

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY JANUARY 13, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1504**

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**Introduced by Assembly Member Skinner  
(Principal coauthor: Assembly Member Chesbro)**

February 27, 2009

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An act to amend Sections 4512, 4513, 4551, and 4582 of, and to add Section 4512.5 to, the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Skinner. Forest resources: carbon sequestration.

(1) The Z'berg-Nejedly Forest Practice Act of 1973, which regulates timber harvesting, contains legislative findings and declarations relative to forest resources, including a declaration that it is the policy of the state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to other specified public needs. The act also states the Legislature's intent to create and maintain an effective and comprehensive system of regulation and use of all timberlands to assure that the goal of maximum sustained production of high quality timber products is achieved while giving consideration to specified values.

This bill would include in that list of specified public needs and that list of specified values sequestration of carbon dioxide. The bill also would make other legislative findings and declarations relative to carbon dioxide sequestration as it relates to forests.

(2) The act requires the Board of Forestry and Fire Protection to adopt district forest practice rules and regulations in accordance with specified policies to, among other things, assure the continuous growing and harvesting of commercial forest tree species. *A willful violation of the board's rules or regulations is a crime.*

This bill would also require the board to ensure that its rules and regulations that govern the harvesting of commercial forest tree species consider the capacity of forest resources to sequester carbon dioxide emissions sufficient to meet or exceed the state's greenhouse gas reduction goals, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006. *Because a willful violation of those rules and regulations would be a crime, the bill would impose a state-mandated local program.*

(3) The act requires a timber harvesting plan to be filed with the Department of Forestry and Fire Protection by a specified person if that person plans to harvest the timber on the land. The act requires the plan to include, among other things, an outline of the methods to be used to avoid excessive accelerated erosion from timber operations to be conducted within the proximity of a stream. *A willful violation of the act is a crime.*

This bill would also require the plan to include an estimate of the ~~net~~ emissions of carbon dioxide from timber operations. *Because a willful violation of that requirement would be a crime, the bill would impose a state-mandated local program.*

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

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

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

1 SECTION 1. Section 4512 of the Public Resources Code is  
2 amended to read:

3 4512. (a) The Legislature hereby finds and declares that the  
4 forest resources and timberlands of the state are among the most  
5 valuable of the natural resources of the state and that there is great  
6 concern throughout the state relating to their utilization, restoration,  
7 and protection.

8 (b) The Legislature further finds and declares that the forest  
9 resources and timberlands of the state furnish high-quality timber,  
10 recreational opportunities, and aesthetic enjoyment while providing  
11 watershed protection and maintaining fisheries and wildlife.

12 (c) The Legislature thus declares that it is the policy of this state  
13 to encourage prudent and responsible forest resource management  
14 calculated to serve the public's need for timber and other forest  
15 products, while giving consideration to the public's need for  
16 watershed protection, fisheries and wildlife, sequestration of carbon  
17 dioxide, and recreational opportunities alike in this and future  
18 generations.

19 (d) It is not the intent of the Legislature by the enactment of this  
20 chapter to take private property for public use without payment of  
21 just compensation in violation of the California and United States  
22 Constitutions.

23 SEC. 2. Section 4512.5 is added to the Public Resources Code,  
24 to read:

25 4512.5. The Legislature finds and declares all of the following:

26 (a) State forests play a critical and unique role in the state's  
27 carbon balance by sequestering carbon dioxide from the atmosphere  
28 and storing it long term as carbon.

29 (b) Globally, deforestation is responsible for about 20 percent  
30 of anthropogenic greenhouse gas emissions. However, forests are  
31 also the most expandable long-term carbon dioxide sinks.

32 (c) According to the scoping plan adopted by the State Air  
33 Resources Board pursuant to the California Global Warming  
34 Solutions Act of 2006 (Division 25.5 (commencing with Section  
35 38500) of the Health and Safety Code), the state's forests currently  
36 are an annual net sequester of five million metric tons of carbon  
37 dioxide (5MMTCO<sub>2</sub>). In fact, the forest sector is the only sector

1 included in the scoping plan that provides a net sequestration of  
2 greenhouse gas emissions.

3 (d) The scoping plan proposes to maintain the current  
4 5MMTCO<sub>2</sub> annual sequestration rate through 2020 by  
5 implementing “sustainable management practices,” which include  
6 potential changes to existing forest practices and land use  
7 regulations.

8 (e) There is increasing evidence that climate change has and  
9 will continue to stress forest ecosystems, which underscores the  
10 importance of proactively managing forests so that they can adapt  
11 to these stressors and remain a net sequester of carbon dioxide.

12 (f) The board, the department, and the State Air Resources Board  
13 should strive to go beyond the status quo sequestration rate and  
14 ensure that their policies and regulations reflect the unique role  
15 forests play in combating climate change.

16 SEC. 3. Section 4513 of the Public Resources Code is amended  
17 to read:

18 4513. It is the intent of the Legislature to create and maintain  
19 an effective and comprehensive system of regulation and use of  
20 all timberlands so as to ensure both of the following:

21 (a) Where feasible, the productivity of timberlands is restored,  
22 enhanced, and maintained.

23 (b) The goal of maximum sustained production of high-quality  
24 timber products is achieved while giving consideration to values  
25 relating to sequestration of carbon dioxide, recreation, watershed,  
26 wildlife, range and forage, fisheries, regional economic vitality,  
27 employment, and aesthetic enjoyment.

28 SEC. 4. Section 4551 of the Public Resources Code is amended  
29 to read:

30 4551. (a) The board shall adopt district forest practice rules  
31 and regulations for each district in accordance with the policies  
32 set forth in Article 1 (commencing with Section 4511) of this  
33 chapter and pursuant to Chapter 3.5 (commencing with Section  
34 11340) of Part 1 of Division 3 of Title 2 of the Government Code  
35 to assure the continuous growing and harvesting of commercial  
36 forest tree species and to protect the soil, air, fish, wildlife, and  
37 water resources, including, but not limited to, streams, lakes, and  
38 estuaries.

39 (b) The board shall ensure that its rules and regulations that  
40 govern the harvesting of commercial tree species, where applicable,

1 consider the capacity of forest resources, including above-ground  
2 and below-ground biomass and soil, to sequester carbon dioxide  
3 emissions sufficient to meet or exceed the state’s greenhouse gas  
4 reduction goals, consistent with the scoping plan adopted by the  
5 State Air Resources Board pursuant to the California Global  
6 Warming Solutions Act of 2006 (Division 25.5 (commencing with  
7 Section 38500) of the Health and Safety Code).

8 SEC. 5. Section 4582 of the Public Resources Code is amended  
9 to read:

10 4582. The timber harvesting plan shall be filed with the  
11 department in writing by a person who owns, leases, or otherwise  
12 controls or operates on all or any portion of any timberland and  
13 who plans to harvest the timber thereon. If the person who files  
14 the plan is not the owner of the timberland, the person filing the  
15 plan shall notify the timberland owner by certified mail that the  
16 plan has been submitted and shall certify that mailing to the  
17 department. The plan shall be a public record and shall include all  
18 of the following information:

- 19 (a) The name and address of the timber owner.
- 20 (b) The name and address of the timber operator if known at  
21 the time of filing. If the timber operator is not known at the time  
22 of filing, the plan submitter shall notify the department as soon as  
23 the timber operator is known, but in any case before timber  
24 operations begin.
- 25 (c) A description of the land on which the work is proposed to  
26 be done, including a United States Geological Survey quadrangle  
27 map or equivalent indicating the location of all streams, the location  
28 of all proposed and existing logging truck roads, and indicating  
29 boundaries of all site I classification timberlands to be stocked in  
30 accordance with subdivision (b) of Section 4561 and any other  
31 site classifications if the board establishes specific minimum  
32 stocking standards for other site classifications.
- 33 (d) A description of the silvicultural methods to be applied,  
34 including the type of logging equipment to be used.
- 35 (e) An outline of the methods to be used to avoid excessive  
36 accelerated erosion from timber operations to be conducted within  
37 the proximity of a stream.
- 38 (f) An estimate of the ~~net~~ emissions of carbon dioxide from  
39 timber operations, including emissions from ~~above-ground and~~

1 ~~below-ground~~ *aboveground and belowground* carbon pools, such  
2 as biomass and soil.

3 (g) Special provisions, if any, to protect any unique area within  
4 the area of timber operations.

5 (h) The expected dates of commencement and completion of  
6 timber operations.

7 (i) A certification by the registered professional forester  
8 preparing the plan that he or she or a designee has personally  
9 inspected the plan area.

10 (j) Any other information the board provides by regulation to  
11 meet its rules and the standards of this chapter.

12 *SEC. 6. No reimbursement is required by this act pursuant to*  
13 *Section 6 of Article XIII B of the California Constitution because*  
14 *the only costs that may be incurred by a local agency or school*  
15 *district will be incurred because this act creates a new crime or*  
16 *infraction, eliminates a crime or infraction, or changes the penalty*  
17 *for a crime or infraction, within the meaning of Section 17556 of*  
18 *the Government Code, or changes the definition of a crime within*  
19 *the meaning of Section 6 of Article XIII B of the California*  
20 *Constitution.*