

Introduced by Senator Pavley

February 16, 2011

An act to amend Section 4604 of, ~~to add Section 4629 to,~~ and to add Article 7.6 (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of, the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as amended, Pavley. Forestry: watersheds: timber harvesting plans.

(1) The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. A violation of the act is a crime.

The bill would authorize a person to file a watershed timber harvest plan (WTHP), as defined, for the purpose of conducting timber operations. The bill would require the WTHP to be prepared by a registered professional forester and filed with the department in writing and would require the forester to certify and provide a report describing the inspection of the WTHP area. By creating a new crime in the act, the bill would impose a state mandated-local program.

The bill would require the WTHP to contain certain information, including the name and address of the timber owner and timberland owner. The bill would require the WTHP to include *all information otherwise required of a timber harvest plan relating to environmental impacts, mitigation measures, and feasible alternatives, and* a sustained timber production assessment that includes certain information,

including a summary table of wildlife habitat relationships, compositions, and state structure types. The bill would require the WTHP to also include a watershed assessment and planning segment and a fish and wildlife assessment, as specified.

The bill would require the department to provide notice of the filing of the WTHP *and any amendments to the WTHP* to ~~a~~ any person who requests it, and would require the department to place the WTHP, or a copy, in a file available for public inspection and to post a copy on the department's Internet Web site. The bill would authorize the department to assess an application fee for its appropriate costs in reviewing a WTHP and accompanying environmental impact report.

The bill would require a compliance report to be filed every 2 years with the department by every landowner with an approved WTHP.

The bill would require the director of the department to determine whether the WTHP conforms with the rules and regulations of the State Board of Forestry and Fire Protection. If the director determines that the WTHP would violate any applicable rule, law, or regulation, the bill would require the director to return the WTHP stating his or her reasons. The bill would ~~provide the~~ *permit* a person to whom the WTHP is returned ~~has the right~~ to request a public hearing before the board, as provided.

The bill would require *that* an approved WTHP and the related environmental impact report ~~to be effective for an unspecified~~ *a* period of 20 years.

The bill would ~~authorize the plan submitter to submit a proposed amendment to the approved WTHP, as provided~~ *require the director in conjunction with all responsible and trustee agencies to conduct a comprehensive review at each 2-year interval of a WTHP and, if a plan is found to be out of compliance, to suspend the plan until the director determines that the WTHP is amended and in compliance.* The bill would require the plan submitter to notify each county recorder in which lands subject to the WTHP are located. The bill would authorize the WTHP landowner to cancel the WTHP by submitting written notice to the department. The bill would require the WTHP landowner to file a notice with the department if he or she plans to conduct timber operations on the land within a given year. The bill would require the director to ~~disapprove~~ *approve* a notice of WTHP activities in specified circumstances, *unless the information contained in the notice is incorrect, incomplete, or misleading in a material way, or inconsistent with the WTHP.*

The bill would require the landowner, upon completion of WTHP activities, to file a report of satisfactory completion. The bill would require the landowner to file with the department a compliance report within 2 years of the approval date of the WTHP, and for every 2 years thereafter, until all units in the WTHP area have received completion reports.

The bill would require the director to report to the Legislature, beginning December 31, 2017, and every 5 years thereafter, on these provisions and any amendments needed to these provisions. *The bill would require that timberland conversions of greater than one acre to nonforest uses, including all harvesting necessary to complete a timberland conversion, be fully mitigated, including, but not limited to, mitigation for any depletion of current or future carbon stocks.*

(2) The act requires the department to provide an initial inspection of the area in which timber operations are to be conducted within 10 days from the date of filing of the timber harvesting plan or a nonindustrial timber management plan, or a longer period as may be mutually agreed upon by the department and the person submitting the plan.

This bill would require the department to also provide an initial inspection of the area in which timber operations are to be conducted within in 10 days from the date of filing of a WTHP.

(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.

~~(3) The act requires a person who owns timberlands that are to be devoted to uses other than the growing of timber, to file an application for conversion with the board.~~

~~This bill would require landowners who convert lands so that the land is no longer used for the commercial production of timber, among other things, to fully mitigate the loss of biological carbon stocks and the loss of future sequestration capacity associated with the conversion. The bill would require the carbon emission mitigation to meet the standards of the California Global Warming Solutions Act of 2006. The bill would require the State Air Resources Board, in consultation with various entities, to adopt regulations to implement these provisions.~~

~~The bill would require a county where a conversion occurs to ensure that mitigation is implemented and authorizes the county to charge an administrative fee to offset its costs to do so. The bill would also require the county to provide an annual report to various entities that includes a brief description of conversions that occurred, among other things, thereby imposing a state-mandated 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

1 SECTION 1. This act shall be known as the California
2 Watershed and Forestland Conservation Act of ~~2011~~ 2012.

3 SEC. 2. (a) *The Legislature finds and declares that it is the*
4 *policy of the state to encourage prudent and responsible long-term*
5 *forest management of timberlands to maintain the economic use*
6 *of those timberlands and their climate and public benefits, minimize*
7 *the cost of project review for state and local government and*
8 *associated impacts to the General Fund, and provide for an*
9 *efficient and predictable permitting process for the landowner,*
10 *effective regulatory oversight, and comprehensive environmental*
11 *impact analysis, mitigation, and protection.*

12 (b) *It is the intent of the Legislature to establish an optional,*
13 *voluntary, watershed-scale timber harvest permitting process that*
14 *coordinates the permitting requirements of the various responsible*
15 *and trustee agencies involved in the review of watershed-scale*
16 *timber harvest plans, including, but not limited, to the Department*
17 *of Forestry and Fire Protection, the appropriate California*
18 *regional water quality control board, the Department of Fish and*
19 *Game, the Department of Conservation, and other public agencies.*

1 (c) *It is the intent of the Legislature that the timber harvest*
2 *permitting process established by this act lead to measurable*
3 *climate benefits in existing biological carbon stocks on the*
4 *timberlands covered by this permitting process, while fostering*
5 *other public benefits, and that long-term sustained yield include*
6 *analysis of carbon stocks that demonstrates attainment of these*
7 *objectives.*

8 (d) *It is the intent of the Legislature that timberland enrolled*
9 *in the watershed-scale permitting program established by this act*
10 *shall be maintained as forestland, and not converted to nonforest*
11 *uses during the effective period of the permit.*

12 (e) *It is the intent of the Legislature to maintain and enhance*
13 *the climate benefits of California's timberlands by ensuring that*
14 *any loss of timberland due to conversion to a nonforest use is*
15 *mitigated.*

16 (f) *It is the intent of the Legislature that any watershed timber*
17 *harvest plans (WTHP) prepared under the permitting authority*
18 *established by this act will support the issuance of state permits*
19 *necessary to conduct timber operations over a 20-year period and*
20 *that agencies and departments with regulatory permitting authority*
21 *for activities necessary to implement timber operations concur*
22 *with the WTHP in writing prior to approval by the department.*
23 *Responsible and trustee agencies are expected to conduct joint*
24 *field inspections to resolve interagency disagreements because*
25 *discussions about resource management are often more effective*
26 *when they occur in the field.*

27 (g) *It is the intent of the Legislature to encourage forests to be*
28 *managed for structural and biological diversity, to create more*
29 *structurally diverse wildlife habitat, to enhance resilience to*
30 *climate change and wildfire, to increase carbon sequestration,*
31 *and to protect public trust resources.*

32 (h) *It is not the intent of the Legislature to constrain the*
33 *authority of any responsible or trustee or other public agency with*
34 *review authority over a WTHP. However, it is the intent of the*
35 *Legislature that this environmental analysis and permit will achieve*
36 *the needs of all state agency timber harvest-related permits*
37 *concurrently.*

38 (i) *It is the intent of the Legislature that the state agencies*
39 *involved in the review of a WTHP have the staff and fiscal*
40 *resources to be fully engaged in the review and approval of the*

1 *WTHP, its environmental analyses, and the other activities*
 2 *enumerated in Article 7.6 (commencing with Section 4595) of*
 3 *Chapter 8 of Part 2 of Division 4 of the Public Resources Code.*

4 *(j) It is the intent of the Legislature to recognize that landowners*
 5 *with an interest in providing conservation benefits should be*
 6 *allowed to participate in mitigation activities, including mitigation*
 7 *banking, that add economic value to the conservation activities*
 8 *undertaken pursuant to this act and other specified, beneficial*
 9 *environmental actions.*

10 *SEC. 3. Article 7.6 (commencing with Section 4595) is added*
 11 *to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,*
 12 *to read:*

13

14 *Article 7.6. Watershed Timber Harvest Plan*

15

16 *4595. Notwithstanding Section 4521, unless the context requires*
 17 *otherwise, the following definitions govern the construction of this*
 18 *article:*

19 *(a) "Assessment area" means a portion of the ownership that*
 20 *has similar geological, climatic, and hydrological conditions. An*
 21 *assessment area may include land not owned or controlled by the*
 22 *plan submitter, as necessary to create a logical assessment unit.*
 23 *The assessment area shall be comprised of one or more planning*
 24 *watersheds. A watershed timber harvest plan (WTHP) may be*
 25 *comprised of one or more assessment areas.*

26 *(b) "Ownership" means the land owned by the timberland owner*
 27 *or timber owner.*

28 *(c) "Planning watershed" means a planning watershed as*
 29 *delineated in the California Interagency Watershed Mapping*
 30 *Committee (CalWater) planning watershed maps.*

31 *(d) "Watershed timber harvest plan" or "WTHP" means a*
 32 *20-year management plan and timber harvesting permit for*
 33 *timberlands that are located within an assessment area that*
 34 *establishes objectives of sustained yield, and increasing biological*
 35 *carbon and structural diversity for each parcel or group of parcels*
 36 *for which timber harvesting is authorized pursuant to this article.*

37 *(e) "Watershed timber harvest plan notice" or "WTHP notice"*
 38 *means a document that provides public notice of timber harvest*
 39 *operations to be conducted pursuant to and consistent with an*
 40 *approved WTHP that meets the requirements of this article.*

1 4595.1. (a) Except as modified in this article, the provisions
2 set forth in this chapter, and applicable regulations adopted by
3 the board that implement this chapter, shall apply.

4 (b) Except as provided in this article, applicable provisions of
5 the California Endangered Species Act (Article 3 (commencing
6 with Section 2080) of Chapter 1.5 of Division 3 of the Fish and
7 Game Code), the California Environmental Quality Act (Division
8 13 (commencing with Section 21000), the Porter-Cologne Water
9 Quality Control Act (Chapter 1 (commencing with Section 13000)
10 of Division 7 of the Water Code, and other provisions of state law
11 apply to timber operations authorized pursuant to this article.

12 (c) All timber operations within an approved WTHP shall be
13 conducted pursuant to this article.

14 4595.2. (a) A WTHP shall be filed with the department in
15 writing. A WTHP shall be prepared by a registered professional
16 forester and it shall be a public record and the WTHP and any
17 modifications thereto shall be available electronically to the public.

18 (b) Notwithstanding Section 4581, a person may conduct timber
19 operations pursuant to a WTHP, as authorized pursuant to this
20 article.

21 4595.3. The WTHP shall include all information otherwise
22 required of a timber harvest plan relating to environmental
23 impacts, mitigation measures, and feasible alternatives. All feasible
24 mitigation measures necessary to reduce environmental impacts
25 to a less than significant level shall be incorporated into and shall
26 be enforceable under the WTHP. The analysis of environmental
27 impacts shall be conducted for the entire watershed and assessment
28 area with sufficient detail to allow contemplated timber operations
29 to proceed without the need for further environmental review,
30 except as provided by this article.

31 4595.3.1. A WTHP shall also include all of the following
32 information:

33 (a) Name and address of the timber owner and timberland
34 owner.

35 (b) Ownership description and location, including legal
36 descriptions and maps depicting the ownership and management
37 units, which shall be at a scale sufficient to allow the director to
38 determine the area covered by the WTHP.

1 (c) Management objectives for resources addressed in the
2 WTHP, including forest products, carbon sequestration, and
3 structural retention.

4 (d) A general narrative description of the forest types, fish and
5 wildlife habitats, and watercourses and lakes.

6 (e) Descriptions of the assessment area and rationale for
7 assessment area selection.

8 (1) The assessment area shall not exceed 100,000 acres unless
9 designation of a larger area is explained and justified in the WTHP
10 and determined by the director to be consistent with an approved
11 habitat conservation plan or natural community conservation plan.

12 (2) All planning watersheds included in the assessment area
13 shall be adjacent to or hydrologic subparts of, that assessment
14 area.

15 (f) Identification and mapping of planning watersheds classified
16 as sensitive watersheds and descriptions of the measures taken to
17 protect resources within those watersheds.

18 (g) Other provisions deemed necessary by the board in order
19 to provide the information necessary to function as the basis for
20 an interagency permit.

21 4595.4. (a) A WTHP shall include a sustained timber
22 production assessment that clearly demonstrates consistency with
23 the protection of soil, water, air, carbon sequestration, fish, and
24 wildlife resources, and how the submitter will achieve maximum
25 sustained production of high-quality timber products while giving
26 consideration to regional economic vitality and employment at
27 planned harvest levels during the planning horizon.

28 (b) If the WTHP is based upon data on file with the director,
29 the data shall be updated no sooner than 10 years and no later
30 than 11 years after the WTHP's initial approval. Proprietary
31 information shall be treated as provided in Section 21160.

32 (c) The sustained timber production assessment required by
33 subdivision (a) shall include all of the following:

34 (1) A summary table of wildlife habitat relationship (WHR)
35 compositions and stand structure types, or comparable stand
36 structure types within forest vegetation types with their respective
37 acreage. For an ownership's specific stand structure types, the
38 registered professional forester shall provide a written description
39 of the stand structure and characteristics that define each type,
40 and comparisons of those types to WHR typing. The WHR system

1 *and its uses as described in “A Guide to the California Wildlife*
2 *Habitat Relationships System,” California Department of Fish*
3 *and Game, March 1988 is herein incorporated by reference.*

4 (2) *An estimate of the long-term sustained yield of the lands*
5 *proposed to be included in the WTHP, which shall be stated in*
6 *terms of board feet per year or cubic feet per year and include a*
7 *description of how the estimate was reached. If the ownership has*
8 *not attained long-term sustained yield, the WTHP shall estimate*
9 *and justify the transition period necessary to achieve long-term*
10 *sustained yield.*

11 (3) *A projection of growth and harvest for each WHR type or*
12 *comparable stand structure type within forest vegetation type over*
13 *each 10-year period in the planning horizon for each planning*
14 *watershed and a description, in narrative form, of the accuracy*
15 *and methodology used to estimate growth.*

16 (4) *An initial projection and periodic demonstration of sustained*
17 *and measurable increases in forest carbon stocks on the*
18 *timberlands both inside and outside of any wildlife protection*
19 *zones during the period covered by the WTHP, which shall be*
20 *provided to the director and electronically displayed to the public*
21 *at the end of every fifth year of the WTHP.*

22 (5) *An initial projection and periodic demonstrations of*
23 *achieving and sustaining structural retention over the life of the*
24 *permit, which shall be provided to the director and electronically*
25 *displayed to the public at the end of every fifth year of the WTHP.*

26 (6) *A discussion of the accuracy of the inventory data for the*
27 *management unit. Inventory data, models and growth and harvest*
28 *projections utilized for harvest scheduling projections shall be*
29 *available for confidential audits by reviewing agencies along with*
30 *the basis for this data, including, but not limited to, the cruise*
31 *design and sample plot data and the statistical validity of those*
32 *estimates.*

33 (7) *A description of the silvicultural prescriptions applied to*
34 *each stand type, along with projected changes in WHR types or*
35 *stand structure types at five-year intervals that reflects planned*
36 *silvicultural application and growth of harvested and unharvested*
37 *stands.*

38 (8) *On lands controlled by the WTHP landowner, a disclosure*
39 *of those projected areas intended to be harvested within the period*
40 *covered by the WTHP permit, and the planned silvicultural method.*

1 (d) The landowner shall include maps in the WTHP that show
2 spatial and temporal information about areas to be harvested,
3 including silvicultural method over the life of the permit. Every
4 four years the landowner shall provide the agencies and the public
5 with more specific maps that are consistent with the initial
6 projection. If the quadrennial updates differ significantly from the
7 initial projection, the WTHP shall be amended pursuant to this
8 chapter.

9 4595.5. A WTHP shall include a fish and wildlife assessment
10 that shall contain all of the following:

11 (a) The geographic area covered by the fish and wildlife impacts
12 assessment that shall be the same area as the assessment area
13 level in the WTHP. Areas outside the ownership shall be included
14 at the request of a responsible or trustee agency when necessary
15 for its analysis of the individual or cumulative effects of proposed
16 timber operations.

17 (b) Provisions that address threatened, endangered, and
18 sensitive species and nonlisted fish, and wildlife species upon
19 which timber operations could cause significant adverse individual
20 or cumulative impacts. The fish and wildlife assessment shall
21 address those species' habitat needs and the availability, shapes,
22 and distribution of habitats in relation to harvest schedule and
23 growth projections and the impacts of harvesting on those habitats.
24 The WTHP shall discuss and include all feasible measures planned
25 to avoid or mitigate potentially significant adverse environmental
26 effects on fish and wildlife.

27 (c) Maps by assessment area showing changes to wildlife habitat
28 relationship types or stand structure types that are likely to result
29 from projected timber operations.

30 (d) A description and demonstration that operations shall retain
31 and accrue, if necessary to comply with this article, structural
32 elements, including large live trees, dead snags and downed logs
33 to provide appropriate structure for wildlife.

34 4595.6. (a) Operations under a WTHP shall ensure that lands
35 stay in timber production, are managed in a manner that results
36 in an increase in total sequestered forest carbon both inside and
37 outside of any wildlife protection zones, and maintain a structurally
38 and biologically diverse landscape, resilient to climate change
39 and natural fire regimes.

1 (b) Lands enrolled in a WTHP shall be managed for timber
2 production for the life of the permit. If any timberland covered by
3 the permit is converted to a nontimber use or zoning is changed
4 to a status that would facilitate a nontimber use, the WTHP shall
5 be suspended pursuant to paragraph (5) of subdivision (a) of
6 Section 4595.28.

7 (c) Timberlands covered by the WTHP shall be managed in a
8 manner that increases the total volume of forest carbon by at least
9 ____ percent across actively managed timberlands on the subject
10 property over the life of the permit and shall be assessed and
11 demonstrated to the department in a public document in five-year
12 intervals.

13 (d) It is the intent of the Legislature that lands managed under
14 a WTHP shall result in a landscape with significant structural
15 diversity, which persists over time. It is the intent of the Legislature
16 to establish specific requirements in this section that result in
17 substantial postharvest structural retention in order to enhance
18 the diversity and resilience of managed timberlands throughout
19 the area comprising the WTHP.

20 (e) Forest structure within each clearcut harvest unit along
21 corridors of federal or state highways will be retained at one of
22 the following levels, up to a maximum of one mile from the
23 highway:

24 (1) High retention – in areas that the registered professional
25 forester determines to be directly visible from a federal or state
26 highway, an average of at least eight trees per acre, 16 inches
27 diameter-at-breast-height or greater, will be retained. The spacing
28 of retained trees will average approximately 50-75 feet or clumped
29 to mimic natural openings. Retained trees will be representative
30 of the stand.

31 (2) Moderate retention – in areas that the registered
32 professional forester determines to have partial screening due to
33 topography, slope, distance, or adjacent stands, an average of at
34 least six trees per acre, 16 inches diameter-at-breast-height or
35 greater, will be retained. The spacing of retained trees will average
36 approximately 75-100 feet or clumped to mimic natural openings.
37 Retained trees will be representative of the stand.

38 4595.7. (a) In the plan the registered professional forester
39 shall describe in sufficient detail to provide for review and
40 evaluation information on all of the following:

1 (1) *The types of trees and structural elements that will be*
2 *retained and the objective intended to be achieved by retention.*
3 (2) *The planned distribution and quantity of retained trees and*
4 *the intended duration of the retention.*
5 (3) *Any potential future conditions or events reasonably known*
6 *to the forester that would allow harvest of retained trees.*
7 (b) (1) *Retention for this article may be either dispersed or*
8 *aggregated.*
9 (2) *Dispersed retention shall be measured in average basal*
10 *area per acre and at a minimum shall equal ____ percent of the*
11 *Resource Conservation Standards for minimum stocking basal*
12 *areas, contained in paragraph (2) of subdivision (b) of Section*
13 *912.7 of Title 14 of the California Code of Regulations.*
14 (3) *Where retention is aggregated into groups that are greater*
15 *than or equal to ____ acres, the percentage of harvest unit area*
16 *shall be the standard. The sum of all areas within groups divided*
17 *by harvest unit acres will be used to determine the percentage of*
18 *aggregated retention in the harvest unit. The minimum aggregate*
19 *structural retention standard shall be ____ percent of the harvest*
20 *unit acres.*
21 (c) *Areas and trees located within the boundaries of a WLPZ*
22 *identified in the forest practice rules will be excluded from*
23 *calculating retention pursuant to subdivision (b).*
24 (d) *Trees designated for structural retention that are intended*
25 *for future harvest and decadent trees, hardwoods, or snag*
26 *recruitment trees shall be retained for the life of the permit.*
27 4595.8. *A WTHP shall include a watershed assessment and*
28 *planning segment that shall include all of the following:*
29 (a) *The minimum assessment area, which shall not be less than*
30 *a planning watershed.*
31 (b) *An analysis of potentially significant adverse environmental*
32 *impacts, including cumulative impacts, of the planned operations*
33 *and other projects, including, but not limited to, impacts on*
34 *ambient water quality, retention of forest structure, fisheries,*
35 *wildlife, and other environmental values, including forest carbon*
36 *stocks.*
37 (c) (1) *A description of the individual planning watersheds in*
38 *sufficient detail to allow a review of the analysis of impacts.*

1 (2) For all planning watersheds in the assessment area within
2 a forest district, descriptions shall include, as appropriate, either
3 or both of the following:

4 (A) General maps and descriptions of unstable areas and
5 unstable soils known to the plan submitter to be actively or
6 potentially discharging sediment, as well as those mapped by
7 public agencies.

8 (B) A description of the rules, regulations, and practices to be
9 used to minimize erosion from timber operations. A description
10 of the rules, regulations, and practices that are implemented to
11 maintain water temperatures that meet or exceed the standards
12 established in relevant basin plans and other applicable provisions
13 of the Porter-Cologne Water Quality Control Act (Division 7
14 (commencing with Section 13000) of the Water Code).

15 (3) For all planning watersheds in which harvesting will take
16 place, descriptions shall include, as appropriate, either or both
17 of the following:

18 (A) A map of all public roads, which includes United States
19 Forest Service cost-shared roads within the WTHP area, as well
20 as an inventory and plan for management of all the permanent,
21 seasonal, and temporary roads controlled by the landowner. On
22 roads controlled by the landowner, the road inventory shall do all
23 of the following:

24 (i) Identify problem areas that are discharging sediment in
25 violation of basin plan standards to waterways or that are
26 threatening to discharge sediment to waterways, or are otherwise
27 causing environmental harm or in need of maintenance.

28 (ii) Prioritize road-repair sites.

29 (iii) Schedule repair of the road sites.

30 (B) An identification of areas known to be sensitive to ground
31 disturbance that may become sources of erosion and sediment in
32 streams.

33 (d) A discussion of feasible measures included in the plan that
34 will mitigate or avoid significant adverse impacts on traffic
35 associated with log hauling on public roads that may be used for
36 timber hauling, including a discussion of any measures necessary
37 to mitigate impacts on the adjacent community.

38 (e) A discussion of the range of projected impacts of climate
39 change in the region covered by the WTHP and a discussion of

1 *management considerations and desired future forest conditions*
2 *that will promote a resilient forest in the future.*

3 *4595.9. The registered professional forester preparing the*
4 *WTHP shall certify and provide a report describing his or her, or*
5 *a designee's, inspection of the WTHP area.*

6 *4595.10. The notice of receipt of the proposed WTHP shall be*
7 *given by the department within two working days following*
8 *submission of the proposed WTHP. The method of notice shall be*
9 *by United States Postal Service, or at the discretion of the*
10 *department, may be sent electronically. The person submitting the*
11 *WTHP shall provide to the department a list of the names and*
12 *addresses of persons to whom the notice is to be mailed.*

13 *4595.11. (a) The department shall provide notice of the filing*
14 *of the WTHP and any amendments to the WTHP to any person*
15 *who requests, either in writing or through electronic means. Upon*
16 *receipt of the WTHP, the department shall place it, or a true copy*
17 *of the WTHP, in a file available for public inspection in a county*
18 *in which timber operations are proposed under the WTHP. The*
19 *department shall also post a copy of the notice electronically on*
20 *the department's Internet Web site.*

21 *(b) For the purpose of coordinated interdisciplinary and*
22 *multiagency review, the department shall transmit a written or*
23 *electronic copy of the WTHP to the Department of Fish and Game,*
24 *Department of Conservation, the appropriate California regional*
25 *water quality control board, the county planning agency, and all*
26 *other public agencies having jurisdiction by law over natural*
27 *resources affected by the proposed WTHP.*

28 *(c) To the extent necessary to cover expenses associated with*
29 *the review and approval of the WTHP submitted, the department*
30 *and trustee or responsible agencies may assess a fee to cover the*
31 *WTHP review and approval costs, not to exceed a total of one*
32 *hundred thousand dollars (\$100,000).*

33 *(d) Prior to approval of a WTHP, all state trustee and*
34 *responsible agencies, which have jurisdiction over resources that*
35 *may potentially be impacted by proposed operations, shall jointly*
36 *conduct at least one comprehensive field review of the proposed*
37 *WTHP.*

38 *(e) The director shall only approve the WTHP upon written*
39 *concurrence from the trustee and responsible agencies that the*
40 *operations conducted pursuant to the WTHP will enable*

1 *compliance with their respective statutory and regulatory*
2 *obligations and that the WTHP analyzes all significant*
3 *environmental effects and includes feasible mitigation measures*
4 *to minimize environmental impacts, consistent with Section 4595.3.*

5 *4595.12. The WTHP landowner shall file with the department*
6 *a compliance report within two years of the approval date of the*
7 *WTHP, and every two years thereafter, until all units in the WTHP*
8 *have received completion reports from the department. The report*
9 *shall address the findings of any inspection conducted under*
10 *Section 4604 or 4595.29 since the date of the last compliance*
11 *report. The report shall include a certification by the registered*
12 *professional forester that the WTHP has been carried out in*
13 *compliance with the provisions of the WTHP and other applicable*
14 *laws and regulations.*

15 *4595.13. In addition to any other field review of the WTHP or*
16 *its annual operations, the department shall require a mandatory*
17 *field review at year 10, with the full participation of all responsible*
18 *and trustee agencies, to evaluate whether the WTHP is in*
19 *compliance with this article. If the WTHP is found not to be in*
20 *compliance, the director shall suspend the WTHP and the*
21 *landowner shall initiate an amendment process pursuant to this*
22 *chapter to ensure that the WTHP will comply with all applicable*
23 *laws and regulations.*

24 *4595.14. WTHPs shall be filed, reviewed, approved, amended,*
25 *and appealed according to the same procedures applicable to*
26 *timber harvest plans as set forth in this chapter. The director shall*
27 *make a determination whether the WTHP conforms with the rules*
28 *and regulations of the board, identifies and mitigates potentially*
29 *significant adverse environmental effects, and conforms to the*
30 *requirements of this chapter.*

31 *4595.15. (a) If the director determines that the WTHP would*
32 *violate an applicable rule, law, or regulation, the director shall*
33 *return the WTHP, stating his or her reasons, and advise the person*
34 *submitting the WTHP of the person's right to a hearing before the*
35 *board.*

36 *(b) If the director is unable to approve a WTHP due to*
37 *nonconcurrence by a review team agency, that agency shall explain*
38 *the reason in writing within 10 days.*

39 *(c) A person to whom a WTHP is returned may, within 10 days*
40 *from the receipt of the WTHP, request a public hearing pursuant*

1 to this section. The board shall conduct a public hearing with the
2 participation of the appropriate California regional water quality
3 control board, the Department of Fish and Game, and all other
4 reviewing trustee, responsible, or other public agencies, to evaluate
5 the WTHP and determine if the WTHP conforms with the rules
6 and regulations of the board and other provisions of this chapter.

7 (d) The board shall act no later than 30 days after the date of
8 the filing of the appeal, or a longer period mutually agreed upon
9 by the board and the person filing the appeal.

10 4595.16. (a) An approved WTHP shall be effective for a period
11 of 20 years.

12 (b) Every two years after the initial WTHP approval, the
13 director, in conjunction with all trustee and responsible agencies,
14 shall conduct a comprehensive review of the WTHP at each
15 two-year interval of a WTHP to ensure compliance with this article.
16 If found to be out of compliance, the director shall suspend the
17 WTHP until the director determines that the WTHP is amended
18 and in compliance.

19 (c) Upon approval, the WTHP shall constitute the environmental
20 analysis for all appropriate and required timber harvest-related
21 permits from responsible and trustee agencies as well as the
22 department, and the terms of each of those permits shall be 20
23 years, notwithstanding any other provision of law.

24 4595.17. Upon approval of the WTHP, the plan submitter shall
25 notify each county recorder in which lands subject to the WTHP
26 are located and shall cause to be filed with that county a notice
27 that shall be recorded in sufficient detail for a title search to
28 disclose the existence of the WTHP. If there is a change of
29 ownership of the land described in the WTHP, the WTHP shall
30 expire 90 days from the date of change of ownership, unless the
31 new timberland owner notifies the department in writing of the
32 change of ownership and his or her assumption of the WTHP. The
33 new owner is responsible for completing any mitigation required
34 pursuant to any logging operations that have not been deemed
35 completed by the department, and shall comply with the mitigation
36 or other activities required pursuant to the other permits associated
37 with the WTHP.

38 4595.18. The WTHP landowner may cancel or suspend the
39 WTHP by submitting a written notice to the department. Once
40 timber operations have commenced pursuant to a WTHP notice,

1 *cancellation is not effective on land covered by the notice until a*
2 *report of satisfactory completion and stocking has been issued*
3 *pursuant to Sections 4585, 4586, and 4587.*

4 *4595.19. (a) The WTHP landowner who owns, leases, or*
5 *otherwise controls or operates on all or any portion of timberland*
6 *within the boundaries of an approved WTHP, and who plans to*
7 *harvest the timber thereon during a given year pursuant to the*
8 *specifications in the WTHP, shall file a WTHP notice with the*
9 *department. The department shall, within two working days,*
10 *transmit a written or electronic copy of the notice to agencies and*
11 *members of the public who participated in the initial review or*
12 *who have requested notification of the WTHP and shall display*
13 *the proposed notice on a publicly available Internet Web site.*

14 *(b) A WTHP notice shall be filed at least 30 days prior to the*
15 *harvesting of any timber, and shall describe all operations to be*
16 *conducted under the notice for no less than 12 months or more*
17 *than 18 months and may include operations that were planned but*
18 *not completed in previous notifications.*

19 *(c) If the person who files the WTHP notice is not the WTHP*
20 *landowner, the person filing the notice shall notify the forest*
21 *landowner by certified mail that the notice has been submitted,*
22 *and shall certify that mailing to the department. It shall also be*
23 *posted on the department's Internet Web site.*

24 *(d) This article does not invalidate previously approved timber*
25 *harvesting plans for lands included in a WTHP. These timber*
26 *harvesting plans may remain effective at the option of the plan*
27 *submitter. If the landowner elects to have these existing plans*
28 *continue, the operational effects of these timber harvesting plans*
29 *shall be part of the analysis included in the WTHP.*

30 *4595.20. The notice shall be a public record and shall include*
31 *all of the following information:*

32 *(a) The name and address of the timber owner.*

33 *(b) The name and address of the timber operator.*

34 *(c) The name and address of the registered professional forester*
35 *preparing the notice.*

36 *(d) A description of the land on which the work is proposed to*
37 *be done.*

38 *(e) A statement that archeological areas identified in the WTHP*
39 *and any discovered during notice preparation will be protected*
40 *or appropriately managed.*

- 1 (f) A statement that rare, threatened, or endangered plant or
2 animal species identified in the WTHP or during notice preparation
3 will be protected or managed appropriately.
- 4 (g) A statement that there have been no physical environmental
5 changes in the notice area that are so significant as to require an
6 amendment of the WTHP.
- 7 (h) Information demonstrating all of the following:
- 8 (1) The proposed operations are within the geographic area
9 covered by the WTHP.
- 10 (2) The proposed operations are consistent with the WTHP.
- 11 (3) The proposed operations will implement all applicable
12 mitigation measures set forth in the WTHP.
- 13 (4) A statement identifying any minor deviation from the plan
14 as defined in Section 898.1 of Title 14 of the California Code of
15 Regulations. The director shall have five working days in which
16 to concur that the proposed deviation is minor, and is not a
17 substantial deviation pursuant to Section 898.1 of Title 14 of the
18 California Code of Regulations. A determination that a proposed
19 deviation is substantial would require an amendment to the WTHP.
- 20 (5) There have been no substantial changes with respect to the
21 circumstances under which the proposed operations are to be
22 undertaken.
- 23 (6) There is no new information of substantial importance,
24 which was not known and could not have been known with the
25 exercise of reasonable diligence at the time the WTHP was
26 approved. For purposes of this section, the listing of a new species
27 under either the state or federal endangered species acts shall not
28 be considered new information if the WTHP analyzed impacts to
29 such species and incorporated feasible mitigation measures, if the
30 Department of Fish and Game, or other appropriate wildlife
31 agency, finds that the WTHP analysis and any proposed mitigation
32 reflects application of the best available scientific information.
- 33 (i) A certification by the registered professional forester that
34 the information in the notice is accurate and will conform with the
35 applicable rules, regulations, and practices designated in the
36 WTHP for protection of the beneficial uses of water, soil stability,
37 forest productivity, and wildlife.
- 38 (j) Special provisions, if any, to protect any identified unique
39 area within the area of timber operations.

1 (k) *The expected dates of commencement and completion of*
2 *timber operations.*

3 (l) *Satisfaction of any other applicable legal requirements.*

4 4595.21. (a) *Within 10 days of the receipt of the WTHP notice*
5 *required pursuant to Section 4595.20, the director shall contact*
6 *responsible and trustee agencies for the purpose of determining*
7 *the need for field inspections notwithstanding those required by*
8 *Section 4595.16. Within 20 days of the receipt of the WTHP notice,*
9 *or a mutually agreeable longer time, the director shall complete*
10 *the field review of proposed operations if necessary.*

11 4595.22. *Operations may commence within 30 days of filing*
12 *the notice, if all the following conditions are satisfied:*

13 (a) *Public notice has been provided, including notice to*
14 *responsible and trustee agencies.*

15 (b) *The director conducts a field review of the proposed*
16 *operations if determined necessary to confirm compliance with*
17 *the provisions of the WTHP or if there is new information*
18 *indicating a new significant environmental impact not already*
19 *addressed in the WTHP.*

20 (c) *The director has confirmed that the notice contains the*
21 *information required in Section 4595.20 and that all such*
22 *information is accurate.*

23 (d) *No trustee or responsible agency has objected that the notice*
24 *does not contain the information required in Section 4595.20.*

25 (e) *The registered professional forester certifies that planned*
26 *operations are consistent with the WTHP notice and will not take*
27 *protected or listed plant or animal species present within the*
28 *proposed harvest area, or that all conditions of an incidental take*
29 *permit will be fulfilled.*

30 (f) *The registered professional forester certifies that all*
31 *operations will be conducted pursuant to this article and its*
32 *applicable operational regulations pursuant to this chapter.*

33 (g) *The registered professional forester certifies that all*
34 *necessary work has been completed preparatory to operations*
35 *such as identification of watercourse and lake protection zone,*
36 *roads, stream crossing design, tree marking, unit layout, harvest*
37 *boundary delineation, and any other requirements established by*
38 *the director.*

1 (h) *The licensed timber operator has been provided operational*
2 *guidance in a format that is acceptable to the director and that is*
3 *included as part of the WTHP notice of operations.*

4 4595.23. *When a responsible or trustee agency nonconcur*
5 *with a WTHP notice, the nonconcurrency shall be resolved utilizing*
6 *the appeals process defined in Section 4582.9. Operations shall*
7 *not commence until the nonconcurrency is resolved. The hearing*
8 *shall be held within 30 days of the nonconcurrency unless*
9 *consultation among the trustee and responsible agencies is*
10 *undertaken pursuant to Section 4595.24 in which case the hearing,*
11 *if necessary, shall be conducted within 30 days of the conclusion*
12 *of consultation.*

13 4595.24. *The director may initiate consultation among the*
14 *trustee and responsible agencies when nonconcurrency with a*
15 *WTHP notice occurs in an attempt to achieve agreement among*
16 *the agencies that would eliminate the basis of such nonconcurrency*
17 *and that is adopted in a plan amendment. Except as provided in*
18 *paragraph (6) of subdivision (h) of Section 4595.20, an amendment*
19 *to a notice shall be required if the presence of threatened,*
20 *endangered, or candidate species was not previously evaluated.*

21 4595.25. *The director shall approve a WTHP notice unless the*
22 *information contained in the notice is incorrect, incomplete, or*
23 *misleading in a material way, or inconsistent with the WTHP. If*
24 *the findings required for a notice to authorize harvest operations*
25 *cannot be made, the plan submitter shall not commence the*
26 *proposed timber operations until amending the WTHP to cover*
27 *the proposed operations or account for changed environmental*
28 *circumstances or new information regarding environmental*
29 *impacts. The amendment to the WTHP shall be limited to*
30 *addressing only the proposed timber operations that were not*
31 *included and analyzed in the WTHP, or new environmental*
32 *conditions or information regarding environmental impacts which*
33 *was not known and could not have been known with the exercise*
34 *of reasonable diligence at the time the WTHP was approved.*

35 4595.26. *Upon the completion of activities pursuant to the*
36 *WTHP notice, the landowner shall file a report of satisfactory*
37 *completion pursuant to Section 4585 and a stocking report*
38 *pursuant to Section 4587. The director shall comply with Section*
39 *4586. The completion report shall identify those areas in which*
40 *operations were conducted. The registered professional forester*

1 *who prepares the WTHP, notice, or report, or any other registered*
2 *professional forester who is employed by the WTHP landowner*
3 *or operator, shall report to the owner or operator and the*
4 *department if there are deviations from the WTHP.*

5 *4595.27. If the board finds that a registered professional*
6 *forester has made a material misstatement in a WTHP, notice, or*
7 *report under this article, the board shall take disciplinary action*
8 *against him or her as provided in Section 775.*

9 *4595.28. (a) A WTHP shall be suspended by the department*
10 *if any of the following conditions apply:*

11 *(1) It is determined by the department that the provisions of the*
12 *WTHP are not being met.*

13 *(2) The WTHP landowner fails to file a compliance report,*
14 *certified by a registered professional forester, as required under*
15 *Section 4595.12.*

16 *(3) Persistent violations of the WTHP are detected.*

17 *(4) Timber operations are causing violations of permits issued*
18 *by the department, the Department of Fish and Game, a California*
19 *regional water quality control board, or any other trustee,*
20 *responsible, or other reviewing public agency.*

21 *(5) The landowner files an application for a timberland*
22 *conversion permit pursuant to Article 9 (commencing with Section*
23 *4621) for lands within the boundaries of an approved WTHP or*
24 *a party proposes to remove lands from within the boundaries of*
25 *an approved WTHP or from a timberland production zone pursuant*
26 *to the California Timberland Productivity Act of 1982 (Article 1*
27 *(commencing with Section 51100) of Chapter 6.7 of Part 1 of*
28 *Division 1 of Title 5 of the Government Code).*

29 *(b) A WTHP suspended under subdivision (a) shall remain*
30 *suspended until the director finds the WTHP is in compliance with*
31 *the approved WTHP and other applicable law. If, based on*
32 *substantial evidence, the director determines the noncompliance*
33 *to be severe, he or she may cancel or revoke the WTHP.*

34 *(c) Upon the suspension of a WTHP, no additional timber*
35 *operations shall occur pursuant to the current WTHP notice, and*
36 *no additional notices shall be accepted by the department until*
37 *appropriate corrections are completed.*

38 *(d) Upon suspension or cancellation of the WTHP, tree removal*
39 *operations pursuant to an active WTHP notice are prohibited.*
40 *Once operations on the WTHP notice have ceased, all required*

1 erosion control and the application of site-specific mitigation and
2 road maintenance described in the WTHP to avoid adverse
3 environmental impacts shall be completed.

4 (e) During a period of WTHP suspension or cancellation, a
5 landowner may submit timber harvesting plans to the department
6 for approval under Section 4581, and, if approved, may operate
7 pursuant to those plans while the conditions described in this
8 section are under consideration by the director. However, if the
9 impacts of those harvest plans are equivalent or more significant
10 than the operations evaluated in the WTHP, those plans shall not
11 be approved.

12 (f) A landowner whose WTHP is suspended or canceled under
13 this section may, within 10 days from the date of receipt of the
14 director's action on the WTHP, request a public hearing before
15 the board to determine if the director's action was appropriate.

16 4595.29. In addition to an inspection provided for under
17 Section 4604, the department shall provide a compliance inspection
18 of the area in which timber operations are being or are to be
19 conducted pursuant to an approved notice within one year of the
20 approval date of the WTHP, and every year thereafter, during the
21 effective period of the WTHP, to ensure compliance with this
22 chapter and the rules and regulations of the board. This section
23 does not limit the authority of an agency to inspect pursuant to
24 any other law.

25 4595.30. (a) Notwithstanding Section 10231.5 of the
26 Government Code, on or before December 31, 2017, and every
27 five years thereafter, the director shall inform the Legislature of
28 his or her evaluation of this article, including the identification of
29 any recommended amendments.

30 (b) A report submitted pursuant to subdivision (a) shall be
31 submitted in compliance with Section 9795 of the Government
32 Code.

33 4595.31. Timberland conversions of greater than one acre to
34 nonforest uses, including all harvesting necessary to complete a
35 timberland conversion, shall be fully mitigated, including, but not
36 limited to, mitigation for any depletion of current and future carbon
37 stocks.

38 SEC. 3. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section 17556 of*
4 *the Government Code, or changes the definition of a crime within*
5 *the meaning of Section 6 of Article XIII B of the California*
6 *Constitution.*

7 ~~SEC. 2. The Legislature finds and declares the following:~~

8 ~~(a) One of the primary threats to maintaining carbon~~
9 ~~sequestration in the forest sector is loss of forestland to conversion~~
10 ~~to other uses. Existing state policies call for avoiding or mitigating~~
11 ~~this loss so as to retain California's current and future carbon~~
12 ~~sequestration capacity.~~

13 ~~(b) It is the intent of the Legislature to establish a range of~~
14 ~~incentives to accommodate a variety of responses to forestland~~
15 ~~conversion, and to adopt an array of mitigation options for~~
16 ~~forestland conversions, and not to prohibit future conversions.~~

17 ~~(c) It is further the intent of the Legislature that the mitigation~~
18 ~~activities that are undertaken pursuant to Section 4629 of the Public~~
19 ~~Resources Code may properly provide economic benefits to~~
20 ~~participating landowners who may undertake the necessary~~
21 ~~stewardship activities on their lands that will help achieve the~~
22 ~~carbon objectives of the Global Warming Solutions Act of 2006~~
23 ~~(Division 25.5 (commencing with Section 38500) of the Health~~
24 ~~and Safety Code and the scoping plan prepared pursuant to that~~
25 ~~act.~~

26 ~~(d) Forest conversion is a serious threat to California's~~
27 ~~forestlands and the jobs, resources, and services they provide.~~
28 ~~Since 1973, California has lost 1.2 million acres of forestland, and~~
29 ~~continues to convert 18,000 acres of oak woodlands alone every~~
30 ~~year.~~

31 ~~(e) California's forestlands provide important environmental~~
32 ~~and economic benefits including timber production, which was~~
33 ~~valued at four hundred and seventy-four million dollars~~
34 ~~(\$474,000,000) in 2007, watershed protection, carbon sequestration~~
35 ~~and storage, biomass for energy production, recreation, and habitat~~
36 ~~for wildlife.~~

37 ~~(f) The Legislature finds and declares that it is the policy of the~~
38 ~~state to encourage prudent and responsible long-term forest~~
39 ~~management of timberlands to maintain the economic use of those~~
40 ~~timberlands, minimize the cost of project review for state and local~~

1 government and associated impacts to the General Fund, provide
2 for an efficient permitting process for the landowner, effective
3 regulatory oversight, and provide for comprehensive environmental
4 impact analysis, mitigation, and protection.

5 (g) It is the intent of the Legislature to establish an optional,
6 voluntary, watershed-scale timber harvest permitting process that
7 coordinates the permitting requirements of the various responsible
8 and trustee agencies involved in the review of watershed-scale
9 timber harvest plans, including but not limited to the Department
10 of Forestry and Fire Protection, the appropriate California regional
11 water quality control board, the Department of Fish and Game,
12 the Department of Conservation, and other public agencies.

13 (h) It is the intent of the Legislature that the timber harvest
14 permitting process established by this act lead to measurable
15 climate benefits in existing biological carbon stocks on the
16 timberlands covered by this permitting process and that long-term
17 sustained yield include analysis of carbon stocks that demonstrates
18 attainment of these objectives.

19 (i) It is the intent of the Legislature that timberland enrolled in
20 the watershed-scale permitting program established by this act
21 shall be maintained as forestland, and not converted to nonforest
22 uses during the effective period of the permit.

23 (j) It is the intent of the Legislature that the environmental
24 impact reports prepared under this permitting authority established
25 by this act will support the issuance of state permits necessary to
26 conduct timber operations and that agencies and departments with
27 regulatory permitting authority for activities necessary to
28 implement timber operations concur with the environmental impact
29 report in writing prior to approval by the department. Responsible
30 and trustee agencies are strongly encouraged to conduct joint field
31 inspections to resolve interagency disagreements because
32 discussions about resource management are often more effective
33 when they occur in the field.

34 (k) It is the intent of the Legislature to encourage forests to be
35 managed for structural and biological diversity, to create more
36 structurally diverse wildlife habitat, to enhance resilience to climate
37 change, to increase carbon sequestration, and to result in the
38 focused protection of public trust resources.

1 ~~(l) It is not the intent of the Legislature to constrain the authority~~
2 ~~of any responsible or trustee or other public agency with review~~
3 ~~authority over a watershed timber harvest plan.~~

4 ~~(m) It is the intent of the Legislature that the state agencies~~
5 ~~involved in the review of watershed timber harvest plans (WTHP)~~
6 ~~have the staff and fiscal resources to be fully engaged in the review~~
7 ~~and approval of the WTHP, its environmental analyses, and the~~
8 ~~other activities enumerated in this article.~~

9 ~~(n) It is the intent of the Legislature to recognize that landowners~~
10 ~~with a genuine interest in conservation should be allowed to~~
11 ~~participate in mitigation activities, including mitigation banking,~~
12 ~~that adds economic value to the conservation activities undertaken~~
13 ~~pursuant to this act and other specified, beneficial environmental~~
14 ~~actions.~~

15 ~~SEC. 3. Article 7.6 (commencing with Section 4595) is added~~
16 ~~to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,~~
17 ~~to read:~~

18
19 ~~Article 7.6. Watershed Timber Harvest Plan~~
20

21 ~~4595. Notwithstanding Section 4521, unless the context~~
22 ~~requires otherwise, the following definitions govern the~~
23 ~~construction of this article:~~

24 ~~(a) "Assessment area" means a portion of the ownership that~~
25 ~~has similar geological, climatic, and hydrological conditions that~~
26 ~~support similar management practices. An assessment area may~~
27 ~~include land not owned or controlled by the plan submitter, as~~
28 ~~necessary to create a logical assessment unit. The assessment area~~
29 ~~shall be comprised of planning watersheds. A watershed timber~~
30 ~~harvest plan (WTHP) may be comprised of one or more assessment~~
31 ~~areas.~~

32 ~~(b) "CEQA" means the California Environmental Quality Act~~
33 ~~(Division 13 (commencing with Section 21000)).~~

34 ~~(c) "Ownership" means the land owned by the timberland owner~~
35 ~~or timber owner.~~

36 ~~(d) "Planning watershed" means a planning watershed as~~
37 ~~delineated in the California Interagency Watershed Mapping~~
38 ~~Committee (CalWater) planning watershed maps.~~

39 ~~(e) "Watershed timber harvest plan" or "WTHP" means a~~
40 ~~long-term management plan and timber harvesting permit for~~

1 timberlands with an objective of sustained yield for each parcel
2 or group of parcels meeting the requirements of this article and
3 for which the department has certified an environmental impact
4 report pursuant to CEQA.

5 (f) “Watershed timber harvest plan notice” or “WTHP notice”
6 means a document that provides public notice of timber harvest
7 operations pursuant to an approved WTHP that meets the
8 requirements of this article.

9 4595.1. (a) Except as modified in this article, the provisions
10 set forth in CEQA and this chapter and regulations adopted by the
11 board shall apply to this article.

12 (b) All timber harvesting activity within the area within an
13 approved WTHP shall occur pursuant to this article.

14 4595.2. (a) A watershed timber harvesting plan may be filed
15 with the department in writing. A WTHP shall be prepared by a
16 registered professional forester and it shall be a public record.

17 (b) Notwithstanding Section 4581, a person may conduct timber
18 operations pursuant to a WTHP, as authorized pursuant to this
19 article.

20 4595.3. In addition to information required by CEQA, a WTHP
21 shall include all of the following information:

22 (a) Name and address of the timber owner and timberland owner.

23 (b) Ownership description and location, including legal
24 descriptions and maps depicting the ownership and management
25 units, which shall be at a scale sufficient to allow the director to
26 determine the area covered by the WTHP.

27 (c) Management objectives for resources addressed in the
28 WTHP, including timber products.

29 (d) A general narrative description of the forest types, fish and
30 wildlife habitats, and watercourses and lakes.

31 (e) Descriptions of the assessment area and rationale for
32 assessment area selection.

33 (1) The assessment area shall not exceed 100,000 acres unless
34 designation of a larger area is explained and justified in the WTHP
35 and determined by the director to be consistent with an approved
36 habitat conservation plan or natural community conservation plan.

37 (2) All planning watersheds included in the assessment area
38 shall be hydrologic subparts of that assessment area.

1 (f) Identification and mapping of planning watersheds classified
2 as sensitive watersheds and description of the measures taken to
3 protect resources within those watersheds.

4 4595.4. (a) Consistent with the protection of soil, water, air,
5 fish, and wildlife resources, a WTHP shall include a sustained
6 timber production assessment that clearly demonstrates how the
7 submitter will achieve maximum sustained production of
8 high-quality timber products while giving consideration to regional
9 economic vitality and employment at planned harvest levels during
10 the planning horizon.

11 (b) If the WTHP is based upon data on file with the director,
12 the data shall be updated no sooner than 10 years and no later than
13 11 years after approval. Proprietary information shall be treated
14 consistent with Section 21160.

15 (c) The sustained timber production assessment required by
16 subdivision (a) shall include all of the following:

17 (1) A summary table of wildlife habitat relationships (WHR)
18 compositions and stand structure types, or comparable stand
19 structure types within forest vegetation types with their respective
20 acreage. For an ownership's specific stand structure types, the
21 registered professional forester shall provide a written description
22 of the stand structure and characteristics that define each type, and
23 comparisons of those types to WHR typing. The WHR system and
24 its uses as described in "A Guide to the California Wildlife Habitat
25 Relationships System," California Department of Fish and Game,
26 March 1988 is herein incorporated by reference.

27 (2) An estimate of the long-term sustained yield of the lands
28 proposed to be included in the WTHP, which shall be stated in
29 terms of board feet per year or cubic feet per year and include a
30 description of how the estimate was reached. If the ownership has
31 not attained long-term sustained yield, the WTHP shall estimate
32 and justify the transition period necessary to achieve long-term
33 sustained yield.

34 (3) A projection of growth and harvest for each WHR type or
35 comparable stand structure type within forest vegetation type over
36 each 10-year period in the planning horizon for each planning
37 watershed and a description, in narrative form, of the accuracy and
38 methodology used to estimate growth.

1 ~~(4) A demonstration of measurable climate benefits in existing~~
2 ~~biological carbon stocks on the timberlands during the period~~
3 ~~covered by the WTHP.~~

4 ~~(5) A discussion of the accuracy of the inventory data for the~~
5 ~~management unit. Inventory data, models and growth and harvest~~
6 ~~projections utilized for harvest scheduling projections shall be~~
7 ~~available for confidential audits by reviewing agencies along with~~
8 ~~the basis for this data, including, but not limited to, the cruise~~
9 ~~design and sample plot data and the statistical validity of those~~
10 ~~estimates.~~

11 ~~(6) A description of the silvicultural prescriptions applied to~~
12 ~~each stand type, along with projected changes in WHR types at~~
13 ~~five-year intervals that reflects planned silvicultural application~~
14 ~~and growth of harvested and unharvested stands.~~

15 ~~(7) On lands controlled by the WTHP landowner, a disclosure~~
16 ~~of areas intended to be harvested within the period covered by the~~
17 ~~WTHP permit, and the planned silvicultural method.~~

18 ~~(d) The landowner shall include maps in the WTHP that show~~
19 ~~the spatial and temporal information by silvicultural method for~~
20 ~~areas to be harvested under the plan.~~

21 ~~4595.5. A WTHP shall include a fish and wildlife assessment~~
22 ~~that shall contain all of the following:~~

23 ~~(a) The area for the fish and wildlife impacts assessment, which~~
24 ~~shall be the same area as the management unit under the WTHP.~~
25 ~~Areas outside the ownership shall be included as necessary to~~
26 ~~assess the potential individual or cumulative effect of timber~~
27 ~~operations. In areas with multiple ownerships, landowners may~~
28 ~~cooperate to establish a management unit and develop a fish and~~
29 ~~wildlife habitat assessment for inclusion in the WTHP, pursuant~~
30 ~~to regulations adopted by the board.~~

31 ~~(b) Provisions that address threatened, endangered, and sensitive~~
32 ~~species and nonlisted fish, and wildlife species to which timber~~
33 ~~operations could cause significant adverse individual or cumulative~~
34 ~~impacts. The fish and wildlife assessment shall address, those~~
35 ~~species' habitat needs and the availability, shapes, and distribution~~
36 ~~of habitats in relation to harvest schedule and growth projections~~
37 ~~and the impacts of harvesting on those habitats. The WTHP shall~~
38 ~~discuss and include all feasible measures planned to avoid or~~
39 ~~mitigate potentially significant adverse environmental effects on~~
40 ~~fish and wildlife.~~

1 ~~(e) Maps by management unit showing changes to wildlife~~
2 ~~habitat relationship types or stand structure types that are likely to~~
3 ~~result from projected timber operations.~~

4 ~~(d) A description and demonstration that the harvest units in~~
5 ~~the WTHP shall retain and accrue structural elements, including~~
6 ~~live trees, dead snags, and downed logs. Harvest units within a~~
7 ~~WTHP shall retain postharvest not less than _____ percent of the~~
8 ~~preharvest basal area in merchantable live trees native to the site.~~
9 ~~This retention may be aggregated or dispersed, but the target shall~~
10 ~~be met on any _____ acre area.~~

11 ~~4595.6. A WTHP shall include a watershed assessment and~~
12 ~~planning segment that shall include all of the following:~~

13 ~~(a) The minimum assessment area, which shall not be less than~~
14 ~~a planning watershed.~~

15 ~~(b) An analysis of potentially significant adverse impacts,~~
16 ~~including cumulative impacts, of the planned operations and other~~
17 ~~projects, on ambient water quality, carbon sequestration, fisheries,~~
18 ~~wildlife, and other environmental values.~~

19 ~~(c) A description of the individual planning watersheds in~~
20 ~~sufficient detail to allow a review of the analysis of impacts.~~

21 ~~(1) For all planning watersheds in the management unit within~~
22 ~~a forest district descriptions shall include, as appropriate, either or~~
23 ~~both of the following:~~

24 ~~(A) General maps and descriptions of unstable areas and~~
25 ~~unstable soils known to the plan submitter to be actively or~~
26 ~~potentially discharging sediment, as well as those mapped by public~~
27 ~~agencies.~~

28 ~~(B) A description of the rules, regulations, and practices to be~~
29 ~~used to avoid erosion from timber operations, or increases in water~~
30 ~~temperature, at a level of detail sufficient for the California regional~~
31 ~~water quality control board to evaluate whether the WTHP meets~~
32 ~~the permitting requirements and water quality standards of the~~
33 ~~relevant Basin Plan and other applicable provisions of the~~
34 ~~Porter-Cologne Water Quality Act (Division 7 (commencing with~~
35 ~~Section 13000) of the Water Code).~~

36 ~~(2) For all planning watersheds in which harvesting will take~~
37 ~~place, descriptions shall include, as appropriate, either or both of~~
38 ~~the following:~~

39 ~~(A) A map of all public roads within the WTHP area, as well~~
40 ~~as an inventory and plan for management of all the permanent,~~

1 seasonal, and temporary roads controlled by the landowner. On
2 roads controlled by the landowner, the road inventory shall do all
3 of the following:

4 (i) Identify problem areas that are discharging sediment to
5 waterways or that are threatening to discharge sediment to
6 waterways, or are otherwise causing environmental harm or in
7 need of maintenance.

8 (ii) Prioritize road-repair sites.

9 (iii) Create a time schedule for repair of the road sites.

10 (B) A general description of areas known to be sensitive to
11 ground disturbance and present sources of erosion.

12 (d) A discussion and inclusion of feasible measures planned to
13 mitigate or avoid significant adverse impacts including impacts
14 associated with public roads that may be used for timber hauling,
15 a discussion of any measures necessary to mitigate impacts on the
16 adjacent community.

17 4595.7. The registered professional forester preparing the
18 WTHP shall certify and provide a report describing his or her, or
19 a designee's, inspection of the WTHP area.

20 4595.8. The notice of receipt of the proposed WTHP shall be
21 given by the department within two working days following
22 submission of the proposed WTHP. The method of notice shall be
23 by United States Postal Service, or at the discretion of the
24 department, may be sent electronically. The person submitting the
25 WTHP shall provide to the department a list of the names and
26 addresses of persons to whom the notice is to be mailed.

27 4595.9. (a) The department shall provide notice of the filing
28 of the WTHP to any person who requests, either in writing or
29 through electronic means. Upon receipt of the WTHP, the
30 department shall place it, or a true copy of the WTHP, in a file
31 available for public inspection in a county in which timber
32 operations are proposed under the WTHP. The department shall
33 also post a copy of the notice electronically on the department's
34 Internet Web site.

35 (b) For the purpose of coordinated interdisciplinary and
36 multiagency review, the department shall transmit a written or
37 electronic copy of the WTHP to the Department of Fish and Game,
38 the appropriate California regional water quality control board,
39 the county planning agency, and all other public agencies having
40 jurisdiction by law over natural resources affected by the proposed

1 WTHP. Notwithstanding any other provision of law, the duration
2 of regulatory permits issued by a California regional water quality
3 control board, the Department of Fish and Game, or other state
4 trustee or responsible agency may be adjusted to conform to the
5 initial term of a 10-year WTHP permit as approved.

6 ~~(e) To the extent the department's staffing and resources are
7 required to fully review the WTHP, the accompanying
8 environmental impact report, and notices of operations submitted
9 pursuant to an approved WTHP, as well as the staffing and
10 resources of responsible and trustee departments and local
11 governments, the department, a trustee, a responsible agency, or
12 local government shall, subject to a fee schedule, assess an
13 application fee or a fee for its appropriate costs in reviewing a
14 WTHP and its accompanying environmental impact report.~~

15 ~~(d) Prior to approval of a WTHP, all state trustee and responsible
16 agencies shall jointly conduct at least one comprehensive field
17 review of the proposed WTHP.~~

18 ~~(e) The director shall only approve the WTHP and associated
19 environmental impact report upon written concurrence from the
20 trustee and responsible agencies that the operations conducted
21 pursuant to the WTHP will enable compliance with their respective
22 statutory and regulatory obligations.~~

23 ~~4595.10. A compliance report shall be filed every two years
24 with the department by every landowner with an approved WTHP,
25 that addresses issues identified by the director as developed in
26 consultation with the responsible and trustee agencies. The report
27 shall include a certification from the registered professional forester
28 that the WTHP is being implemented in compliance with this
29 chapter.~~

30 ~~4595.11. In addition to any other field review of the WTHP or
31 its annual operations, the department shall require a mandatory
32 five-year field review, with the full participation of all responsible
33 and trustee agencies.~~

34 ~~4595.12. (a) No later than _____ days from the date that the
35 initial inspection pursuant to Section 4604 is complete, or a longer
36 period mutually agreed upon by the director and the plan submitter,
37 the director shall determine whether the WTHP conforms with the
38 rules and regulations of the board, identifies and mitigates potential
39 significant adverse effects, and conforms to the requirements of
40 this chapter.~~

1 ~~(b) The draft WTHP, upon determination by the department,~~
2 ~~may become the notice of preparation submitted to the Office of~~
3 ~~Planning and Research pursuant to CEQA guidelines and the~~
4 ~~timelines and procedures in CEQA shall be applied thereafter,~~
5 ~~except where modified in this article. The director shall make a~~
6 ~~finding whether the responsible and trustee agencies have~~
7 ~~concurred, in writing, that the WTHP and its accompanying~~
8 ~~environmental impact report provide sufficient information to~~
9 ~~address, analyze, evaluate, and mitigate site-specific characteristics~~
10 ~~through the issuance of annual notices as provided in this chapter.~~

11 ~~(c) If the director does not act within the time periods provided~~
12 ~~in subdivision (a), a longer period may be negotiated and mutually~~
13 ~~agreed upon by the director and the person submitting the WTHP.~~
14 ~~If a longer period cannot be mutually agreed upon, the WTHP~~
15 ~~shall be deemed denied and returned to the person submitting the~~
16 ~~WTHP.~~

17 ~~4595.13. (a) If the director determines that the WTHP would~~
18 ~~violate an applicable rule, law, or regulation, the director shall~~
19 ~~return the WTHP, stating his or her reasons, and advising the~~
20 ~~person submitting the WTHP of the person's right to a hearing~~
21 ~~before the board.~~

22 ~~(b) A person to whom a WTHP is returned may, within 10 days~~
23 ~~from the receipt of the WTHP, request a public hearing before the~~
24 ~~board. The board shall conduct a public hearing with the~~
25 ~~participation of the appropriate California regional water quality~~
26 ~~control board, the Department of Fish and Game, and all other~~
27 ~~reviewing trustees, responsible or other public agencies, to evaluate~~
28 ~~the WTHP and determine if the WTHP conforms with the rules~~
29 ~~and regulations of the reviewing trustee, responsible and other~~
30 ~~public agencies, and this chapter. If a determination is made that~~
31 ~~the WTHP conforms with the rules and regulations of the reviewing~~
32 ~~trustee, responsible and other public agencies and this article, the~~
33 ~~director may forward the WTHP to the Office of Planning and~~
34 ~~Research as a draft notice of preparation, if the director certifies~~
35 ~~that the department has received written concurrence from the~~
36 ~~trustee and responsible agencies that they agree that the plan is~~
37 ~~lawful.~~

38 ~~(c) The board shall act no later 30 days after the date of the~~
39 ~~filing of the appeal, or a longer period mutually agreed upon by~~
40 ~~the board and the person filing the appeal.~~

1 ~~(d) If the WTHP is not approved on appeal to the board, the~~
2 ~~director, within 30 days of board action, may determine that the~~
3 ~~WTHP conforms with the rules and regulations of the board and~~
4 ~~this chapter, if the WTHP is subsequently revised to conform with~~
5 ~~all applicable statutes and regulations. The WTHP and~~
6 ~~accompanying environmental impact report shall be recirculated~~
7 ~~pursuant to the provisions of the CEQA guidelines.~~

8 ~~4595.14. (a) An approved WTHP and the related~~
9 ~~environmental impact report shall be effective for a period of ____~~
10 ~~years. The disclosure of planned operations pursuant to a WTHP~~
11 ~~shall encompass a minimum period of 20 years.~~

12 ~~(b) All state trustee and responsible agencies shall jointly~~
13 ~~conduct a comprehensive field review of the WTHP at each~~
14 ~~two-year interval of a WTHP to ensure compliance with this article.~~

15 ~~(c) The director, in conjunction with the board and the~~
16 ~~responsible and trustee agencies, shall develop guidelines for the~~
17 ~~adaptive management and protection of public trust resources~~
18 ~~designed to facilitate the use of a WTHP that will be consistent~~
19 ~~with applicable law.~~

20 ~~(d) It is the intent of the Legislature that the environmental~~
21 ~~impact report for a WTHP shall be the basis for all required permits~~
22 ~~from responsible and trustee agencies, as well as the department,~~
23 ~~and the terms of each of those permits shall be ____ years,~~
24 ~~notwithstanding any other provision of law.~~

25 ~~4595.15. The WTHP plan submitter may submit a proposed~~
26 ~~amendment to the approved WTHP but shall not take an action~~
27 ~~that substantially deviates from the approved WTHP until the~~
28 ~~amendment has been filed, accepted by the director, and circulated~~
29 ~~in a manner consistent with applicable CEQA guidelines.~~

30 ~~4595.16. Upon approval of the WTHP, the plan submitter shall~~
31 ~~notify each county recorder in which lands subject to the WTHP~~
32 ~~are located and shall cause to be filed with that county a notice~~
33 ~~that shall be recorded in sufficient detail for a title search to~~
34 ~~disclose the existence of the WTHP. If there is a change of~~
35 ~~ownership of the land described in the WTHP, the WTHP shall~~
36 ~~expire 90 days from the date of change of ownership, unless the~~
37 ~~new timberland owner notifies the department in writing of the~~
38 ~~change of ownership and his or her assumption of the WTHP. The~~
39 ~~new owner is responsible for completing any mitigation required~~
40 ~~pursuant to any logging operations that have not been deemed~~

1 completed by the department, and shall comply with the mitigation
2 or other activities required pursuant to the other permits associated
3 with the WTHP.

4 ~~4595.17. The WTHP landowner may cancel the WTHP by~~
5 ~~submitting a written notice to the department. Once timber~~
6 ~~operations have commenced pursuant to a WTHP notice,~~
7 ~~cancellation is not effective on land covered by the notice until a~~
8 ~~report of satisfactory completion and stocking has been issued~~
9 ~~pursuant to Sections 4585, 4586, and 4587.~~

10 ~~4595.18. (a) The WTHP landowner who owns, leases, or~~
11 ~~otherwise controls or operates on all or any portion of timberland~~
12 ~~within the boundaries of an approved WTHP, and who plans to~~
13 ~~harvest the timber thereon during a given year, shall file a WTHP~~
14 ~~notice with the department. The department shall, within two~~
15 ~~working days, transmit a written or electronic copy of the notice~~
16 ~~to agencies and members of the public who participated in the~~
17 ~~initial review or who have requested notification of the WTHP~~
18 ~~and shall display the proposed notice on a publicly available~~
19 ~~Internet Web site.~~

20 ~~(b) A WTHP notice shall be filed at least 45 days prior to the~~
21 ~~harvesting of any timber, and shall describe all operations to be~~
22 ~~conducted under the notice for no less than 12 months or greater~~
23 ~~than 18 months and may include operations that were planned but~~
24 ~~not completed in previous notifications.~~

25 ~~(c) If the person who files the WTHP notice is not the WTHP~~
26 ~~landowner, the person filing the notice shall notify the forest~~
27 ~~landowner by certified mail that the notice has been submitted,~~
28 ~~and shall certify that mailing to the department. It shall also be~~
29 ~~posted on the department's Internet Web site.~~

30 ~~(d) This article does not invalidate previously approved timber~~
31 ~~harvesting plans for lands included in a WTHP. These timber~~
32 ~~harvesting plans may remain effective at the option of the plan~~
33 ~~submitter. If the landowner elects to have these existing plans~~
34 ~~continue, the operational effects of these timber harvesting plans~~
35 ~~shall be part of the analysis included in the WTHP.~~

36 ~~4595.19. A WTHP notice required pursuant to Section 4595.18~~
37 ~~shall include all of the information required for a program~~
38 ~~timberland environmental impact report pursuant to Section~~
39 ~~1092.01 of Title 14 of the California Code of Regulations.~~

1 ~~4595.20. (a) Within 10 days of the receipt of the WTHP notice~~
2 ~~required pursuant to Section 4595.18, the director shall contact~~
3 ~~responsible and trustee agencies for the purpose of determining~~
4 ~~the need for field inspections. Within 20 days of the receipt of the~~
5 ~~WTHP notice, or a mutually agreeable longer time, the director~~
6 ~~shall complete the field review of proposed operations.~~

7 ~~(b) If a WTHP notice is determined to be inadequate, the~~
8 ~~applicant may modify and resubmit the notice. If the modifications~~
9 ~~are minor, as determined by the director, and would achieve~~
10 ~~compliance with this article, the director may thereafter approve~~
11 ~~the WTHP notice if there are no objections from responsible or~~
12 ~~trustee agencies.~~

13 ~~4595.21. A WTHP notice may be included, as a tier of an~~
14 ~~approved environmental impact report for purposes of Section~~
15 ~~21093, in accordance with CEQA, and operations may commence~~
16 ~~within ____ days of that notice, if all the following conditions are~~
17 ~~satisfied:~~

18 ~~(a) A period of public comment and review by responsible and~~
19 ~~trustee agencies is established.~~

20 ~~(b) The director authorizes a field review of the proposed~~
21 ~~operations.~~

22 ~~(c) The director has not received objections from trustee and~~
23 ~~responsible agencies that the environmental impact report is~~
24 ~~inadequate to analyze site specific conditions.~~

25 ~~(d) The registered professional forester certifies that no~~
26 ~~significant changes have occurred requiring an amendment or~~
27 ~~supplement to the environmental impact report.~~

28 ~~(e) The registered professional forester certifies that there will~~
29 ~~be no take of protected or listed plant or animal species present~~
30 ~~within the proposed harvest area or that all conditions of an~~
31 ~~incidental take permit will be fulfilled.~~

32 ~~(f) The registered professional forester certifies that all~~
33 ~~operations will be conducted pursuant to this chapter and its~~
34 ~~implementing regulations or this article.~~

35 ~~(g) The registered professional forester certifies that all~~
36 ~~necessary work has been completed preparatory to operations such~~
37 ~~as identification of watercourse and lake protection zone, roads,~~
38 ~~stream crossing design, tree marking, unit layout, harvest boundary~~
39 ~~delineation, and any other requirements established by the director.~~

1 ~~(h) The licensed timber operator has been provided operational~~
2 ~~guidance in a format that is acceptable to the director and that is~~
3 ~~included as part of the WTHP notice of operations.~~

4 ~~4595.22. When a responsible or trustee agency objects to a~~
5 ~~WTHP notice, the objection shall be resolved within _____ days,~~
6 ~~and operations shall not commence until the objection is resolved.~~

7 ~~4595.23. The director shall establish guidelines to resolve~~
8 ~~circumstances in which trustee and responsible agencies offer a~~
9 ~~fair argument to the director that modifications should be made to~~
10 ~~the WTHP and environmental impact report to respond to~~
11 ~~conditions that were not analyzed, mitigated, or reasonably~~
12 ~~anticipated. The director shall require modifications if the presence~~
13 ~~of threatened, endangered, or candidate species was not previously~~
14 ~~evaluated. The director may institute an adaptive management~~
15 ~~program based on issues raised by the trustee or responsible~~
16 ~~agencies when it is reasonably certain the proposed mitigation for~~
17 ~~specific activities will be inadequate over the term of the WTHP.~~
18 ~~On a site-specific basis, the director may also require additional~~
19 ~~mitigation or alternative practices. Timber operations shall not~~
20 ~~commence until the director finds, after an opportunity for public~~
21 ~~comment, that any issue specified in this section has been resolved.~~

22 ~~4595.24. The director shall not approve a WTHP notice if the~~
23 ~~notice proposes operations or activities in any of the following~~
24 ~~circumstances or conditions:~~

25 ~~(a) Boundaries of the area to be harvested are not clearly~~
26 ~~delineated in the WTHP notice.~~

27 ~~(b) Operations that propose alternative means of compliance~~
28 ~~with applicable permits from a trustee or responsible agency that~~
29 ~~were not approved by the appropriate regulatory agency.~~

30 ~~(c) Activities that were not analyzed or evaluated in the WTHP~~
31 ~~notice or environmental impact report.~~

32 ~~(d) Public acquisition of the parcel for purposes that would be~~
33 ~~impaired by timber harvesting, is legislatively authorized, funded,~~
34 ~~and imminent.~~

35 ~~(e) There is evidence that the information contained in the~~
36 ~~WTHP notice is incorrect, incomplete, or misleading in a material~~
37 ~~way, or is insufficient to evaluate significant environmental effects.~~
38 ~~The sufficiency of the information provided in a WTHP notice to~~
39 ~~evaluate significant environmental effects shall be judged in light~~
40 ~~of what is reasonable and necessary.~~

1 4595.25.— Upon the completion of activities pursuant to the
2 WTHP notice, the landowner shall file a report of satisfactory
3 completion that includes, but is not limited to, stocking, pursuant
4 to Sections 4585, 4586, and 4587. The completion report shall
5 indicate which areas of the notice have been operated.

6 4595.26.—(a) The ~~WTHP~~ landowner shall file with the
7 department a compliance report within two years of the approval
8 date of the ~~WTHP~~, and for every two years thereafter, until all
9 units in the ~~WTHP~~ have received completion reports from the
10 department. The report shall address the findings of any inspection
11 conducted under Section 4604 or 4595.20 since the date of the last
12 compliance report. The report shall include a certification by the
13 registered professional forester that the ~~WTHP~~ has been carried
14 out in compliance with the provisions of the ~~WTHP~~ and applicable
15 law.

16 (b) ~~The registered professional forester who prepares the WTHP,~~
17 ~~notice, or report, or any other registered professional forester who~~
18 ~~is employed by the WTHP landowner or operator, shall report to~~
19 ~~the owner or operator and the department if there are deviations~~
20 ~~from the WTHP that could reasonably be concluded to threaten~~
21 ~~the attainment of the resource conservation standards of the WTHP.~~

22 4595.27.— If the board finds that a registered professional forester
23 has made a material misstatement in a ~~WTHP~~, notice, or report
24 under this article, the board shall take disciplinary action against
25 him or her as provided under Section 775.

26 4595.28.— (a) A ~~WTHP~~ shall be suspended by the department
27 if any of the following conditions apply:

28 (1) It is determined by the department that the goals or
29 provisions of the ~~WTHP~~ are not being met.

30 (2) The ~~WTHP~~ landowner fails to file a compliance report,
31 certified by a registered professional forester, as required under
32 Section 4595.10.

33 (3) Persistent violations of the ~~WTHP~~ are detected.

34 (4) Timber operations are causing violations of permits issued
35 by the department, the Department of Fish and Game, the
36 California regional water quality control board, or any other trustee,
37 responsible, or other reviewing public agency.

38 (5) The landowner files an application for a timberland
39 conversion permit pursuant to Article 9 (commencing with 4621),
40 for lands within the boundaries of an approved ~~WTHP~~ or a party

1 ~~proposes to remove lands from within the boundaries of an~~
2 ~~approved WTHP from a timberland production zone pursuant to~~
3 ~~the Timberland Productivity Act (Article 1 (commencing with~~
4 ~~Section 51100) of Chapter 6.7 of Part 1 of Division 1 of Title 5 of~~
5 ~~the Government Code.)~~

6 ~~(b) A WTHP suspended under subdivision (a) shall remain~~
7 ~~suspended until the director finds the WTHP is in compliance with~~
8 ~~the approved WTHP and other applicable law. If, based on~~
9 ~~substantial evidence, the director determines the noncompliance~~
10 ~~to be severe, he or she may cancel or revoke the WTHP.~~

11 ~~(c) Upon the suspension of a WTHP, no additional timber~~
12 ~~operations shall occur pursuant to the current WTHP notice, and~~
13 ~~no additional notices shall be accepted by the department until~~
14 ~~appropriate corrections are completed.~~

15 ~~(d) Upon suspension or cancellation of the WTHP, tree removal~~
16 ~~operations on an active WTHP notice are prohibited. Once~~
17 ~~operations on the WTHP notice have ceased, all required erosion~~
18 ~~control and the application of site-specific mitigation described in~~
19 ~~the WTHP to avoid adverse environmental impact or road~~
20 ~~maintenance shall be completed.~~

21 ~~(e) During a period of WTHP suspension or cancellation, a~~
22 ~~landowner may submit timber harvesting plans to the department~~
23 ~~for approval under Section 4581, and may operate pursuant to~~
24 ~~those plans while the conditions described in this section are under~~
25 ~~consideration by the director. However, if the impacts of those~~
26 ~~harvest plans are more significant than the operations evaluated~~
27 ~~in the WTHP, the WTHP shall be considered permanently~~
28 ~~canceled.~~

29 ~~(f) A person to whom a WTHP is suspended or canceled under~~
30 ~~this section may, within 10 days from the date of receipt of the~~
31 ~~director's action on the WTHP, request a public hearing before~~
32 ~~the board.~~

33 ~~4595.29. In addition to an inspection provided for under Section~~
34 ~~4604, the department shall provide a compliance inspection of the~~
35 ~~area in which timber operations are being or are to be conducted~~
36 ~~within one year of the approval date of the WTHP, and every year~~
37 ~~thereafter, during the effective period of the WTHP, for compliance~~
38 ~~with this chapter and the rules and regulations of the board. This~~
39 ~~section does not limit the authority of an agency to inspect pursuant~~
40 ~~to any other law.~~

1 ~~4595.30. (a) Notwithstanding Section 10231.5 of the~~
2 ~~Government Code, on or before December 31, 2017, and every~~
3 ~~five years thereafter, the director shall inform the Legislature of~~
4 ~~his or her evaluation of this article including the identification of~~
5 ~~any recommended amendments.~~

6 ~~(b) A report submitted pursuant to subdivision (a) shall be~~
7 ~~submitted in compliance with Section 9795 of the Government~~
8 ~~Code.~~

9 SEC. 4. Section 4604 of the Public Resources Code is amended
10 to read:

11 4604. (a) The department shall provide an initial inspection
12 of the area in which timber operations are to be conducted within
13 10 days from the date of filing of the timber harvesting plan,
14 watershed timber harvest plan (WTHP), or nonindustrial timber
15 management plan, or a longer period as may be mutually agreed
16 upon by the department and the person submitting the plan, except
17 that the inspection need not be made pursuant to the filing of a
18 timber harvesting plan if the department determines that the
19 inspection would not add substantive information that is necessary
20 to enforce this chapter. The department shall provide for
21 inspections, as needed, as follows:

- 22 (1) During the period of commencement of timber operations.
- 23 (2) When timber operations are well under way.
- 24 (3) Following completion of timber operations.
- 25 (4) At any other times as determined to be necessary to enforce
26 this chapter.

27 (b) (1) The Department of Fish and Game, the California
28 regional water quality control boards, or the State Water Resources
29 Control Board, if accompanied by Department of Forestry and
30 Fire Protection personnel and after 24-hour advance notification
31 is given to the landowner, may enter and inspect land during normal
32 business hours at any time after commencement of timber harvest
33 plan activities on the land and before the director issues a report
34 of satisfactory completion of stocking pursuant to Section 4588
35 or at any time before the end of the first winter period following
36 the filing of a work completion report pursuant to Section 4585,
37 whichever is later. A member of the inspection party may utilize
38 whatever measurement and evaluation devices, including, but not
39 limited to, photographic equipment and temperature measurement
40 devices, that are determined to be necessary, when participating

1 in an inspection of an area pursuant to subdivision (a) or after
2 commencement of timber harvesting plan activities pursuant to
3 this subdivision.

4 (2) Photographs taken during inspections shall be clearly labeled
5 as to time, date, and location and shall be the property of the
6 department and part of the inspection record. The inspection record
7 shall be subject to all provisions of the California Public Records
8 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
9 of Title 1 of the Government Code).

10 (3) This subdivision does not limit the authority of an agency
11 to inspect pursuant to any other law.

12 ~~SEC. 5. Section 4629 is added to the Public Resources Code,~~
13 ~~to read:~~

14 ~~4629. (a) Landowners who convert lands, as described in~~
15 ~~subdivision (h), shall fully mitigate the loss of biological carbon~~
16 ~~stocks and the loss of future sequestration capacity associated with~~
17 ~~the conversion.~~

18 ~~(b) Estimates of the greenhouse gas emissions to be mitigated~~
19 ~~shall be calculated for the converted area based on all of the~~
20 ~~following:~~

21 ~~(1) The difference in biological carbon stocks before and after~~
22 ~~the conversion.~~

23 ~~(2) The total future sequestration potential of the converted area.~~

24 ~~(3) Any depletion of carbon stocks in the 10 years prior to the~~
25 ~~conversion.~~

26 ~~(c) (1) All carbon emissions mitigation shall meet the standards~~
27 ~~of the California Global Warming Solutions Act of 2006 (Division~~
28 ~~25.5 (commencing with Section 38500) of the Health and Safety~~
29 ~~Code) and shall be administered in California on forestland in any~~
30 ~~of the following ways:~~

31 ~~(A) Through a qualified, state-approved third party.~~

32 ~~(B) Through a public agency program, including a county~~
33 ~~program.~~

34 ~~(C) By a project applicant on land owned by the applicant.~~

35 ~~(2) To the extent feasible, mitigation shall occur on lands of~~
36 ~~similar forest type and quality and in close geographic proximity~~
37 ~~to the conversion.~~

38 ~~(3) To the extent feasible, mitigation activities shall maintain~~
39 ~~and support native species, habitats, and environmental cobenefits.~~

1 ~~(d) Mitigation for a conversion that is implemented pursuant to~~
2 ~~the California Environmental Quality Act (Division 13~~
3 ~~(commencing with Section 21000)) or another statute may~~
4 ~~contribute or fulfill the requirements of this section provided all~~
5 ~~the requirements of this section are met.~~

6 ~~(e) A county in which a conversion occurs shall ensure that~~
7 ~~mitigation pursuant to this article is implemented. It may do so in~~
8 ~~conjunction with other actions necessary to approve the conversion.~~
9 ~~It may charge an administrative fee to offset its costs.~~

10 ~~(f) The State Air Resources Board, in consultation with the~~
11 ~~Natural Resources Agency and any counties with an interest in~~
12 ~~participating, shall adopt regulations to implement this article. The~~
13 ~~regulations shall provide, but are not limited to, all of the following:~~

14 ~~(1) Methodologies to fully mitigate the carbon emissions of the~~
15 ~~conversion that are consistent with the California Global Warming~~
16 ~~Solution Act of 2006 (Division 25.5 (commencing with Section~~
17 ~~38500)). The methodologies shall ensure that the mitigation of~~
18 ~~carbon emissions from the conversion occur within a comparable~~
19 ~~temporal scale as the emissions and foregone sequestration from~~
20 ~~the conversion.~~

21 ~~(2) Provisions for monitoring and enforcement of the mitigation~~
22 ~~activities by the state, county, or a qualified third party, and~~
23 ~~establishing criteria for the use, when appropriate, of deed~~
24 ~~restrictions, covenants, or other instruments that will ensure that~~
25 ~~the mitigation is fully consistent with the California Global~~
26 ~~Warming Solutions Act of 2006 (Division 25.5 (commencing with~~
27 ~~Section 38500)).~~

28 ~~(3) Provisions to authorize the State Air Resources Board to~~
29 ~~temporarily or permanently administer this article in a county in~~
30 ~~which the State Air Resources Board finds, after a public hearing,~~
31 ~~that a county has failed to implement this article.~~

32 ~~(g) A county in which a conversion occurs shall provide an~~
33 ~~annual report to the State Air Resources Board and the Department~~
34 ~~of Forestry and Fire Protection that includes a brief description of~~
35 ~~conversions that occurred and mitigation that was required and its~~
36 ~~ongoing monitoring pursuant to this division.~~

37 ~~(h) For purposes of this section, “conversion” or “convert”~~
38 ~~means either of the following:~~

1 ~~(1) Those changes in the use of timberland, as defined in Section~~
2 ~~4526, such that the land is no longer used for the commercial~~
3 ~~production of timber.~~

4 ~~(2) Those changes in the use of forestland, as described in~~
5 ~~subdivision (c) of Section 12251, such that the biological carbon~~
6 ~~stocks or sequestration capacity on those lands are diminished.~~

7 ~~SEC. 6.~~

8 ~~SEC. 5.~~ No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution for certain
10 costs that may be incurred by a local agency or school district
11 because, in that regard, this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty for a crime
13 or infraction, within the meaning of Section 17556 of the
14 Government Code, or changes the definition of a crime within the
15 meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 However, if the Commission on State Mandates determines that
18 this act contains other costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.