

Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

Exam Fee Amendments, 2026 Title 14 of the California Code of Regulations Division 1.5, Chapter 10 Articles 1 and 2

INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1)) ...NECESSITY (pursuant to GC § 11346.2(b)(1) and 11349(a))....BENEFITS (pursuant to GC § 11346.2(b)(1))

Professional Foresters Law (Public Resources Code [PRC] § 750, et seq.), declares the existence of a public interest in the management and treatment of the forest resources and timberlands of this state and to provide for the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment, and through that regulation to enhance the control of air and water pollution, the preservation of scenic beauty, the protection of watersheds by flood and soil erosion control, the production and increased yield of natural resources, including timber, forage, wildlife, and water, and outdoor recreation, to meet the needs of the people.

Pursuant to PRC § 759, the Board is authorized to adopt rules and regulations to affect the provisions of the article (the Professional Foresters Law), including the regulation of persons who practice the profession of forestry and whose activities have an impact upon the ecology of forested landscapes and the quality of the forest environment (PRC § 751).

Additionally, within the Professional Foresters Law, PRC § 763 directs the Board to “establish an examining committee,” which shall “Examine all applicants for registration as professional foresters and for specialty certificates,” and “Recommend to the board applicants for the license of professional forester and applicants for specialty certificates who fulfill the requirements of this article.” This requirement is fulfilled by the Professional Foresters Exam Committee (PFEC). Under PRC § 767, “An applicant for a license pursuant to this article shall apply to the board. Such application shall be accompanied by the payment of a fee in an amount fixed by the provisions of this article.” Under PRC § 769, applicants shall “Furnish evidence of having completed seven years of experience in forestry work” with the additional requirements that “At least three of the seven years of experience shall include having charge of forestry work, or forestry work under the supervision of a person registered, or qualified for, but exempt from, registration under the provision of this article.” Applicants must also have “successfully completed such examination or examinations as are prescribed by the board.”

PRC § 780 directs that the fees raised by licensing and administering the professional foresters exam shall be deposited in the Professional Forester Registration Fund in the State Treasury. Current analysis by the Department of Finance indicates that this fund will be insolvent by 2027. A highlighted area of concern is the application fee for registration; at present, this application fee does not cover the costs of developing and administering the RPF exam. The estimated cost, per applicant, of exam development, administration, and grading is \$468. The current fee is \$200, which was the statutory maximum until 2026. The Board increased the fee to this level in 1992. Cost-cutting measures have been applied including seeking test-administering facilities within state government to minimize cost of renting exam space, use of department staff as proctors, and use of surplus computers over handwritten exams to streamline grading efforts.

In 2025, SB 124 amended PRC § 782 to increase the permitted range for the application fee for registration or for each certificate of specialization from \$50-\$200 to \$50-\$600 to address budget shortfalls in the cost of administering the exam.

Catastrophic wildfire in California is a significant threat to life, public health, infrastructure, private property, and natural resources. This threat has grown in recent years and is likely to continue due to factors such as widespread and unprecedented tree mortality, extensive loading of fuels within the wildland, continued population growth, changing land use patterns, drought, and shifts in climatic conditions. Limiting the impacts of wildfires via reducing high fuel loads and dead and downed fuels in Timberland has become an important focus of the management of Timberland (Agee and Skinner 2005).

To address this threat, California's Wildfire and Forest Resilience Action Plan calls for Utility Related Wildfire Mitigation. As such, forestry within California has expanded to address management of "danger trees" pursuant to 14 CCR § 895, trees along utility corridors that are dead or dying and are at increased risk of triggering wildfire ignitions. Historically, experience as an arborist has not qualified toward requirements necessary to apply to be a Professional Forester but given the expansion of arborist work to include wide-scale assessment of forest tree health and determining which trees must be safely removed, the PFEC decided to allow two years of arboriculture in forested landscapes for public safety as qualifying work experience.

The **problems** are as follows:

- 1) The application fee for registration for the professional foresters exam does not cover the costs of developing and administering the exam. As a result, the Professional Foresters Registration Fund is slowly losing funds and will be insolvent by 2027.
- 2) Under the current wildfire regime, as well as other factors, the practice of forestry has changed. The current professional foresters regulations' list of qualifying forestry experiences does not reflect all of the pathways by which people currently gain forestry experience.

The **purpose** of the proposed action is twofold:

- 1) The application fee for registration is increased, pursuant to changes to PRC § 782 by SB 124, to better reflect the actual cost of administering the exam.
- 2) Qualifying forestry experience under Professional Foresters Law is expanded to include additional wildfire protection measures, as well as to provide additional information documenting circumstances where the supervising forester is not employed by the same entity as the applicant.

The **effect** of the proposed action is that the Professional Foresters Registration Fund is projected to remain solvent after 2027, and that additional applicants will qualify for the Professional Foresters Licensing Exam.

The **benefit** of the proposed action is an appropriately funded program, with fees reflecting the cost of licensing exam administration, that can continue to license foresters and maintain a licensing program that ensures protection of California's forest resources. It will also allow a more inclusive group of applicants, which reflect California forestry as it responds to an ongoing wildfire crisis.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY'S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)). *Note: For each adoption, amendment, or repeal provide the problem, purpose, and necessity.*

The Board is proposing action to amend 14 CCR §§ 1605, 1621.1, 1621.2, 1621.3, 1622, and 1622.2 and to add 14 CCR §1621.5.

Amend §1605. Fees

The proposed action amends the fee for "Application for Registration and License as a Professional Forester" from \$200 to \$450. The problem is that the cost of developing, administering, and grading the exam is not covered by the current application fees. The purpose of the amendment is to create a fee that reflects the cost of the application. This is necessary to keep the Professional Foresters Registration Fund solvent over an extended period.

Amend §1621.1. Qualifying Work Experiences.

The proposed action adds arboriculture on forested landscapes for public safety as a qualifying work experience and clarifies that this work does not qualify towards the required three years of "having charge of forestry work, or forestry work under the supervision of a person registered, or qualified for, but exempt from, registration under the provision of this article" pursuant to PRC § 769. The problem is that the current rules exclude applicants who work evaluating whether trees adjacent to power lines are likely

to fall or can potentially ignite a wildfire as well as other public safety-related forestry actions, but that it does not qualify as advanced forestry experience. The purpose of this change is to allow two years of that work as qualifying experience to take the exam. This is necessary because evaluation of tree health and potential fall direction is a fundamental forestry skill, so work that requires those skills needs to be included as qualifying work.

The proposed action adds 14 CCR §1621.1(c) to account for work experience that is not fully qualifying work experience. The problem is that some applicants have work experience that is only partially qualifying. For example, an applicant may have some of their work experience listed as arboriculture on forested landscapes under §1621.1(b)(7), but a portion of their work during that time period may have been urban arboriculture or work that is not on forested lands or for public safety. An applicant might have qualifying firefighting experience under §1621.1(b)(3) but may have spent a portion of their working hours doing training, EMT work, or Search and Rescue. This amendment allows the PFEC to accept a portion of that work as “qualifying work experience”. This is necessary to ensure that applicants have appropriate experience to qualify for the exam.

The proposed action also makes edits for clarity, and to reflect the changing nature of forestry in California. The problem is that the current phrasing is not clear. The purpose of the amendments is to clarify phrasing issues. For example, “trespass,” as listed in §1621.1(b)(5)(E), is specific to evaluating the impacts of trespass by timber appraisal. The expanded definition includes all timber appraisal, not just work specific to loss of timber value due to trespass. This change is necessary to improve clarity and reflect current forest practice circumstances.

Amend §1621.2. Non-Qualifying Forestry-Related Work Experience.

The proposed action clarifies that work on forested landscapes that is not for public safety is not considered qualifying experience for forestry. The introduction of arboriculture on forested landscapes when undertaken for public safety has been added to §1621.1. The purpose of this amendment is to clarify that arboriculture on forested landscapes that does not meet this standard, such as tree work to maintain trails in a park, would not be qualifying experience for forestry. This is necessary to ensure that applicants have appropriate experience to qualify for the exam.

Add §1621.5. Supervision Defined

The proposed action adds a specific definition for “supervision”, as pertains to a Registered Professional Forester’s (RPF) oversight of a candidate’s forestry work. The problem is that while 14 CCR §1622 requires three years of forestry work under the supervision of an RPF, it does not define what supervision entails. The purpose of this change is to provide guidelines for what supervision of a potential exam-taker would qualify as appropriate experience. This is necessary to provide appropriate guidance for people accumulating experience for the RPF Exam.

Amend §1622. Three Years of “Having Charge of Forestry Work,” or “Forestry Work Under the Supervision of a Person Registered.”

The proposed action amends the title of the section to clarify that it applies to “Forestry Work” under the supervision of an RPF. The problem is that some applicants have an RPF as a supervisor but spend a portion of the time they submit as qualifying work hours engaged in non-forestry work, including training or firefighting in an urban landscape. The purpose of this amendment is to clarify that only forestry work applies as qualified work experience. This is necessary to ensure applicants are qualified for the professional foresters exam.

Amend §1622.2. Contracting Forestry Work Experience.

The proposed action clarifies appropriate documentation of a supervising RPF where one of the parties is a contractor instead of a direct employee. This includes clarifying edits, and provisions for supplying additional supporting documentation of the supervision. The problem is that some applicants for the RPF exam have obtained their hours under the supervision of an RPF where the applicant and the supervising RPF are not employed by the same entity. The purpose of this amendment is to provide a pathway for documenting this relationship outside of the standard pathways. This is necessary to provide clarity on how to document non-standard supervising forester relationships and to reflect current industry practice.

Non substantiative amendments

Capitalized and updated terms defined pursuant to 14 CCR § 895.1 and this Article throughout the amendments where appropriate and made minor grammar corrections.

ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D) and provided pursuant to 11346.3(a)(3)

The effect of the proposed action is to increase the fees for registration for the Professional Foresters Exam to reflect the costs of the exam to the Board of Forestry. There are approximately 100 applications per year.

The proposed action represents a continuation of existing rules related to exam fees and qualifying exam experience as defined under the Professional Forester’s Law. There is no significant economic impact associated with the proposed action.

Creation or Elimination of Jobs within the State of California

The proposed action does not mandate any action on behalf of the regulated public and represents a continuation of existing forest practice regulations. It is anticipated that any firms or jobs which exist to engage in this work will not be affected. No creation or elimination of jobs will occur.

Creation of New or Elimination of Businesses within the State of California

The regulatory amendments as proposed represent a continuation of existing forest practice regulations and are intended to clarify in their application. Given that the businesses which would be affected by these regulations are already extant, it is

expected that proposed regulation will neither create new businesses nor eliminate existing businesses in the State of California.

Expansion of Businesses Currently Doing Business within the State of California

The regulatory amendments as proposed represent a continuation of existing forest practice regulations and are intended to clarify their application. The proposed regulation will not result in the expansion of businesses currently doing business within the State.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The action will result in increased clarity and consistency in the Forest Practice Rules. The proposed action will also provide environmental benefits by providing clarity on compliance and reporting pathways with existing laws for environmental protection. The proposed action will not affect the health and welfare of California residents or worker safety.

Business Reporting Requirement (pursuant to GOV § 11346.5(a)(11) and GOV § 11346.3(d))

The proposed regulation does not require a business reporting requirement.

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 would maintain funding for the Professional Forester Registration Fund, thereby maintaining a licensed workforce to manage the health of California's forests, improving environmental outcomes. The proposed action will not affect the health and welfare of California residents or worker safety.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))

The Board of Forestry and Fire Protection relied on the following list of technical, theoretical, and/or empirical studies, reports, or similar documents to develop the proposed action:

1. Agee, J. K., & Skinner, C. N. (2005). Basic principles of forest fuel reduction treatments. *Forest ecology and management*, 211(1-2), 83-96.

2. Forest Management Task Force. "California's Wildfire and Forest Resilience Action Plan." (2021).

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GOV § 11346.2(b)(4)(A) and (B)):

- **ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR**
- **ALTERNATIVES THAT ARE 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**

Pursuant to **GOV § 11346.2(b)(4)**, 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, 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.

Alternative #1: No Action Alternative

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

Alternative #2: Make regulation less prescriptive

This action would replace the prescriptive standards for registration qualification with performance-based regulations. This alternative may reduce clarity and consistency for foresters who are not yet registered and are planning their career path.

Alternative #3: Proposed Action

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.

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 businesses.

Prescriptive Standards versus Performance Based Standards (pursuant to GOV §§11340.1(a), 11346.2(b)(1) and 11346.2(b)(4)(A)):

Pursuant to **GOV §11340.1(a)**, agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the agency rulemaking process.

The proposed action is as prescriptive as necessary to address the problem and contains a mix of performance-based and prescriptive requirements. The prescriptive regulations proposed in this action are necessary in order to provide adequate clarity within the regulations.

Pursuant to **GOV § 11346.2(b)(1)**, the proposed action does not mandate the use of specific technologies or equipment.

Pursuant to **GOV § 11346.2(b)(4)(A)**, the abovementioned alternatives were considered and ultimately rejected by the Board in favor of the proposed action. The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific actions.

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))

The fiscal and economic impact analysis for these amendments relies upon contemplation, by the Board, of the fiscal and economic impact of the provisions of the proposed action through the analysis provided in the STD 399 and supplements.

There is no significant economic impact associated with the proposed action.

The proposed action will not have a statewide adverse economic impact directly affecting businesses as it does not impose any requirements on businesses.

DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6))

The Code of Federal Regulations has been reviewed and based on this review, the Board found that the proposed action neither conflicts with, nor duplicates Federal regulations. There are no comparable Federal regulations related to conducting Timber Operations on private, state, or municipal forest lands.