

AMENDED IN ASSEMBLY MARCH 11, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 47**

**Introduced by Assembly Member Simitian**

December 2, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as amended, 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, *including impacts to sensitive species, as defined*, 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:

3 4551.9. On or before June 1, 2005, the board shall adopt  
4 regulations to require that a timber ~~harvest~~*harvesting* plan include  
5 information on the cumulative impact analysis of timber  
6 operations, *including impacts to sensitive species. For purposes of*  
7 *this section, “sensitive species” includes those species defined as*  
8 *endangered, rare, or threatened pursuant to the California*  
9 *Environmental Quality Act guidelines in Section 15380 of Title 14*  
10 *of the California Code of Regulations and those species*  
11 *designated as sensitive species pursuant to the Forest Practice*  
12 *Rules adopted by the State Board of Forestry and Fire Protection.*  
13 The regulations shall require a timber harvesting plan ~~including~~,  
14 *to include* all of the following information:

15 (a) A description of the location and boundaries, including  
16 maps at a scale of no less than 1 inch to 2,000 feet, of any past,  
17 *present*, or reasonably foreseeable probable future project, as  
18 defined in Section 21065 and Section 895.1 of Title 14 of the  
19 California Code of Regulations, in the planning watershed.

20 (b) A discussion of ~~significant~~ continuing, *significant*  
21 environmental impacts resulting from any past project described  
22 pursuant to subdivision (a), including actual measurements and  
23 other documentation to the extent that the information is  
24 reasonably available, with respect to the following:

25 (1) The description and location of active and potential sources  
26 of sedimentation *and other adverse watershed effects of past and*  
27 *present projects, including, but not limited to, water temperature,*  
28 *organic debris, chemical contamination, and peak flow.*

29 (2) A description of *the location and boundaries, including*  
30 *maps, of all even-aged treatment units approved by the department*  
31 *or the United States Forest Service within the previous 20 years*  
32 *and any new, proposed even-aged silvicultural units of the timber*  
33 *harvesting plan.*

34 (3) *Impacts of past and present projects on riparian forest*  
35 *conditions, and any mitigation required for those impacts.*

36 (3)

37 (4) *Impacts of past and present projects on sensitive species,*  
38 *and any mitigation required for those impacts.*

1       (5) All pesticide applications approved for treatment or  
2 reported to the applicable county agricultural commissioner or  
3 Director of Pesticide Regulation, within the planning watershed  
4 within the previous five years.

5       (6) All timberland conversions permitted, and all pending  
6 applications for timberland conversions, under Article 9  
7 (commencing with Section 4621).

8       (7) Cumulative impact analyses for past projects.

9       (4)

10      (8) Any other information ~~deemed necessary~~ required by the  
11 board for evaluation of environmental impacts, including  
12 cumulative impacts.

13      (e) ~~Documentation, including references of the presence or  
14 absence of salmonid species in watercourses within the planning  
15 watershed, as well as specific information, if applicable, regarding  
16 the proximity to, geographic distribution of, potential duration of,  
17 and potential effect of the project on salmonid species within those  
18 watercourses. Actual measurements shall be provided to the extent  
19 that the information is reasonably available.~~

20      (d)

21      (c) In planning watersheds where salmonid *or state or federally*  
22 *designated special status amphibian* species were historically or  
23 are currently present, all reasonably available information  
24 pertaining to ~~existing salmonid habitat conditions~~ *the following:*

25      (1) *Existing habitat conditions for those species*, including  
26 stream surveys, sediment and temperature data, and ~~salmonid~~  
27 habitat typing in the planning watershed.

28      (2) *Specific information regarding the proximity to,  
29 geographic distribution of, potential duration of, and potential  
30 effect of, the project on those species in watercourses within the  
31 planning watershed. Actual measurements shall be provided to the  
32 extent that they are reasonably available.*

33      (d) *Specific information regarding the proximity to,  
34 geographic distribution of, potential duration of, and potential  
35 effect of, the project on sensitive species within the timber  
36 harvesting plan area. Where field surveys for sensitive species are  
37 undertaken, the survey results shall be reported to the Department  
38 of Fish and Game Natural Diversity Database.*

39      (e) ~~Timber harvesting plans may rely upon current data  
40 maintained by the Department of Fish and Game, the State Water~~

1 Quality Control Board, a California regional water quality control  
2 board, the National Marine Fisheries Service, the United States  
3 Fish and Wildlife Service, or any other appropriate public agency.  
4 Where public information is not reasonably available and current,  
5 the department shall require the plan submitter to retain a qualified  
6 independent biologist *or botanist, as appropriate*, to conduct  
7 surveys *in accordance with applicable Department of Fish and*  
8 *Game guidelines for field surveys* and gather data required  
9 pursuant to this subdivision. Actual measurements of data shall be  
10 obtained.

11 (f) In planning watersheds containing watercourses or  
12 tributaries to watercourses listed as “impaired” under subsection  
13 (d) of Section 303 of the federal Clean Water Act (33 U.S.C. Sec.  
14 1313(d)), all reasonably available information pertaining to the  
15 nature and sources of impairment and specified measures for  
16 avoiding discharges of pollutants.

