

AMENDED IN ASSEMBLY JUNE 11, 2012
AMENDED IN SENATE JANUARY 25, 2012
AMENDED IN SENATE JANUARY 4, 2012

SENATE BILL

No. 455

Introduced by Senator Pavley

February 16, 2011

An act to amend Section ~~4604~~ 4621 of, and to add ~~Article 7.6~~ (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of, Section 4622.5 to, the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, as amended, Pavley. Forestry: ~~watersheds: timber harvesting plans:~~ *timberlands: conversion mitigation.*

(1) ~~The~~

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 act also requires a person who owns timberlands, which are to be devoted to uses other than the growing of timber, to file an application for conversion with the State Board of Forestry and Fire Protection.

This bill would prohibit the department from approving an application for conversion of timberlands of 3 or more acres unless specific mitigation requirements are met. The bill would provide an exception for a county that adopts a timberland conversion and mitigation ordinance that meets or exceeds the mitigation requirements. The bill would authorize a timberland conversion permit applicant to contract

for the state, among others, to implement mitigation activities. The bill would establish a continuously appropriated fund to be administered by the Natural Resources Agency and would require that moneys received under a contract to mitigate a conversion of timberlands be deposited in the fund and expended for that purpose. The bill would also allow the department to collect a fee for permits applicable to the conversion of timberlands of 3 or more acres to cover its costs and the costs of the Department of Fish and Game in approving timberland conversion permits and ensuring that mitigation requirements are met.

~~The bill would enact the California Watershed and Timberland Conservation Act of 2012, which 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 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 permit a person to whom the WTHP is returned to request a public hearing before the board, as provided.~~

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

~~The bill would 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 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 WTTP.~~

~~(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:~~

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

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

1 *SECTION 1. The Legislature finds and declares all of the*
 2 *following:*

3 *(a) It is the intent of the Legislature to maintain California’s*
 4 *current acreage of timberlands in order to provide for the*
 5 *environmental and watershed amenities of timberlands and to*
 6 *maintain the economic productivity of those lands.*

7 *(b) It is also the intent of the Legislature to maintain California’s*
 8 *timberlands to help achieve the state’s greenhouse gas reduction*
 9 *goals.*

10 *(c) It is further the intent of the Legislature that the impacts of*
 11 *the conversion of timberlands to nonforest uses be mitigated in a*
 12 *way that provides a mechanism to help maintain California’s*
 13 *timberland base.*

14 *(d) It is further the intent of the Legislature that those who*
 15 *convert timberlands to nonforest uses, mitigate those impacts,*
 16 *which will create economic incentives for other landowners to*
 17 *manage their lands to maintain and restore timberland to help*
 18 *achieve the state’s climate goals.*

19 *SEC. 2. Section 4621 of the Public Resources Code is amended*
 20 *to read:*

21 4621. (a) Any person who owns timberlands which are to be
 22 devoted to uses other than the growing of timber shall file an
 23 application for conversion with the board. The board shall, by
 24 regulation, prescribe the procedures for, form, and content of, the
 25 application. An application for a timberland conversion permit
 26 shall be accompanied by an application fee, payable to the

1 department, in an amount determined by the board pursuant to
2 subdivision (b).

3 (b) The board shall establish, by regulation, a system of
4 graduated timberland conversion permit fees to finance the cost
5 of administering this article.

6 (c) *For permits applicable to the conversion of timberlands of*
7 *three or more acres, the department may collect a fee as necessary*
8 *to cover its costs and the costs of the Department of Fish and Game*
9 *in approving these timberland conversion permits and ensuring*
10 *that mitigation requirements occur and are maintained over time.*

11 SEC. 3. Section 4622.5 is added to the Public Resources Code,
12 to read:

13 4622.5. (a) *An application for conversion of timberlands of*
14 *three or more acres shall not be approved unless the department,*
15 *based on information provided by the applicant, finds all of the*
16 *following:*

17 (1) *All of the environmental impacts of the conversion, including*
18 *impacts on wildlife, habitat values, and forest type are fully*
19 *mitigated. This determination shall be made in consultation with*
20 *the Department of Fish and Game.*

21 (2) *The mitigation pursuant to paragraph (1) occurs on*
22 *California timberlands and complies with the greenhouse gas*
23 *reduction principles identified in subdivision (d) of Section 38562*
24 *of the Health and Safety Code.*

25 (3) *The mitigation pursuant to paragraph (1) includes the loss*
26 *of carbon in above-ground and below-ground biomass and the*
27 *loss of future ongoing carbon sequestration. The mitigation shall*
28 *be consistent with the greenhouse gas methodologies approved by*
29 *the California Air Resources Board.*

30 (4) *The mitigation pursuant to paragraph (1) will be*
31 *implemented as required under subdivision (e).*

32 (b) *All mitigation associated with conversion projects shall be*
33 *on lands that secure the mitigation with a permanent conservation*
34 *easement and include, but not be limited to, the reforestation of a*
35 *previously forested area at a minimum acreage ratio of 1:1. The*
36 *lands on which this mitigation occurs shall not have been in forest*
37 *cover for at least 10 years.*

38 (c) *To the extent the reforestation activity in subdivision (b)*
39 *does not fully mitigate the impacts of the conversion project*

1 *identified in subdivision (a), the applicant shall undertake one or*
2 *a combination of the following actions:*

3 *(1) Avoid the loss of carbon in above-ground and below-ground*
4 *biomass by preserving timberland at risk of conversion.*

5 *(2) Manage timberlands to sequester additional carbon in*
6 *above-ground and below-ground forest biomass.*

7 *(d) All mitigation shall be the responsibility of the timberland*
8 *conversion permit applicant.*

9 *(e) All mitigation shall be implemented within one year of the*
10 *conversion to nonforest use and in either of the following ways:*

11 *(1) The permit applicant may undertake the mitigation directly,*
12 *if the department finds that the mitigation will comply with this*
13 *section.*

14 *(2) The permit applicant may undertake the mitigation through*
15 *contracts or other agreements with the state, or if the department*
16 *finds that the mitigation will comply with this section, with third*
17 *parties that have expertise in managing timberlands, including*
18 *local conservation corps, nonprofit organizations, or private*
19 *landowners.*

20 *(f) (1) The Timberland Conversion Services Fund is hereby*
21 *created in the State Treasury, to be administered by the Natural*
22 *Resources Agency.*

23 *(2) All moneys received by the agency pursuant to an agreement*
24 *authorized under paragraph (a) of subdivision (e) shall be*
25 *deposited in the fund and expended to mitigate the timberland*
26 *conversion that is the subject of that agreement.*

27 *(3) The moneys in the fund shall be continuously appropriated*
28 *to the agency for purposes of this section.*

29 *(g) Conversions that comply with subdivision (g) of Section*
30 *4584 are exempt from this section.*

31 *(h) The department may exempt from this section a county that*
32 *adopts a timberland conversion and mitigation ordinance that it*
33 *finds meets or exceeds the mitigation requirements of this section.*

34 *(i) The department shall develop guidelines to assist in*
35 *compliance with this section. Any guidelines shall be developed*
36 *in consultation with and approved by the California Air Resources*
37 *Board and shall be consistent with the relevant greenhouse gas*
38 *accounting method developed by the California Air Resources*
39 *Board. The California Air Resources Board and the department*

1 *may seek reimbursement of their costs from any appropriate source*
2 *including the fund established in paragraph (2) of subdivision (e).*
3 *(j) The requirements imposed by this section for the approval*
4 *of a timberland conversion permit are in addition to any other*
5 *requirements established by law or regulation.*

6 ~~SECTION 1. This act shall be known as the California~~
7 ~~Watershed and Timberland Conservation Act of 2012.~~

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

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

25 ~~(c) It is the intent of the Legislature that the timber harvest~~
26 ~~permitting process established by this act lead to measurable~~
27 ~~climate benefits in existing biological carbon stocks on the~~
28 ~~timberlands covered by this permitting process, while fostering~~
29 ~~other public benefits, and that long-term sustained yield include~~
30 ~~analysis of carbon stocks that demonstrates attainment of these~~
31 ~~objectives.~~

32 ~~(d) It is the intent of the Legislature that timberland enrolled in~~
33 ~~the watershed-scale timber harvest permitting program established~~
34 ~~by this act shall be maintained as forestland, and not converted to~~
35 ~~nonforest uses during the effective period of the permit.~~

36 ~~(e) It is the intent of the Legislature to maintain and enhance~~
37 ~~the climate benefits of California's timberlands by ensuring that~~
38 ~~any loss of timberland and carbon sequestration due to conversion~~
39 ~~to a nonforest use is mitigated.~~

1 (f) It is the intent of the Legislature that any watershed timber
2 harvest plans (WTHP) prepared under the permitting authority
3 established by this act will support the issuance of state permits
4 necessary to conduct timber operations over a 20-year period and
5 that agencies and departments with regulatory permitting authority
6 for activities necessary to implement timber operations concur
7 with the WTHP in writing prior to approval by the department.
8 Responsible and trustee agencies are expected to conduct joint
9 field inspections to resolve interagency disagreements because
10 discussions about resource management are often more effective
11 when they occur in the field.

12 (g) It is the intent of the Legislature to encourage forests to be
13 managed for structural and biological diversity, more structurally
14 diverse wildlife habitat, resilience to climate change and wildfire,
15 carbon sequestration, and protection of public trust resources.

16 (h) It is the intent of the Legislature that, to the extent possible,
17 responsible and trustee agencies will be able to rely on the
18 information and analysis contained within the WTHP in exercising
19 their duties under this article and other applicable law. It is not the
20 intent of the Legislature to constrain the authority of any
21 responsible or trustee or other public agency.

22 (i) It is the intent of the Legislature that the state agencies
23 involved in the review of a WTHP have the staff and fiscal
24 resources to be fully engaged in the review and approval of the
25 WTHP, its environmental analyses, and the other activities
26 enumerated in Article 7.6 (commencing with Section 4595) of
27 Chapter 8 of Part 2 of Division 4 of the Public Resources Code.

28 (j) It is the intent of the Legislature to recognize that landowners
29 with an interest in providing conservation benefits should be
30 allowed to participate in mitigation activities, including mitigation
31 banking, that add economic value to the conservation activities
32 undertaken pursuant to this act and other specified, beneficial
33 environmental actions.

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

1 Article 7.6. Watershed Timber Harvest Plan (WTHP)

2
3 4595. Notwithstanding Section 4521, unless the context
4 requires otherwise, the following definitions govern the
5 construction of this article:

6 (a) ~~“WTHP assessment area” means all or a portion of the~~
7 ~~ownership that has similar geological, climatic, and hydrological~~
8 ~~conditions. An assessment area may include land not owned or~~
9 ~~controlled by the plan submitter, as necessary to create a logical~~
10 ~~assessment unit. The assessment area shall be comprised of at least~~
11 ~~one or more planning watersheds. A watershed timber harvest plan~~
12 ~~may be comprised of one or more assessment areas.~~

13 (b) ~~“Onsite biological carbon stocks” means carbon in all~~
14 ~~above-and-below ground carbon pools, including, but not limited~~
15 ~~to, standing trees (including both live and dead trees, snags, and~~
16 ~~hardwoods), understory vegetation, lying dead wood, roots, and~~
17 ~~soils.~~

18 (c) ~~“Ownership” means the land owned by the timberland owner~~
19 ~~or timber owner.~~

20 (d) ~~“Planning watershed” means a planning watershed as~~
21 ~~delineated in the California Interagency Watershed Mapping~~
22 ~~Committee (CalWater) planning watershed maps.~~

23 (e) ~~“Watershed timber harvest plan” or “WTHP” means a~~
24 ~~20-year management plan and timber harvesting permit for~~
25 ~~timberlands that are located within a WTHP area for which timber~~
26 ~~harvesting is authorized pursuant to this article. The size and scope~~
27 ~~of the WTHP shall be restricted to a landowner’s ownership within~~
28 ~~a forest district, as defined by the board pursuant to Section 4531.~~

29 (f) ~~“Watershed timber harvest plan notice” or “WTHP notice”~~
30 ~~means a document that provides a description of timber harvest~~
31 ~~operations to be conducted pursuant to and consistent with an~~
32 ~~approved WTHP that meets the requirements of this article.~~

33 4595.1. (a) Except as modified in this article, the provisions
34 set forth in this chapter, and applicable regulations adopted by the
35 board that implement this chapter, shall apply.

36 (b) Except as otherwise expressly provided, nothing in this
37 article shall modify or affect the California Endangered Species
38 Act (Article 3 (commencing with Section 2080) of Chapter 1.5 of
39 Division 3 of the Fish and Game Code), the California
40 Environmental Quality Act (Division 13 (commencing with Section

1 21000)), the Porter-Cologne Water Quality Control Act (Chapter
2 1 (commencing with Section 13000) of Division 7 of the Water
3 Code), or any other provisions of state law applicable to timber
4 operations authorized pursuant to this chapter.

5 (e) Except as expressly provided in this article, all timber
6 operations within an approved WTHP shall be conducted pursuant
7 to this chapter.

8 4595.2. (a) A WTHP shall be filed with the department in
9 writing. A WTHP shall be prepared by a registered professional
10 forester and it shall be a public record and the WTHP and any
11 modifications thereto shall be available electronically to the public.

12 (b) Notwithstanding Section 4581, a person may conduct timber
13 operations pursuant to a WTHP, as authorized pursuant to this
14 article.

15 4595.3. The WTHP shall include all information otherwise
16 required of a timber harvest plan relating to environmental impacts,
17 mitigation measures, and feasible alternatives. All feasible
18 mitigation measures necessary to reduce environmental impacts
19 to a less than significant level shall be incorporated into and shall
20 be enforceable under the WTHP. It is the intent of the Legislature
21 that formalized monitoring and adaptive management criteria are
22 incorporated into a WTHP. The analysis of environmental impacts
23 shall be conducted for the entire watershed and assessment area
24 with sufficient detail to allow contemplated timber operations to
25 proceed without the need for further environmental review, except
26 as provided by this article.

27 4595.3.1. A WTHP shall also include all of the following
28 information, however, proprietary information shall remain subject
29 to Section 21160:

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

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

35 (c) Management objectives for resources addressed in the
36 WTHP, including forest products, carbon sequestration, and
37 structural retention.

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

1 ~~(e) Descriptions of the assessment area and rationale for~~
2 ~~assessment area selection.~~

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

7 ~~(2) All planning watersheds included in the assessment area~~
8 ~~shall be adjacent to or hydrologic subparts of, that assessment area.~~

9 ~~(f) Identification and mapping of planning watersheds classified~~
10 ~~as sensitive watersheds by the board and descriptions of the~~
11 ~~measures taken to protect resources within those watersheds.~~

12 ~~(g) Other provisions deemed necessary by the board and the~~
13 ~~responsible or trustee agencies in order to provide the information~~
14 ~~necessary to support the review and issuance of a WTHP.~~

15 ~~4595.4. (a) A WTHP shall include a sustained timber~~
16 ~~production assessment that clearly demonstrates consistency with~~
17 ~~the protection of soil, water, air, carbon sequestration, fish, and~~
18 ~~wildlife resources, and how the submitter will achieve maximum~~
19 ~~sustained production of high-quality timber products while giving~~
20 ~~consideration to regional economic vitality and employment at~~
21 ~~planned harvest levels during the planning horizon.~~

22 ~~(b) If the WTHP is based upon data on file with the director,~~
23 ~~the data shall be updated no sooner than 10 years and no later than~~
24 ~~11 years after the WTHP's initial approval.~~

25 ~~(c) The sustained timber production assessment required by~~
26 ~~subdivision (a) shall include all of the following:~~

27 ~~(1) A summary table of wildlife habitat relationship (WHR)~~
28 ~~compositions and stand structure types, or comparable stand~~
29 ~~structure types within forest vegetation types with their respective~~
30 ~~acreage. For an ownership's specific stand structure types, the~~
31 ~~registered professional forester shall provide a written description~~
32 ~~of the stand structure and characteristics that define each type, and~~
33 ~~comparisons of those types to WHR typing. The WHR system and~~
34 ~~its uses as described in "A Guide to the California Wildlife Habitat~~
35 ~~Relationships System," California Department of Fish and Game,~~
36 ~~March 1988 is herein incorporated by reference.~~

37 ~~(2) An estimate of the long-term sustained yield of the lands~~
38 ~~proposed to be included in the WTHP, which shall be stated in~~
39 ~~terms of board feet per year or cubic feet per year and include a~~
40 ~~description of how the estimate was reached. If the ownership has~~

1 not attained long-term sustained yield, the WTHP shall estimate
2 and justify the transition period necessary to achieve long-term
3 sustained yield.

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

9 (4) An initial projection and periodic demonstration of sustained
10 and measurable increases in forest carbon stocks on the
11 timberlands, excluding any decreases in stocks due to wildfire,
12 insect infestation, and disease, both inside and outside of any
13 wildlife protection zones during the period covered by the WTHP,
14 which shall be provided to the director and electronically displayed
15 to the public at the end of every fifth year of the WTHP.

16 (5) An initial projection and periodic demonstrations of
17 achieving and sustaining structural retention over the life of the
18 permit, which shall be provided to the director and electronically
19 displayed to the public at the end of every fifth year of the WTHP.

20 (6) A discussion of the accuracy of the inventory data for the
21 management unit. Inventory data, models, and growth and harvest
22 projections utilized for harvest scheduling projections shall be
23 available for confidential audits by reviewing agencies along with
24 the basis for this data, including, but not limited to, the cruise
25 design and sample plot data and the statistical validity of those
26 estimates.

27 (7) A description of the silvicultural prescriptions applied to
28 each stand type, along with projected changes in WHR types or
29 stand structure types at five-year intervals that reflects planned
30 silvicultural application and growth of harvested and unharvested
31 stands.

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

35 (d) The landowner shall include maps in the WTHP that show
36 spatial and temporal information about areas to be harvested,
37 including silvicultural method over the life of the permit. Every
38 four years the landowner shall provide the agencies and the public
39 with more specific maps that are consistent with the initial
40 projection. If the quadrennial updates differ significantly from the

1 initial projection, the WTHP shall be amended pursuant to this
2 chapter:

3 4595.5. A WTHP shall include a fish and wildlife assessment
4 that shall contain all of the following:

5 (a) The geographic area covered by the fish and wildlife impacts
6 assessment that shall be the same area as the assessment area level
7 in the WTHP. Publicly available wildlife data shall be used for
8 areas outside the ownership and shall be included at the request
9 of a responsible or trustee agency when necessary for its analysis
10 of the individual or cumulative effects of proposed timber
11 operations:

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

22 (c) Maps by assessment area showing changes to wildlife habitat
23 relationship types or stand structure types that are likely to result
24 from projected timber operations:

25 (d) A description and demonstration that operations shall retain
26 and accrue structural elements, including large live trees, dead
27 snags and downed logs that meet the minimum standards set forth
28 in subdivision (b) of Section 4595.7, and provide any additional
29 structure necessary for wildlife:

30 4595.6. (a) Operations under a WTHP shall ensure that lands
31 stay in timber production, are managed in a manner that results in
32 an increase in total sequestered forest carbon both inside and
33 outside of any wildlife protection zones, and maintain a structurally
34 and biologically diverse landscape, resilient to climate change and
35 natural fire regimes:

36 (b) Lands enrolled in a WTHP shall be managed for timber
37 production for the life of the permit. If any timberland covered by
38 the permit is converted to a nontimber use or zoning is changed
39 to a status that would facilitate a nontimber use, the WTHP shall

1 ~~be suspended pursuant to paragraph (5) of subdivision (a) of~~
2 ~~Section 4595.28.~~

3 ~~(e) Timberlands covered by the WTHP shall be managed in a~~
4 ~~manner that increases the total sum of onsite biological carbon~~
5 ~~stocks by at least _____ percent across timberlands in the permit~~
6 ~~area over the life of the permit and shall be assessed and~~
7 ~~demonstrated to the department in a public document in five-year~~
8 ~~intervals.~~

9 ~~(d) It is the intent of the Legislature that lands managed under~~
10 ~~a WTHP shall result in, or where it already exists, maintain, a~~
11 ~~landscape with significant structural diversity that is consistent~~
12 ~~with this article, which persists over time.~~

13 ~~(e) Forest structure within any even-aged harvest unit within~~
14 ~~one mile and visible from a federal or state highway shall be~~
15 ~~retained at one of the following levels:~~

16 ~~(1) High retention — in areas that the registered professional~~
17 ~~forester determines to be directly visible from a federal or state~~
18 ~~highway, an average of at least eight trees per acre, 16 inches~~
19 ~~diameter at breast height or greater, will be retained. The spacing~~
20 ~~of retained trees will average approximately 50-75 feet or clumped~~
21 ~~to mimic natural openings. Retained trees will be representative~~
22 ~~of the stand.~~

23 ~~(2) Moderate retention — in areas that the registered professional~~
24 ~~forester determines to have partial screening due to topography,~~
25 ~~slope, distance, or adjacent stands, an average of at least six trees~~
26 ~~per acre, 16 inches diameter at breast height or greater, will be~~
27 ~~retained. The spacing of retained trees will average approximately~~
28 ~~75-100 feet or clumped to mimic natural openings. Retained trees~~
29 ~~will be representative of the stand.~~

30 ~~4595.7.—(a) In the WTHP plan the registered professional~~
31 ~~forester shall describe in sufficient detail to provide for review and~~
32 ~~evaluation information on all of the following:~~

33 ~~(1) The types of trees and structural elements that will be~~
34 ~~retained and the objective intended to be achieved by retention.~~

35 ~~(2) The planned distribution and quantity of retained trees and~~
36 ~~the intended duration of the retention.~~

37 ~~(3) Any potential future conditions or events reasonably known~~
38 ~~to the forester that would allow harvest of retained trees.~~

39 ~~(b) (1) Retention for this article may be either dispersed or~~
40 ~~aggregated.~~

1 ~~(2) Dispersed retention shall be measured in average basal area~~
2 ~~per acre and at a minimum shall equal _____ percent of the Resource~~
3 ~~Conservation Standards for minimum stocking basal areas,~~
4 ~~contained in paragraph (2) of subdivision (b) of Section 912.7 of~~
5 ~~Title 14 of the California Code of Regulations.~~

6 ~~(3) Where retention is aggregated into groups that are greater~~
7 ~~than or equal to _____ acres, the percentage of harvest unit area~~
8 ~~shall be the standard. The sum of all areas within groups divided~~
9 ~~by harvest unit acres will be used to determine the percentage of~~
10 ~~aggregated retention in the harvest unit. The minimum aggregate~~
11 ~~structural retention standard shall be _____ percent of the harvest~~
12 ~~unit acres.~~

13 ~~(e) Areas and trees located within the boundaries of a wildlife~~
14 ~~protection zone identified in the forest practice rules will be~~
15 ~~excluded from calculating retention pursuant to subdivision (b).~~

16 ~~(d) Trees designated for structural retention that are intended~~
17 ~~for future harvest and decadent trees, hardwoods, or snag~~
18 ~~recruitment trees shall be retained for the life of the permit.~~

19 ~~4595.8. A WTHP shall include a watershed resource assessment~~
20 ~~and planning segment that shall include all of the following:~~

21 ~~(a) An analysis of potentially significant adverse environmental~~
22 ~~impacts, including cumulative impacts, of the planned operations~~
23 ~~and other projects, including, but not limited to, impacts on ambient~~
24 ~~water quality and the beneficial uses of water, retention of forest~~
25 ~~structure, fisheries, wildlife, and other environmental values,~~
26 ~~including onsite biological carbon stocks.~~

27 ~~(b) (1) A description of the individual planning watersheds in~~
28 ~~sufficient detail to allow a review of the analysis of impacts.~~

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

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

36 ~~(B) A description of the rules, regulations, and practices,~~
37 ~~including site specific practices, to be used to minimize erosion~~
38 ~~from timber operations and address impairments identified pursuant~~
39 ~~to the Clean Water Act (33 U.S.C. Sec. 1251, and following). A~~
40 ~~description of the rules, regulations, and practices that are~~

1 implemented to maintain water temperatures that meet or exceed
2 the standards established in relevant basin plans and other
3 applicable provisions of the Porter-Cologne Water Quality Control
4 Act (Division 7 (commencing with Section 13000) of the Water
5 Code):

6 ~~(3) For all planning watersheds in which harvesting will take~~
7 ~~place, descriptions shall include, as appropriate, either or both of~~
8 ~~the following:~~

9 ~~(A) A map of all public roads, which includes United States~~
10 ~~Forest Service cost-shared roads within the WTHP area, as well~~
11 ~~as an inventory and plan for management of all the permanent,~~
12 ~~seasonal, and temporary roads controlled by the landowner. On~~
13 ~~roads controlled by the landowner, the road inventory shall do all~~
14 ~~of the following:~~

15 ~~(i) Identify problem areas that are discharging sediment in~~
16 ~~violation of basin plan standards to waterways or that are~~
17 ~~threatening to discharge sediment to waterways, or are otherwise~~
18 ~~causing environmental harm or in need of maintenance.~~

19 ~~(ii) Prioritize identified road-repair sites.~~

20 ~~(iii) Provide a schedule of repair of the prioritized road sites.~~

21 ~~(B) An identification of areas known to be sensitive to ground~~
22 ~~disturbance that may become sources of erosion and sediment in~~
23 ~~streams.~~

24 ~~(c) A discussion of feasible measures included in the plan that~~
25 ~~will mitigate or avoid significant adverse impacts on traffic~~
26 ~~associated with log hauling on public roads that may be used for~~
27 ~~timber hauling, including a discussion of any measures necessary~~
28 ~~to mitigate impacts on the adjacent community.~~

29 ~~(d) A discussion of the range of projected impacts of climate~~
30 ~~change in the region covered by the WTHP and a discussion of~~
31 ~~management considerations and desired future forest conditions~~
32 ~~that will promote a resilient forest in the future.~~

33 ~~4595.9. The registered professional forester preparing the~~
34 ~~WTHP shall certify and provide a report describing his or her, or~~
35 ~~a designee's, inspection of the WTHP area.~~

36 ~~4595.10. The notice of receipt of the proposed WTHP shall be~~
37 ~~given by the department within two working days following~~
38 ~~submission of the proposed WTHP. The method of notice shall be~~
39 ~~by United States Postal Service, or at the discretion of the~~
40 ~~department, may be sent electronically. The person submitting the~~

1 WTHP shall provide to the department a list of the names and
2 addresses of persons to whom the notice is to be mailed.

3 ~~4595.11. (a) The department shall provide notice of the filing
4 of the WTHP and any amendments to the WTHP to any person
5 who requests, either in writing or through electronic means. Upon
6 receipt of the WTHP, the department shall place the WTHP, or a
7 true copy of the WTHP, in a file available for public inspection in
8 a county in which timber operations are proposed under the WTHP.
9 The department shall also post a copy of the notice electronically
10 on the department's Internet Web site.~~

11 ~~(b) For the purpose of coordinated interdisciplinary and
12 multiagency review, the department shall transmit a written or
13 electronic copy of the WTHP to the Department of Fish and Game,
14 Department of Conservation, the appropriate California regional
15 water quality control board, the county planning agency, and all
16 other public agencies having jurisdiction by law over natural
17 resources affected by the proposed WTHP.~~

18 ~~(c) To the extent necessary to cover expenses associated with
19 the review and approval of the WTHP submitted, the department
20 and trustee or responsible agencies may assess a fee to cover the
21 WTHP review and approval costs, not to exceed a total of one
22 hundred thousand dollars (\$100,000).~~

23 ~~(d) Prior to approval of a WTHP, all state trustee and responsible
24 agencies, which have jurisdiction over resources that may
25 potentially be impacted by proposed operations, shall jointly
26 conduct at least one comprehensive field review of the proposed
27 WTHP. Each trustee and responsible agency shall have the
28 authority to require that a WTHP be supplemented with any
29 additional information necessary to enable that agency to carry
30 out its statutory and regulatory responsibilities. Notwithstanding
31 Section 4604, this field review shall be completed within _____
32 days.~~

33 ~~(e) The director shall approve the WTHP upon written
34 concurrence from all the trustee and responsible agencies in all of
35 the following:~~

36 ~~(1) That the WTHP contains information and analysis sufficient
37 to enable those agencies to comply with their respective statutory
38 and regulatory obligations.~~

39 ~~(2) That the WTHP analyzes all significant environmental effects
40 and includes all feasible mitigation measures to minimize or avoid~~

1 environmental impacts, consistent with Section 4595.3 and any
2 other applicable law.

3 (3) That operations pursuant to the WTHP will not result in a
4 violation of any law or regulation within the jurisdiction of the
5 concurring agency.

6 (f) The WTHP provisions of this article shall not be operative
7 until such time that the fee described in subdivision (c) has been
8 adopted and is in effect.

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

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

28 4595.14. WTHPs shall be filed, reviewed, approved, amended,
29 and appealed according to the same procedures applicable to timber
30 harvest plans as set forth in this chapter, the rules and regulations
31 of the board, and all other applicable laws. The director shall make
32 a determination whether the WTHP conforms with the rules and
33 regulations of the board, identifies and mitigates potentially
34 significant adverse environmental effects, and conforms to the
35 requirements of this chapter.

36 4595.15. (a) If the director determines that the WTHP would
37 violate an applicable rule, law, or regulation, the director shall
38 return the WTHP, stating his or her reasons, and advise the person
39 submitting the WTHP of the person's right to a hearing before the
40 board.

1 ~~(b) If the director is unable to approve a WTHP due to~~
2 ~~nonconcurrence by a review team agency, that agency shall explain~~
3 ~~the reason in writing within 10 days of its noneoneurrence.~~

4 ~~(c) A person to whom a WTHP is returned may, within 10 days~~
5 ~~from the receipt of the WTHP, request a public hearing pursuant~~
6 ~~to this section. The board shall conduct a public hearing with the~~
7 ~~participation of the appropriate California regional water quality~~
8 ~~control board, the Department of Fish and Game, and all other~~
9 ~~reviewing trustee, responsible, or other public agencies, to evaluate~~
10 ~~the WTHP and determine if the WTHP conforms with the rules~~
11 ~~and regulations of the board and other provisions of this chapter.~~

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

15 ~~4595.16. (a) An approved WTHP shall be effective for a period~~
16 ~~of 20 years.~~

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

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

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

1 or other activities required pursuant to the other permits associated
2 with the WTHP.

3 ~~4595.18. The WTHP landowner may cancel or suspend the~~
4 ~~WTHP by submitting a written notice to the department. Once~~
5 ~~timber operations have commenced pursuant to a WTHP notice,~~
6 ~~cancellation is not effective on land covered by the notice until a~~
7 ~~report of satisfactory completion and stocking has been issued~~
8 ~~pursuant to Sections 4585, 4586, and 4587.~~

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

19 ~~(b) A WTHP notice shall be filed at least 30 days prior to~~
20 ~~conducting timber operations pursuant to the WTHP, and shall~~
21 ~~describe all operations to be conducted under the notice for no less~~
22 ~~than 12 months or more than 18 months and may include operations~~
23 ~~that were planned but not completed in previous notifications.~~

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

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

35 ~~4595.20. The notice shall be a public record and shall include~~
36 ~~all of the following information:~~

37 ~~(a) The name and address of the timber owner.~~

38 ~~(b) The name and address of the timber operator.~~

39 ~~(c) The name and address of the registered professional forester~~
40 ~~preparing the notice.~~

- 1 ~~(d) A description of the land on which the work is proposed to~~
2 ~~be done.~~
- 3 ~~(e) A statement that archeological areas identified in the WTHP~~
4 ~~and any discovered during notice preparation will be protected or~~
5 ~~appropriately managed.~~
- 6 ~~(f) A statement that rare, threatened, or endangered plant or~~
7 ~~animal species identified in the WTHP or during notice preparation~~
8 ~~will be protected or managed appropriately.~~
- 9 ~~(g) A statement that there have been no physical environmental~~
10 ~~changes in the notice area that are so significant as to require an~~
11 ~~amendment of the WTHP.~~
- 12 ~~(h) Information demonstrating all of the following:~~
- 13 ~~(1) The proposed operations are within the geographic area~~
14 ~~covered by the WTHP.~~
- 15 ~~(2) The proposed operations were described in and are consistent~~
16 ~~with the WTHP.~~
- 17 ~~(3) The proposed operations will implement all applicable~~
18 ~~mitigation measures set forth in the WTHP.~~
- 19 ~~(4) A statement identifying any minor deviation from the plan~~
20 ~~as defined in Section 898.1 of Title 14 of the California Code of~~
21 ~~Regulations. The director shall have five working days in which~~
22 ~~to concur that the proposed deviation is minor, and is not a~~
23 ~~substantial deviation pursuant to Section 898.1 of Title 14 of the~~
24 ~~California Code of Regulations. A determination that a proposed~~
25 ~~deviation is substantial would require an amendment to the WTHP.~~
- 26 ~~(5) There have been no substantial changes with respect to the~~
27 ~~circumstances under which the proposed operations are to be~~
28 ~~undertaken that will require revision of the analysis in the WTHP~~
29 ~~due to the involvement of new significant environmental effects,~~
30 ~~as would be required under the current CEQA Guidelines, enacted~~
31 ~~pursuant to Section 15162 of Title 14 of the California Code of~~
32 ~~Regulations.~~
- 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 WTHP~~
36 ~~for protection of the beneficial uses of water, soil stability, forest~~
37 ~~productivity, and wildlife.~~
- 38 ~~(j) Special provisions, if any, to protect any identified unique~~
39 ~~area within the area of timber operations, except those~~
40 ~~archeological resources designated as confidential.~~

- 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. 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. Within 60 days of the filing of the notice, the director~~
12 ~~shall approve the proposed operations described in the notice, if~~
13 ~~all of the following conditions are satisfied:~~
- 14 ~~(a) Public notice has been provided, including notice to~~
15 ~~responsible and trustee agencies, and all comments received from~~
16 ~~the public or other agencies have been addressed in writing.~~
- 17 ~~(b) The director conducts a field review of the proposed~~
18 ~~operations if determined necessary to confirm compliance with~~
19 ~~the provisions of the WTHP.~~
- 20 ~~(c) The director determines that all environmental effects of the~~
21 ~~proposed operations were adequately addressed in the WTHP,~~
22 ~~including compliance with the current CEQA Guidelines contained~~
23 ~~in Section 15152 of Title 14 of the California Code of Regulations.~~
- 24 ~~(d) The director has confirmed that the notice contains the~~
25 ~~information required in Section 4595.20 and that all such~~
26 ~~information is accurate.~~
- 27 ~~(e) No trustee or responsible agency has objected that the notice~~
28 ~~does not contain the information required in Section 4595.20.~~
- 29 ~~(f) The registered professional forester certifies that planned~~
30 ~~operations are consistent with the WTHP notice and that all~~
31 ~~conditions of an incidental take permit will be fulfilled.~~
- 32 ~~(g) The registered professional forester certifies that all~~
33 ~~operations will be conducted pursuant to this article and its~~
34 ~~applicable operational regulations pursuant to this chapter and the~~
35 ~~rules of the board.~~
- 36 ~~(h) The registered professional forester certifies that all~~
37 ~~necessary work has been completed preparatory to operations such~~
38 ~~as identification of watercourse and lake protection zone, roads,~~
39 ~~stream crossing design, tree marking, unit layout, harvest boundary~~
40 ~~delineation, and any other requirements established by the director.~~

1 (i) ~~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 noneconcurs~~
5 ~~with a WTHP notice, the nonconcurrence shall be resolved utilizing~~
6 ~~the appeals process defined in Section 4582.9. Operations shall~~
7 ~~not commence until the nonconcurrence is resolved. The hearing~~
8 ~~shall be held within 30 days of the nonconcurrence 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 nonconcurrence with a~~
15 ~~WTHP notice occurs in an attempt to achieve agreement among~~
16 ~~the agencies that would eliminate the basis of such nonconcurrence~~
17 ~~and that is adopted in a plan amendment. An amendment to a~~
18 ~~WTHP shall be required if the presence of threatened, endangered,~~
19 ~~or candidate species was not previously evaluated.~~

20 ~~4595.25. The director shall approve a WTHP notice unless the~~
21 ~~director finds that a notice is inadequate pursuant to Section~~
22 ~~4595.22. The plan submitter shall not commence the proposed~~
23 ~~timber operations until the WTHP has been amended. The~~
24 ~~amendment to the WTHP shall contain sufficient information and~~
25 ~~analysis to address any deficiencies that prevented the director~~
26 ~~from approving the notice.~~

27 ~~4595.26. Upon the completion of activities pursuant to the~~
28 ~~WTHP notice, the landowner shall file a report of satisfactory~~
29 ~~completion pursuant to Section 4585 and a stocking report pursuant~~
30 ~~to Section 4587. The director shall comply with Section 4586. The~~
31 ~~completion report shall identify those areas in which operations~~
32 ~~were conducted. The registered professional forester who prepares~~
33 ~~the WTHP, notice, or report, or any other registered professional~~
34 ~~forester who is employed by the WTHP landowner or operator,~~
35 ~~shall report to the owner or operator and the department if there~~
36 ~~are deviations from the WTHP.~~

37 ~~4595.27. If the board finds that a registered professional forester~~
38 ~~has made a material misstatement in a WTHP, notice, or report~~
39 ~~under this article, the board shall take disciplinary action against~~
40 ~~him or her as provided in Section 775.~~

1 ~~4595.28. (a) A WTHP shall be suspended by the department~~
2 ~~if any of the following conditions apply:~~

3 ~~(1) It is determined by the department that the provisions of the~~
4 ~~WTHP are not being met.~~

5 ~~(2) The WTHP landowner fails to file a compliance report,~~
6 ~~certified by a registered professional forester, as required under~~
7 ~~Section 4595.12.~~

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

9 ~~(4) Timber operations are causing violations of permits issued~~
10 ~~by the department, the Department of Fish and Game, a California~~
11 ~~regional water quality control board, or any other trustee,~~
12 ~~responsible, or other reviewing public agency.~~

13 ~~(5) The landowner files an application for a timberland~~
14 ~~conversion permit pursuant to Article 9 (commencing with Section~~
15 ~~4621) for lands within the boundaries of an approved WTHP or a~~
16 ~~party proposes to remove lands from within the boundaries of an~~
17 ~~approved WTHP or from a timberland production zone pursuant~~
18 ~~to the California Timberland Productivity Act of 1982 (Article 1~~
19 ~~(commencing with Section 51100) of Chapter 6.7 of Part 1 of~~
20 ~~Division 1 of Title 5 of the Government Code).~~

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

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

30 ~~(d) Upon suspension or cancellation of the WTHP, tree removal~~
31 ~~operations pursuant to an active WTHP notice are prohibited. Once~~
32 ~~operations on the WTHP notice have ceased, all required erosion~~
33 ~~control and the application of site-specific mitigation and road~~
34 ~~maintenance described in the WTHP to avoid adverse~~
35 ~~environmental impacts shall be completed.~~

36 ~~(e) During a period of WTHP suspension or cancellation, a~~
37 ~~landowner may submit timber harvesting plans to the department~~
38 ~~for approval under Section 4581, and, if approved, may operate~~
39 ~~pursuant to those plans while the conditions described in this~~
40 ~~section are under consideration by the director. However, if the~~

1 impacts of those harvest plans are equivalent or more significant
2 than the operations evaluated in the WTHP, those plans shall not
3 be approved.

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

8 4595.29. In addition to an inspection provided for under Section
9 4604, the department shall provide a compliance inspection of the
10 area in which timber operations are being or are to be conducted
11 pursuant to an approved notice within one year of the approval
12 date of the WTHP, and every year thereafter, during the effective
13 period of the WTHP, to ensure compliance with this chapter and
14 the rules and regulations of the board. This section does not limit
15 the authority of an agency to inspect pursuant to any other law.

16 4595.30. (a) Notwithstanding Section 10231.5 of the
17 Government Code, on or before December 31, 2017, and every
18 five years thereafter, the director shall inform the Legislature of
19 his or her evaluation of this article, including the identification of
20 any recommended amendments.

21 (b) A report submitted pursuant to subdivision (a) shall be
22 submitted in compliance with Section 9795 of the Government
23 Code.

24 4595.31. (a) It is the intent of the Legislature that the mitigation
25 provisions of this article prevent further reduction in the extent of
26 California's timberland and its associated climate and public
27 benefits.

28 (b) Timberland conversions of greater than one acre to nonforest
29 uses, including all harvesting necessary to complete a timberland
30 conversion, shall be fully mitigated, including, but not limited to,
31 mitigation for any depletion of current and future onsite biological
32 carbon stocks.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

3 ~~SEC. 4. Section 4604 of the Public Resources Code is amended~~
4 ~~to read:~~

5 ~~4604. (a) The department shall provide an initial inspection~~
6 ~~of the area in which timber operations are to be conducted within~~
7 ~~10 days from the date of filing of the timber harvesting plan,~~
8 ~~watershed timber harvest plan (WTHP), or nonindustrial timber~~
9 ~~management plan, or a longer period as may be mutually agreed~~
10 ~~upon by the department and the person submitting the plan, except~~
11 ~~that the inspection need not be made pursuant to the filing of a~~
12 ~~timber harvesting plan if the department determines that the~~
13 ~~inspection would not add substantive information that is necessary~~
14 ~~to enforce this chapter. The department shall provide for~~
15 ~~inspections, as needed, as follows:~~

16 ~~(1) During the period of commencement of timber operations.~~
17 ~~(2) When timber operations are well under way.~~
18 ~~(3) Following completion of timber operations.~~
19 ~~(4) At any other times as determined to be necessary to enforce~~
20 ~~this chapter.~~

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

38 ~~(2) Photographs taken during inspections shall be clearly labeled~~
39 ~~as to time, date, and location and shall be the property of the~~
40 ~~department and part of the inspection record. The inspection record~~

1 shall be subject to all provisions of the California Public Records
2 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
3 of Title 1 of the Government Code):

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

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

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