

AMENDED IN ASSEMBLY JANUARY 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1173

Introduced by Assembly Member Keeley

February 23, 2001

~~An act to amend Section 39657 of the Health and Safety Code, relating to air pollution. An act to add Article 1 (commencing with Section 4770) to Chapter 11 of Part 2 of Division 4 of the Public Resources Code, relating to oak resources.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1173, as amended, Keeley. ~~Air pollution~~ Oak conservation.

Existing law requires the Department of Forestry and Fire Protection to implement and administer various forest resource management programs.

This bill would require the department to administer the California Oak Conservation Act of 2002. The bill would require the department to prepare a status report of California oak resources and to submit the report to the Oak Conservation Advisory Committee, required to be established pursuant to this bill. The bill would require the advisory committee to review the status report and to develop and submit policy recommendations to the director. The bill would require the director to make policy recommendations to the board, the Governor, and the Legislature on or before January 1, 2004.

This bill would prohibit an advisory committee member from being reimbursed for travel or per diem expenses from funds appropriated for purposes of the bill.

~~Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state, and requires the state board to designate those substances listed as hazardous air pollutants pursuant to federal law.~~

~~This bill would make technical nonsubstantive changes to that requirement.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 39657 of the Health and Safety Code is~~
2 *SECTION 1. Article 1 (commencing with Section 4770) is*
3 *added to Chapter 11 of Part 2 of Division 4 of the Public Resources*
4 *Code, to read:*

5
6 *Article 1. California Oak Conservation Act of 2002*

7
8 *4770. This article shall be known, and may be cited, as the*
9 *California Oak Conservation Act of 2002.*

10 *4771. The Legislature finds and declares that existing law*
11 *requires the department to implement and administer various*
12 *forest resource management programs.*

13 *4772. For purposes of this article, the following terms have*
14 *the following meanings:*

15 *(a) "Board" means the State Board of Forestry and Fire*
16 *Protection.*

17 *(b) "Conservation easement" has the same meaning as found*
18 *in Chapter 4 (commencing with Section 815) of Title 2 of Part 2*
19 *of Division 2 of the Civil Code.*

20 *(c) "Department" means the Department of Forestry and Fire*
21 *Protection.*

22 *(d) "Director" means the Director of Forestry and Fire*
23 *Protection.*

24 *(e) "Local government" means a city, county, district, or city*
25 *and county.*

26 *(f) "Program" means the California Oak Conservation Act of*
27 *2002 established under this article.*

28 *(g) "Oak" means any species in the genus Quercus or the tree*
29 *species popularly known as tanoak (Lithocarpus densiflorus).*



1 (h) “Oak resources” means an oak stand with a greater than
2 10 percent canopy cover or that may have historically supported
3 greater than 10 percent canopy cover.

4 4773. (a) The department shall administer the California
5 Oak Conservation Act of 2002.

6 (b) Nothing in this division alters the department’s
7 responsibility for the administration of state, federal, or private
8 funds that are allocated for the purpose of protecting private forest
9 lands and all associated natural resources. Nothing in this article
10 grants any new authority to the department to affect local policy
11 or land use decisionmaking.

12 4774. (a) The department shall prepare a report on the status
13 of California oak resources.

14 (b) The report shall include a scientific review of all of the
15 following:

16 (1) A review of information, in existence on the effective date
17 of the act adding this section, relating to California oak resources,
18 to determine the current conditions and status of oak trees and any
19 changes over time. The review may also address areas with less
20 than 10 percent canopy cover.

21 (2) An assessment of the various threats to oak resources,
22 including, but not necessarily limited to, biological threats, land
23 use conversion, and land management practices.

24 (3) An inventory and evaluation of state and local protection
25 and policy efforts addressing conservation of California oak
26 resources in existence on the effective date of the act adding this
27 section, including, but not necessarily limited to, state protected
28 areas, local ordinances, and voluntary programs.

29 (c) The department shall submit the report to the Oak
30 Conservation Advisory Committee established pursuant to Section
31 4775.

32 4775. (a) The department shall convene an Oak
33 Conservation Advisory Committee.

34 (b) The Oak Conservation Advisory Committee shall consist of
35 a broad range of stakeholders, including representatives from the
36 following agencies and groups:

37 (1) Department of Food and Agriculture.

38 (2) Wildlife Conservation Board.

39 (3) Department of Fish and Game.

40 (4) Department of Parks and Recreation.



- 1 (5) *Integrated Hardwood Range Management Program of the*
- 2 *University of California.*
- 3 (6) *United States Forest Service.*
- 4 (7) *Local government entities.*
- 5 (8) *Conservation groups.*
- 6 (9) *Farming and ranching associations.*
- 7 (10) *Forest landowners and the building industry.*
- 8 (11) *Private citizens.*
- 9 (12) *Other persons appointed by the director.*

10 (c) *The advisory committee shall review the department's status*
 11 *report prepared under Section 4774 and shall develop from all*
 12 *available information, potential policy options for the statewide*
 13 *conservation of oak resources. The advisory committee shall*
 14 *submit its recommendations to the director.*

15 (d) *The director shall make policy recommendations to the*
 16 *board, the Governor, and the Legislature on or before January 1,*
 17 *2004.*

18 (e) *An advisory committee member may not be reimbursed for*
 19 *travel or per diem expenses incurred for activities performed*
 20 *pursuant to this article from funds appropriated, or otherwise*
 21 *available to be used, for the purposes of this article.*

22 ~~amended to read:~~

23 ~~39657. (a) Except as provided in subdivision (b), the state~~
 24 ~~board shall identify toxic air contaminants that are emitted into the~~
 25 ~~ambient air of the state using the procedures and following the~~
 26 ~~requirements prescribed by Article 3 (commencing with Section~~
 27 ~~39660).~~

28 ~~(b) The state board shall, by regulation, designate any~~
 29 ~~substance that is listed as a hazardous air pollutant pursuant to~~
 30 ~~subsection (b) of Section 112 of the federal act (42 U.S.C. Sec.~~
 31 ~~7412(b)) as a toxic air contaminant. A regulation that designates~~
 32 ~~a hazardous air pollutant as a toxic air contaminant shall be deemed~~
 33 ~~to be a regulation mandated by federal law and is not subject to~~
 34 ~~Sections 11346.2 and 11346.9 of the Government Code, Article 6~~
 35 ~~(commencing with Section 11349) of Chapter 3.5 of Part 1 of~~
 36 ~~Division 3 of Title 2 of the Government Code, or Article 3~~
 37 ~~(commencing with Section 39660).~~

