

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 904

Introduced by Assembly Member Chesbro

February 22, 2013

An act relating to forest resources, to amend Sections 4593.2, 4593.3, 4593.8, 4593.9, 4593.11, 4594, and 4594.7 of, and to add Section 4594.8 to, the Public Resources Code, relating to timber management plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Chesbro. ~~Forestry: nonindustrial timber management plan.~~ Nonindustrial timber management plans: nonindustrial forest landowners.

Existing law prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The Forest Practice Act of 1973 provides that the Director of the Department of Forestry and Fire Protection has the final authority to determine whether a timber harvesting plan conforms with rules and regulations pertaining to timber harvesting. Existing law authorizes a person who intends to become a nonindustrial tree farmer to file a nonindustrial timber management plan with the department with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of a nonindustrial timber management plan, and prescribes procedures for the preparation, filing, and approval of those plans. Existing law, for purposes of provisions governing nonindustrial timber management plans, defines a “nonindustrial tree farmer” to mean an owner of timberland with less than 2,500 acres

who has an approved nonindustrial management plan and is not primarily engaged in the manufacture of forest products.

This bill would replace references in the Forest Practice Act of 1973 to a “nonindustrial tree farmer” with the term “nonindustrial forest landowner.” The bill would revise the definition of the nonindustrial tree landowner to mean an owner of timberland with no more than 2,500 acres.

This bill would require the State Board of Forestry and Fire Protection to adopt regulations, no later than January 1, 2015, to provide for an appeal procedure in the event the department cancels a previously approved nonindustrial timber management plan.

~~The Z’berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection. The act authorizes a nonindustrial timber management plan to be filed with the department in writing by a person who intends to become a nonindustrial tree farmer with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of a nonindustrial timber management plan.~~

~~This bill would state that it is the intent of the Legislature to reform the nonindustrial timber management plan program to improve forest health and to provide incentives so that more landowners to utilize the program.~~

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

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

- 1 *SECTION 1. Section 4593.2 of the Public Resources Code is*
- 2 *amended to read:*
- 3 4593.2. Notwithstanding Section 4521, unless the context
- 4 otherwise requires, the following definitions govern construction
- 5 of this article:
- 6 (a) “Nonindustrial timberlands” means timberland owned by a
- 7 nonindustrial ~~tree farmer~~. *forest landowner.*
- 8 (b) “Nonindustrial ~~tree farmer~~” *forest landowner*” means an
- 9 owner of timberland with ~~less~~ *no more* than 2,500 acres who has

1 an approved nonindustrial management plan and is not primarily
2 engaged in the manufacture of forest products.

3 (c) “Uneven aged management” means the management of a
4 specific forest, with the goal of establishing a well stocked stand
5 of various age classes and ~~which~~ *that* permits the periodic harvest
6 of individual or small groups of trees to realize the yield and
7 continually establish a new crop.

8 (d) “Sustained yield” means the yield of commercial wood that
9 an area of commercial timberland can produce continuously at a
10 given intensity of management consistent with required
11 environmental protection and ~~which~~ *that* is professionally planned
12 to achieve over time a balance between growth and removal.

13 (e) “Nonindustrial timber management plan” means a
14 management plan for nonindustrial timberlands with an objective
15 of an uneven aged managed timber stand and sustained yield for
16 each parcel or group of contiguous parcels meeting the
17 requirements of Section 4593.3.

18 (f) “Nonindustrial timber harvest notice” means notice of timber
19 harvest operations pursuant to an approved nonindustrial timber
20 management plan and meeting the requirements of Section 4594.

21 *SEC. 2. Section 4593.3 of the Public Resources Code is*
22 *amended to read:*

23 4593.3. A nonindustrial timber management plan may be filed
24 with the department in writing by a person who intends to become
25 a nonindustrial ~~tree farmer~~ *forest landowner* with the long-term
26 objective of an uneven aged timber stand and sustained yield
27 through the implementation of a nonindustrial timber management
28 plan. The management plan shall be prepared by a registered
29 professional forester. It shall be a public record and shall include
30 all of the following information:

31 (a) The name and address of the timberland owner.

32 (b) A description of the land on which the plan is proposed to
33 be implemented, including a United States Geological Survey
34 quadrangle map or equivalent indicating the location of all streams,
35 the location of all proposed and existing logging truck roads, and
36 indicating boundaries of all site I classification timberlands to be
37 stocked in accordance with subdivision (b) of Section 4561 and
38 any other site classifications if the board establishes specific
39 minimum stocking standards for other site classifications.

1 (c) A description of the silviculture methods to be applied and
2 the type of yarding equipment to be used.

3 (d) An outline of the methods to be used to avoid excessive
4 accelerated erosion from timber operations to be conducted within
5 the proximity of a stream.

6 (e) Special provisions, if any, to protect any unique area within
7 the boundaries of the proposed nonindustrial timber management
8 plan.

9 (f) A description of the existing stand, its current projected
10 growth, alterations required to achieve the management objectives,
11 the projected timber volumes and tree sizes to be available for
12 harvest, and projected frequencies of harvest.

13 (g) A certification by the registered professional forester
14 preparing the plan that he or she or a designee has personally
15 inspected the plan area.

16 (h) Any other information the board provides by regulation to
17 meet its rules and the standards of this chapter.

18 ~~(i) This section shall become operative on January 1, 1996.~~

19 *SEC. 3. Section 4593.8 of the Public Resources Code is*
20 *amended to read:*

21 4593.8. The nonindustrial ~~tree farmer~~ forest landowner may
22 submit a proposed amendment to the approved plan and may not
23 take any action ~~which~~ *that* substantially deviates, as defined by
24 the board, from the approved plan until the amendment has been
25 filed with the director and the director has determined that the
26 amendment is in compliance with the rules and regulations of the
27 board and ~~the provisions of this chapter which~~ *that* were in effect
28 at the time the nonindustrial timber management plan was
29 approved, in accordance with the same procedures specified in
30 Section 4593.7.

31 *SEC. 4. Section 4593.9 of the Public Resources Code is*
32 *amended to read:*

33 4593.9. The nonindustrial ~~tree farmer~~ forest landowner may
34 take actions ~~which~~ *that* do not substantially deviate from the
35 approved plan without the submittal of an amendment, but those
36 actions shall be subsequently reported to the department. The board
37 shall specify, by regulation, those nonsubstantial deviations ~~which~~
38 *that* may be taken. The board shall specify the requirements for
39 reporting those deviations.

1 *SEC. 5. Section 4593.11 of the Public Resources Code is*
2 *amended to read:*

3 4593.11. The nonindustrial-~~tree-farmer~~ *forest landowner* may
4 cancel the nonindustrial timber management plan by submitting a
5 written notice to the department. Once timber operations have
6 commenced pursuant to a nonindustrial timber harvest notice,
7 cancellation is not effective on land covered by the notice until a
8 report of satisfactory completion has been issued pursuant to
9 Sections 4585, 4586, and 4587.

10 *SEC. 6. Section 4594 of the Public Resources Code is amended*
11 *to read:*

12 4594. The nonindustrial-~~tree-farmer~~ *forest landowner* who
13 owns, leases, or otherwise controls or operates on all or any portion
14 of any timberland within the boundaries of an approved
15 nonindustrial timber management plan, and who plans to harvest
16 any of the timber thereon during a given year, shall file a
17 nonindustrial timber harvest notice with the department in writing.
18 A notice shall be filed prior to the harvesting of any timber and
19 shall be effective for a maximum of one year from the date of
20 filing. If the person who files the notice is not the owner of the
21 timberland, the person filing the notice shall notify the timberland
22 owner by certified mail that the notice has been submitted, and
23 shall certify that mailing to the department. The notice shall be a
24 public record and shall include all of the following information:

- 25 (a) The name and address of the timber owner.
26 (b) The name and address of the timber operator.
27 (c) The name and address of the registered professional forester
28 preparing the nonindustrial timber harvest notice.
29 (d) A description of the land on which the work is proposed to
30 be done.
31 (e) A statement that no archeological sites have been discovered
32 in the harvest area since the approval of the nonindustrial timber
33 management plan.
34 (f) A statement that no rare, threatened, or endangered plant or
35 animal species has been discovered in the harvest area since the
36 approval of the nonindustrial timber management plan.
37 (g) A statement that there have been no physical environmental
38 changes in the harvest area that are so significant as to require any
39 amendment of the nonindustrial timber management plan.

1 (h) A certification by the registered professional forester that
2 the notice as carried out will implement best management practices
3 for protection of the beneficial uses of water, soil stability, forest
4 productivity, and wildlife as required by the current rules of the
5 board, or a certification that practices consistent with the original
6 plan will not result in any significant degradation to the beneficial
7 uses of water, soil stability, forest productivity, or wildlife.

8 (i) Special provisions, if any, to protect any unique area within
9 the area of timber operations.

10 (j) The expected dates of commencement and completion of
11 timber operations during the year.

12 (k) A statement that the harvesting notice conforms to the
13 provisions of the approved management plan.

14 (l) Any other information the board provides by regulation to
15 meet its rules and the standards of this chapter.

16 ~~(m) This section shall become operative on January 1, 1996.~~

17 *SEC. 7. Section 4594.7 of the Public Resources Code is*
18 *amended to read:*

19 4594.7. If it is determined that the objectives of uneven aged
20 management and sustained yield are not being met by a
21 nonindustrial-tree farmer, forest landowner, or there are other
22 persistent violations detected that are not being corrected, a
23 previously approved nonindustrial timber management plan shall
24 be canceled by the department and any further timber operations
25 under the plan shall be terminated.

26 *SEC. 8. Section 4594.8 is added to the Public Resources Code,*
27 *to read:*

28 4594.8. *The board shall adopt regulations, no later than*
29 *January 1, 2015, to provide for an appeal procedure in the event*
30 *that the department cancels a previously approved nonindustrial*
31 *timber management plan.*

32 ~~SECTION 1. It is the intent of the Legislature to reform the~~
33 ~~nonindustrial timber management plan program (commencing with~~
34 ~~Section 4593 of the Public Resources Code) to improve forest~~
35 ~~health and to provide incentives so that more landowners utilize~~
36 ~~the program.~~