

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 904**

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**Introduced by Assembly Member Chesbro**

February 22, 2013

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*An act 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. An act to add Article 7.7 (commencing with Section 4597) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest resources.*

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Chesbro. ~~Nonindustrial timber management plans; nonindustrial forest landowners.~~ *Forest practices: working forest management plans.*

*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. A violation of the act is a crime.*

*The bill would authorize a person who intends to become a working forest landowner, as defined, to file a working forest management plan with the department, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of the plan. The bill would require the plan to be prepared by a registered*

*professional forester, be public record, and contain certain information, including the name and address of the timberland owner. The bill would require the department to provide a public comment period 90 days from the date of the receipt of the plan. The bill would require the department to determine if the plan is accurate, complete, and in proper order. The bill would require the director to return the plan if the director determines that the plan is not in conformance, as provided.*

*The bill would require the working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved plan and who harvests any of the timber during a given year to file a working forest harvest notice, as defined, with the department in writing. The bill would require the notice to be public record and to include certain information, including a statement that threatened or endangered plant or animal species have not been discovered in the harvest area since the approval of the plan.*

*The bill would require the director to convene an interdisciplinary review team, as described, every 5 years to review an approved plan's administrative record and any other information relevant to the plan. The bill would authorize the department to cancel a previously approved plan if the department determines that the objectives of uneven aged management and sustained yield are not being met or if there are other persistent violations, as provided.*

*The bill would require the board to adopt regulations that tailor the plan program for landowners with 160 or fewer acres or 320 or fewer acres of timberlands, depending upon the location of the forest district.*

*The bill would require the board to adopt regulations needed to implement the above provisions by January 1, 2016.*

*Because a violation of these provisions is a crime, the bill would impose a state-mandated local program.*

*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.*

~~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.

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

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

1     SECTION 1. Article 7.7 (commencing with Section 4597) is  
2     added to Chapter 8 of Part 2 of Division 4 of the Public Resources  
3     Code, to read:

4

5             Article 7.7. Working Forest Management Plan

6

7     4597. The Legislature finds and declares all of the following:

8     (a) The nonindustrial timber management plan established  
9     pursuant to Article 7.5 (commencing with Section 4593) has been  
10    successful in meeting the intent of this chapter by encouraging  
11    prudent and responsible forest management and discouraging  
12    accelerated timberland conversion by private nonindustrial forest  
13    landowners.

1 (b) *There have been 693 nonindustrial timber management*  
2 *plans approved by the department covering a combined area of*  
3 *283,000 acres.*

4 (c) *Building upon the model provided by the nonindustrial*  
5 *timber management plan, it is the policy of the state to encourage*  
6 *long-term planning, increased productivity of timberland, and the*  
7 *conservation of open space on a greater number of nonindustrial*  
8 *working forest ownerships and acreages.*

9 (d) *It is the policy of the state to encourage prudent and*  
10 *responsible forest resource management of nonindustrial*  
11 *timberlands by approving working forest management plans in*  
12 *advance and allowing ministerial working forest timber harvest*  
13 *notices.*

14 (e) *To ensure long-term benefits such as added carbon*  
15 *sequestration, local and regional employment and economic*  
16 *activity, sustainable production of timber and other forest products,*  
17 *aesthetics, and the maintenance of ecosystem processes and*  
18 *services, the working forest management plan shall comply with*  
19 *rigorous timber inventory standards that are subject to periodic*  
20 *review and verification.*

21 4597.1. *Notwithstanding Section 4521, unless the context*  
22 *otherwise requires, the following definitions govern construction*  
23 *of this article:*

24 (a) *“Long-term sustained yield” means the average annual*  
25 *growth sustainable by the inventory predicted at the end of a*  
26 *100-year planning horizon, or a shorter planning horizon if the*  
27 *forest encompassed by the working forest management plan has*  
28 *reached a balanced state.*

29 (b) *“Major stand type” means a stand that occupies an area*  
30 *equal to or greater than 25 percent of a working forest*  
31 *management plan.*

32 (c) *“Planning unit” means a geographically identifiable polygon*  
33 *delineated for silviculture or management purposes that is*  
34 *integrated into developing a harvest schedule for the planning*  
35 *horizon. A planning unit may be as large as a stand or smaller*  
36 *when necessary to address specific resource sensitivities or to*  
37 *schedule future harvest activity across the planning horizon for*  
38 *sustained yield.*

39 (d) *“Stand” means a geographically identifiable group of trees*  
40 *sufficiently uniform in age-class distribution, composition, and*

1 *structure and growing on a site of sufficiently uniform quality to*  
2 *be a distinguishable unit.*

3 (e) *“Stand type” means a class of stand defined for silvicultural*  
4 *or management purposes, usually according to composition,*  
5 *structure, and age.*

6 (f) *“Sustained yield” means the yield of commercial wood that*  
7 *an area of commercial timberland can produce continuously at a*  
8 *given intensity of management consistent with required*  
9 *environmental protection and that is professionally planned to*  
10 *achieve over time a balance between growth and removal.*  
11 *Sustained yield management implies continuous production*  
12 *planned so as to achieve, at the earliest practical time, a balance*  
13 *between growth and harvest.*

14 (g) *“Uneven aged management” means the management of a*  
15 *specific forest, with the goal of establishing a well-stocked stand*  
16 *of various age classes, which permits the periodic harvest of*  
17 *individual or small groups of trees to realize the yield and*  
18 *continually establish a new crop.*

19 (h) *“Working forest harvest notice” means notice of timber*  
20 *harvest operations, pursuant to an approved working forest*  
21 *management plan, which meets the requirements of Section*  
22 *4597.11.*

23 (i) *“Working forest landowner” means an owner of timberland*  
24 *with less than 15,000 acres who has an approved working forest*  
25 *management plan and is not primarily engaged in the manufacture*  
26 *of forest products.*

27 (j) *“Working forest management plan” means a management*  
28 *plan for working forest timberlands, with an objective of an uneven*  
29 *aged managed timber stand and sustained yield for each parcel*  
30 *or group of contiguous parcels, which meets the requirements of*  
31 *Section 4597.2.*

32 (k) *“Working forest timberlands” means timberland owned by*  
33 *a working forest landowner.*

34 *4597.2. A working forest management plan may be filed with*  
35 *the department in writing by a person who intends to become a*  
36 *working forest landowner with the long-term objective of an uneven*  
37 *aged timber stand and sustained yield through the implementation*  
38 *of a working forest management plan. The management plan shall*  
39 *be prepared by a registered professional forester. It shall be public*  
40 *record and shall include all of the following information:*

- 1     (a) *The name and address of the timberland owner.*
- 2     (b) *A description of the land on which the plan is proposed to*  
3 *be implemented, including a United States Geological Survey*  
4 *quadrangle map or equivalent indicating the location of all*  
5 *streams, the location of all proposed and existing logging truck*  
6 *roads, and the boundaries of all site I classification timberlands*  
7 *to be stocked in accordance with subdivision (b) of Section 4561*  
8 *and any other site classifications if the board establishes specific*  
9 *minimum stocking standards for other site classifications.*
- 10    (c) *A description of the silviculture methods to be applied and*  
11 *the type of yarding equipment to be used.*
- 12    (d) *A description and discussion of the methods to be used to*  
13 *avoid significant sediment discharge to watercourses from timber*  
14 *operations. This shall include disclosure of erosion sites, erosion*  
15 *control implementation plans, and an erosion control*  
16 *implementation schedule. To avoid duplicative work, this*  
17 *subdivision does not apply to the extent that the working forest*  
18 *landowner does both of the following:*
- 19     (1) *Is complying with substantially similar requirements in*  
20 *existing law.*
- 21     (2) *Submits information to the department that details how they*  
22 *are complying with existing law.*
- 23    (e) *Special provisions, if any, to protect any unique area within*  
24 *the boundaries of the proposed working forest management plan.*
- 25    (f) *A description of the existing stand, its current projected*  
26 *growth, how long-term sustained yield will be achieved, alterations*  
27 *required to achieve the management objectives, projected timber*  
28 *volumes and tree sizes to be available for harvest, and projected*  
29 *frequencies of harvest. This description shall include disclosure*  
30 *of existing or expected late seral habitat and how it will be*  
31 *managed sustainably to preserve its late seral characteristics.*
- 32    (g) *A delineation of stand types and planning units. To develop*  
33 *an adequate estimate of current growth and potential long-term*  
34 *growth based on the sustained yield policy, major stand types shall*  
35 *have an inventory precision as measured by the standard error*  
36 *that is no greater than 15 percent of their respective inventory*  
37 *estimate. For other stand types that individually represent 10*  
38 *percent or more of the working forest management plan, the*  
39 *inventory precision as measured by the standard error shall be no*  
40 *greater than 25 percent of their respective inventory estimate.*

1 (h) A certification by the registered professional forester  
2 preparing the plan that the forester or a designee has personally  
3 inspected the plan area.

4 (i) Any other information the board requires by regulation to  
5 meet its rules and the standards of this chapter.

6 4597.3. The board shall adopt regulations regarding the notice  
7 of receipt of the proposed working forest management plan. The  
8 notice shall be given within two working days following submission  
9 of the proposed management plan and shall be consistent with all  
10 applicable laws. In adopting the regulations, the board shall take  
11 account of the extent of the administrative burden involved in  
12 giving the notice. The method of notice shall include, but not be  
13 limited to, mailed notice. The regulations may require the person  
14 submitting the working forest management plan to provide to the  
15 department a list of the names and addresses of persons to whom  
16 the notice is to be mailed.

17 4597.4. The department shall provide notice of the filing of  
18 working forest management plans to any person who requests in  
19 writing that notification.

20 4597.5. Upon receipt of the working forest management plan,  
21 the department shall place the plan, or a true copy of the plan, in  
22 a file available for public inspection in the county in which timber  
23 operations are proposed under the plan. For the purpose of  
24 interdisciplinary review, the department shall also transmit a copy  
25 to the Department of Fish and Wildlife, the appropriate California  
26 regional water quality control board, the county planning agency,  
27 and all other agencies having jurisdiction by law over natural  
28 resources affected by the plan. The department shall invite,  
29 consider, and respond in writing to comments received from public  
30 agencies to which the plan has been transmitted and shall consult  
31 with those agencies at their request.

32 4597.6. (a) The department shall provide a public comment  
33 period of 90 days from the date of the receipt of a working forest  
34 management plan.

35 (b) Before a working forest management plan may be approved,  
36 all of the following requirements shall be met:

37 (1) Within 20 days of the receipt of a working forest management  
38 plan, or within 30 days of the receipt of a plan to which a road  
39 management plan is appended, the department shall determine if

1 *the plan is accurate, complete, and in proper order, and if so, the*  
2 *plan shall be filed.*

3 *(2) The initial inspection shall be conducted within 20 days*  
4 *from the date of filing of the working forest management plan.*

5 *(3) Upon completion of the initial inspection, the department*  
6 *shall have 30 days to conduct the final interagency review of the*  
7 *plan.*

8 *(4) The public comment period shall end 20 days after the*  
9 *completion of the final interagency review of the plan.*

10 *(5) After the final interagency review and public comment period*  
11 *has ended, the department shall have up to 30 days to review the*  
12 *public input, to consider recommendations and mitigation measures*  
13 *of other agencies, to respond in writing to the issues raised, and*  
14 *to determine if the plan is in conformance with the applicable rules*  
15 *adopted by the board.*

16 *(c) If the director determines that the plan is not in conformance*  
17 *with the rules and regulations of the board or this chapter, the*  
18 *director shall return the plan, stating the reasons for the return*  
19 *and advising the person submitting the plan of the person's right*  
20 *to a hearing before the board.*

21 *(d) If the director does not act within the time periods provided*  
22 *in paragraphs (1) through (5) in subdivision (b), the director and*  
23 *the working forest landowner submitting the working forest*  
24 *management plan shall negotiate and mutually agree upon a longer*  
25 *period for the director to review the plan. If a longer period cannot*  
26 *be mutually agreed upon, the working forest management plan*  
27 *shall be deemed denied and returned to the working forest*  
28 *landowner submitting the plan.*

29 *(e) (1) A working forest landowner to whom a plan is returned*  
30 *may, within 10 days from the receipt of the plan, request the board*  
31 *for a public hearing before the board. The board shall schedule*  
32 *a public hearing to review the plan to determine if the plan is in*  
33 *conformance with the rules and regulations of the board and this*  
34 *chapter.*

35 *(2) Board action shall take place within 30 days from the filing*  
36 *of the appeal, or a longer period mutually agreed upon by the*  
37 *board and the person filing the appeal.*

38 *(3) If the plan is not approved on appeal to the board, the*  
39 *director, within 10 days of board action, may determine that the*  
40 *plan is in conformance if the working forest landowner revises the*

1 *plan to bring it into full conformance with the rules and regulations*  
2 *of the board and this chapter.*

3 *4597.7. The working forest landowner may submit a proposed*  
4 *amendment to the approved plan and shall not take any action*  
5 *that substantially deviates, as defined by the board, from the*  
6 *approved plan until the amendment has been filed with the director*  
7 *and the director has determined either of the following:*

8 *(a) The amendment is in compliance with the current rules and*  
9 *regulations of the board and the provisions of this chapter.*

10 *(b) The amendment is in compliance with the rules and*  
11 *regulations of the board and the provisions of this chapter that*  
12 *were in effect at the time the working forest management plan was*  
13 *approved. The director may only make this determination if the*  
14 *director finds both of the following:*

15 *(1) The adherence to new or modified rules or laws would cause*  
16 *unreasonable additional expense to the working forest landowner.*

17 *(2) Compliance with the rules and regulations of the board and*  
18 *the provisions of this chapter that were in effect at the time the*  
19 *working forest management plan was approved will not result in*  
20 *any significant degradation to the beneficial uses of water, soil*  
21 *stability, forest productivity, or wildlife.*

22 *4597.8. The working forest landowner may take actions that*  
23 *do not substantially deviate from the approved plan without the*  
24 *submission of an amendment, but those actions shall be*  
25 *subsequently reported to the department. The board shall specify,*  
26 *by regulation, those nonsubstantial deviations that may be taken.*  
27 *The board shall specify the requirements for reporting those*  
28 *deviations.*

29 *4597.9. In the event of a change of ownership of the land*  
30 *described in the working forest management plan, the plan shall*  
31 *expire 180 days from the date of change of ownership unless the*  
32 *new timberland owner notifies the department in writing of the*  
33 *change of ownership and his or her assumption of the plan.*

34 *4597.10. The working forest landowner may cancel the working*  
35 *forest management plan by submitting a written notice to the*  
36 *department. Once timber operations have commenced pursuant*  
37 *to a working forest harvest notice, cancellation is not effective on*  
38 *land covered by the notice until a report of satisfactory completion*  
39 *has been issued pursuant to Sections 4585, 4586, and 4587.*

1     4597.11. *The working forest landowner who owns, leases, or*  
2 *otherwise controls or operates on all or any portion of any*  
3 *timberland within the boundaries of an approved working forest*  
4 *management plan, and who plans to harvest any of the timber*  
5 *during a given year, shall file a working forest harvest notice with*  
6 *the department in writing. A notice shall be filed prior to the*  
7 *harvesting of any timber and shall be effective for a maximum of*  
8 *one year from the date of filing. If the person who files the notice*  
9 *is not the owner of the timberland, the person filing the notice*  
10 *shall notify the timberland owner by certified mail that the notice*  
11 *has been submitted and shall certify that mailing to the department.*  
12 *The notice shall be a public record and shall include all of the*  
13 *following information:*

14     (i) *The name and address of the timber owner.*

15     (ii) *The name and address of the timber operator.*

16     (iii) *The name and address of the registered professional forester*  
17 *preparing the working forest management plan.*

18     (iv) *A description of the land on which the work is proposed to*  
19 *be done.*

20     (v) *A statement that no archeological sites have been discovered*  
21 *in the harvest area since the approval of the working forest*  
22 *management plan.*

23     (vi) *A statement that rare, threatened, or endangered plant or*  
24 *animal species have not been discovered in the harvest area since*  
25 *the approval of the working forest management plan. Prior to*  
26 *submitting the notice, a review for any species listed as threatened,*  
27 *endangered, or rare, or species that meet the criteria of endangered*  
28 *or rare as provided in Section 15380 of Title 14 of the California*  
29 *Code of Regulations, shall be conducted after the initial year after*  
30 *the plan is approved. Any changes to the working forest*  
31 *management plan's species, species status, habitats, or protection*  
32 *measures for species or habitats shall be submitted to the*  
33 *department as an amendment to the plan before commencing*  
34 *operations.*

35     (vii) *A statement that there are no physical environmental*  
36 *changes in the harvest area that are so significant as to require*  
37 *any amendment of the working forest management plan.*

38     (viii) *A certification by the registered professional forester that*  
39 *states either of the following:*

1     (1) *The notice as carried out will implement best management*  
2 *practices for protection of the beneficial uses of water, soil*  
3 *stability, forest productivity, and wildlife as required by the current*  
4 *operational rules of the board.*

5     (2) *Compliance with the rules and regulations of the board and*  
6 *the provisions of this chapter that were in effect at the time the*  
7 *working forest management plan was approved will not result in*  
8 *any significant degradation to the beneficial uses of water, soil*  
9 *stability, forest productivity, or wildlife. This paragraph shall only*  
10 *apply if the forester certifies that adherence to current or modified*  
11 *rules or laws would cause unreasonable additional expense to the*  
12 *working forest landowner.*

13     (i) *Special provisions, if any, to protect any unique area within*  
14 *the area of timber operations.*

15     (j) *The expected dates of commencement and completion of*  
16 *timber operations during the year.*

17     (k) *A statement that the harvesting notice conforms to the*  
18 *provisions of the approved management plan. If any aspects of the*  
19 *proposed operation are less protective than the current forest*  
20 *practices rules, an explanation of the deviation and how resource*  
21 *values will be adequately protected.*

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

24     4597.12. *For an approved working forest management plan,*  
25 *the director shall convene a meeting with the interdisciplinary*  
26 *review team, as that term is used in Section 1037.5 of Title 14 of*  
27 *the California Code of Regulations, every five years to review the*  
28 *plan's administrative record and any other information relevant*  
29 *to the plan. If at this meeting a member of the review team*  
30 *determines that a field review is necessary to verify the plan's*  
31 *compliance with the appropriate rules and regulations, then a*  
32 *field review may be conducted.*

33     4597.13. *The registered professional forester who prepares*  
34 *the working forest management plan or prepares the notice of*  
35 *harvest, or any other registered professional forester who is*  
36 *employed by the owner or operator, shall report to the owner or*  
37 *operator if there are deviations from the plan that, in the forester's*  
38 *judgment, threaten the attainment of the resource conservation*  
39 *standards of the plan.*

1 4597.14. *If the board finds that a registered professional*  
2 *forester has made any material misstatement in a working forest*  
3 *harvest notice, working forest management plan, or report pursuant*  
4 *to this chapter, the board shall take disciplinary action against*  
5 *the forester as provided pursuant to Section 775.*

6 4597.15. *Notwithstanding any other provisions of this chapter,*  
7 *if a registered professional forester certifies by written declaration,*  
8 *on behalf of the timber owner or operator, that the working forest*  
9 *harvest notice conforms to and meets the requirements of the*  
10 *approved working forest management plan under which it is filed,*  
11 *timber operations may commence immediately. If the notice has*  
12 *been filed by mailing, operations may commence three days after*  
13 *the notice has been mailed.*

14 4597.16. *If the department determines that the objectives of*  
15 *uneven aged management and sustained yield are not being met*  
16 *by a working forest landowner, or there are other persistent*  
17 *violations detected that are not being corrected, the department*  
18 *shall cancel a previously approved working forest management*  
19 *plan and any further timber operations under the plan shall be*  
20 *terminated. In making a determination to cancel a plan, the*  
21 *department may cite the findings of a review conducted pursuant*  
22 *to Section 4597.12.*

23 4597.17. *If a landowner with a nonindustrial timber*  
24 *management plan or a working forest management plan with less*  
25 *than 2,500 acres expands his or her total timberland ownership*  
26 *to 2,500 or more acres, the landowner may transition into a*  
27 *working forest management plan for more than 2,500 acres through*  
28 *an amendment to the plan. The board shall adopt regulations that*  
29 *establish this amendment process.*

30 4597.18. (a) *To encourage smaller landowners to engage in*  
31 *long-term, sustainable forest management, the board shall adopt*  
32 *regulations that tailor the working forest management plan*  
33 *program for landowners with 160 or fewer acres of timberlands*  
34 *in the Coast Forest District and landowners with 320 or fewer*  
35 *acres of timberlands in the Northern Forest District or Southern*  
36 *Forest District. These regulations shall establish rebuttable*  
37 *presumptions, including presumptions related to sustained yield*  
38 *and cumulative effects, that err on the side of conservation but*  
39 *provide the cost savings to incentivize small landowners to develop*  
40 *modified small working forest management plans.*

1 (b) The board shall adopt these regulations that are necessary  
2 to support the rebuttable presumptions regarding cumulative effects  
3 and sustained yield. At a minimum, the regulations shall include  
4 the following provisions:

5 (1) Harvest shall not exceed 80 percent of growth over any  
6 10-year period, nor exceed 20 percent of harvestable inventory,  
7 whichever is less.

8 (2) Harvesting operations shall result in the full range of age  
9 classes and species of trees appropriate to the location, well  
10 distributed across the ownership. Retention of trees should  
11 prioritize those with significant value to wildlife.

12 (3) Any road construction or reconstruction on slopes over 50  
13 percent shall include consultation by a registered engineering  
14 geologist.

15 4597.19. Notwithstanding any other law, if a person with a  
16 working forest management plan or a nonindustrial timber  
17 management plan applies for state restoration grant funding for  
18 a restoration project that has a significant public benefit, the  
19 application shall not be summarily denied on the basis that the  
20 project is a required condition of the harvesting plan.

21 4597.20. The board shall adopt the regulations needed to  
22 implement this article by January 1, 2016.

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

32 SECTION 1. ~~Section 4593.2 of the Public Resources Code is~~  
33 ~~amended to read:~~

34 ~~4593.2. Notwithstanding Section 4521, unless the context~~  
35 ~~otherwise requires, the following definitions govern construction~~  
36 ~~of this article:~~

37 (a) ~~“Nonindustrial timberlands” means timberland owned by a~~  
38 ~~nonindustrial forest landowner.~~

39 (b) ~~“Nonindustrial forest landowner” means an owner of~~  
40 ~~timberland with no more than 2,500 acres who has an approved~~

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

3 (e) ~~“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 that permits the periodic harvest of~~  
6 ~~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 that is professionally planned to~~  
12 ~~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 forest landowner with the long-term objective of  
26 an uneven aged timber stand and sustained yield through the  
27 implementation of a nonindustrial timber management plan. The  
28 management plan shall be prepared by a registered professional  
29 forester. It shall be a public record and shall include all of the  
30 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 ~~(e) 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 ~~SEC. 3. Section 4593.8 of the Public Resources Code is~~  
19 ~~amended to read:~~

20 ~~4593.8. The nonindustrial forest landowner may submit a~~  
21 ~~proposed amendment to the approved plan and may not take any~~  
22 ~~action that substantially deviates, as defined by the board, from~~  
23 ~~the approved plan until the amendment has been filed with the~~  
24 ~~director and the director has determined that the amendment is in~~  
25 ~~compliance with the rules and regulations of the board and this~~  
26 ~~chapter that were in effect at the time the nonindustrial timber~~  
27 ~~management plan was approved, in accordance with the same~~  
28 ~~procedures specified in Section 4593.7.~~

29 ~~SEC. 4. Section 4593.9 of the Public Resources Code is~~  
30 ~~amended to read:~~

31 ~~4593.9. The nonindustrial forest landowner may take actions~~  
32 ~~that do not substantially deviate from the approved plan without~~  
33 ~~the submittal of an amendment, but those actions shall be~~  
34 ~~subsequently reported to the department. The board shall specify,~~  
35 ~~by regulation, those nonsubstantial deviations that may be taken.~~  
36 ~~The board shall specify the requirements for reporting those~~  
37 ~~deviations.~~

38 ~~SEC. 5. Section 4593.11 of the Public Resources Code is~~  
39 ~~amended to read:~~

1 4593.11. The nonindustrial forest landowner may cancel the  
2 nonindustrial timber management plan by submitting a written  
3 notice to the department. Once timber operations have commenced  
4 pursuant to a nonindustrial timber harvest notice, cancellation is  
5 not effective on land covered by the notice until a report of  
6 satisfactory completion has been issued pursuant to Sections 4585,  
7 4586, and 4587.

8 SEC. 6. Section 4594 of the Public Resources Code is amended  
9 to read:

10 4594. The nonindustrial forest landowner who owns, leases,  
11 or otherwise controls or operates on all or any portion of any  
12 timberland within the boundaries of an approved nonindustrial  
13 timber management plan, and who plans to harvest any of the  
14 timber thereon during a given year, shall file a nonindustrial timber  
15 harvest notice with the department in writing. A notice shall be  
16 filed prior to the harvesting of any timber and shall be effective  
17 for a maximum of one year from the date of filing. If the person  
18 who files the notice is not the owner of the timberland, the person  
19 filing the notice shall notify the timberland owner by certified mail  
20 that the notice has been submitted, and shall certify that mailing  
21 to the department. The notice shall be a public record and shall  
22 include all of the following information:

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

1 productivity, and wildlife as required by the current rules of the  
2 board, or a certification that practices consistent with the original  
3 plan will not result in any significant degradation to the beneficial  
4 uses of water, soil stability, forest productivity, or wildlife.

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

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

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

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

13 SEC. 7. Section 4594.7 of the Public Resources Code is  
14 amended to read:

15 4594.7. If it is determined that the objectives of uneven aged  
16 management and sustained yield are not being met by a  
17 nonindustrial forest landowner, or there are other persistent  
18 violations detected that are not being corrected, a previously  
19 approved nonindustrial timber management plan shall be canceled  
20 by the department and any further timber operations under the plan  
21 shall be terminated.

22 SEC. 8. Section 4594.8 is added to the Public Resources Code,  
23 to read:

24 4594.8. The board shall adopt regulations, no later than January  
25 1, 2015, to provide for an appeal procedure in the event that the  
26 department cancels a previously approved nonindustrial timber  
27 management plan.