



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

December 3, 1998

AGENDA: December 15, 1998

Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

RE: FOREST PRACTICE RULES CHANGES FOR PROCESSING IN 1999

Members of the Board:

On November 24, 1998, your Board directed the Planning Department to prepare a set of proposed Forest Practice Rules changes for consideration by your Board, to be submitted to the Board of Forestry for processing in early 1999. The intent of this direction was to resubmit those Rules not approved in 1998, with revised wording based on the feedback from the Board of Forestry discussion, for consideration by the Board of Forestry by early May and for review by your Board on May 25, 1999.

Status of Approved Forest Practice Rules

On November 25, 1998, the day after your Board's consideration of the ordinances and results of the Board of Forestry, staff was informed by Board of Forestry staff that the approved Forest Practice Rules had not been submitted to the Office of Administrative Law (OAL) yet and that it was highly unlikely that the approved Rules would become effective on January 1, 1999. In subsequent conversations with Board of Forestry staff, Planning staff confirmed that the approved Forest Practice Rules would not become effective on January 1, 1999, due to several factors. The first was a matter of timing. State statutes require that OAL approve proposed regulations 30 days prior to the January when the Rules will become effective. In addition, OAL requires that the package of approved Forest Practice Rules changes include responses to all of the comments received by the Board of Forestry during the 45 and 15-day review periods. Following the November 3, 1998, public hearing and decision by the Board of Forestry, Board of Forestry staff began preparing the responses to all of the comments. However, because of the volume of comments received, Board of Forestry staff has been unable to complete the Rules package for submittal to OAL. Therefore, the requirement for approval of the Rules package by OAL by December 1, 1998, for implementation on January 1, 1999, cannot be satisfied.

The second factor is the actual review by the Office of Administrative Law. According to Board of Forestry staff, they expect that some of the Rules will be returned to correct minor omissions or errors. Those Rules which are returned with errors or other deficiencies will be reconsidered by the Board of Forestry early in 1999, and will become effective in 2000 along with the other Rules that may be approved by OAL. We expect to have more information regarding the processing of the approved Rules by OAL in late December or early January. State statutes provide for the adoption of Forest Practice Rules as emergency statutes, effective immediately, if certain findings are made. Staff and County Counsel are reviewing the various options and will return with a recommendation on January 12, 1999, regarding what steps can be taken to have the approved Rules considered as emergency statutes.

Proposed Forest Practice Rules

As a result of the information from the Board of Forestry staff discussed above, Planning staff has not completed the preparation of the proposed 1999 Forest Practice Rules changes for your Board's consideration. More time is needed to address the implementation of the 1998 Forest Practice Rules changes and to revise the wording of the proposed Rules, based on the direction and information from the Forest Practice Committee. Staff intends to discuss the proposed rules with local foresters and community/environmental representatives, but there simply has not been enough time to complete these tasks. Staff has discussed the schedule for processing the Rules changes with Board of Forestry staff to get an idea of how much time was available before the County's submittal had to be received. Board of Forestry staff have indicated that submittal of the proposed 1999 Rules changes to the Board of Forestry by January 15, 1999, will fit within a normal schedule for completing the revised Rules by May 1999. Based on this information, staff is recommending that your Board defer consideration of proposed Forest Practice Rules changes for 1999 until January 12, 1999.

It is, therefore, RECOMMENDED that your Board:

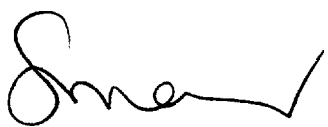
1. Defer consideration of the proposed Forest Practice Rules to January 12, 1999, and
2. Direct Planning staff and County Counsel to provide a report and recommendations regarding the implementation of the Forest Practice Rules approved in 1998 by the Board of Forestry.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED: _____



Susan A. Mauriello
County Administrative Officer

cc: County Counsel

715

California Department of Forestry, Central Coast Ranger Unit
Santa Cruz Farm Bureau
Big Creek Lumber
Mark Morgenthaler
Steven M. Butler
Citizens for Responsible Forest Management
Sierra Club
Summit Watershed Protection League
Valley Women's Club
J. E. Greig, Inc.
City of Santa Cruz Water Department
Redwood Empire
Roy Webster
Central Coast Forest Association
Cate and Eric Moore
Dick Burton
California Coastal Commission, Central Coast Area Office

1165