

State of California
Office of Administrative Law

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JUN 27 2013

BOARD OF FORESTRY AND FIRE PROTECTION

In re:

Board of Forestry and Fire Protection

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

Regulatory Action:

California Code of Regulations, Title 1,
Section 100

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 1059(a)

Repeal sections:

OAL File No. 2013-0612-03 N

The Board of Forestry and Fire Protection (BOFFP) submitted this change without regulatory effect to amend title 14, section 1059(a) of the California Code of Regulations (CCR). In 2009 BOFFP adopted amendments to several sections in title 14 of the CCR. These amendments included the deletion of subsections and the re-lettering of the remaining sections. These subsections were cross-referenced in title 14, section 1059(a) of the CCR, but were not updated during the 2009 rulemaking. BOFFP is now correcting those cross-references to reflect the correct subsections.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: 6/26/2013


Peggy J. Gibson
Senior Counsel

For: DEBRA M. CORNEZ
Director

Original: George Gentry
Copy: Eric Huff

NON SUBSTANTIVE

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

| | | | |
|------------------|---|--|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2009-0811-05 | REGULATORY ACTION NUMBER 2013-0612-03N | EMERGENCY NUMBER |
|------------------|---|--|------------------|

ENDORSED FILED
IN THE OFFICE OF

2013 JUN 26 PM 2:00

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| For use by Office of Administrative Law (OAL) only | |
| NOTICE | REGULATIONS |

2013 JUN 12 P 3:54
OFFICE OF
ADMINISTRATIVE LAW

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

| | |
|--|-----------------------------|
| AGENCY WITH RULEMAKING AUTHORITY California Board of Forestry and Fire Protection | AGENCY FILE NUMBER (if any) |
|--|-----------------------------|

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|--|---------------------------|---|--------------------------------------|
| 1. SUBJECT OF NOTICE | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | ACTION ON PROPOSED NOTICE | NOTICE REGISTER NUMBER 2009 342 | PUBLICATION DATE 8-21-2009 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|--|
| 1a. SUBJECT OF REGULATION(S) Section 100 filing to correct existing regulation Section 1059(a) | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2009-1014-03 S |
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| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) |
| ADOPT |
| AMEND § 1059(a) |
| REPEAL |
| TITLE(S) 14 |

| | | | |
|--|--|--|---|
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ | <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

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| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____ |

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| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY |
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____ |

| | | | |
|---|----------------------------------|-----------------------|--|
| 7. CONTACT PERSON Eric Huff, Regulations Coordinator | TELEPHONE NUMBER 916-653-9633 | FAX NUMBER (Optional) | E-MAIL ADDRESS (Optional) eric.huff@fire.ca.gov |
|---|----------------------------------|-----------------------|--|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|---|-----------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i> | DATE June 12, 2013 |
| TYPED NAME AND TITLE OF SIGNATORY Eric Huff, Regulations Coordinator | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 26 2013

Office of Administrative Law

PROPOSED CHANGE WITHOUT REGULATORY EFFECT

JUSTIFICATION STATEMENT PURSUANT TO 1 CCR § 100(b)(3)

The proposed corrections to the subsection references in 14 CCR Section 1059(a) are changes without regulatory effect, as the corrections conform with previously approved amendments to existing regulations. In 2009, the California Board of Forestry and Fire Protection adopted amendments to 14 CCR Sections 1035.3, 1090.12, and 1092.14. These amendments involved, among other things, the deletion of specific subsections and the re-lettering of the remaining subsections. Specifically, Section 1035.3(d) became 1035.3(c), Section 1090.12(c) became 1090.12(b), and Section 1092.14(d) became 1092.14(c). However, at the time of adoption the Board did not recognize the necessity for corresponding amendments to the lettering of these subsections as they are referenced in Section 1059(a). Section 1059(a) has therefore continued to incorrectly refer to the subsections as they existed prior to the regulation amendments of 2009. The regulation refers to Section 1035.3(d) when it should refer to 1035.3(c), Section 1090.12(c) instead of 1090.12(b), and Section 1092.14(d) rather than 1092.14(c). This proposed Section 100 filing would accordingly correct the three above referenced rule subsections contained in Section 1059(a) such that they would accurately correspond to the regulatory amendments adopted in 2009. The proposed changes simply strike the incorrect subsection lettering in favor of the correct subsection lettering in Section 1059(a).

Eric K. Huff
Regulations Coordinator

Date: June 12, 2013

1 **“SECTION 100 FILING – FOREST PRACTICE RULES § 1059”**

2 **Title 14 of the California Code of Regulations (14 CCR):**

3 **Division 1.5, Chapter 4, Subchapter 7**

4 **Article 3.2 – Administrative Penalty Hearing Procedures**

5
6 **Amend:**

7 **§ 1059(a) Infractions**

8
9 **1059 Infractions**

10 **(a)** Pursuant to PRC 4601.4(b), these rules are procedural in nature, the violation of
11 which does not result in or cause environmental damage. The rule list consists of 14
12 CCR Sections 915.4, 935.4, 955.4; 918.1, 938.1, 958.1; 924.1; 925.2; 925.4; 926.2;
13 926.3; 926.23; 927.2; 927.14; 928.2; 929.1, 949.1, 969.1; 1029; 1032.7; 1032.10; 1034;
14 1035.2; 1035.3(dc); 1038.2; 1042; 1051.1; 1052(a); 1075; 1080.4; 1090.2; 1090.5;
15 1090.7; 1090.11; 1090.12(eb); 1090.13; 1090.26; 1091.4; 1092.04(d); 1092.07;
16 1092.09; 1092.13; 1092.14(dc); 1092.15; 1104.1(a)(1); 1105; 1106.1; 1106.3(a).

17 **(b)** Infractions shall not be prosecuted ****

18
19 Note: Authority cited: Public Resources Code Section 4601.4(b). Reference: Public Resources
20 Code Section 4601.