

AMENDED IN ASSEMBLY MAY 28, 2010

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 restore the riparian zone in watersheds with listed anadromous salmonids to, among other things, ensure that the industry, agencies, and the public have 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 existing electronically available timber harvesting plan information in~~

~~its possession on January 1, 2011, on 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 State Water Resources Control Board to be
9 impaired due to excessive sedimentation, high water temperatures,
10 and pollutants.

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

14 (d) The regions of California that have state or federal listed
15 anadromous salmonid species are often predominately forest lands
16 that are subject to the Z'berg-Nejedly Forest Practice Act of 1973,
17 pursuant to Chapter 8 (commencing with Section 4511) of Part 3
18 of Division 4 of the Public Resources Code, for purposes of review
19 and approval of logging plans. These plans include, but are not
20 limited to, timber harvest plans (THPs), nonindustrial timber
21 management plans (NTMPs), Sustained Yield Plans (SYPs), and
22 Program Timberland Environmental Impact Reports (PTEIR).

23 (e) There have been, and continue to be, concerns about the
24 impacts of forest management on the health of watersheds and the
25 species that depend on them. Forest practice rules addressing the
26 potential impacts to anadromous salmonids, for example, have
27 only recently been adopted in a comprehensive fashion despite
28 over a decade of litigation and deliberation by the state. In the
29 meantime, most native salmon and steelhead species are listed as
30 threatened or endangered and, as of 2006, there are 410 rivers or
31 streams on the north coast of the state that are listed as
32 sediment-impaired under the federal Clean Water Act (33 U.S.C.
33 Sec. 1251 et seq.). Moreover, it has been well documented that

1 the existing rules addressing cumulative effects analyses are
2 woefully inadequate and appear to exist in isolation of the processes
3 of forest management, watershed restoration, and other recovery
4 activities.

5 (f) Significant, but at times limited, gains have been made in
6 forest land resource protection and conservation since the
7 Z'berg-Nejedly Forest Practice Act of 1973, including the
8 application of the California Environmental Quality Act (CEQA),
9 and various state and federal water quality and fish and game
10 statutes and regulations. These statutes and regulations have led
11 to some improvements, including, among other things, the fact
12 that logs are no longer yarded down streambeds, landings are not
13 placed in streams, riparian buffers have evolved, certain large trees
14 along watercourses are retained, and lower impact road building
15 techniques are required.

16 (g) There are still opportunities for improvement by the
17 development of a comprehensive cumulative effects review process
18 that is conducted in cooperation with landowners and other
19 stakeholders. A good cumulative effects process can provide the
20 information necessary to restore and recover fish and wildlife
21 populations, to improve the quality and quantity of timber, to take
22 actions to reduce fire hazards, to sequester carbon, to produce
23 energy, and to create jobs.

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

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28 Article 5.5. Comprehensive Forest Land Recovery and
29 Restoration Act

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31 4564. When implementing a pilot project pursuant to a
32 regulation adopted in accordance with Section 4551.5 or 4562.7,
33 to protect and restore the riparian zone in watersheds with listed
34 anadromous salmonids, the department and board shall comply
35 with all of the following:

36 (a) Provide the industry, agencies, and the public with equal
37 opportunity to participate in the development of a pilot project in
38 a transparent manner.

39 (b) A pilot project shall result in the adoption of guidelines for
40 conducting a cumulative effects evaluation on a planning watershed

1 scale, and shall address the potential project-specific planning
2 watershed cumulative effects of timber harvesting activities. In
3 particular, the guidelines shall require the following:

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

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

12 (3) Sufficient documentation that supports the conclusions and
13 recommendations of an evaluation.

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

15 (c) Consult with and seek comment from appropriate scientific
16 experts in order to develop evaluation guidelines that are feasible,
17 enforceable, and protective of the public trust. The department and
18 the board may draw from information in the State of Washington's
19 Watershed Analysis Manual or the Methods Manual developed
20 by the State of California's North Coast Watershed Assessment
21 Program when developing guidelines.

22 (d) A pilot project shall have one or more of the following goals:

23 (1) Restore fisheries and wildlife habitat.

24 (2) Reduce the risk of wildfire.

25 (3) Recover forest characteristics which will produce
26 high-quality timber.

27 (4) Reduce sedimentation and soil loss.

28 (5) Achieve long-term carbon sequestration.

29 (6) Restore and recover unique attributes of a given planning
30 watershed.

31 (e) A pilot project shall be consistent with state and federal
32 mandates governing coho recovery and restoration of impaired
33 water bodies.

34 (f) Funding and personnel for the development and
35 implementation of pilot projects shall be utilized from existing
36 department and responsible agencies' budgets and personnel.
37 Additional funding shall be sought from private and public sources,
38 statewide and nationally, with an emphasis on receiving support
39 from educational institutions.

1 ~~4565. On or before July 1, 2011, the department shall place~~
2 ~~existing electronically available timber harvesting plan information~~
3 ~~in its possession on January 1, 2011, on its Internet Web site in a~~
4 ~~manner that is organized by planning watershed and easily~~
5 ~~accessible to the public.~~

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