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- 1) **Board and Department have a unique co-equal structure**
 - a) **The Department is in the resources Agency (PRC 701)**
 - b) **The Board is in the department (PRC 730)**
 - c) **Both Director and Board appointed by Governor and confirmed by the Senate (PRC 701 and 730)**

- 2) **The Departments responsibilities are (PRC 713):**
 - a) **fire protection,**
 - b) **fire prevention,**
 - c) **maintenance and enhancement of the state's forest, range, and brushland resources,**
 - d) **contract fire protection,**
 - e) **associated emergency services,**
 - f) **Assistance in civil disasters and other nonfire emergencies.**

- 3) **The Board's responsibilities are (PRC 740 and 4111):**
 - a) **represent the state's interest in the acquisition and management of state forests as provided by law**
 - b) **Represent the state's interest in federal matters pertaining to forestry**
 - c) **The protection of the state's interests in forest resources on private lands**
 - d) **Shall determine, establish, and maintain an adequate forest policy**
 - e) **General policies for guidance of the department shall be determined by the board.**
 - f) **Make and enforce such regulations as are necessary and proper for the**
 - i) **organization,**
 - ii) **maintenance,**
 - iii) **government,**
 - iv) **and direction of the fire protective system for the prevention and suppression of forest fires**

- 4) **Department makes recommendations to Governor's office via the Resources Agency**

- 5) **Board makes recommendations pursuant to PRC 4515 to legislature.**
 - a) **The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this chapter.**
 - b) **No explicit statute for recommendations to Governor**

- 6) **Current version of Board report does not include explicit recommendations, but does include implied recommendations.**



BOARD OF FORESTRY AND FIRE PROTECTION

7) Appendix: Selected Statutes

§701

(a) There is in the Resources Agency the Department of Forestry and Fire Protection, which is under the control of an executive officer known as the Director of Forestry and Fire Protection. The director is appointed by the Governor and holds office at the pleasure of the Governor. The appointment of the director is subject to confirmation by the Senate

§ 710. Limitations on Powers

The director shall have no power to amend or repeal any order, regulation, ruling, or directive of the board.

§ 713.

The department is responsible for the fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies. Department programs, as made specific in Division 4 (commencing with Section 4001), are closely related and interdependent. The department shall coordinate programs of fire protection, fire prevention, pest control, and forest and range maintenance and enhancement.

§ 714. The department is responsible for all of the following:

- (a) Providing fire protection, fire prevention, pest control, and forest and range protection and enhancement implements and apparatus as necessary.
- (b) Maintaining an integrated staff to accomplish fire protection, fire prevention, pest control, and forest and range protection and enhancement activities as needed.
- (c) Establishing and maintaining facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities.
- (d) Enforcing forest and fire laws, the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511), Part 2, Division 4), and other laws specified in Division 4 (commencing with Section 4001).

§ 730. Existence; members; appointment; references; supplies and signs.

- (e) There is in the department a State Board of Forestry and Fire Protection consisting of nine members appointed by the Governor, subject to confirmation by the Senate.

§ 740. Representation and protection of state's interest in forestry.

The **board shall** represent the state's interest in the acquisition and management of state forests as provided by law and in federal matters pertaining to forestry, and the protection of the state's interests in forest resources on private lands, and shall determine, establish, and maintain an adequate forest policy. General policies for guidance of the department shall be determined by the board.

§ 4111. Forest fire prevention and suppression regulations.

The **board shall** make and enforce such regulations as are necessary and proper for the organization, maintenance, government, and direction of the fire protective system for the prevention and suppression of forest fires which is provided for in this article.

§ 4515. Report to Legislature on actions taken.

The **board shall** submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of



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the actions, including legislative recommendations, which are necessary to more fully carry out the purposes and requirements of this chapter.

Appendix, General Overview of Board Authorities

CHAPTER 0310 - BOARD POWERS AND RESPONSIBILITIES

GENERAL POWERS AND RESPONSIBILITIES 0311

Included within the function of the Board of Forestry is the power and responsibility to:

- A. Determine, establish, and maintain an adequate forest policy for the State;
- B. Represent the State's interest in Federal land matters pertaining to forestry;
- C. Protect the State's interest in forest resources on private lands;
- D. Represent the State's interest in the acquisition and management of State forests;
- E. Formulate guidance policies of the Department;
- F. Annually determine the need for forest management research and recommend needed projects to the Governor and Legislature;
- G. Provide for a statewide program of research in the technical aspects of forest management which may be delegated to it by law;
- H. The Board may investigate and report on any technical factors involved in forest management;
- I. The Board may prepare and implement a forest management information storage and retrieval program relating to forest conditions to assist in the formulation of policy;
- J. Implement a public information program on matters involving forest management and maintain an information file on forest management research.

FOREST RESOURCE ASSESSMENT 0311.1

Under the Forest Resources Assessment and Policy Act of 1977 (Section 4789 et seq. of the Public Resource Code), the Board is required to create policy to assist the Director in preparing an assessment of forest resources in California.

Included within the Board policy are policies concerning:

- A. Forest resource protection; including protection from fire, insects, and conversion to nonforest use;
- B. Resource enhancement; including policies to increase resources in the areas of timber, watershed, wildlife habitat, recreation, range, and energy;
- C. Research and information; including research in forest management and environmental protection;
- D. Public understanding; including dissemination of information on forest problems and the establishment of public education programs.

PREVENTION AND CONTROL OF FOREST FIRES 0312



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Responsibilities of the Board in relation to the prevention and control of forest fires include:

- A. Review and determine approval of a fire plan prepared by the Department;
- B. Provide guidance policy and standards for the Department in carrying out this function;
- C. Formulation of standards of what fire conditions constitute a hazard;
- D. Designate hazardous fire areas.

PROFESSIONAL FORESTERS

0313

By Regulation the Board may adopt rules for carrying out its duties to examine and license professional foresters. These duties and functions include:

- A. Regular consideration at regular meetings of matters pertaining to professional foresters;
- B. Keeps records pertaining to professional forester registration;
- C. Provide for the issuance of certificates of specialization;
- D. Establish an examining committee;
- E. Receive appeals from examining committee actions;
- F. Require adequate demonstration of experience and knowledge necessary for certification as a professional forester;
- G. Conduct investigations, if needed, of professional foresters and, if necessary, take disciplinary action.

Z'BERG-NEJEDLY FOREST PRACTICE ACT

0314

The intent of the Forest Practice Act is to create a comprehensive and effective system of regulations of use of timberlands to ensure productivity, sustained yield, and due consideration of watershed, recreation, wildlife, range, aesthetic, and fishery values. In relation to this intent, the Board's duties include:

- A. The division of the State into not less than three forest districts;
- B. Appoint a District Technical Advisory Committee for each district;
- C. In accordance with Section 4551.5 and 4552 of the Public Resources Code, develop and adopt forest practice rules for each forest district;
- D. In consultation with District Technical Advisory Committee, continuously review and revise forest practice rules;
- E. Hold public hearings for the adoption or revision of forest practice rules;
- F. Conduct investigations of problems associated with soil erosion for the purpose of developing soil resource conservation standards. Reports will be published and a determination made, if possible, of permissible levels of soil loss. The Board must promulgate soil erosion control regulations for each forest district;



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- G. The Board must adopt rules for control of timber operations which will result or threaten to result in unreasonable effects on the beneficial uses of the waters of the State;
- H. Issue licenses for the conduct of timber operations;
- I. Deny issuance of licenses for causes specified in Section 4572 of the Public Resources Code;
- J. In a public hearing, review for conformance timber harvest plans that have been appealed as the result of denial by the Director for lack of conformance with the regulations of the Board or the Forest Practice Act;
- K. Determine approval for a sampling procedure for measuring of stocking;
- L. Define emergencies for the purpose of emergency notice to harvest;
- M. May request the Attorney General to enforce compliance with the Forest Practice Act;
- N. Hold hearings, if requested, to determine the applicability of particular notices to take corrective action;
- O. Prescribe procedure for form, content, and fees of conversion applications and, in other ways, regulate conversions.

COOPERATIVE AGREEMENTS, NURSERY, INSECT CONTROL, LAND GIFTS 0315

Board powers and responsibilities include:

- A. Develop policy in relation to cooperative agreements;
- B. Determine approval of nursery prices;
- C. Recommend and, if necessary, set conditions for accepting gifts of land for the State Forest System;
- D. Determine policy for insect and plant disease control, declare and dissolve zones of infestation.

STATE FORESTS

0316

Board powers and duties regarding State forests include:

- A. Determine approval of Department of Forestry forest management plans in State forests;
- B. Recommend and promulgate resolutions for acquisition of State forest properties if it is deemed appropriate;
- C. Determine approval of State forest land sales due to unsuitability for forest purposes;
- D. Establish rules for the preservation, protection, and use of State forests.

PROTECTION AND DEVELOPMENT CORPORATION

0317



BOARD OF FORESTRY AND FIRE PROTECTION

Board powers and responsibilities include:

- A. Determine, approve, and establish regulations concerning the conduct of corporations involved in the cutting of timber or other work on forest lands;
- B. Not more than two months apart, the Board must regularly examine the operations of such corporations to determine if the forest management plan is being followed;
- C. Make Department reports in regards to these corporations available to the Legislature.

FOREST IMPROVEMENT PROGRAM

0318

Board powers and responsibilities include:

- A. Review and approve regulations concerning the California Forest Improvement Program as specified in Section 4799.02 of the public Resources Code;
- B. Review and approve schedules specifying the percentage of costs to be borne by the Department for forest improvement projects;
- C. Every fiscal year, review and approve a schedule of the prevailing costs of performing practices eligible under the program.

URBAN FORESTRY PROGRAM

0318.1

Board powers and responsibilities include:

- A. Promulgate guidelines and procedures to implement the California Urban Forestry act of 1978;
- B. Determine by regulation what type of practices may be financed by urban forestry grant projects;
- C. Determine by regulation which local agencies or groups may be eligible to participate in the program.

CHAPARRAL MANAGEMENT PROGRAM

0319

Board powers and responsibilities include:

- A. Adopt regulations establishing standards to be used in determining the State's share of costs for site preparation and prescribed burning under the program;
- B. Annually adopt a schedule of the prevailing costs to perform work eligible for cost sharing payments.

EXECUTIVE OFFICER

0322.3

The Board will appoint an Executive Officer to serve as its administrative officer. The duties of the Executive Officer will include preparing meeting agendas and backup material, analyzing forestry issues and legislation of concern to the Board, acting as a liaison between the Board and the Department, representing the Board's interests with the public, the Legislature, and other administrative agencies, and generally assisting with the Board's business.