

**BOARD PROCEDURE
FOR
THE REVIEW OF FOREST PRACTICE RULES
(December 6, 2006)**

Forest Practice Program and Rule Review –

The Board has the responsibility to maintain a comprehensive and effective system of regulation for all timberlands subject to the Z'Berg-Nejedly Forest Practice Act (PRC § 741 and §§ 4511-13). 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 Act (PRC §§ 4551-4555). Currently, the Board must adopt regulations no later than mid October to enable implementation on January 1st 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, Board staff shall post the approved language and all necessary supporting background and implementation guidance materials on the Board's web site.
2. To the extent feasible, Professional Foresters Registration shall publish the Board approved language in the fall issue of Licensing News. If this language is published prior to final approval by the Office of Administrative Law, it shall be so noted.
3. Following rule implementation, Board staff shall accept comments related to clarity, implementation, and effectiveness of the rules, and periodically relay these comments to the Department, and report the comments to the Board's Policy Committee.
4. All of the above is intended to function as part of the Board's necessary obligation under PRC 4552 to provide rules and regulations based on a study of the factors.

Department:

1. To the extent feasible, no later than January 1st following the filing of rules by the Secretary of State, the Department shall post the revised "California Forest Practice Rules <Year>" on the Department's website.
2. To the extent feasible, no later than February 1st immediately following rule implementation, the Department shall distribute a mass mailing, to all Registered

Professional Foresters and Licensed Timber Operators of record notifying them of new and modified rule language,

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

4. The Department shall periodically make a presentation to the Board's Policy Committee addressing the following:

1. Public information, RPF and LTO education efforts planned, or which have occurred to date.
2. Implementation of training provided to, or planned for, Department Forest Practice Program staff.
3. Implementation of training provided to, or planned for, Review Team (Responsible Agency) staffs.

5. At the regularly scheduled **November** meeting of the Board, the Board's Policy Committee shall request public comment, and the Department shall make a presentation, addressing the following:

1. Areas where questions exist on interpretation of the regulatory standards, including potential solutions.
2. Issues encountered in achieving compliance with the regulatory standard of rules, including potential solutions.
3. 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.

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.