ASSEMBLY BILL   No. 47

Introduced by Assembly Member Simitian

December 2, 2002

An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as introduced, Simitian. Timber harvesting plans: regulations: information.

Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, prohibits a person from conducting timber operations, as defined, until the person files a timber harvesting plan with the Department of Forestry and Fire Protection, in accordance with specified requirements.

The act requires that a timber harvesting plan be a public record and include specified information relating to the conduct of timber operations.

This bill would require the State Board of Forestry and Fire Protection, on or before June 1, 2005, to adopt regulations requiring information pertaining to cumulative impact analyses of timber operations to be included in a timber harvesting plan.

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

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

1   SECTION 1.   Section 4551.9 is added to the Public Resources
2 Code, to read:

1   4551.9. On or before June 1, 2005, the board shall adopt
2 regulations to require that a timber harvest plan include
3 information on the cumulative impact analysis of timber
4 operations. The regulations shall require a timber harvesting plan
5 including, all of the following information:
6   (a) A description of the location and boundaries, including
7 maps at a scale of no less than 1 inch to 2,000 feet, of any past or
8 reasonably foreseeable probable future project, as defined in
9 Section 21065 and Section 895.1 of Title 14 of the California Code
10 of Regulations, in the planning watershed.
11   (b) A discussion of significant continuing environmental
12 impacts resulting from any past project described pursuant to
13 subdivision (a), including actual measurements and other
14 documentation to the extent that the information is reasonably
15 available, with respect to the following:
16   (1) The description and location of active and potential sources
17 of sedimentation.
18   (2) A Description of past and present riparian forest conditions.
19   (3) Cumulative impact analyses for past projects.
20   (4) Any other information deemed necessary by the board for
21 evaluation of environmental impacts, including cumulative
22 impacts.
23   (c) Documentation, including references of the presence or
24 absence of salmonid species in watercourses within the planning
25 watershed, as well as specific information, if applicable, regarding
26 the proximity to, geographic distribution of, potential duration of,
27 and potential effect of the project on salmonid species within those
28 watercourses. Actual measurements shall be provided to the extent
29 that the information is reasonably available.
30   (d) In planning watersheds where salmonid species were
31 historically or are currently present, all reasonably available
32 information pertaining to existing salmonid habitat conditions,
33 including stream surveys, sediment and temperature data, and
34 salmonid habitat typing in the planning watershed.
35   (e) Timber harvesting plans may rely upon current data
36 maintained by the Department of Fish and Game, the State Water
37 Quality Control Board, a California regional water quality control
38 board, the National Marine Fisheries Service, the United States
39 Fish and Wildlife Service, or any other appropriate public agency.
40 Where public information is not reasonably available and current,

1 the department shall require the plan submitter to retain a qualified
2 independent biologist to conduct surveys and gather data required
3 pursuant to this subdivision. Actual measurements of data shall be
4 obtained.
5   (f) In planning watersheds containing watercourses or
6 tributaries to watercourses listed as ''impaired'' under subsection
7 (d) of Section 303 of the federal Clean Water Act (33 U.S.C. Sec.
8 1313(d)), all reasonably available information pertaining to the
9 nature and sources of impairment and specified measures for
10 avoiding discharges of pollutants.

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