

**State of California  
Office of Administrative Law**

In re:  
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:  
Amend sections: 895.1  
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Government Code Section 11349.3

OAL Matter Number: 2023-1006-03

OAL Matter Type: Regular (S)

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In this rulemaking action, the Board of Forestry and Fire Protection is expanding the definition of ford to include three sub-definitions of different types of fords.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on January 1, 2024, pursuant to Public Resources Code section 4554.5.

Date: November 16, 2023



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Sam Micon  
Attorney

For: Kenneth J. Pogue  
Director

Original: Edith Hannigan, Executive  
Officer

Copy: Jane Van Susteren

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

**REGULAR**

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2023-0522-04</b>	REGULATORY ACTION NUMBER <b>2023-1006-035</b>	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**NOV 16 2023**

*1:35 pm*

OFFICE OF ADMIN. LAW  
2023 OCT 6 PM 4:50

AGENCY WITH RULEMAKING AUTHORITY  
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 Ford Definition Amendment, 2023	TITLE(S) 14	FIRST SECTION AFFECTED 895.1	2. REQUESTED PUBLICATION DATE June 2, 2023
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Jane Van Susteren	TELEPHONE NUMBER (916) 619-9795	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2023, 23-Z</b>	PUBLICATION DATE <b>6/2/2023</b>	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Ford Definition Amendment, 2023	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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 § 895.1
TITLE(S) 14	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

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 type="checkbox"/> §100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) <b>January 1, 2023</b> per PRC 4554.5(a)

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 Jane Van Susteren	TELEPHONE NUMBER (916) 619-9795	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jane.vansusteren@bof.ca.gov
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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 Jane Van Susteren <small>Digitally signed by Jane Van Susteren Date: 2023.10.06 16:02:00 -0700'</small>	DATE 10/6/2023
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TYPED NAME AND TITLE OF SIGNATORY  
Jane Van Susteren, Regulations Coordinator

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED****NOV 16 2023****Office of Administrative Law**

1 Board of Forestry and Fire Protection

2 Ford Definition Amendment, 2023

3 Title 14 of the California Code of Regulations

4 Division 1.5, Chapter 4,

5 Subchapter 1

6 § 895.1. Definitions

7 \*\*\*\*\*

8 "Ford" means a Logging Road Watercourse crossing where the road grade dips through  
9 the Watercourse channel. This includes but is not limited to one of the following  
10 construction types:

- 11
- 12 - "Rock-armored crossing" means a Logging Road Watercourse crossing  
13 where fill is placed in the channel to establish a usable road grade and the  
14 outfall of the crossing and road surface are protected against scour by  
15 revetment composed of rock.
- 16
- 17 - "Rock-fill crossing" means a Logging Road Watercourse crossing where rock  
18 that is free of fines is placed as fill in the channel to establish a usable road  
19 grade through the crossing.
- 20
- 21 - "Vented crossing" means a Logging Road Watercourse crossing designed to  
22 allow low water flow in the stream channel to pass through the structure,  
23 usually through a culvert, and high water flow to pass over the roadway.  
24

- 1 - p road surface crosses at the natural grade of the channel and the channel  
2 surface is composed of stable native material sufficient to support crossing  
3 use.

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6 NOTE: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4562, 4562.5, 4562.7 and  
7 4591.1, Public Resources Code. Reference: Sections 4511, 4512, 4512.5, 4513, 4521.3, 4523,  
8 4524, 4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4561,  
9 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 4597.1, 21001(f), 21080.5, 21083.2 and 21084.1,  
10 Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title  
11 14 Cal. Code of Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal. Rptr.  
12 82; and *Joy Road Area Forest and Watershed Association v. California Department of Forestry*  
13 *& Fire Protection*, Sonoma County Superior Court No. SCV 229850.