

AMENDED IN SENATE AUGUST 13, 2013

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**

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**Introduced by Assembly Member Chesbro**

February 22, 2013

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An act to add Article 7.7 (commencing with Section 4597) to Chapter 8 of Part 2 of Division 4 of, *and to add Article 7.8 (commencing with Section 4598) 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 *of at least 90 days from the date of the receipt of the plan, as specified*. 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, *candidate*, 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, *plan summary information, as specified*, and any other information relevant to *verify that operations have been conducted in accordance with the plan and applicable laws*. The bill would ~~authorize~~ *require* 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 a registered professional forester to provide a preoperations notice, with specified information, to any person who owns land that adjoins or includes a watercourse that is 1,000 feet downstream from a proposed timber harvest operation in the Southern Subdistrict of the Coast Forest District.*

The bill would require the board to adopt regulations ~~that tailor the plan program to create a management plan for landowners with 160 or fewer acres or 320 or fewer acres of timberlands, depending upon the location of the forest district.~~ *timberlands. The bill would require the regulations to include certain provisions, including that harvest in any given area of the property shall not exceed 80% of growth since the last harvest.*

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:*

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

Article 7.7. Working Forest Management Plan

4597. (a) The Legislature finds and declares all of the following:

(a)

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

(b)

(2) There have been 763 nonindustrial timber management plans approved by the department covering a combined area of ~~15,000~~ 315,000 acres.

(c)

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

(d)

(4) It is the policy of the state to encourage prudent and responsible forest resource management of nonindustrial timberlands by approving working forest management plans in advance and ~~allowing ministerial~~ *authorizing* working forest timber harvest ~~notices; notices to be filed ministerially.~~

(e)

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

(b) *This article shall be implemented in a manner that complies with the applicable provisions of this chapter and other laws, including, but not limited to, the Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Division 1 of Title 5 of the Government Code), the California Environmental Quality Act of 1970 (Division 13 (commencing with Section 21000)), the Porter Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code)), and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of the Fish and Game Code).*

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

(a) “Long-term sustained yield” means the average annual growth sustainable by the inventory predicted at the end of a 100-year planning horizon, or a shorter planning horizon if the forest encompassed by the working forest management plan has reached a balance between growth and yield.

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

(c) “Management unit” means a geographically identifiable area delineated for silviculture or management ~~purposes; purposes.~~ A management unit is intended to reflect an area scheduled for harvest under the plan in any given year, but may also be designated to address specific resource sensitivities.

(d) “Stand” means a geographically identifiable group of trees 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) “Strata” means a grouping of similar ~~stand~~ *stands* defined  
4 for silvicultural or management purposes, usually according to  
5 similarities in stand composition, 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 forest management with  
15 the goal of establishing a well-stocked stand of various age classes,  
16 which permits the periodic harvest of individual or small groups  
17 of trees to achieve sustained yield objectives of the working forest  
18 management plan, and provide for regeneration of trees and  
19 maintenance of age class structure.

20 (h) “Working forest harvest notice” means notice of timber  
21 harvest operations, pursuant to an approved working forest  
22 management plan, which meets the requirements of Section  
23 4597.11.

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

28 (j) “Working forest management plan” means a management  
29 plan for working forest timberlands, with ~~an objective~~ *objectives*  
30 of maintaining, restoring, or creating uneven aged managed timber  
31 ~~stand conditions and conditions~~, achieving sustained ~~yield~~,  
32 ~~consistent with the requirements of Section 4597.2: yield, and~~  
33 *promoting forestland stewardship that protects watersheds,*  
34 *fisheries and wildlife habitats, and other important values.*

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

37 4597.2. A working forest management plan may be filed with  
38 the department in writing by a person who intends to become a  
39 working forest landowner with the long-term objective of an  
40 uneven aged timber stand and sustained yield through the

1 implementation of a working forest management plan. The  
2 management plan shall be prepared by a registered professional  
3 forester. It shall be public record and shall include all of the  
4 following information:

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

6 (b) A description of the land on which the plan is proposed to  
7 be implemented, including a United States Geological Survey  
8 quadrangle map or equivalent indicating the location of all streams,  
9 the location of all proposed and existing logging truck roads, and  
10 the boundaries of all site I classification timberlands to be stocked  
11 in accordance with subdivision (b) of Section 4561 and any other  
12 site classifications if the board establishes specific minimum  
13 stocking standards for other site classifications.

14 (c) A description by the registered *professional* forester of the  
15 inventory design and timber stand stratification criteria that  
16 demonstrates that the inventory supporting the growth and yield  
17 calculations used to determine long-term sustained yield for the  
18 working forest management plans meets the following minimum  
19 standards:

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

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

26 (3) Inventory estimates and growth and yield shall be projected  
27 for the purposes of determining long-term sustained yield and  
28 volumes available for harvest by stand or strata and aggregated  
29 for the area covered by the working forest management plan to  
30 develop the long-term sustained yield estimate. Long-term  
31 sustained yield estimates shall reasonably reflect constraints  
32 applicable to the working forest timberlands on forest management  
33 activities.

34 (d) A description and discussion of the methods to be used to  
35 avoid significant sediment discharge to watercourses from timber  
36 operations. This shall include disclosure of *active erosion-sites,*  
37 *sites from roads, skid trails, crossings, or any other structures or*  
38 *sites that have the potential to discharge sediment attributable to*  
39 *timber operations into waters of the state in an amount deleterious*  
40 *to the beneficial uses of water, an erosion control implementation*

1 ~~plans, plan, and an a schedule to implement erosion-control~~  
2 ~~implementation schedule. To avoid duplicative work, this controls~~  
3 ~~that prioritizes major sources of erosion. This subdivision does~~  
4 ~~shall not apply to the extent that the working forest landowner~~  
5 ~~does both of the following: registered professional forester~~  
6 ~~provides documentation to the department that the working forest~~  
7 ~~management plan is in compliance with similar requirements of~~  
8 ~~other applicable provisions of law.~~

9 ~~(1) Is complying with substantially similar requirements in~~  
10 ~~existing law.~~

11 ~~(2) Submits information to the department that details how they~~  
12 ~~are complying with existing law.~~

13 ~~(e) Special provisions, if any, provisions to protect any unique~~  
14 ~~area areas, if any, within the boundaries of the proposed working~~  
15 ~~forest management plan.~~

16 ~~(f) A description of the property and planned activities including~~  
17 ~~acres and projected growth, existing stand types, major stand types~~  
18 ~~or strata, its current projected growth by strata, silvicultural~~  
19 ~~applications to be applied to strata to achieve long-term sustained~~  
20 ~~yield, projected timber volumes and tree sizes to be available for~~  
21 ~~harvest, and projected frequencies of harvest.~~

22 ~~(g) (1) A description of late succession forest stands in the plan~~  
23 ~~area and how the total acreage of this type of habitat will be~~  
24 ~~maintained across the plan area under a constraint of no net loss.~~  
25 ~~Nothing in this requirement shall be interpreted to preclude active~~  
26 ~~management on any given acre of an approved plan if the~~  
27 ~~management is conducted in a manner that maintains or enhances~~  
28 ~~the overall acreage of late succession forest stands that existed in~~  
29 ~~the plan area upon initial plan approval. An exception to the no~~  
30 ~~net loss constraint may be granted in the event of a catastrophic~~  
31 ~~loss due to emergency factors such as wildfire, insect, and disease~~  
32 ~~activity. The description shall include the following:~~

33 ~~(A) Retention measures for existing biological legacies such as~~  
34 ~~snags, trees with ~~cavities~~ *cavities* or basal hollows, and down logs,~~  
35 ~~and address how those legacies shall be managed over time~~  
36 ~~appropriate with the forest type, climate, and landowner's forest~~  
37 ~~fire fuels *and wildlife* management objectives.~~

38 ~~(B) Hardwood forest tree species and how they will be managed~~  
39 ~~over time.~~

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

(3) *Notwithstanding the definition of late succession forest stands in Section 895.1 of Title 14 of the California Code of Regulations, and for the sole purpose of this article, “late succession forest stands” means stands of dominant and predominant trees that meet the criteria of the California Wildlife Habitat Relationships System class 5D, 5M, or 6 with an open, moderate, or dense canopy closure classification, often with multiple canopy layers, and are at least 10 acres in size. Functional characteristics of late succession forest stands include large decadent trees, snags, and large down logs.*

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

(i) (1) A description of the following for each management unit:

~~(1)~~

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

~~(2)~~

(B) Yarding methods to be used.

~~(3)~~

(C) Management units shall be mapped.

(2) (A) *For long-term sustained yield projections, pursuant to subdivision (c), that project a reduction in quadratic mean diameter of trees greater than 12 inches in diameter or a reduced level of inventory for a major stand type or for a stand or strata that make up greater than 10 percent and less than 25 percent of the working forest management plan area, an assessment shall be included that does all of the following:*

(i) *Addresses candidate, threatened, endangered, and sensitive species, and other fish and wildlife species that timber operations could adversely impact by potential changes to habitat.*



1 (ii) *Addresses species habitat needs utilizing the “WHR system”*  
2 *described in “A Guide to the California Wildlife Habitat*  
3 *Relationships System,” California Department of Fish and Wildlife,*  
4 *1988, or comparable typing system.*

5 (iii) *Addresses constraints to timber management, the impact*  
6 *of the availability and distribution of habitats on the ownership*  
7 *and within the cumulative impacts assessment area identified in*  
8 *the plan in relation to the harvest schedule, and the impacts of the*  
9 *planned management activities utilizing the existing habitat as the*  
10 *baseline for comparison.*

11 (iv) *Discusses and includes feasible measures planned to avoid*  
12 *or mitigate potentially significant adverse impacts on fish or*  
13 *wildlife, which can include, but is not limited to, recruitment or*  
14 *retention of large down logs greater than 16 inches in diameter*  
15 *and 20 feet in length, retention of trees with structural features*  
16 *such as basal hollows, cavities, large limbs, or broken tops,*  
17 *retention of hardwoods, and retention or recruitment of snags*  
18 *greater than 24 inches in diameter and 16 feet in height.*

19 (j) *A certification by the registered professional forester*  
20 *preparing the plan that the forester or a designee has personally*  
21 *inspected the plan area.*

22 (k) *A certification by the registered professional forester*  
23 *preparing the plan that the forester or a designee has clearly*  
24 *explained to the working forest landowner that the plan is a*  
25 *long-term commitment that may require ongoing investments,*  
26 *including inventory sampling and road maintenance, for the*  
27 *purpose of managing the plan.*

28 ~~(k)~~

29 (l) *Any other information the board requires by regulation to*  
30 *meet its rules and the standards of this chapter.*

31 4597.3. The board shall adopt regulations regarding the notice  
32 of receipt of the proposed working forest management plan. The  
33 notice shall be given within two working days following  
34 ~~submission~~ *receipt* of the proposed management plan and shall be  
35 consistent with all applicable laws. ~~In adopting the regulations,~~  
36 ~~the board shall take account of the extent of the administrative~~  
37 ~~burden involved in giving the notice.~~ The method of notice shall  
38 include, but not be limited to, mailed ~~notice.~~ *notice and*  
39 *Internet-based notice.* The regulations may require the person  
40 submitting the working forest management plan to provide to the

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

3 4597.4. The department shall provide notice of the filing of  
4 working forest management plans, *the proposed plans*, and working  
5 forest harvest notices *on its Internet Web site*, and to any person  
6 who requests, in writing, that notification.

7 4597.5. Upon receipt of the *proposed* working forest  
8 management plan, the department shall place the *proposed* plan,  
9 or a true copy of the *proposed* plan, in a ~~file~~ *location or on an*  
10 *Internet Web site* available for public inspection in the county in  
11 which timber operations are proposed under the plan. For the  
12 purpose of interdisciplinary review, the department shall also  
13 transmit a copy to the *Department of Conservation*, the Department  
14 of Fish and Wildlife, the appropriate California regional water  
15 quality control board, the county planning agency, and all other  
16 agencies having jurisdiction by law over natural resources affected  
17 by the plan. The department shall invite, consider, and respond in  
18 writing to comments received from public agencies to which the  
19 plan has been transmitted and shall consult with those agencies at  
20 their request.

21 4597.6. (a) The department shall provide a *time period for*  
22 ~~public comment period of 90 days~~ *comment, starting* from the date  
23 of the receipt of a working forest management ~~plan~~ *plan*, as  
24 follows:

25 (1) *Ninety days for a working forest management plan for less*  
26 *than 5,000 acres.*

27 (2) *One hundred ten days for a working forest management*  
28 *plan for between 5,000 and 9,999 acres.*

29 (3) *One hundred thirty days for a working forest management*  
30 *plan for between 10,000 and 14,999 acres.*

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

33 (1) Within 30 working days of the receipt of a working forest  
34 management plan, or within 40 working days of the receipt of a  
35 plan to which a road management plan is appended, the department  
36 shall determine if the plan is accurate, complete, and in proper  
37 order, and if so, the plan shall be filed. *An unfiled plan shall be*  
38 *returned to the applicant with an explanation that includes*  
39 *provisions for resubmitting the plan.*

1 (2) The initial inspection shall be initiated within 20 working  
2 days from the date of filing of the working forest management  
3 plan, and completed no more than 30 working days from the date  
4 of filing.

5 (3) Upon completion of the initial inspection, the department  
6 shall have up to 45 working days to conduct the final interagency  
7 review of the plan.

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

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

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

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

32 (e) (1) A working forest landowner to whom a plan is denied  
33 pursuant to subdivision (c) or (d) ~~may~~, *may request*, within 30  
34 working days from the receipt of the plan, ~~request the board for a~~  
35 public hearing before the board. The board shall schedule a public  
36 hearing to review the plan to determine if the plan is in  
37 conformance with the rules and regulations of the board and this  
38 chapter.

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

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

(4) If the plan is not approved on appeal to the board, the director, within 10 working days of board action, shall advise the plan submitter regarding changes needed ~~to the plan to determine that the plan is in conformance~~ *that would achieve compliance with this chapter and other applicable provisions of the law*. The plan submitter shall have 45 working days from the date of the notification letter, or longer, if mutually agreeable to the department and the plan submitter to revise the plan to bring it into full conformance with the rules and regulations of the board and this chapter. Upon receipt of the information requested of the plan submitter, the department shall recirculate the plan and reopen the public comment period for 30 working days. ~~The~~ *Prior to determining whether to approve the proposed revised plan, the* director shall have 30 working days to review public input and consider recommendations and mitigation measures of other agencies, and to respond in writing to issues raised.

4597.7. The working forest landowner may submit a proposed amendment to the approved plan and shall not take any action that substantially deviates, as defined by the board, from the approved plan until the amendment has been filed with the director and the director has determined, *after completion of the interagency review and public comment period*, either of the following:

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

(b) The amendment is in compliance with the rules and regulations of the board and the provisions of this chapter that were in effect at the time the working forest management plan was approved. The director may only make this determination if the *registered* professional forester *explains, justifies, and certifies* both of the following:

1 (1) The adherence to new or modified rules—~~or laws and~~  
2 *regulations of the board* would cause unreasonable additional  
3 expense to the working forest landowner.

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

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

16 4597.8. The working forest landowner may take actions that  
17 do not substantially deviate from the approved plan without the  
18 submission of an amendment, but those actions shall be  
19 subsequently reported to the department. The board shall specify,  
20 by regulation, those nonsubstantial deviations that may be taken.  
21 The board shall specify the requirements for reporting those  
22 deviations.

23 4597.9. In the event of a change of ownership of the land  
24 described in the working forest management plan, the working  
25 forest landowner shall notify the new landowner of the existence  
26 of the plan and the need to notify the department of the new  
27 landowner's intent regarding assumption of the plan. Notification  
28 shall be in writing with a copy to the department of the new  
29 landowner's intent regarding assumption of the plan. The new  
30 landowner shall have one year from the date of the receipt of the  
31 notification by the department to notify the department in writing  
32 of his or her assumption of the plan. If the department does not  
33 receive notification within this period, the plan shall expire one  
34 year from the date the new landowner is advised by the department  
35 of the necessity to assume the plan.

36 4597.10. The working forest landowner may cancel the working  
37 forest management plan by submitting a written notice to the  
38 department. Once timber operations have commenced pursuant to  
39 a working forest harvest notice, cancellation is not effective on

land covered by the notice until a report of satisfactory completion has been issued pursuant to Sections 4585, 4586, and 4587.

4597.11. 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 working forest management plan, and who plans to harvest any of the timber during a given year, shall file a working forest harvest notice with the department in writing. A notice shall be filed prior to the harvesting of any timber and shall be effective for a maximum of one year from the date of filing. If the person who files the notice is not the owner of the timberland, the person filing the notice shall notify the timberland owner by certified mail that the notice has been submitted and shall certify that mailing to the department. The notice shall be a public record and shall include all of the following information:

- (a) The name and address of the timber owner.
- (b) The name and address of the timber operator.
- (c) The name and address of the registered professional forester preparing the working forest management plan.
- (d) A description of the land on which the work is proposed to be done.
- (e) A statement that no archaeological sites have been discovered in the harvest area since the approval of the working forest management plan.
- (f) A statement that state or federally listed rare, threatened, *candidate*, or endangered plant or animal species have not been discovered in the harvest area since the approval of the working forest management plan. Prior to submitting the notice, a review of the California Natural Diversity Database or other public databases for any species listed as threatened, endangered, *candidate*, or rare, or species that meet the criteria of endangered or rare as provided in Section 15380 of Title 14 of the California Code of Regulations, shall be conducted after the ~~initial~~ *initial* year after the plan is approved. When a notice of operations is filed after the ~~initial~~ *initial* year the plan is approved, it shall comply with the following:

(1) Documented occurrences obtained from a review of public and readily available sources of species state or federally listed as threatened, endangered, *candidate*, or rare within the biological assessment area and outside the area identified in the working

1 forest harvest notice not addressed in the approved plan shall be  
2 submitted to the director as a minor deviation concurrently with  
3 the filing of a working forest harvest notice.

4 (2) Occurrences of species *that are* state or federally listed as  
5 threatened, endangered, *candidate*, or rare discovered inside the  
6 area identified in the working forest harvest notice not addressed  
7 in the approved plan shall be submitted to the director as an  
8 amendment to the plan prior to filing a working forest harvest  
9 notice. The amendment shall contain ~~protection~~ *take avoidance*  
10 *and mitigation* measures if no such information is currently  
11 contained within the approved plan.

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

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

17 (1) The notice as carried out will ~~implement best management~~  
18 ~~practices for protection of~~ *protect* the beneficial uses of water, soil  
19 stability, forest productivity, and wildlife ~~as required by the current~~  
20 ~~operational rules of the board.~~ *as provided by the rules and*  
21 *regulations of the board and other applicable provisions of law.*

22 (2) Compliance with the rules and regulations of the board and  
23 the provisions of this chapter that were in effect at the time the  
24 working forest management plan was approved will not result in  
25 any significant degradation to the beneficial uses of water, soil  
26 stability, forest productivity, or wildlife. This paragraph shall only  
27 apply if the forester certifies that adherence to current or modified  
28 ~~rules or laws and regulations of the board~~ would cause  
29 unreasonable additional expense to the working forest landowner.

30 (i) ~~Special provisions, if any, provisions to protect any~~ unique  
31 ~~area areas, if any,~~ within the area of timber operations.

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

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

39 (l) *An update on erosion control mitigation measures for the*  
40 *harvest area and any appurtenant roads if conditions have changed*

1 *since the working forest management plan was approved and a*  
2 *certification from the registered professional forester that no*  
3 *additional listings of water bodies to the Section 303(d) of the*  
4 *Clean Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on*  
5 *the lands of the plan.*

6 ~~(f)~~

7 *(m) Any other information the board provides by regulation to*  
8 *meet its rules and the standards of this ~~chapter.~~ chapter and other*  
9 *applicable provisions of law.*

10 *4597.11.1. (a) At least 10 days prior to submitting to the*  
11 *department a working forest harvest notice that proposes timber*  
12 *harvest operations in the Southern Subdistrict of the Coast Forest*  
13 *District, as defined in Section 895.1 of Title 14 of the California*  
14 *Code of Regulations, the registered professional forester shall*  
15 *provide a preoperations notice to any person who owns land that*  
16 *adjoins or includes a Class I, II, or IV watercourse that is 1,000*  
17 *feet downstream from the proposed harvest area. The*  
18 *preoperations notice shall include both of the following:*

19 *(1) Information about the proposed timber harvest operations,*  
20 *including the location of the harvest area and identification of*  
21 *watercourses that the operations may affect.*

22 *(2) A request that the notice recipient provide information on*  
23 *any of his or her legal domestic surface water intake systems*  
24 *located within 1,000 feet downstream from the proposed harvest*  
25 *area.*

26 *(b) A working forest harvest notice for which a preoperations*  
27 *notice is required pursuant to subdivision (a) shall not be submitted*  
28 *to the department until the preoperations notice period has expired.*  
29 *The working forest harvest notice shall include a certification by*  
30 *the registered professional forester that the forester has complied*  
31 *with subdivision (a). If the registered professional forester receives*  
32 *information pursuant to paragraph (2) of subdivision (a), the*  
33 *forester shall certify either of the following:*

34 *(1) (A) Based on the information received in response to the*  
35 *preoperations notice, a deviation is required to the working forest*  
36 *management plan to protect legal surface domestic water intake*  
37 *systems. This deviation includes a description of the legal domestic*  
38 *surface water intake systems and protection measures to be*  
39 *approved pursuant to Section 4597.7 or 4597.8 prior to the*  
40 *commencement of operations.*



1     (B) For the purpose of paragraph (1), if a deviation requires  
2     an amendment pursuant to Section 4597.7, timber operations under  
3     the working forest harvest notice may still occur while the  
4     department processes the amendment; however, only log hauling  
5     on existing roads may be conducted within 300 feet of the new  
6     legal surface domestic water intake systems. All other operations  
7     within 300 feet of the new legal domestic surface water intake  
8     system shall not commence until the amendment has been  
9     processed by the department.

10    (2) Based on the information received in response to the  
11    preoperations notice, no deviation is required from the working  
12    forest management plan because the plan identifies all known legal  
13    surface domestic water intake systems and includes measures that  
14    provide adequate protection.

15    (c) The preoperations notice may be mailed or personally  
16    delivered to each person required to receive notice pursuant to  
17    subdivision (a).

18    4597.12. (a) For an approved working forest management  
19    plan, the director shall convene a meeting with the interdisciplinary  
20    review team, as that term is used in subdivision (a) of Section  
21    1037.5 of Title 14 of the California Code of Regulations, every  
22    five years to review the plan's administrative record, information  
23    obtained pursuant to subdivision (b), and any other information  
24    relevant to verify that operations have been conducted in  
25    accordance with the plan and applicable laws and regulations.  
26    Participation by review team agencies shall be at the discretion of  
27    each agency. If at this meeting a member of the review team  
28    determines that a field inspection is necessary to verify the plan's  
29    ~~compliance with the appropriate rules and regulations that~~  
30    operations have been conducted in accordance with the plan and  
31    applicable laws and regulations, then a field inspection may be  
32    conducted.

33    (b) For the purposes of subdivision (a), the board, in  
34    consultation with the review team agencies, shall adopt regulations  
35    that require the department to develop a plan summary before  
36    each five-year review that allows the review team to analyze  
37    information including, but not limited to, the number of notices of  
38    timber operations, the acreage operated under each notice, the  
39    violations received, and the volume harvested in relation to  
40    projections of harvest in the plan. If the department or a review

1 *team agency does not have direct access to information needed*  
2 *for the plan summary, the department may require the landowner*  
3 *to provide this information.*

4 *(c) For the purpose of allowing the public to monitor a working*  
5 *forest management plan, the department shall provide the public,*  
6 *in writing or on its Internet Web site, notice of each five-year*  
7 *review and a copy of the plan summary. The public may submit to*  
8 *the review team additional information relevant to the purpose of*  
9 *the five-year review and the review team may consider this*  
10 *information when conducting its review.*

11 *(d) This section does not authorize the public disclosure of*  
12 *proprietary information without first obtaining the landowner's*  
13 *consent.*

14 4597.13. The registered professional forester who prepares the  
15 working forest management plan or prepares the notice of harvest,  
16 or any other registered professional forester who is employed by  
17 the owner or operator, shall report to the owner or operator if there  
18 are deviations from the plan that, in the forester's judgment,  
19 threaten the attainment of the resource conservation standards of  
20 the plan.

21 4597.14. If the board finds that a registered professional forester  
22 has made any material misstatement in a working forest harvest  
23 notice, working forest management plan, or report pursuant to this  
24 chapter, the board shall take disciplinary action against the forester  
25 as provided pursuant to Section 775.

26 4597.15. Notwithstanding any other provisions of this chapter,  
27 if a registered professional forester certifies by written declaration,  
28 on behalf of the timber owner or operator, that the working forest  
29 harvest notice conforms to and meets the requirements of the  
30 approved working forest management plan under which it is filed,  
31 timber operations may commence immediately. If the notice has  
32 been filed by mailing, operations may commence three days after  
33 the notice has been mailed. Cancellation of the plan may be  
34 appealed by the plan submitter or landowner utilizing the process  
35 prescribed in paragraph (1) of subdivision (e) of Section 4597.6.

36 4597.16. If the department determines that the objectives of  
37 uneven aged management and sustained yield are not being met  
38 by a working forest landowner, or there are other persistent  
39 violations detected that are not being corrected, the department  
40 shall cancel a previously approved working forest management

1 plan and any further timber operations under the plan shall be  
2 terminated. In making a determination to cancel a plan, the  
3 department may cite the findings of a review conducted pursuant  
4 to Section 4597.12.

5 4597.17. If a landowner with a nonindustrial timber  
6 management plan or a working forest management plan with less  
7 than 2,500 acres expands his or her total timberland ownership to  
8 2,500 or more acres, the landowner may transition into a working  
9 forest management plan for more than 2,500 acres through an  
10 amendment to the plan. The board shall adopt regulations that  
11 establish this amendment process.

12 ~~4597.18. (a) To encourage smaller landowners to engage in~~  
13 ~~long-term, sustainable forest management, the board shall adopt~~  
14 ~~regulations that tailor the working forest management plan program~~  
15 ~~for landowners with 160 or fewer acres of timberlands in the Coast~~  
16 ~~Forest District and landowners with 320 or fewer acres of~~  
17 ~~timberlands in the Northern Forest District or Southern Forest~~  
18 ~~District. These regulations shall establish rebuttable presumptions,~~  
19 ~~including presumptions related to inventory design, sustained yield~~  
20 ~~and cumulative effects, that err on the side of conservation but~~  
21 ~~provide the cost savings to incentivize small landowners to develop~~  
22 ~~modified small working forest management plans.~~

23 ~~(b) The board shall adopt these regulations that are necessary~~  
24 ~~to support the rebuttable presumptions regarding inventory design,~~  
25 ~~cumulative effects and sustained yield. At a minimum, the~~  
26 ~~regulations shall include the following provisions:~~

27 ~~(1) Harvest shall not exceed 80 percent of growth over any~~  
28 ~~10-year period, nor exceed 40 percent of harvestable inventory,~~  
29 ~~whichever is less.~~

30 ~~(2) Harvesting operations shall result in the full range of age~~  
31 ~~classes and species of trees appropriate to the location, well~~  
32 ~~distributed across the ownership. Retention of trees should~~  
33 ~~prioritize those with significant value to wildlife.~~

34 ~~(3) Any road construction or reconstruction on slopes over 50~~  
35 ~~percent shall include consultation by a registered engineering~~  
36 ~~geologist.~~

37 *4597.18. A participating landowner, in conjunction with the*  
38 *preparation of an application for a working forest management*  
39 *plan filed with the department, may also seek approval of a safe*  
40 *harbor agreement from the California Department of Fish and*

1 *Wildlife, pursuant to Article 3.7 (commencing with Section 2089.2)*  
2 *of Chapter 1.5, of Division 3, of the Fish and Game Code. All*  
3 *review costs associated with the safe harbor agreement approval*  
4 *process incurred by the California Department of Fish and Wildlife*  
5 *pursuant to this section shall be paid from the fund created in*  
6 *Section 4629.3.*

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

13 4597.20. The board shall adopt the regulations needed to  
14 implement this article by January 1, 2016.

15 4597.21. *This article does not affect the applicability of county*  
16 *rules adopted pursuant to Section 4516.5 nor any court decision*  
17 *made by a court of competent jurisdiction.*

18 SEC. 2. *Article 7.8 (commencing with Section 4598) is added*  
19 *to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,*  
20 *to read:*

21  
22 *Article 7.8. Small Forest Unevenaged Management Plan*  
23

24 4598. *The Legislature finds and declares the following:*

25 (a) *Small nonindustrial landowners own approximately*  
26 *one-fourth of the timberland in California, and often have different*  
27 *economic pressures and management goals than owners of lands*  
28 *managed for timber production.*

29 (b) *These smaller landowners often want to manage their forest*  
30 *for multiple uses, which include residential and recreation uses,*  
31 *wildlife habitat, and water resources in large part so that their*  
32 *ranch and forest properties can be passed on intact to the next*  
33 *generation. However, scale and timber value make this*  
34 *economically difficult, which increases the possibility of these*  
35 *lands being sold and subdivided, resulting in loss of open space,*  
36 *fish and wildlife habitat, and other important public trust values.*

37 (c) *It is the intent of the Legislature to create a streamlined*  
38 *discretionary permit, subject to multiagency and public review,*  
39 *that facilitates long-term stewardship of the property with a high*  
40 *level of conservation. Once the permit is approved, it is the intent*

1 of the Legislature to allow the small nonindustrial landowner to  
2 file ministerial timber harvest notices that are in compliance with  
3 the permit.

4 (d) It is the intent of the Legislature that the Board of Forestry  
5 promulgate the regulations necessary to implement this article,  
6 using the general framework of the Nonindustrial Timber  
7 Management Plan, combined with the permit streamlining  
8 approach reflected in the Modified Timber Harvest Plan.

9 4598.1. (a) The Board of Forestry, in consultation with the  
10 entities identified in subdivision (a) of Section 1037.5 of Title 14  
11 of the California Code of Regulations, shall adopt regulations  
12 creating a Small Forest Unevenaged Management Plan. The  
13 regulations shall follow the general structure of the Nonindustrial  
14 Timber Management Plan, pursuant to Article 7.7 (commencing  
15 with Section 4597) and include all of the following provisions:

16 (1) The plan shall be applicable to lands of 320 acres and less.

17 (2) (A) Harvest in any given area of the property shall not  
18 exceed 80 percent of growth since the last harvest, nor shall it  
19 exceed 40 percent of harvestable inventory.

20 (B) When the property reaches a fully regulated condition the  
21 landowner may update the forest inventory and thereafter harvest  
22 100 percent of growth.

23 (3) Harvesting operations shall result in the full range of age  
24 classes and species of trees appropriate to the location, well  
25 distributed across the ownership. Retention of trees should  
26 prioritize those with significant value to wildlife.

27 (4) Any road construction or reconstruction on slopes over 50  
28 percent shall include consultation by a professional geologist  
29 licensed in the State of California.

30 (5) Harvest units shall not be reentered more frequently than  
31 every 10 years, with exception in the conduct of sanitation or  
32 salvage operations, timber stand or habitat improvement, or  
33 operations necessary to promote a fire safe condition.

34 (b) Recognizing that this section requires increasing inventory,  
35 the board may develop initial inventory requirements that are less  
36 rigorous than used in other plans, with the provision that the  
37 inventory be updated to a level of appropriate statistical  
38 significance if the landowner intends to exercise the option in  
39 subparagraph (B) of paragraph (2) of subdivision (a).

1     (c) A plan submitter who is in compliance with the regulations  
2     adopted pursuant to this section shall not be required to prepare  
3     a cumulative impact assessment unless a fair argument based on  
4     substantial evidence, as that term is used in Section 15384 of Title  
5     14 of the California Code of Regulations, is raised that such an  
6     assessment is required.

7     (d) For the purpose of this section, “fully regulated condition”  
8     means the technical, in contrast to the administrative and business,  
9     aspects of controlling stocking, harvests, growth, and yields to  
10    meet management objectives including sustained yield.

11    ~~SEC. 2.~~

12    SEC. 3. 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.