

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN ASSEMBLY APRIL 22, 2013

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 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. 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 *state or federally listed rare*, 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.

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

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

1 SECTION 1. 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.

14 (b) There have been ~~693~~ 763 nonindustrial timber management
15 plans approved by the department covering a combined area of
16 ~~283,000~~ 15,000 acres.

17 (c) Building upon the model provided by the nonindustrial
18 timber management plan, it is the policy of the state to encourage
19 long-term planning, increased productivity of timberland, and the
20 conservation of open space on a greater number of nonindustrial
21 working forest ownerships and acreages.

22 (d) It is the policy of the state to encourage prudent and
23 responsible forest resource management of nonindustrial
24 timberlands by approving working forest management plans in
25 advance and allowing ministerial working forest timber harvest
26 notices.

27 (e) To ensure long-term benefits such as added carbon
28 sequestration, local and regional employment and economic
29 activity, sustainable production of timber and other forest products,
30 aesthetics, and the maintenance of ecosystem processes and
31 services, the working forest management plan shall comply with
32 rigorous timber inventory standards that are subject to periodic
33 review and verification.

34 4597.1. Notwithstanding Section 4521, unless the context
35 otherwise requires, the following definitions govern construction
36 of this article:

37 (a) "Long-term sustained yield" means the average annual
38 growth sustainable by the inventory predicted at the end of a

1 100-year planning horizon, or a shorter planning horizon if the
2 forest encompassed by the working forest management plan has
3 reached a ~~balanced state~~ *balance between growth and yield*.

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

6 (c) ~~“Planning unit”~~ “*Management unit*” means a geographically
7 identifiable ~~—polygon area~~ delineated for silviculture or
8 management purposes ~~that is integrated into developing a harvest~~
9 ~~schedule for the planning horizon.~~ A *planning management unit*
10 ~~may be as large as a stand or smaller when necessary to address~~
11 ~~specific resource sensitivities or to schedule future harvest activity~~
12 ~~across the planning horizon for~~ *sustained yield is intended to reflect*
13 *an area scheduled for harvest under the plan in any given year,*
14 *but may also be designated to address specific resource*
15 *sensitivities.*

16 (d) “Stand” means a geographically identifiable group of trees
17 sufficiently uniform in age-class distribution, composition, and
18 structure and growing on a site of sufficiently uniform quality to
19 be a distinguishable unit.

20 (e) ~~“Stand type” means a class of stand defined for silvicultural~~
21 ~~or management purposes,~~ “*Strata*” means a grouping of similar
22 *stand defined for silvicultural or management purposes,* usually
23 according to *similarities in stand* composition, structure, and age.

24 (f) “Sustained yield” means the yield of commercial wood that
25 an area of commercial timberland can produce continuously at a
26 given intensity of management consistent with required
27 environmental protection and that is professionally planned to
28 achieve over time a balance between growth and removal.
29 Sustained yield management implies continuous production
30 planned so as to achieve, at the earliest practical time, a balance
31 between growth and harvest.

32 (g) ~~“Uneven aged management” means the forest management~~
33 ~~of a specific forest,~~ with the goal of establishing a well-stocked
34 stand of various age classes, which permits the periodic harvest
35 of individual or small groups of trees to ~~realize the yield and~~
36 ~~continually establish a new crop~~ *achieve sustained yield objectives*
37 *of the working forest management plan, and provide for*
38 *regeneration of trees and maintenance of age class structure.*

39 (h) “Working forest harvest notice” means notice of timber
40 harvest operations, pursuant to an approved working forest

1 management plan, which meets the requirements of Section
2 4597.11.

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

7 (j) “Working forest management plan” means a management
8 plan for working forest timberlands, with an objective of—~~an~~
9 *maintaining, restoring, or creating* uneven aged managed timber
10 stand ~~and conditions and achieving~~ sustained yield ~~for each parcel~~
11 ~~or group of contiguous parcels, which meets,~~ *consistent with* the
12 requirements of Section 4597.2.

13 (k) “Working forest timberlands” means timberland owned by
14 a working forest landowner.

15 4597.2. A working forest management plan may be filed with
16 the department in writing by a person who intends to become a
17 working forest landowner with the long-term objective of an
18 uneven aged timber stand and sustained yield through the
19 implementation of a working forest management plan. The
20 management plan shall be prepared by a registered professional
21 forester. It shall be public record and shall include all of the
22 following information:

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

24 (b) A description of the land on which the plan is proposed to
25 be implemented, including a United States Geological Survey
26 quadrangle map or equivalent indicating the location of all streams,
27 the location of all proposed and existing logging truck roads, and
28 the boundaries of all site I classification timberlands to be stocked
29 in accordance with subdivision (b) of Section 4561 and any other
30 site classifications if the board establishes specific minimum
31 stocking standards for other site classifications.

32 ~~(c) A description of the silviculture methods to be applied and~~
33 ~~the type of yarding equipment to be used. by the registered forester~~
34 ~~of the inventory design and timber stand stratification criteria that~~
35 ~~demonstrates that the inventory supporting the growth and yield~~
36 ~~calculations used to determine long-term sustained yield for the~~
37 ~~working forest management plans meets the following minimum~~
38 ~~standards:~~

39 (1) *For major stand or strata, the inventory estimate shall be*
40 *within 15 percent of the mean at one standard error.*

1 (2) *For stand or strata that make up greater than 10 percent*
2 *and less than 25 percent of the working forest management plan*
3 *area, the estimate shall be no greater than 25 percent of the mean*
4 *at one standard error.*

5 (3) *Inventory estimates and growth and yield shall be projected*
6 *for the purposes of determining long-term sustained yield and*
7 *volumes available for harvest by stand or strata and aggregated*
8 *for the area covered by the working forest management plan to*
9 *develop the long-term sustained yield estimate. Long-term*
10 *sustained yield estimates shall reasonably reflect constraints*
11 *applicable to the working forest timberlands on forest management*
12 *activities.*

13 (d) A description and discussion of the methods to be used to
14 avoid significant sediment discharge to watercourses from timber
15 operations. This shall include disclosure of erosion sites, erosion
16 control implementation plans, and an erosion control
17 implementation schedule. To avoid duplicative work, this
18 subdivision does not apply to the extent that the working forest
19 landowner does both of the following:

20 (1) Is complying with substantially similar requirements in
21 existing law.

22 (2) Submits information to the department that details how they
23 are complying with existing law.

24 (e) Special provisions, if any, to protect any unique area within
25 the boundaries of the proposed working forest management plan.

26 (f) ~~A description of the existing stand, its current projected~~
27 ~~growth, how long-term sustained yield will be achieved, alterations~~
28 ~~required to achieve the management objectives, projected timber~~
29 ~~volumes and tree sizes to be available for harvest, and projected~~
30 ~~frequencies of harvest. This description shall include disclosure~~
31 ~~of existing or expected late seral habitat and how it will be managed~~
32 ~~sustainably to preserve its late seral characteristics~~ *property and*
33 *planned activities including acres and projected growth, existing*
34 *stand types, major stand types or strata, its current projected*
35 *growth by strata, silvicultural applications to be applied to strata*
36 *to achieve long-term sustained yield, projected timber volumes*
37 *and tree sizes to be available for harvest, and projected frequencies*
38 *of harvest.*

39 (g) ~~A delineation of stand types and planning units. To develop~~
40 ~~an adequate estimate of current growth and potential long-term~~

1 growth based on the sustained yield policy, major stand types shall
2 have an inventory precision as measured by the standard error that
3 is no greater than 15 percent of their respective inventory estimate.
4 For other stand types that individually represent 10 percent or more
5 of the working forest management plan, the inventory precision
6 as measured by the standard error shall be no greater than 25
7 percent of their respective inventory estimate.

8 (g) (1) A description of late succession forest stands in the plan
9 area and how the total acreage of this type of habitat will be
10 maintained across the plan area under a constraint of no net loss.
11 Nothing in this requirement shall be interpreted to preclude active
12 management on any given acre of an approved plan if the
13 management is conducted in a manner that maintains or enhances
14 the overall acreage of late succession forest stands that existed in
15 the plan area upon initial plan approval. An exception to the no
16 net loss constraint may be granted in the event of a catastrophic
17 loss due to emergency factors such as wildfire, insect, and disease
18 activity. The description shall include the following:

19 (A) Retention measures for existing biological legacies such as
20 snags, trees with cavities or basal hollows, and down logs, and
21 address how those legacies shall be managed over time appropriate
22 with the forest type, climate, and landowner's forest fire fuels
23 management objectives.

24 (B) Hardwood forest tree species and how they will be managed
25 over time.

26 (2) Late succession forest stand types or strata shall be mapped.

27 (h) Disclosure of state or federally listed threatened,
28 endangered, or rare plant or animal species located within the
29 biological assessment area, their status and habitats, take
30 avoidance demonstration methodologies, enforceable protection
31 measures for species and habitats, and how forest management
32 will maintain these over time.

33 (i) A description of the following for each management unit:

34 (1) Acres by stand or strata and estimated growth and yield for
35 each planned harvest entry covering the period of time the
36 long-term sustained yield plan establishes as necessary to meet
37 growth and yield objectives. The growth and yield estimates may
38 be based on weighted average of yield for the stand types or strata
39 within the area included in the management unit.

40 (2) Yarding methods to be used.

1 (3) *Management units shall be mapped.*

2 ~~(h)~~

3 (j) A certification by the registered professional forester
4 preparing the plan that the forester or a designee has personally
5 inspected the plan area.

6 ~~(i)~~

7 (k) Any other information the board requires by regulation to
8 meet its rules and the standards of this chapter.

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

20 4597.4. The department shall provide notice of the filing of
21 working forest management plans *and working forest harvest*
22 *notices* to any person who requests, in writing, that notification.

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

35 4597.6. (a) The department shall provide a public comment
36 period of 90 days from the date of the receipt of a working forest
37 management plan.

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

1 (1) Within ~~20~~ *30 working* days of the receipt of a working forest
2 management plan, or within ~~30~~ *40 working* days of the receipt of
3 a plan to which a road management plan is appended, the
4 department shall determine if the plan is accurate, complete, and
5 in proper order, and if so, the plan shall be filed.

6 (2) The initial inspection shall be ~~conducted~~ *initiated* within 20
7 *working* days from the date of filing of the working forest
8 management plan, *and completed no more than 30 working days*
9 *from the date of filing.*

10 (3) Upon completion of the initial inspection, the department
11 shall have ~~30~~ *up to 45 working* days to conduct the final
12 interagency review of the plan.

13 (4) The public comment period shall end 20 *working* days after
14 the completion of the final interagency review of the plan *or until*
15 *the requirement in subdivision (a) is met, whichever is greater.*

16 (5) After the final interagency review and public comment
17 period has ended, the department shall have up to 30 *working* days
18 to review the public input, to consider recommendations and
19 mitigation measures of other agencies, to respond in writing to the
20 issues raised, and to determine if the plan is in conformance with
21 the applicable rules adopted by the board.

22 (c) If *after final interagency review* the director determines that
23 the plan is not in conformance with the rules and regulations of
24 the board or this chapter, the director shall *deny and* return the
25 plan, stating the reasons for the ~~return~~ *denial* and advising the
26 person submitting the plan of the person's right to a hearing before
27 the board.

28 (d) If the director does not act within the time periods provided
29 in paragraphs (1) through (5) in subdivision (b), the director and
30 the working forest landowner submitting the working forest
31 management plan shall negotiate and mutually agree upon a longer
32 period for the director to review the plan. If a longer period cannot
33 be mutually agreed upon, the working forest management plan
34 shall be deemed denied and returned to the working forest
35 landowner submitting the plan.

36 (e) (1) A working forest landowner to whom a plan is ~~returned~~
37 *denied pursuant to subdivision (c) or (d)* may, within ~~10~~ *30*
38 *working* days from the receipt of the plan, request the board for a
39 public hearing before the board. The board shall schedule a public
40 hearing to review the plan to determine if the plan is in

1 conformance with the rules and regulations of the board and this
2 chapter.

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

6 ~~(3) If the plan is not approved on appeal to the board, the~~
7 ~~director, within 10 days of board action, may determine that the~~
8 ~~plan is in conformance if the working forest landowner revises the~~
9 ~~plan to bring it into full conformance with the rules and regulations~~
10 ~~of the board and this chapter.~~

11 *(3) If the director's decision to deny the plan is overturned by*
12 *the board, the board shall prepare findings and return the plan to*
13 *the department for preparation of response to public comments*
14 *and approval by the director. The director shall have 30 working*
15 *days to prepare the response to comments unless a mutually*
16 *agreeable date extending the 30-day period is agreed to by the*
17 *plan submitter.*

18 *(4) If the plan is not approved on appeal to the board, the*
19 *director, within 10 working days of board action, shall advise the*
20 *plan submitter regarding changes needed to the plan to determine*
21 *that the plan is in conformance. The plan submitter shall have 45*
22 *working days from the date of the notification letter, or longer, if*
23 *mutually agreeable to the department and the plan submitter to*
24 *revise the plan to bring it into full conformance with the rules and*
25 *regulations of the board and this chapter. Upon receipt the*
26 *information requested of the plan submitter, the department shall*
27 *recirculate the plan and reopen the public comment period for 30*
28 *working days. The director shall have 30 working days to review*
29 *public input and consider recommendations and mitigation*
30 *measures of other agencies, and to respond in writing to issues*
31 *raised.*

32 4597.7. The working forest landowner may submit a proposed
33 amendment to the approved plan and shall not take any action that
34 substantially deviates, as defined by the board, from the approved
35 plan until the amendment has been filed with the director and the
36 director has determined either of the following:

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

39 (b) The amendment is in compliance with the rules and
40 regulations of the board and the provisions of this chapter that

1 were in effect at the time the working forest management plan was
2 approved. The director may only make this determination if the
3 ~~director finds~~ *professional forester certifies* both of the following:

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

6 (2) Compliance with the rules and regulations of the board and
7 the provisions of this chapter that were in effect at the time the
8 working forest management plan was approved will not result in
9 any significant degradation to the beneficial uses of water, soil
10 stability, forest productivity, or wildlife.

11 *(c) Review timelines for substantial deviations of working forest*
12 *management plans shall conform to the direction provided in*
13 *Section 4582.7, except for amendments that add acreage covered*
14 *by the original working forest management plan that exceeds 10*
15 *percent or 500 acres, whichever is greater. Amendments that add*
16 *acreage in excess of 10 percent or 500 acres shall be reviewed*
17 *pursuant to the procedures specified in Section 4597.6.*

18 4597.8. The working forest landowner may take actions that
19 do not substantially deviate from the approved plan without the
20 submission of an amendment, but those actions shall be
21 subsequently reported to the department. The board shall specify,
22 by regulation, those nonsubstantial deviations that may be taken.
23 The board shall specify the requirements for reporting those
24 deviations.

25 4597.9. In the event of a change of ownership of the land
26 described in the working forest management plan, ~~the plan shall~~
27 ~~expire 180 days from the date of change of ownership unless the~~
28 ~~new timberland owner notifies the department in writing of the~~
29 ~~change of ownership and his or her assumption of the plan~~ *the*
30 *working forest landowner shall notify the new landowner of the*
31 *existence of the plan and the need to notify the department of the*
32 *new landowner's intent regarding assumption of the plan.*
33 *Notification shall be in writing with a copy to the department of*
34 *the new landowner's intent regarding assumption of the plan. The*
35 *new landowner shall have one year from the date of the receipt of*
36 *the notification by the department to notify the department in*
37 *writing of his or her assumption of the plan. If the department does*
38 *not receive notification within this period, the plan shall expire*
39 *one year from the date the new landowner is advised by the*
40 *department of the necessity to assume the plan.*

1 4597.10. The working forest landowner may cancel the working
 2 forest management plan by submitting a written notice to the
 3 department. Once timber operations have commenced pursuant to
 4 a working forest harvest notice, cancellation is not effective on
 5 land covered by the notice until a report of satisfactory completion
 6 has been issued pursuant to Sections 4585, 4586, and 4587.

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

- 20 (a) The name and address of the timber owner.
- 21 (b) The name and address of the timber operator.
- 22 (c) The name and address of the registered professional forester
 23 preparing the working forest management plan.
- 24 (d) A description of the land on which the work is proposed to
 25 be done.
- 26 (e) A statement that no archaeological sites have been discovered
 27 in the harvest area since the approval of the working forest
 28 management plan.
- 29 (f) A statement that *state or federally listed* rare, threatened, or
 30 endangered plant or animal species have not been discovered in
 31 the harvest area since the approval of the working forest
 32 management plan. Prior to submitting the notice, a review ~~for any~~
 33 ~~species listed as threatened, endangered, or rare, or species that~~
 34 ~~meet the criteria of endangered or rare as provided in Section 15380~~
 35 ~~of Title 14 of the California Code of Regulations, shall be~~
 36 ~~conducted after the initial year after the plan is approved. Any~~
 37 ~~changes to the working forest management plan's species, species~~
 38 ~~status, habitats, or protection measures for species or habitats shall~~
 39 ~~be submitted to the department as an amendment to the plan before~~
 40 ~~commencing operations.~~ *of the California Natural Diversity*

1 Database or other public databases for any species listed as
2 threatened, endangered, or rare, or species that meet the criteria
3 of endangered or rare as provided in Section 15380 of Title 14 of
4 the California Code of Regulations, shall be conducted after the
5 initial year after the plan is approved. When a notice of operations
6 is filed after the initial year the plan is approved, it shall comply
7 with the following:

8 (1) Documented occurrences obtained from a review of public
9 and readily available sources of species state or federally listed
10 as threatened, endangered, or rare within the biological assessment
11 area and outside the area identified in the working forest harvest
12 notice not addressed in the approved plan shall be submitted to
13 the director as a minor deviation concurrently with the filing of a
14 working forest harvest notice.

15 (2) Occurrences of species state or federally listed as threatened,
16 endangered, or rare discovered inside the area identified in the
17 working forest harvest notice not addressed in the approved plan
18 shall be submitted to the director as an amendment to the plan
19 prior to filing a working forest harvest notice. The amendment
20 shall contain protection measures if no such information is
21 currently contained within the approved plan.

22 (g) A statement that there are no physical environmental changes
23 in the harvest area that are so significant as to require any
24 amendment of the working forest management plan.

25 (h) A certification by the registered professional forester that
26 states either of the following:

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

31 (2) Compliance with the rules and regulations of the board and
32 the provisions of this chapter that were in effect at the time the
33 working forest management plan was approved will not result in
34 any significant degradation to the beneficial uses of water, soil
35 stability, forest productivity, or wildlife. This paragraph shall only
36 apply if the forester certifies that adherence to current or modified
37 rules or laws would cause unreasonable additional expense to the
38 working forest landowner.

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

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

3 (k) A statement that the harvesting notice conforms to the
4 provisions of the approved management plan. If any aspects of the
5 proposed operation are less protective than the current forest
6 practices rules, an explanation of the deviation and how resource
7 values will be adequately protected.

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

10 4597.12. For an approved working forest management plan,
11 the director shall convene a meeting with the interdisciplinary
12 review team, as that term is used in Section 1037.5 of Title 14 of
13 the California Code of Regulations, every five years to review the
14 plan's administrative record and any other information relevant to
15 the plan. *Participation by review team agencies shall be at the*
16 *discretion of each agency.* If at this meeting a member of the
17 review team determines that a field-review inspection is necessary
18 to verify the plan's compliance with the appropriate rules and
19 regulations, then a field-review inspection may be conducted.

20 4597.13. The registered professional forester who prepares the
21 working forest management plan or prepares the notice of harvest,
22 or any other registered professional forester who is employed by
23 the owner or operator, shall report to the owner or operator if there
24 are deviations from the plan that, in the forester's judgment,
25 threaten the attainment of the resource conservation standards of
26 the plan.

27 4597.14. If the board finds that a registered professional forester
28 has made any material misstatement in a working forest harvest
29 notice, working forest management plan, or report pursuant to this
30 chapter, the board shall take disciplinary action against the forester
31 as provided pursuant to Section 775.

32 4597.15. Notwithstanding any other provisions of this chapter,
33 if a registered professional forester certifies by written declaration,
34 on behalf of the timber owner or operator, that the working forest
35 harvest notice conforms to and meets the requirements of the
36 approved working forest management plan under which it is filed,
37 timber operations may commence immediately. If the notice has
38 been filed by mailing, operations may commence three days after
39 the notice has been mailed. *Cancellation of the plan may be*

1 *appealed by the plan submitter or landowner utilizing the process*
2 *prescribed in paragraph (1) of subdivision (e) of Section 4597.6.*

3 4597.16. If the department determines that the objectives of
4 uneven aged management and sustained yield are not being met
5 by a working forest landowner, or there are other persistent
6 violations detected that are not being corrected, the department
7 shall cancel a previously approved working forest management
8 plan and any further timber operations under the plan shall be
9 terminated. In making a determination to cancel a plan, the
10 department may cite the findings of a review conducted pursuant
11 to Section 4597.12.

12 4597.17. If a landowner with a nonindustrial timber
13 management plan or a working forest management plan with less
14 than 2,500 acres expands his or her total timberland ownership to
15 2,500 or more acres, the landowner may transition into a working
16 forest management plan for more than 2,500 acres through an
17 amendment to the plan. The board shall adopt regulations that
18 establish this amendment process.

19 4597.18. (a) To encourage smaller landowners to engage in
20 long-term, sustainable forest management, the board shall adopt
21 regulations that tailor the working forest management plan program
22 for landowners with 160 or fewer acres of timberlands in the Coast
23 Forest District and landowners with 320 or fewer acres of
24 timberlands in the Northern Forest District or Southern Forest
25 District. These regulations shall establish rebuttable presumptions,
26 including presumptions related to *inventory design*, sustained yield
27 and cumulative effects, that err on the side of conservation but
28 provide the cost savings to incentivize small landowners to develop
29 modified small working forest management plans.

30 (b) The board shall adopt these regulations that are necessary
31 to support the rebuttable presumptions regarding *inventory design*,
32 cumulative effects and sustained yield. At a minimum, the
33 regulations shall include the following provisions:

34 (1) Harvest shall not exceed 80 percent of growth over any
35 10-year period, nor exceed ~~20~~ 40 percent of harvestable inventory,
36 whichever is less.

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

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

4 4597.19. Notwithstanding any other law, if a person with a
5 working forest management plan or a nonindustrial timber
6 management plan applies for state restoration grant funding for a
7 restoration project that has a significant public benefit, the
8 application shall not be summarily denied on the basis that the
9 project is a required condition of the harvesting plan.

10 4597.20. The board shall adopt the regulations needed to
11 implement this article by January 1, 2016.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.