

**Board of Forestry and Fire Protection**

**NOTICE OF PROPOSED ACTION**

**Apprentice Professional Forester Educational Program Proposal, 2024**

**Board of Forestry and Fire Protection**

**Title 14 of the California Code of Regulations (14 CCR),**

**Division 1.5, Chapter 10:**

**Article 2 and 3**

**Amend sections 1640 and 1640.3**

**Add sections 1623 and 1640.4.**

**[Notice to be Published in Notice Register December 6, 2024]**

**NATURE OF PROCEEDING**

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on **January 20, 2025**.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

The Board did not schedule a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Andrew Lawhorn  
Forestry Assistant II  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
715 P Street  
Sacramento, CA 95814

Written comments may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

**AUTHORITY AND REFERENCE (pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)**

Authority cited: Sections 750, 752, 753, 754, 759, 763, 765, and 769, Public Resources Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (pursuant to GOV 11346.5(a)(3)(A)-(D))**

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to "...adopt district forest practice rules... to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources..." of the state and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

The proposed action aims to adopt new regulations to address the critical need for more Registered Professional Foresters (RPFs) and Certified Rangeland Managers (CRMs) in the state. The proposed action responds to findings by the Office of Foresters Registration that the Professional Forester Fund (Fund 0300) is insufficient to support the examination and licensing processes required to meet the increasing demand for these professionals.

In recent years, California has experienced some of the most devastating wildland fires in its history. To mitigate these risks, the state has significantly increased funding for forest fuel treatment projects, mandating supervision by RPFs. However, the current demographic trends show an aging workforce, with 40% of RPFs practicing for over 30 years and 27% already retired. This has led to a consistent attrition rate that outpaces new licensing by approximately 1% annually until 2021. Despite outreach efforts stabilizing the numbers, only 830 RPFs are actively practicing, highlighting the urgent need to expedite the licensing process to manage 16 million acres of state and private timberland effectively.

The Board proposes to insert new sections 14 CCR § 1623 and 1640.4 and amend existing section 14 CCR § 1640.3(a)(b)(1)(2). These changes will create a pathway for an additional examination as provided for under PRC § 769(c). This initiative aims to address the fund's reduced condition, the increasing demand for forestry professionals, and the need for a younger, well-trained workforce to support California's forest management goals.

Under PRC § 759, the Board is authorized to register applicants as RPFs based on good character, seven years of relevant experience or a combination of education and experience (with three years' supervised by an RPF), and passing the RPF examination with a score of 75 or

higher. Recent examination success rates had declined to 37% between 2017 and 2021, attributed to declining forestry school enrollments and a shift away from core forestry applications in college curricula. A trial program by the California Licensed Forester Association (CLFA) in 2021 showed improved exam pass rates, demonstrating the effectiveness of targeted educational interventions.

The proposed regulations aim to formalize this approach, ensuring that aspiring foresters receive the necessary education and training to meet licensure requirements, thereby supporting the state's efforts to manage its forests sustainably and reduce the risk of wildland fires.

The **problem** addressed by this rulemaking is the limited understanding of core forestry concepts among many applicants for the Registered Professional Forester (RPF) exam, as listed in §1640.3. Despite the rigorous requirements, applicants often lack sufficient knowledge in essential areas such as forest management, silviculture, and forest operations. This gap in understanding results in lower pass rates and an insufficient number of qualified professionals to meet the increasing demand for forestry expertise, exacerbated by recent mandates to accelerate forest fuel treatment projects across California.

Additionally, the current language in the regulations does not specify which examination the applicant will take, creating confusion and inconsistency in the administration of the RPF exam. There is also no regulatory description detailing how to prepare the abbreviated exam, leading to variability in exam preparation and a lack of standardization. Furthermore, the absence of clear administrative requirements for independent education programs overseeing the Apprentice Professional Forester programs and exams results in inconsistent training quality and oversight. This rulemaking aims to address these issues by providing clarity and structure to the examination and training processes, ensuring a higher standard of forestry education and professional competency.

The **purpose** of the proposed action is to create an alternative licensing pathway titled the Apprentice Professional Forester (APF) educational program. Mirrored after the existing specialty program (14 CCR 1651, PRC 772), any public agency or professional society could submit to the Board their proposal to educate forestry licensing applicants and provide requirements for evaluation and/or testing of core competency subject matter in forestry. Proposals for education programs would be reviewed by the Board. RPF licensing applicants will be mentored, educated, and evaluated for their understanding of significant core competency subject matter that enables these licensing applicants to take their first step towards licensing earlier in the RPF licensing process, at year four of the seven required to qualify for the license.

Applicants could join the program having achieved only four years of qualifying forestry work experience or the combination of four years of forestry work and qualifying educational substitution. Upon completion of the APF program and passing of the program's core competency requirements, mentored forester graduates would only need to pass an **abbreviated** exam that tests applied knowledge at year seven. The abbreviated exam will be roughly equivalent to 1/2 of the current RPF exam in length and like the current RPF exam, it is focused on situational, multi- component essay questions.

The **effect** of the proposed action will be to create a program for forestry workers and forestry graduates to begin meeting examination requirements earlier in the qualification process. Starting at year four of the required seven years of forestry work experience, program participants will become eligible for the Apprentice Professional Forester program. Upon completion and determination of successful passage of core competency requirements, the applicant will become qualified for an abbreviated professional exam at year seven that tests only applied knowledge. This initiative is expected to increase the number of qualified forestry professionals by engaging graduates earlier, improving examination outcomes through better knowledge retention, and reducing anxiety associated with the traditional licensing examination process.

Early opportunity for testing will keep more forestry and forestry related graduates from departing from the RPF licensing pathway for jobs outside of forestry. This will help to support the RPF supervision requirements in 14 CCR 1622.

The **benefit** of the proposed action is to provide an opportunity for forestry graduates and workers participating in an APF educational program early examination testing for core competency. It is the opinion of the examining committee (PFEC) that this early examination will result in better examination outcomes as evidenced by a trial mentorship program by the California Licensed Forester Association (CLFA) that indicate a 19% increase in exam performance for participating applicants since its inception in 2021.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations.

Otherwise, the education and training of forestry professionals and determined that the proposed action would effectively complement these regulations, ensuring a comprehensive approach to meeting the increased demand for Registered Professional Foresters. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Chapter 8, Part 2, Division 4, Public Resources Code.

Regulations to which the proposed action was compared: Article 3, Subchapters 1 and 2, Chapter 10, Division 1.5, Title 14, California Code of Regulations.

#### **MANDATED BY FEDERAL LAW OR REGULATIONS**

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations concerning meadows and wet areas during timber operations. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5)).**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))**

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations related to the conduct of timber operations and will not result in any direct or indirect costs or savings to any state agency.

**HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))**

The proposed action will not significantly affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))**

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

**FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))**

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

## **STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will yield significant nonmonetary benefits by enhancing the professional development and expertise of future foresters. This will improve the management and conservation of California's forests, contributing to healthier forest ecosystems and better wildfire mitigation. By establishing clear pathways and standards for forestry education and licensing, the proposed action will also increase clarity and efficiency in the enforcement of the Forest Practice Rules. The proposed action will not affect the health and welfare of California residents or worker safety.

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (pursuant to GOV § 11346.5(a)(9))**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

## **BUSINESS REPORT (pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))**

The proposed action does not impose a business reporting requirement.

## **SMALL BUSINESS (defined in GOV 11342.610)**

The proposed regulation may affect small business, though small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

## **ALTERNATIVES INFORMATION**

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## **CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Andrew Lawhorn  
Forestry Assistant II  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 902-5061

The designated backup person in the event Mr. Lawhorn is not available is Jane Van Susteren Regulations Coordinator for the Board of Forestry and Fire Protection. Ms. Van Susteren may be contacted at the above address or phone.

## **AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a) (16), (18))**

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing (if one is requested) and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **FINAL STATEMENT OF REASONS**

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

## **INTERNET ACCESS**

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>