

AMENDED IN ASSEMBLY JUNE 3, 2003  
AMENDED IN ASSEMBLY MARCH 11, 2003  
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 47**

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**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.

*The act also requires the State Board of Forestry and Fire Protection to adopt various rules and regulations related to forest practices.*

This bill would require the ~~State Board of Forestry and Fire Protection~~ board, on or before ~~June~~ January 1, 2005, to adopt regulations requiring information pertaining to ~~cumulative impact~~ analyses of timber operations, including impacts to sensitive species, as

~~defined~~, riparian forest conditions 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 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 designated~~  
11 ~~as sensitive species pursuant to the Forest Practice Rules adopted~~  
12 ~~by the State Board of Forestry and Fire Protection. The regulations~~  
13 ~~shall require a timber harvesting plan to include all of the~~  
14 ~~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 continuing, significant environmental~~  
21 ~~impacts resulting from any past project described pursuant to~~  
22 ~~subdivision (a), including actual measurements and other~~  
23 ~~documentation to the extent that the information is reasonably~~  
24 ~~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.~~



1 ~~(3) Impacts of past and present projects on riparian forest~~  
2 ~~conditions, and any mitigation required for those impacts.~~

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

5 ~~(5) All pesticide applications approved for treatment or~~  
6 ~~reported to the applicable county agricultural commissioner or~~  
7 ~~Director of Pesticide Regulation, within the planning watershed~~  
8 ~~within the previous five years.~~

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

12 ~~(7) Cumulative impact analyses for past projects.~~

13 ~~(8) Any other information required by the board for evaluation~~  
14 ~~of environmental impacts, including cumulative impacts.~~

15 ~~(c) In planning watersheds where salmonid or state or federally~~  
16 ~~designated special status amphibian species were historically or~~  
17 ~~are currently present, all reasonably available information~~  
18 ~~pertaining to the following:~~

19 ~~(1) Existing habitat conditions for those species, including~~  
20 ~~stream surveys, sediment and temperature data, and habitat typing~~  
21 ~~in the planning watershed.~~

22 ~~(2) Specific information regarding the proximity to,~~  
23 ~~geographic distribution of, potential duration of, and potential~~  
24 ~~effect of, the project on those species in watercourses within the~~  
25 ~~planning watershed. Actual measurements shall be provided to the~~  
26 ~~extent that they are reasonably available.~~

27 ~~(d) Specific information regarding the proximity to,~~  
28 ~~geographic distribution of, potential duration of, and potential~~  
29 ~~effect of, the project on sensitive species within the timber~~  
30 ~~harvesting plan area. Where field surveys for sensitive species are~~  
31 ~~undertaken, the survey results shall be reported to the Department~~  
32 ~~of Fish and Game Natural Diversity Database.~~

33 ~~(e) Where public information is not reasonably available and~~  
34 ~~current, the department shall require the plan submitter to retain~~  
35 ~~a qualified independent biologist or botanist, as appropriate, to~~  
36 ~~conduct surveys in accordance with applicable Department of Fish~~  
37 ~~and Game guidelines for field surveys and gather data required~~  
38 ~~pursuant to this subdivision. Actual measurements of data shall be~~  
39 ~~obtained.~~



1 ~~(f) In planning watersheds containing watercourses or~~  
2 ~~tributaries to watercourses listed as “impaired” under subsection~~  
3 ~~(d) of Section 303 of the federal Clean Water Act (33 U.S.C. Sec.~~  
4 ~~1313(d)), all reasonably available information pertaining to the~~  
5 ~~nature and sources of impairment and specified measures for~~  
6 ~~avoiding discharges of pollutants.~~  
7 *4551.9. On or before January 1, 2005, the board shall adopt*  
8 *regulations to require that a timber harvesting plan include*  
9 *information on riparian forest conditions in the area covered by*  
10 *the timber harvesting plan.*

