 14 CCR § 1104.1(a)(1)(F). The purpose of these amendments is to provide specifics as to mapping requirements. These amendments are necessary in order to clarify the requirements for maps which are submitted for this conversion exemption and to provide flexibility to the submitter in the preparation of the maps. This amendment is necessary to clarify the mapping standards required with submission of a notice pursuant to this section. Please see the above referenced provision for additional information.

### **Adopt § 1104.1(a)(1)(C)**

The proposed action requires that a notice of conversion exemption pursuant to this section include the tentative date of commencement of Timber Operations. The purpose of this amendment is to clarify what information must be submitted on the notice and is necessary to aid in the application and enforcement of the regulations by the Department.

### **Amend § 1104.1(a)(1)(D)**

The proposed action requires that a copy of any use permit or other permit issued by a local jurisdiction that is required for conformance with regulatory requirements of the local jurisdiction for the proposed conversion activities be submitted with a notice of conversion exemption, when available. It also requires that the applicant provide the name, date of contact, and contact information of their county contact if the county does not have an authorized designee. The purpose of this amendment is to improve the efficacy of the regulations and eliminate redundant verification from a county “authorized designee”, as previously required, in instances where a permit for land use which may be necessary for proposed conversion activities has already been obtained. This amendment is necessary to clarify this submission requirement and to aid in its implementation and enforcement by the Department.

The proposed action additionally provides that, where no permit is required or has been obtained, the existing methods of determining conformance with local requirements are maintained: through county verification or RPF certification. It also provides Department review staff with the means to verify county notifications in those counties without an authorized designee. The purpose of this amendment is to maintain these options for implementation in order to address the diversity of land use practices and governance which exists throughout the state. This amendment is necessary in order to clarify these requirements.

### **Amend § 1104.1(a)(1)(F)**

The proposed action requires a map to be submitted with a notice of conversion exemption pursuant to this section, as well as to provide additional standards related to the map. The requirement to submit a 7 ½ minute USGS quadrangle map or its equivalent is an existing requirement of 14 CCR § 1038.2(a), and the Board has retained this requirement as it is suitable and appropriate for use in disclosing the operations permitted here. The proposed action further clarifies the minimum scale of

the map to be used as the potential maximum scope of operations pursuant to this section is 3 acres and too large of a scale would not provide meaningful mapping or disclosure of operations. The amendment also provides that additional maps are also allowable for submission, including digital shapefile information, if they are able to improve map clarity and their standards and conditions are additionally specified within this amendment. Furthermore, the use of color coding is prohibited, a legend is required to be submitted on a map, and, if more than one yarding system is used, the yarding systems are to be specified and mapped. Similar standards exist within 14 CCR § 1038.2, and are suitable here to provide an adequate level of mapping disclosure. The purpose of these amendments is to provide specifics as to mapping requirements. These amendments are necessary in order to clarify the requirements for maps which are submitted for this conversion exemption and to provide flexibility to the submitter in the preparation of the maps.

Additionally, the proposed action requires that the maps described above contain certain information and details. Most of these details and requirements exist as potential requirements for disclosure within 14 CCR § 1038.2 and PRC § 4584.1(a) and are suitable and appropriate here to provide adequate disclosure of conversion exemption activities in order to ensure compliance with, and enforcement of, these regulations. The clarification of these requirements is necessary to promote such compliance and enforcement.

#### **Adopt § 1104.1(a)(1)(G)**

The proposed action requires the submission of certain documentation which may be required by 14 CCR § 1104.1(a)(5)(I). Existing regulations within 14 CCR § 1104.1(a)(2)(I) provide that certain Timber Operations may occur with written concurrence from a Department Archaeologist and that that written concurrence be submitted with the notice of conversion exemption. The purpose of the amendment is to reiterate that requirement under the information to be submitted with the notice of 14 CCR § 1104.1(c). This amendment is necessary to promote clarity and consistency within the regulations and to ensure their appropriate implementation via appropriate identification of required submission materials in a single subsection.

#### **Adopt § 1104.1(a)(1)(H)**

The proposed action requires the submission of certain documentation which may be required by 14 CCR § 1104.1(i). The proposed amendments within 14 CCR § 1104.1(i), and similar requirements in existing regulations within 14 CCR § 1104.1(i) provide that the removal of certain large and old trees may occur under certain conditions, including certain certifications. The purpose of the amendment is to reiterate that requirement under the information to be submitted with the notice of 14 CCR § 1104.1(a)(1). This amendment is necessary to promote clarity and consistency within the regulations and to ensure their appropriate implementation via appropriate identification of required submission materials in a single subsection.

#### **Amend § 1104.1(a)(1)(I) (formerly § 1104.1(a)(1)(F))**

The proposed action adds the submitter and the LTO to the list of parties which must sign the submitted notice of conversion exemption pursuant to this section. The purpose of this amendment is to ensure that all parties involved with timber harvesting activities pursuant to this section verify their involvement in this process. This amendment is necessary to clarify this signature requirement of these parties.

**Adopt § 1104.1(a)(2)**

The proposed action relocates and combines the existing provision of 14 CCR §§ 1104.1(a)(4) and 1104.1(a)(4)(A) to 14 CCR § 1104.1(a)(2). The purpose of this amendment is to promote the restructuring of the regulations and is necessary in order to improve their clarity and implementation.

**Adopt § 1104.1(a)(3)**

The proposed action requires that the Department provide copies of the submitted notice of conversion exemption to the appropriate Regional Water Quality Control Boards, Department of Fish and Wildlife, and California Geologic Survey offices upon acceptance the notice. This provision is an implementation of PRC § 4584.1(h), which the Board found suitable and appropriate for application to the less than 3-acre conversion to allow for adequate disclosure of the exemption activities to agencies which may have authority related to certain forest management activities associated with timber operations conducted pursuant to 14 CCR § 1104.1(a). The proposed action requires that other agencies be notified upon acceptance, rather than upon submission as identified within PRC § 4584.1(h) as many notices may be submitted and not accepted, resulting in unnecessary notification to additional agencies. The purpose of this adoption is to clarify the means and timeline for notification of the relevant government entities. This adoption is necessary to clarify this requirement to both the Department and the regulated public and to aid in their application and enforcement.

**Adopt § 1104.1(a)(4)**

The proposed action relocates the existing provision of 14 CCR §§ 1104.1(a)(2)(G). The purpose of this amendment is to promote the restructuring of the regulations and is necessary in order to improve their clarity and implementation.

**Amend § 1104.1(a)(5)(B) (formerly § 1104.1(a)(2)(B))**

The proposed action limits conversion activities to conversion to a bona fide nontimber use. The purpose of this amendment is to clarify that all activities that result in conversion of property from timberland to non-timberland must be complete within the stated timeline. This amendment is necessary to clarify these timelines for the implementation and enforcement of these provisions.

**Amend § 1104.1(a)(5)(C) (formerly § 1104.1(a)(2)(C))**

The proposed action states that the RPF or supervised designee must flag the boundary of the Harvest Area (as defined in 14 CCR § 895.1) and any applicable Watercourse and Lake Protection Areas and Equipment Limitation Zones. Previously this provision explicitly required site visitation, but this is redundant given the physical requirements of flagging. Additionally, the boundary of the conversion exemption Timber

Operation has been replaced with the defined term of “Harvest Area” to improve the clarity of these provisions. The purpose of these amendments is to clarify the requirements for marking the boundary of the area to be harvested and sensitive zones that require additional protections. These amendments are necessary to improve the clarity of the existing regulations and for their appropriate implementation and enforcement.

**Amend § 1104.1(a)(5)(D) (formerly § 1104.1(a)(2)(D))**

The proposed action requires that certain surface fuels resulting from Timber Operations (certain Slash and Woody Debris) be chipped, piled and burned, buried, or removed from the site within a certain time frame and eliminates the more prescriptive and detailed requirements, including those exclusive to pine, of previous 14 CCR § 1104.1(a)(2)(D)1. through 9. The purpose of this amendment is to simplify the existing surface fuel treatment requirements in order to improve the clarity of those requirements while maintaining an effective fuel treatment standard. The elimination of all fuels created by Timber Operations ensures appropriate hazard reduction following any Timber Operations conducted pursuant to 14 CCR § 1104.1(a) and, provided that an alternative use is to be implemented on the site, is appropriate and necessary in order to ensure appropriate fuel treatment is conducted for a variety of potential future conditions. Additionally, the proposed action specifies a variety of methods by which fuels must be treated for the purposes of maintaining flexibility in application of these regulatory standards. These amendments are necessary to clarify treatment requirements and to appropriately implement and enforce them.

**Amend § 1104.1(a)(5)(E) (formerly § 1104.1(a)(2)(E))**

The proposed action requires that erosion control structures be installed on certain features to a performance-based standard at certain times during the winter period. The performance-based standards are repetitive of those standards within 14 CCR § 914.6(a), 934.6(a), and 954.6(a) and are intended to promote both consistency with existing regulation and preservation of environmental quality during winter period operations pursuant to 14 CCR § 1104.1(a). Additionally, those erosion control structures must be installed prior to a weekend or other shutdown period during the winter period, which reiterates and is consistent with the requirements of 14 CCR § 914.7(c)(3), 934.7(c)(3), and 954.7(c)(3). The use of these existing standards here is suitable and appropriate as the regulations within 14 CCR § 1104.1(a)(5)(E) identify requirements for tractor operations during the winter period for Timber Operations conducted pursuant to 14 CCR § 1104.1(a), which is generally the scope of the referenced and restated regulations. This amendment is necessary for clear implementation and enforcement of these regulations.

**Amend § 1104.1(a)(5)(F) (formerly § 1104.1(a)(2)(F))**

The proposed action prohibits Timber Operations pursuant to 14 CCR § 1104.1(a) within a WLPZ except for certain specific activities. The activities identified in 14 CCR § 1104.1(a)(5)(F)1. through 4. are currently allowed within a WLPZ in certain watersheds pursuant to 14 CCR § 916.9(s)(1) through (3) and § 916.9(s)(5), 936.9(s)(1) through (3) and § 936.9(s)(5), and 956.9(s)(1) through (3) and § 956.9(s)(5) and are suitable and

appropriate for implementation for Timber Operations conducted pursuant to 14 CCR § 1104.1(a) everywhere due to the similar ministerial process and scope of Operations consistent across exemption Timber Operations, such as those within 14 CCR § 1038. Text from 14 CCR § 1104.1(a)(5)(F) related those operations specifically approved by an applicable permit or regulation, was placed into 14 CCR § 1104.1(a)(5)(F)5. for clarity. The specification for “local permits or regulations (e.g. County, City)” was removed, because in some counties and municipalities land that is converted from timberland is subject to additional state and federal permit processes (including Section 404 of the Clean Water Act, Water Code §13260 et seq.). This amendment is necessary to clarify these allowable activities in order to appropriately implement and enforce the regulations and to remove ambiguity about which permit processes may apply.

**Adopt § 1104.1(a)(5)(G)**

The proposed action prohibits Tractor Operations and heavy equipment operations on known Unstable Areas. The purpose of this amendment is to prevent unintended environmental damage which may result from earth movement related to instability, as well as to promote compliance and consistency with existing regulatory requirements with other notices of exemption as described in 14 CCR § 1038.1.(c)(7). The adoption of the regulations here is necessary to clarify this prohibition to ensure compliance for activities conducted pursuant to this section.

**Repeal § 1104.1(a)(2)(G)**

The proposed action deletes the existing provision of 14 CCR § 1104.1(a)(2)(G) to be moved to 14 CCR § 1104.1(a)(4). The purpose of this amendment is to promote the restructuring of the regulations and is necessary in order to improve their clarity and implementation. Please see the description of provision 14 CCR § 1104.1(a)(4) for additional discussion.

**Amend § 1104.1(a)(5)(I) (formerly § 1104.1(a)(2)(I))**

The proposed action prohibits Timber Operations on any site that satisfied the criteria listed in 14 CCR § 895.1 for a Significant Archaeological or Historical Site. The purpose of this amendment is to clarify the provision through the implementation of the defined term. This amendment is necessary to provide such clarity to the regulations in order to ensure appropriate implementation and enforcement.

**Amend § 1104.1(a)(5)(J) (formerly § 1104.1(a)(2)(J))**

The purpose of the proposed action is to require that an RPF comply with 14 CCR § 1035.2 relating to interaction between the LTO and the RPF for activities conducted pursuant to 14 CCR § 1104.1, and to eliminate less prescriptive requirements in existing regulations in 14 CCR § 1104.1(a)(5)(J). This section outlines requirements and timelines for RPF and LTO responsibilities and disclosures. The requirements of 14 CCR § 1104.1(a) are complex and may lead to issues or conflict between RPFs and LTOs and this requirement for compliance with 14 CCR § 1035.2 is necessary to provide some structure and required disclosure to avoid those conflicts. This adoption is additionally consistent with PRC § 4584 (k)(7)(G). This adoption is necessary to clarify this requirement to both the RPF and the LTO.

**Amend § 1104.1(a)(5)(K)**

The proposed action adds a yearly notification for the commencement of Timber Operations. The purpose of this amendment is to account for the possible extension of the notice of exemption for an additional two years under §1104.1(a)(12). This adoption is necessary to ensure appropriate implementation and enforcement.

**Adopt § 1104.1(a)(5)(L)**

The proposed action adds a requirement that the Timber Owner, submitter of the notice of conversion exemption, RPF, or LTO notify the Department of the date of completion of timber operations within 30 days of the actual date of completion. The purpose of this amendment is to verify compliance with the limitations on the length of timber operations under §1104.1(a)(5)(B). This adoption is necessary to ensure appropriate implementation and enforcement.

**Adopt § 1104.1(a)(5)(M)**

The proposed action requires that any timber operations conducted pursuant to 14 CCR § 1104.1(a) within the Lake Tahoe region to have a valid Tahoe Basin Tree Removal Permit, as defined by the Tahoe Regional Planning Authority (TRPA) or be conducted under a valid TRPA memorandum of understanding, when such a permit is required by TRPA. The purpose of this amendment is to maintain consistency with TRPA standards for tree removal activities within TRPA jurisdiction. TRPA has an existing and functional permitting process to ensure that tree removal activities within their jurisdiction complies with their standards and requirements and is authorized by PRC § 4516. Similar requirements exist for exemption activities pursuant to 14 CCR § 1038 and 1038.3 within 1038.1(b) and 1038.3(n), respectively, and are authorized and required by PRC § 4584.1(f) and 4584.2(f). This adoption is necessary to ensure appropriate implementation and enforcement of local permit requirements.

**Repeal § 1104.1(a)(4) and (a)(4)(A)**

The proposed action deletes the existing provisions of 14 CCR § 1104.1(a)(4) and (a)(4)(A) and relocates and combines those provisions in 14 CCR § 1104.1(a)(2). The purpose of this amendment is to promote the restructuring of the regulations and is necessary in order to improve their clarity and implementation.

**Amend § 1104.1(a)(7) (formerly § 1104.1(a)(5))**

The proposed action updates the responsibility for submitting the work completion report from the timberland owner to the person who submitted the notice of conversion exemption. This purpose of this update is to streamline the conversion process; the person who has initiated the process via submission of the conversion exemption is the person who submits the final document in the process, the work completion report. This amendment is necessary to clarify responsibility for implementation and enforcement.

The proposed action also excepts treatment of slash by pile burning from the Timber Operations, the timing of which triggers the requirement for submission of the completion report. The purpose of this amendment is to promote the timely filing of

completion reports. The amendment is necessary because treatment of slash by pile burning can occur a year or more following completion of core Timber Operations which would unreasonably delay inspection and enforcement efforts.

**Amend § 1104.1(a)(9) (formerly § 1104.1(a)(7))**

The proposed action provides that the Department may provide for inspection, as needed, to determine that conversion activities pursuant to 14 CCR § 1104.1(a) are completed. The purpose of this amendment is to eliminate a compulsory requirement on the Department to conduct inspections of conversion activities and provides discretion as to when those inspections should occur. The act of inspection may or may not be necessary in order to adequately enforce the forest practice regulations and should be implemented as necessary in order to provide for efficient utilization of Department resources. This amendment is necessary in order to clarify this revision in inspection requirements.

**Amend § 1104.1(a)(10)(C)2.c. (formerly § 1104.1(a)(8)(C)2.c.)**

The proposed action requires that, following a change in ownership and certain failures to complete an exemption, a new Timberland owner is required to dispose of Slash and Woody Debris consistent with the fuel treatment requirements within 14 CCR § 1104.1(a)(5)(D). The purpose of this amendment is to ensure that all material which is generated by those uncompleted Timber Operations is treated in order to reduce the fire hazard associated with those operations. This amendment is necessary to implement these regulations and ensure appropriate fuel hazard reduction in these specific instances.

**Amend § 1104.1(a)(10)(C)2.e. (formerly § 1104.1(a)(8)(C)2.e.)**

The proposed action requires that, following a change in ownership and certain failures to complete an exemption, a new Timberland owner is required to provide notification to the Director within a certain period of time that certain conditions were satisfied. The purpose of this amendment is to clarify the necessary disclosure on the part of the Timberland owner. The Department does not require a report on those activities in order to ensure compliance and enforcement, simply whether or not those activities were completed. This amendment is necessary to clarify how certain disclosure may occur and uses more plain language to achieve such clarification.

**Amended § 1104.1(a)(11) (formerly § 1104.1(a)(9))**

The proposed amendment would add to the provision authorizing a waiver of the 5-year limitation an option for a waiver of the contiguous land ownership upon demonstrating that the limitation imposes an undue hardship on the applicant. The purpose of the amendment is to provide flexibility, in appropriate circumstances, for owners of large contiguous land ownerships to have the same opportunity to utilize the less than 3-acre conversion exemption on additional parcels as would be allowed for owners of individual or non-contiguous parcels. The amendment is necessary to promote consistent standards for landowners while still protecting against risk of serial conversions.

**Adopt § 1104.1(a)(12)**

The proposed action allows for an extension for the timelines of completion of Timber Operations and conversion activities described within 14 CCR § 1104.1(a)(5)(A) and (B) under the condition that certain certifications be made. The purpose of these extensions is to provide additional flexibility, where needed, to landowners in effectuating conversion activities and Timber Operations pursuant to this section. Similar timelines for the extension of Timber Operations are provided by PRC § 4590(a)(2) and are suitable and appropriate here provided that additional time may be necessary to complete exemption activities as in Plan activities. The amendment here is necessary to clarify the terms and conditions of this extension.

**Adopt § 1104.1(b)**

The proposed action allows for a waiver of the one-time limitation for timberland conversion under circumstances of undue hardship. In 2023, Governor Newsom signed AB 1526, which amended PRC § 4584(g)(2)(A)(iv) to allow the Board to adopt regulations allowing a waiver of the one-time limitation on less than three acre conversion if such a limitation would impose an undue hardship. The purpose of this amendment is to adopt the waiver as described by statutory changes and provide a pathway by which landowners can stagger development of their property over a longer timescale, while remaining subject to the same aggregate limitation on eligible acreage. This is necessary to effectuate implementation of the newly authorized waiver in uniformity with the governing statute.

**Adopt § 1104.1(b)(1)**

The proposed action limits conversion during an ownership on an individual assessor's parcel to an aggregate total of three acres or less, inclusive of any prior conversion exemptions during that ownership. The purpose is to limit conversion activities to the acreage totals described in 14 CCR § 1104.1(a) per specific ownership. The amendment is necessary to clarify the extent of the potential waiver as relates to responsibility for implementation and enforcement.

**Adopt § 1104.1(b)(2)**

The proposed action requires that area previously converted under the current ownership be included on the map described in § 1104.1(a)(1)(F). The purpose of this amendment is to provide opportunities for disclosure of the aggregate converted area in order to ensure compliance with, and enforcement of, these regulations. This amendment is necessary to clarify responsibility for implementation and enforcement.

**Amend § 1104.1(i) (formerly § 1104.1(h))**

The proposed action identifies that those previously excepted activities in 14 CCR § 1104.1(a)(5)(F), described above, are not included in the existing prohibition in order to avoid any inconsistency in the regulations. The purpose of this amendment is to clarify which actions in WLPZs are allowed under notice of conversion exemption permits. This is necessary to prevent inconsistencies in the regulations and ensure protection of aquatic resources.

### **Amend § 1104.1(j) (formerly § 1104.1(i))**

The proposed action reiterates the portion of the un-lettered preamble from 14 CCR § 1104.1 related to the harvesting of large and old trees to other provisions related to such harvesting. In addition to this reiteration, the proposed action requires certification by an RPF or professionally certified arborist that one of the designated criteria for removal has been satisfied, rather than requiring “explanation and justification” as previously identified. The purpose of this amendment, other than improving the structural clarity of the regulations, improves the consistency of the permitting process. As currently and proposed, the regulations require that, upon determining that a notice of conversion exemption is complete and accurate, the Director shall accept the notice and the permit is granted as described within 14 CCR § 1104.1(a)(2). This process does not provide accommodation for the review of an explanation and justification, and as long as such content existed, it would satisfy these conditions. Furthermore, the conditions for removal as identified in 1., 2., and 3. of the paragraph, are prescriptive to the point that further “explanation and justification” are unnecessary and potentially burdensome to the permitting process. The requirement for simple certification in this instance provides a consistent level of disclosure which can be verified as complete and accurate and provides the same level of commitment to the satisfaction of the conditions for removal. This amendment is necessary to clarify this revised process of disclosure to promote accurate implementation of the regulations.

Additionally, within 14 CCR § 1104.1(j)(2)(C)., the date by which a tree must be dead or likely to die to permit removal under the paragraph is defined as one year from the date of submission of the notice of conversion exemption to the Director. The purpose of this amendment is to provide a reasonably enforceable standard by which large and old trees may be removed. The previous standard of “one year from the date of proposed removal” is overly vague and would be impossible to enforce, provided that the date for scheduled removal is not provided within the regulations and if it were included would present additional requirements for enforcement and disclosure. The proposed amendment provides a clear timeline for both the regulated public and the Department to implement and enforce the removal of large old trees consistent with this provision.

### **Non-Substantive Amendments**

1. Capitalized and utilized terms defined pursuant to 14 CCR § 895.1 and this Article throughout the amendments where appropriate.
2. Made lower-case terms which were capitalized but not proper-nouns or undefined within applicable regulation or are not used consistent with their regulatory definition.
3. Re-structured existing regulatory structure to promote simple and more logical regulatory structure.
4. Largely numbered or lettered un-numbered or un-lettered provisions.
5. Included written and Arabic numbers where they exist.
6. Improved grammar and spelling throughout.
7. Update authority and reference citations.

**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 a clarification and extension of existing state forest practice law. The clarifications and timing extensions provided by the proposed action do not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permits provided by the proposed regulations. There are no potential economic impacts associated with the proposed action.

**Creation or Elimination of Jobs within the State of California**

The proposed action is a clarification and extension of existing state forest practice law. The clarifications and timing extensions provided by the proposed action do not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permits provided by the proposed regulations. There is no creation or elimination of jobs within the State of California expected as a result of the proposed action.

**Creation of New or Elimination of Businesses within the State of California**

The proposed action is a clarification and extension of existing state forest practice law. The clarifications and timing extensions provided by the proposed action do not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permits provided by the proposed regulations. There is no creation or elimination of businesses within the State of California expected as a result of the proposed action.

**Expansion of Businesses Currently Doing Business within the State of California**

The proposed action is a clarification and extension of existing state forest practice law. The clarifications and timing extensions provided by the proposed action do not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permits provided by the proposed regulations. There is no expansion or contraction of businesses within the State of California expected as a result of the proposed action.

**Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment**

The **benefit** of the proposed action is the maintenance of a comprehensive regulatory scheme which allows for the clear and consistent application and enforcement of the Forest Practice Rules related to less than 3-acre or less. These measures may benefit environmental quality throughout the state through improved clarity regarding conditions and limitations related to Timber Operations which are intended to prevent environmental impact. Additionally, the improvement of notification processes will benefit the efficiency of the Departments inspections and enforcement of exemption operations.

**Business Reporting Requirement (pursuant to GOV § 11346.5(a)(11) and GOV § 11346.3(d))**

The proposed action does not impose any reporting requirement.

**STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A)).
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A)).
- Will not create new businesses (GOV § 11346.3(b)(1)(B)).
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B)).
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C)).
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the “Introduction Including Public Problem, Administrative Requirement, or Other Condition or Circumstance the Regulation is Intended to Address”.

**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 § 11346.2(b)(4)**, 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 this alternative was rejected because it would not address the problem.

### **Alternative #2: Make regulation less prescriptive**

This action would replace the existing prescriptive regulations related to Timber Operations conducted pursuant to 14 CCR § 1104.1. This action would create issues related to the preservation of environmental quality with regards to the ministerial permitting of certain timber harvesting operations and could lead to issues of clarity surrounding implementation and enforcement of the regulations. This alternative may reduce clarity and consistency with other portions of the rules which rely upon the existence of the current operational limitations in order to ensure that forest resources are preserved.

### **Alternative #3: Proposed Action**

Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action. Specifically, alternatives 1 and 2 would not be 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.

Additionally, alternatives 1 and 2 would not be more effective in carrying out the purpose for which the action is proposed and would not be as effective and less burdensome to affected private persons than the proposed action or would not be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action. Further, none of the alternatives would have any adverse impact on small businesses.

### **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 as prescriptive as necessary to address the problem, and contain a mix of performance-based and prescriptive requirements. Current forest practice rules surrounding ministerially permitted conversion activities are based in prescriptive minimum requirements for the protection of the states forest resources, which are necessary in order to accommodate for the levels of individual project review which occurs for various permitting vehicles for timber operations. The prescriptive regulations proposed in this action are necessary in order to provide adequate clarity within the regulations.

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 fiscal and economic impact analysis for these amendments relies upon contemplation, by the Board, of the economic impact of the provisions of the proposed action through the lens of the decades of experience practicing forestry in California that the Board brings to bear on regulatory development.

The effect of the proposed action is a clarification and extension of existing state forest practice law. The clarifications and timing extensions provided by the proposed action do not impose additional regulatory burden on individuals or businesses which choose to engage in the discretionary timber harvesting permits provided by the proposed regulations. There are no potential economic impacts associated with the proposed action.

The proposed action will not have a statewide adverse economic impact directly affecting businesses as it does not impose any requirements on businesses.

**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 related to conducting Timber Operations on private, state, or municipal forest lands.

**POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS CEQA**

CEQA requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified Project. Pursuant to case law, the review and processing of Plans has been found to be a Project under CEQA.

Additionally, the Board's rulemaking process is a certified regulatory program having been certified by the Secretary of Resources as meeting the requirements of PRC § 21080.5.

While certified regulatory programs are excused from certain procedural requirements of CEQA, they must nevertheless follow CEQA's substantive requirements, including PRC § 21081. Under PRC § 21081, a decision making agency is prohibited from approving a Project for which significant environmental effects have been identified unless it makes specific findings about alternatives and mitigation measures

Further, pursuant to PRC § 21080.5(d)(2)(B), guidelines for the orderly evaluation of proposed activities and the preparation of the Plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program are required by the proposed action and existing rules.

The proposed action represents clarification of the state's existing comprehensive Forest Practice Program, under which all commercial timber harvest activities are regulated, through the adoption of additional established environmental protection measures. The Rules which have been developed to address potential impacts to forest resources, including both individual and cumulative impacts, project specific mitigations along with the Department oversight (of rule compliance) function expressly to prevent the potential for significant adverse environmental effects.

The proposed action utilizes largely extant prescriptive requirements for timber operations to clarify the operational and disclosure requirements for less than 3-acre conversion exemption timber operations.

Articles 1 through 14 of Subchapters 4, 5, and 6 of the Forest Practice Act impose a combination of performance and prescriptive requirements on Timber Operations which preserve and enhance environmental quality, and which serve to prevent potential environmental impacts resulting from such operations. Timber Operations pursuant to less than 3-acre conversion exemptions are all currently subject to these regulatory requirements. The proposed action does not eliminate any extant environmental protection regulations, but does introduce additional prescriptive prohibitions on certain activities, clarifies others, and greatly improves the clarity surrounding the disclosure required for this process. Please see discussion of individual provisions within "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))" for additional information related to these protection measures.

The permitted operations within the proposed action are currently extant within the ministerial processes described within this action, as well as potentially through the less prescriptive harvesting mechanisms of traditional Timber Harvesting Plans, and the opportunity to conduct conversion Timber Operations exists on potentially all Timberland throughout the state. The current regulations related to less than 3-acre conversion exemptions avoid environmental impacts through the prescriptive requirements within 14 CCR § 1104.1, as well as the existing operational requirements, prohibitions, and conditions throughout the balance of the Rules. The proposed action imposes additional oversight opportunities for the RPF (within 14 CCR § 1104.1(a)(5)(J)) and review team agencies (14 CCR § 1104.1(a)(3)) in order to promote

compliance with all regulatory requirements which exist to eliminate the potential for, or avoid, environmental impacts.

Plans, and other regulatory mechanisms which permit timber operations, contain a mix of project relevant avoidance and mitigation measures to reduce the risk for potential significant adverse effects. Importantly, the notices of exemption contemplated by the proposed action are synonymous with the defined term "Plan" when applying operational Rules of the Act.

Pursuant to 14 CCR § 896(a), it is the Board's intent that no Plan shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in the Rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment.

Once Plans are approved, state representatives continue with compliance inspections of approved Plans until the conclusion of the Plan's lifespan. Where the Rules or approved Plan provisions have been violated, specified corrective and/or punitive enforcement measures, including but not limited to financial penalties, are imposed upon the identified offender(s).

In summary, the proposed action does not have the potential to result in significant adverse environmental effects.