**Board of Forestry and Fire Protection**

**FINAL STATEMENT OF REASONS (FSOR), pursuant to GOV §11346.9(a)**

**“Tractor Operations and Cable Yarding Amendments, 2023”**

**Board of Forestry and Fire Protection**

**Title 14 of the California Code of Regulations (CCR) Division 1.5, Chapter 4**

**Subchapter 4, 5 & 6

 Article 4**

**UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))**

No information contained in the Initial Statement of Reasons (ISOR) requires an update. All material relied upon was identified in the ISOR and made available for public review prior to the close of the public comment period.

**SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))**

The rule text was adopted in its 45-Day noticed form.

**MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a mandate on local agencies or school districts.

**COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH THE APPLICABLE GOVERNMENT CODE SECTIONS COMMENCING WITH GOV §17500 (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a reimbursable cost to any local agency or school district.

**ALTERNATIVE 3, BOARD’S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4)): Adopt Rulemaking Proposal as Modified Through Formal Public Review and Comment Process**
The Board selected Alternative #3 as proposed and modified through the formal public review and comment process. The Board adopted the rule text published with the 45-Day Notice (on June 2, 2023).

The proposed action is the most cost-efficient, equally or more effective, and least burdensome alternative. 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 than the proposed action. 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 business. Small business means independently owned and operated, not dominant in their field of operations and having less than 100 employees.

**ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5))**

No other alternatives have been proposed or otherwise brought to the Board's attention, except as set forth in the ISOR and provided herein in the summary and responses to comments. Based upon the findings below and a review of alternatives the Board has determined the following:

• No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.

• No alternative would be as effective and less burdensome to affected private persons than the adopted regulation.

• No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

• No alternative considered would lessen any adverse economic impact on small business.

**FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION**

• The Board finds the regulatory revisions offer operators a comprehensive understanding of the stipulated rules. Evidence supports the notion that well-defined regulations contribute to operational efficiency and informed decision-making.

• The Board finds that the proposed action improves regulatory clarity related to the use of tractors in areas designated for Cable Yarding. This increased clarity will result in better worker safety, particularly in areas where traditional cable operations are particularly dangerous due to challenging terrain or other obstacles that make access difficult.

• The Board finds the amendments recognize the necessity for flexibility by allowing Registered Professional Foresters (RPFs) to propose exceptions for tractor operations on steep slopes.

• The Board finds that enabling licensed operators to engage in streamlined operations enhances efficiency, as highlighted by industry experts. Such operational streamlining supports timely and effective execution of activities.

• The Board finds that public and agency representatives reviewed and provided input into these amendments.

**BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))**

**Alternative #1: No Action Alternative**

The Board considered taking no action, but the no action alternative was rejected because it would not address the problem.

**Alternative #2: Make Existing Regulation Less Prescriptive**

**SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

The comments below are identified in the following format: The letter S or W followed by a series of numbers separated by a hyphen, followed by the name and affiliation (if any) of the commenter (e.g. W1-8: John Doe, Healthy Forest Association).

S: Indicates the comment was received from a speaker during the Board hearing associated with the Notices of Proposed Action.

W: Indicates the comment was received in a written format.
1st number: Identifies the comments in the order in which it was received.

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED July 26, 2023.**

 **Re: “Tractor Operations and Cable Yarding Amendments, 2023.”**

Dear Chair Gilless:

The California Department of Forestry and Fire Protection (CAL FIRE) supports the Board’s proposed rulemaking entitled, “Tractor Operations and Cable Yarding Amendments, 2023.”

As discussed in the Initial Statement of Reasons, the proposed rulemaking would restore the longstanding explicit mechanism for Registered Professional Foresters (RPFs) to propose an exception for use of tractors in areas designated for cable yarding on slopes greater than 50%. The rule provision was removed in the Board’s amendment of 14 CCR §§ 914.3(e)[934.3(e), 954.3(e)] in 2020. Since 2021, RPFs who commonly used the former rule provision have sought a clear path to achieve the same allowance for a “tractor/cable option” designation in their harvesting plan submissions. CAL FIRE believes the Board’s adoption of this rulemaking proposal is that path.

CAL FIRE agrees that the proposed rulemaking would provide the simplest approach by which RPFs could seek an exception for tractor use in cable yarding areas due to specific circumstances, including insufficient deflection and cable access. The proposed rulemaking would result in regulatory clarity for the regulated and regulator alike.

Thank you for providing the Department an opportunity to comment on this rule package. A representative from CAL FIRE will be at the hearing should any questions arise.

Sincerely,

MATTHEW REISCHMAN

Deputy Director

Resource Management

**Board Response:** The Board appreciates the support of the Department.

**Rule Text Change:** No.

**VERBAL COMMENTS RECEIVED DURING THE PUBLIC HEARING CONDUCTED July 26, 2023.**

**Comment S1-1: George “Y.G.” Gentry, Senior Vice President, California Forestry Association, July 26, 2023:** “Yes, we support this regulation moving forward.”

**Board Response:** The Board appreciates the comment in support of the proposed rulemaking.

**Rule Text Change:** No.