

BOARD OF FORESTRY AND FIRE PROTECTION

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**New Legislation Update**

Following are rulemaking packages in various stages of development, required by recent legislation that may or may not require Board action:

1. AB 2142: FFPPE, Geographic Scope and Slash Treatment**Background**

AB 2142 obligates the Board to expand the geographic scope for the Forest Fire Prevention Pilot Project Exemption to include Del Norte, Humboldt, Mendocino, Sonoma, and Trinity Counties and prompts the Board to develop slash treatment that is congruent with Coast conditions.

Rulemaking Strategy

These obligations were met by the Board when they took action on 08/27/14 and language that expanded the geographic scope and slash treatment, congruent with Coast conditions, was addressed and rolled into the Forest Fire Prevention Pilot Project Exemption, 2014 rulemaking, which is pending OAL approval.

2. AB 2239: NTMP and WFMP, Change of Timberland Owners**Background**

AB 2239 obligates the Board to establish a process to ensure that a person who acquires timberlands described in a WFMP or NTMP receive notice on how to assume the plan and gives discretion to the Department to cancel the plan if the landowner does not assume the plan within one year of receiving notice.

Rulemaking Strategy

These obligations have been met in the plead (generally for the WFMP) which the Board adopted on 10/01/14, in which this issue is addressed for the NTMP in an amendment to 14 CCR § 1090.26 (pursuant to PRC § 4593.10) and for the WFMP in the adopted section 14 CCR § 1094.30 (pursuant to PRC § 4597.9). Staff expects this plead to be put out for notice by the end of November.

3. SB 1345: WFMP Correction to the cross-reference regarding the Southern Subdistrict of the Coast Forest District**Background**

SB 1345 corrects an erroneous cross-reference in PRC § 4597.22, describing the Southern Subdistrict of the Coast Forest District, in which the WFMP does not apply.

Rulemaking Strategy

The correction has been reflected in the WFMP plead (which the Board adopted on 10/01/14) in the adopted section 14 CCR § 1094.35 (pursuant to PRC § 4597.22).

4. AB 2048: Exemption from SRA Fee for Structures made Uninhabitable due to Natural Disaster and Miscellaneous

Background

AB 2048, in part, obligates the Board to prepare a form, so that owners of habitable structures that have been destroyed by natural disaster may request an exemption from the SRA fee. It also gives the Board discretion over adjusting the SRA fee annually to reflect the percentage of change in the average annual value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as calculated by the United States Department of Commerce for the 12-month period in the third quarter of the prior calendar year, as reported by the Department of Finance. Finally, there are several definitions and language amendments that should be made to the Board's rules to reflect revisions to the statute.

Rulemaking Strategy

Form: This may constitute a change without regulatory effect since the statute obligates the Board to prepare a form. The issue has been posed to OAL and OAL cannot give a definitive response that it is a change without regulatory effect and are leaning toward it requiring regular rulemaking. Staff will attempt to make the argument that it is a change without regulatory effect, with the knowledge that regular rulemaking may be required. This is a high priority because first billings are targeted for March 2, and there will be those who will require this form in the initial weeks. Unless, it is approved by OAL as a change without regulatory effect it will not be ready by this time, which may cause some consternation with the public. Regardless if it is submitted as a Section 100 or regular rulemaking, staff will ensue the Department has enough time to review the form to make sure that it meets the Department's administrative needs.

SRA Fee Increase: This should be an ongoing item on the RPC calendar.

Amendments: Staff will prepare a § 100 submission amending the Board's rules to reflect revisions to the statute. The expectation is to have this submission into OAL by the end of November.

5. AB1867: Removal of Fire Hazard Trees within 150 Feet of a Structure Exemption Expansion

Background

AB 1867, chaptered in PRC § 4584(i)(6), obligates the Board to adopt rules to expand the area that can be treated, in an exemption (Removal of Fire Hazard Trees within 150 Feet of a Structure Exemption), to reduce fuel, from 150' to 300' of habitable structures until no later than January 1, 2019. The adoption date specified in statute is January 1, 2016.

Rulemaking Strategy

Staff will develop a plead, pursuant to PRC § 4584(i)(6), for regular rulemaking, and have a draft ready for the Board to review no later than the January meeting.

6. AB 2112: Filing a Notice of Extension Timeline

Pursuant to AB 2112, chaptered in PRC § 4590, the time to file a notice of extension for a THP has been extended from 30 days to 140 days prior to the expiration date.

Rulemaking Strategy: No action is required because the Board's rules do not contain language referring to the 30 days. However, the Board may decide to include the complete window. 14 CCR § 1039.1 is the applicable section.

7. AB 2082: Stocking Standards

Pursuant to AB 2082, chaptered in PRC § 4561.2, the Board may adopt alternative post-timber harvesting stocking standards related to point count that meet the purposes of PRC § 4561 if those alternative standards reasonably address the variables in forest characteristics and achieve suitable resource conservation.

Rulemaking Strategy: This item is classified in the Forest Practice Committee and is subject to regular rulemaking at the discretion of the Board.