

**ASSEMBLY BILL**

**No. 875**

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**Introduced by Assembly Member Chesbro**

February 22, 2013

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An act to amend Section 4629.6 of, and to add Article 5.5 (commencing with Section 4564) to Chapter 8 of Part 2 of Division 4 of, the Public Resources Code, relating to resource protection and management.

LEGISLATIVE COUNSEL'S DIGEST

AB 875, as introduced, Chesbro. Forest management.

The Z' Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and is approved by, the Department of Forestry and Fire Protection. Existing law establishes the Timber Regulation and Forest Restoration Fund in the State Treasury, and requires that all revenues received from a specified assessment imposed on the retail sale of lumber products, as defined, and engineered wood products, as defined, less amounts deducted for refunds and reimbursements, be deposited into the fund. Existing law requires that moneys deposited into the fund be expended, upon appropriation by the Legislature, for specified purposes, including to fund existing restoration grant programs.

This bill would include the funding of projects relating to salmon and anadromous trout species to this list of purposes.

This bill would require the State Board of Forestry and Fire Protection and the department, with the guidance of other entities, including harvest plan review agencies, to conduct pilot projects, to be completed by January 1, 2017, to determine and implement processes that would

result in long-term efficiencies and cost savings while ensuring environmental performance that would protect and restore vital soil, water, wildlife, timber, and forest values and resources. The bill would require these pilot projects to focus on certain things, including reforming and standardizing requirements for vital information on a CalWater planning watershed basis. The bill would require funding and personnel for the development and implementation of the pilot projects to be from existing department and responsible agencies' budgets and personnel. The bill would require all documents that form the basis for the pilot projects to be posted on the department's Internet Web site and the findings and recommendations of the pilot projects to be presented at one or more public meetings.

The bill would require the board to develop recommendations and pass regulations for providing electronic public access to all relevant documents that assist the department in administering timber harvest regulations, in ensuring the protection and recovery of forest and watershed health and productivity, and in monitoring.

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

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 AB 1492 Implementation Act for Forest Restoration, Ecological
- 3 Performance, and Program Efficiencies.
- 4 SEC. 2. The Legislature finds and declares all of the following:
- 5 (a) There are numerous water bodies in California that have
- 6 been declared by the State Water Resources Control Board to be
- 7 impaired due to excessive sedimentation, high water temperatures,
- 8 and pollutants.
- 9 (b) Sequestration of carbon in forest lands is a vital component
- 10 of California's climate change strategy as articulated by the Climate
- 11 Action Team and the State Air Resources Board.
- 12 (c) The regions of California that have state or federally listed
- 13 anadromous salmonid species are often predominately forest lands
- 14 that are subject to the Z'berg-Nejedly Forest Practice Act of 1973,
- 15 pursuant to Chapter 8 (commencing with Section 4511) of Part 2
- 16 of Division 4 of the Public Resources Code, for purposes of review
- 17 and approval of timber harvest plans. These plans include, but are
- 18 not limited to, timber harvest plans (THPs), nonindustrial timber

1 management plans (NTMPs), sustained yield plans (SYPs), and  
2 program timberland environmental impact reports (PTEIRs).

3 (d) Important gains have been made in forest land resource  
4 protection and conservation since the Z'berg-Nejedly Forest  
5 Practice Act of 1973, including the application of the California  
6 Environmental Quality Act (CEQA), and various state and federal  
7 water quality and fish and game statutes and regulations.

8 (e) There are still opportunities for improvement by the  
9 development of a comprehensive cumulative effects review process  
10 that is conducted in cooperation with landowners and other  
11 stakeholders. An effective cumulative effects review process can  
12 provide the information necessary to restore and recover fish and  
13 wildlife populations, to improve the quality and quantity of timber,  
14 to take actions to reduce fire hazards, to sequester carbon, to  
15 produce energy, and to create jobs.

16 (f) In 2012 the Legislature passed, and the Governor signed,  
17 Assembly Bill 1492 (Chapter 289 of the Statutes of 2012). This  
18 law, among other things, provided for the financing of the review  
19 and approval process for the plans described in subdivision (c).  
20 Key intent language in that law called for reform of that process  
21 to ensure that efficiencies for that process were determined and  
22 implemented, and that environmental performance was ensured.

23 (g) In addition and related to the key role of an improved  
24 cumulative effects evaluation and response, cited above, there is  
25 a need to determine effective and useful information organization  
26 and accessibility, to enable recovery of the referenced forest and  
27 watershed resources and to provide sets of adequate monitoring  
28 protocols that meet the dual need for efficiencies and environmental  
29 performance.

30 (h) Given the complexities, the involvement of multiple  
31 stakeholders, and the need to make positive progress in the needed  
32 reforms, it is necessary to undertake pilot projects that will enable  
33 formalization of measures that will accomplish the efficiencies  
34 referred to in subdivisions (f) and (g) and ensure environmental  
35 performance consistent with the responsibilities and needs of each  
36 of the stakeholders. The pilot projects conducted for purposes of  
37 this act will have the following attributes:

- 38 (1) A multidisciplinary approach.
- 39 (2) Qualified representatives of the range of stakeholders.
- 40 (3) Rigorous procedures.

- 1 (4) Transparency.
- 2 (5) Appropriate and varied locales.
- 3 (6) Well-documented and thought-out goals, processes, and
- 4 findings.

5 SEC. 3. Article 5.5 (commencing with Section 4564) is added  
 6 to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,  
 7 to read:

8  
 9 Article 5.5. Watershed Pilot Projects

10  
 11 4564. (a) The board and the department, guided by the Natural  
 12 Resources Agency and the California Environmental Protection  
 13 Agency, in partnership with harvest plan review agencies, the  
 14 range of public stakeholders, and the scientific community, shall  
 15 conduct pilot projects to determine and implement processes that  
 16 result in long-term efficiencies and cost savings while ensuring  
 17 environmental performance that will protect and restore vital soil,  
 18 water, wildlife, timber, and forest values and resources.

- 19 (b) The pilot projects shall initially focus on:
  - 20 (1) Reforming and standardizing requirements for vital
  - 21 information on a CalWater planning watershed basis by
  - 22 establishing basic templates for mapping and other information.
  - 23 The templates shall provide basic and electronically accessible
  - 24 information deemed necessary by the agencies, plan submitters,
  - 25 and the public to understand and fulfill their legal responsibilities.
  - 26 (2) Making the evaluation of and response to cumulative impacts
  - 27 credible and effective.
  - 28 (3) Enabling restoration measures to be identified for listed
  - 29 anadromous salmonids and other wildlife, watersheds, and the
  - 30 forest itself.
  - 31 (4) Determining appropriate and effective monitoring procedures
  - 32 and standards.

33 (c) The industry, agencies, and the public shall have the  
 34 opportunity to participate in the development and implementation  
 35 of the pilot projects in a transparent process.

36 (d) Initial pilot project results shall include the development of  
 37 guidelines for conducting a cumulative effects evaluation on a  
 38 planning watershed scale, and shall address the potential  
 39 project-specific planning watershed cumulative effects of timber  
 40 harvesting activities.

1 (e) All pilot projects shall:

2 (1) Take place at the appropriate spatial scale.

3 (2) Use reproducible, preferably quantitative, methods of  
4 evaluation as the primary means of determining baseline, or  
5 existing physical, chemical, or biological parameters, or both.

6 (3) Document the findings, conclusions, and recommendations.

7 (4) Be conducted by persons and entities with relevant training  
8 and experience.

9 (5) Have consultation with, and seek comment from, appropriate  
10 scientific experts and the public, including, but not limited to,  
11 qualified fisheries and wildlife biologists, in order to develop  
12 evaluation and implementation guidelines that are feasible,  
13 enforceable, and protective of the public trust.

14 (6) Use information from the State of Washington's Watershed  
15 Analysis Manual, the Methods Manual developed by the State of  
16 California's North Coast Watershed Assessment Program, the  
17 Recovery Strategy for California Coho Salmon, the National  
18 Oceanic and Atmospheric Administration fisheries' recovery plans  
19 for California evolutionarily significant units, the State Wildlife  
20 Action Plan, and from other pertinent reports, programs, and  
21 guidance documents.

22 (7) Include significant primary goals such as to effectively  
23 protect, maintain, and contribute to the restoration of properly  
24 functioning habitats for recovery of listed species, restoration of  
25 quality timberlands, or other goals deemed appropriate under  
26 Section 4564. Some of these goals may include reducing the risk  
27 of wildfire with special consideration for human communities,  
28 reducing sedimentation and soil loss, achieving long-term carbon  
29 sequestration in on-site tree growth and other on-site forest carbon  
30 pools, and protecting and restoring unique attributes of a given  
31 planning watershed.

32 (f) Pilot projects shall be consistent with state and federal  
33 mandates governing coho salmon recovery and restoration of  
34 impaired water bodies. Pilot projects shall also reflect the  
35 established joint policies between the board, the department, the  
36 Department of Fish and Wildlife, and the Fish and Game  
37 Commission.

38 (g) Funding and personnel for the development and  
39 implementation of pilot projects shall be provided from the  
40 department's existing budget and personnel. Harvest plan review

1 agencies participating in the pilot project shall first utilize funds  
2 from any appropriation made pursuant to subdivision (c) of Section  
3 4629.6. Additional funding shall be sought from private and public  
4 sources, statewide and nationally, with an emphasis on receiving  
5 support from educational institutions.

6 (h) All documents that form the basis for the pilot projects that  
7 are developed pursuant to this section shall be posted on the  
8 department's Internet Web site.

9 (i) Notwithstanding subdivision (h), findings, recommendations,  
10 and actions resulting from pilot projects shall be publicly accessible  
11 on the board's Internet Web site, along with copies or links to  
12 public documents that provide additional relevant information,  
13 including the scientific basis for analytical tools, supporting  
14 science, and data that is relied upon in the guidelines.

15 4565. The board, with the assistance of a multidisciplinary  
16 technical advisory committee, and in consultation with the Natural  
17 Resources Agency, the California Environmental Protection  
18 Agency, and other entities, as determined by the board, shall  
19 develop recommendations and adopt regulations, if necessary, for  
20 providing electronic public access to all relevant documents that  
21 assist the department in administering timber harvest regulations,  
22 in ensuring the protection and recovery of forest and watershed  
23 health and productivity, and in monitoring. Watershed-specific  
24 information shall be organized by the CalWater planning  
25 watersheds, which may then be conglomerated into larger  
26 aggregations, as appropriate.

27 4566. (a) The pilot projects required by this article shall be  
28 completed by January 1, 2017.

29 (b) The findings and recommendations of pilot projects shall  
30 focus on the collection, organization, distribution, and use of  
31 information that will more efficiently and effectively assist  
32 cumulative effect analyses, post harvest monitoring, and forest  
33 restoration activities. The goal of these recommendations shall be  
34 to meet (1) the needs of each of the agencies and the public and  
35 private stakeholders and (2) the criteria of creating efficiencies  
36 and ensuring environmental performance.

37 (c) The findings and recommendations shall be presented at one  
38 or more public hearings, depending on the scope and spacial extent  
39 of those findings and recommendations. The initial hearing shall

1 be before the board, with all pilot project-involved agencies  
2 required to be present.

3 (d) Upon making a finding that the recommendations satisfy  
4 the goals specified in subdivision (b), the board shall implement  
5 the recommendations. If the board determines that regulations are  
6 necessary to implement those recommendations, the board, in  
7 consultation with the department, the Department of Fish and  
8 Wildlife, the State Water Resources Control Board, and the  
9 Department of Conservation, shall adopt the regulations by January  
10 1, 2018.

11 SEC. 4. Section 4629.6 of the Public Resources Code is  
12 amended to read:

13 4629.6. Moneys deposited in the fund shall, upon appropriation  
14 by the Legislature, only be expended for the following purposes:

15 (a) To reimburse the State Board of Equalization for its  
16 administrative costs associated with the administration, collection,  
17 audit, and issuance of refunds related to the lumber products and  
18 engineered wood assessment established pursuant to Section  
19 4629.5.

20 (b) To pay refunds issued pursuant to Part 30 (commencing  
21 with Section 55001) of Division 2 of the Revenue and Taxation  
22 Code.

23 (c) To support the activities and costs of the department, the  
24 Department of Conservation, the Department of Fish and ~~Game~~  
25 *Wildlife*, the State Water Resources Control Board, and regional  
26 water quality control boards associated with the review of projects  
27 or permits necessary to conduct timber operations. On or after July  
28 1, 2013, except for fees applicable for fire prevention or protection  
29 within state responsibility area classified lands or timber yield  
30 assessments, no currently authorized or required fees shall be  
31 charged by the agencies listed in this subdivision for activities or  
32 costs associated with the review of a project, inspection and  
33 oversight of projects, and permits necessary to conduct timber  
34 operations of those departments and boards.

35 (d) For transfer to the department's Forest Improvement  
36 Program, upon appropriation by the Legislature, for forest resources  
37 improvement grants and projects administered by the department  
38 pursuant to Chapter 1 (commencing with Section 4790) and  
39 Chapter 2 (commencing with Section 4799.06) of Part 2 of Division  
40 4.

1 (e) To fund existing restoration grant programs, *including*  
2 *programs described in subdivision (b) of Section 6217.1 relating*  
3 *to salmon and anadromous trout species.*

4 (f) To the department, upon appropriation by the Legislature,  
5 for fuel treatment grants and projects pursuant to authorities under  
6 the Wildland Fire Protection and Resources Management Act of  
7 1978 (Article 1 (commencing with Section 4461) of Chapter 7 of  
8 Part 2 of Division 4).

9 (g) To the department, upon appropriation by the Legislature,  
10 to provide grants to local agencies responsible for fire protection,  
11 qualified nonprofits, recognized tribes, local and state governments,  
12 and resources conservation districts, undertaken on a state  
13 responsibility area (SRA) or on wildlands not in an SRA that pose  
14 a threat to the SRA, to reduce the costs of wildland fire suppression,  
15 reduce greenhouse gas emissions, promote adaptation of forested  
16 landscapes to changing climate, improve forest health, and protect  
17 homes and communities.