

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2163

Introduced by Assembly Member Mendoza

February 18, 2010

~~An act to amend Section 14877.2 of the Water Code, relating to water.~~ *An act to amend Section 4590 of the Public Resources Code, relating to forest practices.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2163, as amended, Mendoza. ~~Graywater systems.~~ *Forest practices: timber harvesting plans.*

The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

The act provides that a timber harvesting plan, on which work has commenced but not been completed, may be extended by amendment for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met. The act requires the notice of extension to include the circumstances that prevented a timely completion of the work under the plan and an agreement to comply with the specified law, rules, and regulations as they exist on the date the extension notice is filed.

The act allows, until January 1, 2012, an extension of a timber harvesting plan, on which timber operations have commenced but not been completed, by amendment for up to a maximum of 4 one-year

extensions, if those 2 requirements are met, and in addition, the plan expired in 2008 or 2009, and the notice of extension includes written certification by a registered professional forester that listed species have not been discovered in the logging area of the plan since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan’s cumulative impacts were originally assessed.

This bill would, in addition, allow up to a maximum of 4 one-year extensions under those same conditions for a plan that will expire in 2010 or 2011. The bill would also make a technical change.

~~Existing law requires the Department of Water Resources, in consultation with the State Department of Public Health and the Center for Irrigation Technology at California State University, Fresno, to adopt standards for the installation of graywater systems, as specified, for subsurface irrigation and other safe uses. Existing law authorizes the installation of a graywater system if the city or county having jurisdiction over the installation determines that the system complies with standards adopted by the department and authorizes a city or county to adopt standards that prohibit the use of graywater or standards that are more restrictive than the standards adopted by the department, as appropriate for the local area.~~

~~This bill would make a technical, nonsubstantive change to these provisions:~~

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

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

- 1 SECTION 1. Section 4590 of the Public Resources Code, as
- 2 amended by Section 1 of Chapter 269 of the Statutes of 2009, is
- 3 amended to read:
- 4 4590. (a) (1) A timber harvesting plan is effective for a period
- 5 of not more than three years, unless extended pursuant to paragraph
- 6 (2).
- 7 (2) A timber harvesting plan, on which timber operations have
- 8 commenced but not been completed, may be extended by
- 9 amendment for a one-year period in order to complete the timber
- 10 operations, up to a maximum of two one-year extensions, if both
- 11 of the following occur:
- 12 (A) Good cause is shown.

1 (B) All timber operations are in conformance with the plan, this
2 chapter, and all applicable rules and regulations, upon the filing
3 of the notice of extension as required by this section.

4 (b) The extension shall apply to any area covered by the plan
5 for which a report has not been submitted under Section 4585. The
6 notice of extension shall be provided to the department not sooner
7 than 30 days, but at least 10 days, prior to the expiration date of
8 the plan. The notice shall include the circumstances that prevented
9 a timely completion of the timber operations under the plan, written
10 certification by a registered professional forester that neither of
11 the conditions in subdivision (f) have occurred, and, consistent
12 with Section 4583, an agreement to comply with this chapter and
13 the rules and regulations of the board as they exist on the date the
14 extension notice is filed.

15 (c) Stocking work may continue for more than the effective
16 period of the plan under subdivision (a), but shall be completed
17 within five years after the conclusion of other work.

18 (d) Notwithstanding subdivision (a) and the submission of a
19 completion report pursuant to Section 4585, a timber harvesting
20 plan, on which timber operations have commenced but not been
21 completed, may be reopened and extended by amendment for up
22 to a maximum of four one-year extensions if the following
23 conditions have been met:

24 (1) The plan expired in 2008 or 2009, *or will expire in 2010 or*
25 *2011.*

26 (2) The plan complies with subparagraphs (A) and (B) of
27 paragraph (2) of subdivision (a).

28 (3) The notice of extension, pursuant to subdivision (b), includes
29 written certification by a registered professional forester that neither
30 of the conditions in subdivision (f) have occurred.

31 (e) A timber harvesting plan that is approved on or after January
32 1, 2010, to December 31, 2011, inclusive, may be extended by
33 amendment for a two-year period in order to complete the timber
34 operations, up to a maximum of two two-year extensions, if the
35 plan complies with subparagraphs (A) and (B) of paragraph (2) of
36 subdivision (a) and the notice of extension, pursuant to subdivision
37 (b), includes written certification by a registered professional
38 forester that neither of the conditions in subdivision (f) have
39 occurred.

1 (f) The department shall not approve an extension pursuant to
2 subdivision (d) or (e) if either of the following have occurred:

3 (1) Listed species, as defined in Article 1 (commencing with
4 Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game
5 Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531
6 et seq.), have been discovered in the logging area of the plan since
7 approval of the timber harvesting plan.

8 (2) Significant physical changes to the harvest area or adjacent
9 areas have occurred since the timber harvesting plan’s cumulative
10 impacts were originally assessed.

11 (g) An extension of a timber harvesting plan on which either of
12 the conditions in subdivision (f) has occurred may be obtained
13 only pursuant to Section 1039 of Title 14 of the California Code
14 of Regulations. Notwithstanding the notice provision of subdivision
15 (b) for purposes of this subdivision the notice of extension shall
16 be provided to the department, not sooner than 140 days, but at
17 least 10 days, prior to the expiration date of the plan.

18 (h) This section shall remain in effect only until January 1, 2012,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2012, deletes or extends that date.

21 ~~SECTION 1. Section 14877.2 of the Water Code is amended~~
22 ~~to read:~~

23 ~~14877.2. A graywater system may be installed if the city or~~
24 ~~county that has jurisdiction over the installation determines that~~
25 ~~the system complies with standards adopted by the department.~~

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28 **CORRECTIONS:**

29 **Title—Lines 3 and 4.**

30 **Digest—Page 2.**

31 **Text—Page 4.**

32 _____