

Assembly Bill No. 1504

Passed the Assembly August 31, 2010

Chief Clerk of the Assembly

Passed the Senate August 31, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL’S DIGEST

AB 1504, 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 requirements for the forestry sector, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006, and would permit fees collected under the California Global Warming Solutions Act of 2006 to be used, upon

appropriation by the Legislature, for contracts for related studies and analyses. Because a willful violation of those rules and regulations would be a crime, the bill would impose a state-mandated local program.

(3) 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.

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

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

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

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

(c) The Legislature thus declares that it is the policy of this 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 the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations.

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

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

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

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

(b) According to the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), the state's forests currently are an annual net sequester of five million metric tons of carbon dioxide (5MMTCO₂). In fact, the forest sector is the only sector included in the scoping plan that provides a net sequestration of greenhouse gas emissions.

(c) The scoping plan proposes to maintain the current 5MMTCO₂ annual sequestration rate through 2020 by implementing "sustainable management practices," which include potential changes to existing forest practices and land use regulations.

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

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

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

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

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

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

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

4551. (a) The board shall adopt district forest practice rules and regulations for each district in accordance with the policies

set forth in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.

(b) (1) The board shall ensure that its rules and regulations that govern the harvesting of commercial tree species, where applicable, consider the capacity of forest resources, including above ground and below ground biomass and soil, to sequester carbon dioxide emissions sufficient to meet or exceed the state's greenhouse gas reduction requirements for the forestry sector, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(2) The costs of the contracts for research studies or technical analyses initiated by the board or the department to comply with paragraph (1) shall be funded, upon appropriation by the Legislature, from fee revenues collected pursuant to Section 38597 of the Health and Safety Code.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2010

Governor