

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2575

Introduced by Assembly Member Chesbro

February 19, 2010

An act to add Article 5.5 (commencing with Section 4564) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2575, as amended, Chesbro. Resources: watersheds.

The Z'berg-Nejedly Forest Practice Act of 1973, among other things, prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and unless the plan has been approved. Existing law requires the Board of Forestry and Fire Protection to adopt certain forest practice rules and regulations to minimize the effects of erosion on water resources and lakes.

This bill would require the department *and the board* when implementing a pilot project to protect and ~~repair~~ *restore* the riparian zone in watersheds with listed anadromous salmonids to, among other things, ensure that the industry, agencies, and *the public have balanced involvement in the pilot projects equal opportunity to participate in the development of the pilot project in a transparent manner* and that the pilot project have certain goals.

The bill would require the department, by July 1, 2011, to place ~~all existing~~ *electronically available logging timber harvesting plan information on a planning watershed basis in its possession on January*

1, 2011, on the department's *its* Internet Web site in an organized and easily accessible manner.

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

3 (a) There are crucial problems within the watersheds of
4 California that have resulted, to a large extent, in the listing of fish
5 and other wildlife species under the California Endangered Species
6 Act or federal Endangered Species Act.

7 (b) There are numerous water bodies in California that have
8 been declared by the ~~California Environmental Protection Agency~~
9 ~~and the State Water Resources Control Board~~ to be impaired due
10 to excessive sedimentation, high water temperatures, and pollutants.

11 ~~(c) California timberlands have been significantly depleted of~~
12 ~~their timberland value, and economic stresses have devalued the~~
13 ~~existing timber resources and created an extreme "boom and bust"~~
14 ~~cycle for the industry and its workers, as well as drastic liquidation~~
15 ~~of much essential infrastructure.~~

16 ~~(d) The overstocked young growth of much of California's~~
17 ~~timberlands has led to greatly increased risk of catastrophic wildfire~~
18 ~~over large areas and in proximity to and surrounding many places~~
19 ~~inhabited by human communities.~~

20 (e)

21 (c) Sequestration of carbon in forest lands is a vital component
22 in slowing climate change, and adequate understanding and actions
23 to respond to this need have not been determined nor implemented.

24 ~~(f) These problems have not only significantly and adversely~~
25 ~~impacted the natural resources and watersheds of California, but~~
26 ~~have similarly impacted the lives, health, safety, private property,~~
27 ~~and general welfare of Californians.~~

28 (g)

29 (d) The regions of California that have state or federal listed
30 anadromous salmonid species are often predominately forest lands
31 that are subject to the Z'berg-Nejedly Forest Practice Act of 1973,
32 pursuant to Chapter 8 (commencing with Section 4511) of Part 3
33 of Division 4 of the Public Resources Code, for purposes of review

1 and approval of logging plans. These plans include, but are not
2 limited to, timber harvest plans (THPs), nonindustrial timber
3 management plans (NTMPs), Sustained Yield Plans (SYPs), and
4 Program Timberland Environmental Impact Reports (PTEIR).

5 ~~(h) There has been, and continues to be, a separation and~~

6 ~~(e) There have been, and continue to be, concerns about the~~
7 ~~impacts of forest management on the health of watersheds and the~~
8 ~~species that depend on them. Forest practice rules addressing the~~
9 ~~potential impacts to anadromous salmonids, for example, have~~
10 ~~only recently been adopted in a comprehensive fashion despite~~
11 ~~over a decade of litigation and deliberation by the state. In the~~
12 ~~meantime, most native salmon and steelhead species are listed as~~
13 ~~threatened or endangered and, as of 2006, there are 410 rivers or~~
14 ~~streams on the north coast of the state that are listed as~~
15 ~~sediment-impaired under the federal Clean Water Act (33 U.S.C.~~
16 ~~Sec. 1251 et seq.). Moreover, it has been well documented that the~~
17 ~~existing rules addressing cumulative effects analyses are woefully~~
18 ~~inadequate and appear to exist in isolation of the processes of~~
19 ~~extraction of forest land resources from the processes of forest~~
20 ~~management, watershed restoration, and other recovery needs.~~
21 ~~Logging plans are approved and carried out in a system that is~~
22 ~~disconnected from efforts of the public and the state to restore and~~
23 ~~enhance fisheries' habitat, as well as cope with the other problems~~
24 ~~described above. This causes inefficient allocations of funding,~~
25 ~~material, and personnel with no comprehensive approach to the~~
26 ~~recognition and correction of problems which, in turn, leads to the~~
27 ~~continued deterioration of habitat, watershed and forest health,~~
28 ~~timber quality, and fire safety. activities.~~

29 ~~(i)~~

30 ~~(f) Significant, but often at times limited, gains have been made~~
31 ~~in forest land resource protection and conservation since the~~
32 ~~Z'berg-Nejedly Forest Practice Act of 1973, including the~~
33 ~~application of the California Environmental Quality Act (CEQA),~~
34 ~~and various state and federal water quality and fish and game~~
35 ~~statutes and regulations. These statutes and regulations have led~~
36 ~~to some improvements, including, among other things, the fact~~
37 ~~that logs are no longer yarded down streambeds, landings are not~~
38 ~~placed in streams, riparian buffers have evolved, certain large~~
39 ~~trees along watercourses are retained, and lower impact road~~
40 ~~building techniques are required.~~

1 (j) ~~Improvements are still to be made, however, and the weakest~~
 2 ~~aspect of California’s forest practices is the failure to manage a~~
 3 ~~process that will adequately evaluate and respond to cumulative~~
 4 ~~effects. It is this process that can actually address the issues raised~~
 5 ~~in these legislative findings.~~

6 (g) *There are still opportunities for improvement by the*
 7 *development of a comprehensive cumulative effects review process*
 8 *that is conducted in cooperation with landowners and other*
 9 *stakeholders. A good cumulative effects process can provide the*
 10 *information necessary to restore and recover fish and wildlife*
 11 *populations, to improve the quality and quantity of timber, to take*
 12 *actions to reduce fire hazards, to sequester carbon, to produce*
 13 *energy, and to create jobs in taking on these vitally important tasks.*

14 SEC. 2. Article 5.5 (commencing with Section 4564) is added
 15 to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,
 16 to read:

17
 18 Article 5.5. Comprehensive Forest Land Recovery and
 19 Restoration Act
 20

21 4564. ~~The department shall, when~~ *When* implementing a pilot
 22 project pursuant to a regulation adopted in accordance with
 23 ~~subdivision (f) of Section 4562.7~~ *Section 4551.5 or 4562.7*, to
 24 protect and ~~repair~~ *restore* the riparian zone in watersheds with
 25 listed anadromous salmonids, ~~the department and board shall~~
 26 comply with all of the following:

27 (a) ~~The department shall provide~~ *Provide* the industry, agencies,
 28 and ~~public with balanced equity and involvement in the pilot~~
 29 ~~project, which shall be represented by appropriately qualified~~
 30 ~~representatives respected by all parties.~~ *the public with equal*
 31 *opportunity to participate in the development of a pilot project in*
 32 *a transparent manner.*

33 (b) ~~The~~ *A* pilot project shall result in the adoption of guidelines
 34 for conducting a cumulative effects evaluation ~~and response~~ on a
 35 planning watershed scale, ~~supported by the industry, agencies, and~~
 36 ~~public,~~ and shall address the ~~cumulative and planning watershed~~
 37 ~~impacts, including project-specific issues or site-specific issues,~~
 38 ~~or both.~~ *potential project-specific planning watershed cumulative*
 39 *effects of timber harvesting activities. In particular, the guidelines*
 40 *shall require the following:*

1 (1) *The spatial scale of the cumulative effects analysis to be*
2 *consistent with the resources of concern, including watersheds*
3 *and soil productivity, and with the physical processes, including*
4 *erosion, that influence those resources.*

5 (2) *The use of reproducible, quantitative methods of evaluation*
6 *as the primary means of determining baseline physical, chemical,*
7 *or biological parameters, in estimating cumulative impacts, and*
8 *in monitoring implementation of mitigation measures.*

9 (3) *Sufficient documentation that supports the conclusions and*
10 *recommendations of an evaluation.*

11 (4) *The evaluator to have relevant training and experience.*

12 (c) ~~The department shall consult with credible~~ *Consult with and*
13 *seek comment from appropriate scientific experts in order to*
14 *achieve a sound process that is develop evaluation guidelines that*
15 *are feasible, enforceable, and of a standard that is protective of*
16 *the public trust. Topics included in the findings of the pilot project*
17 *shall include qualitative and quantitative methods, repeatability,*
18 *documentation, expertise, scale, and adequacy of analysis. The*
19 *department and the board may draw from information in the State*
20 *of Washington's Watershed Analysis Manual or the Methods*
21 *Manual developed by the State of California's North Coast*
22 *Watershed Assessment Program when developing guidelines.*

23 (d) ~~The A pilot project shall have one or more of the following~~
24 *goals:*

25 (1) *Restore fisheries and wildlife habitat.*

26 (2) *Reduce the risk of wildfire.*

27 (3) *Recover forest characteristics which will produce*
28 *high-quality timber.*

29 (4) *Reduce sedimentation and soil loss.*

30 (5) *Achieve optimum long-term carbon sequestration.*

31 (6) *Restore and recover unique attributes of a given planning*
32 *watershed.*

33 (e) ~~The A pilot project shall address specific requirements of be~~
34 *consistent with state and federal mandates, including, but not*
35 *limited to, governing coho recovery and restoring restoration of*
36 *impaired water bodies.*

37 (f) *Funding and personnel for the development and*
38 *implementation of pilot projects shall be utilized from existing*
39 *department and responsible agencies' budgets and personnel.*
40 *Additional funding shall be sought from private and public sources,*

1 statewide and nationally, with an emphasis on receiving support
2 from educational institutions.
3 4565. On or before July 1, 2011, the department shall place ~~all~~
4 *existing* electronically available ~~logging timber harvesting~~ plan
5 information ~~on a planning watershed basis on the department's in~~
6 *its possession on January 1, 2011, on its* Internet Web site in a
7 manner that is organized by ~~a particular~~ planning watershed and
8 easily accessible to the public.