

AMENDED IN SENATE SEPTEMBER 3, 2013

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

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, and to add Article 7.8 (commencing with Section 4598) to Chapter 8 of Part 2 of Division 4 of, 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 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 to create a management plan for landowners with 320 or fewer acres of 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.

The bill would provide that its provisions shall not apply to the Southern Subdistrict of the Coast Forest District, as defined. The bill would make legislative findings and declarations regarding the need for special legislation.

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

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

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

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

1 (4) It is the policy of the state to encourage prudent and
2 responsible forest resource management of nonindustrial
3 timberlands by approving working forest management plans in
4 advance and authorizing working forest timber harvest notices to
5 be filed ministerially.

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

13 (b) This article shall be implemented in a manner that complies
14 with the applicable provisions of this chapter and other laws,
15 including, but not limited to, the Timberland Productivity Act of
16 1982 (Chapter 6.7 (commencing with Section 51100) of Division
17 1 of Title 5 of the Government Code), the California Environmental
18 Quality Act ~~of 1970~~ (Division 13 (commencing with Section
19 21000) *of the Public Resources Code*), the Porter Cologne Water
20 Quality Control Act (Division 7 (commencing with Section 13000)
21 of the ~~Water Code~~); *Code*), and the California Endangered Species
22 Act (Chapter 1.5 (commencing with Section 2050) of the Fish and
23 Game Code).

24 4597.1. Notwithstanding Section 4521, unless the context
25 otherwise requires, the following definitions govern construction
26 of this article:

27 (a) “Long-term sustained yield” means the average annual
28 growth sustainable by the inventory predicted at the end of a
29 100-year planning horizon, or a shorter planning horizon if the
30 forest encompassed by the working forest management plan has
31 reached a balance between growth and yield.

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

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

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) “Strata” means a grouping of similar stands defined for
4 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 objectives of maintaining,
30 restoring, or creating uneven aged managed timber stand
31 conditions, achieving sustained yield, and promoting forestland
32 stewardship that protects watersheds, fisheries and wildlife habitats,
33 and other important values.

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

36 4597.2. A working forest management plan may be filed with
37 the department in writing by a person who intends to become a
38 working forest landowner with the long-term objective of an
39 uneven aged timber stand and sustained yield through the
40 implementation of a working forest management plan. The

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

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

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

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

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

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

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

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

1 sources of erosion. This subdivision shall not apply to the extent
2 that the registered professional forester provides documentation
3 to the department that the working forest management plan is in
4 compliance with similar requirements of other applicable
5 provisions of law.

6 (e) Special provisions to protect unique areas, if any, within the
7 boundaries of the proposed working forest management plan.

8 (f) A description of the property and planned activities including
9 acres and projected growth, existing stand types, major stand types
10 or strata, its current projected growth by strata, silvicultural
11 applications to be applied to strata to achieve long-term sustained
12 yield, projected timber volumes and tree sizes to be available for
13 harvest, and projected frequencies of harvest.

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

25 (A) Retention measures for existing biological legacies such as
26 snags, trees with cavities or basal hollows, and down logs, and
27 address how those legacies shall be managed over time appropriate
28 with the forest type, climate, and landowner's forest fire fuels and
29 wildlife management objectives.

30 (B) Hardwood tree species and how they will be managed over
31 time.

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

33 (3) Notwithstanding the definition of late succession forest
34 stands in Section 895.1 of Title 14 of the California Code of
35 Regulations, and for the sole purpose of this article, "late
36 succession forest stands" means stands of dominant and
37 predominant trees that meet the criteria of the California Wildlife
38 Habitat Relationships System class 5D, 5M, or 6 with an open,
39 moderate, or dense canopy closure classification, often with
40 multiple canopy layers, and are at least 10 acres in size. Functional

1 characteristics of late succession forest stands include large
2 decadent trees, snags, and large down logs.

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

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

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

17 (B) Yarding methods to be used.

18 (C) Management units shall be mapped.

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

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

29 (ii) Addresses species habitat needs utilizing the “WHR system”
30 described in ~~“A Guide to the California Wildlife Habitat~~
31 ~~Relationships System,”~~ “*A Guide to Wildlife Habitats in*
32 *California,*” California Department of Fish and Wildlife, 1988, or
33 comparable typing system.

34 (iii) Addresses constraints to timber management, the impact
35 of the availability and distribution of habitats on the ownership
36 and within the cumulative impacts assessment area identified in
37 the plan in relation to the harvest schedule, and the impacts of the
38 planned management activities utilizing the existing habitat as the
39 baseline for comparison.

1 (iv) Discusses and includes feasible measures planned to avoid
2 or mitigate potentially significant adverse impacts on fish or
3 wildlife, which can include, but is not limited to, recruitment or
4 retention of large down logs greater than 16 inches in diameter
5 and 20 feet in length, retention of trees with structural features
6 such as basal hollows, cavities, large limbs, or broken tops,
7 retention of hardwoods, and retention or recruitment of snags
8 greater than 24 inches in diameter and 16 feet in height.

9 (j) A certification by the registered professional forester
10 preparing the plan that the forester or a designee has personally
11 inspected the plan area.

12 (k) A certification by the registered professional forester
13 preparing the plan that the forester or a designee has clearly
14 explained to the working forest landowner that the plan is a
15 long-term commitment that may require ongoing investments,
16 including inventory sampling and road maintenance, for the
17 purpose of managing the plan.

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

20 4597.3. The board shall adopt regulations regarding the notice
21 of receipt of the proposed working forest management plan. The
22 notice shall be given within two working days following receipt
23 of the proposed management plan and shall be consistent with all
24 applicable laws. The method of notice shall include, but not be
25 limited to, mailed notice and Internet-based notice. The regulations
26 may require the person submitting the working forest management
27 plan to provide to the department a list of the names and addresses
28 of persons to whom the notice is to be mailed.

29 4597.4. The department shall provide notice of the filing of
30 working forest management plans, the proposed plans, and working
31 forest harvest notices on its Internet Web site, and to any person
32 who requests, in writing, that notification.

33 4597.5. Upon receipt of the proposed working forest
34 management plan, the department shall place the proposed plan,
35 or a true copy of the proposed plan, in a location or on an Internet
36 Web site available for public inspection in the county in which
37 timber operations are proposed under the plan. For the purpose of
38 interdisciplinary review, the department shall also transmit a copy
39 to the Department of Conservation, the Department of Fish and
40 Wildlife, the appropriate California regional water quality control

1 board, the county planning agency, and all other agencies having
2 jurisdiction by law over natural resources affected by the plan.
3 The department shall invite, consider, and respond in writing to
4 comments received from public agencies to which the plan has
5 been transmitted and shall consult with those agencies at their
6 request.

7 4597.6. (a) The department shall provide a time period for
8 public comment, starting from the date of the receipt of a working
9 forest management plan, as follows:

10 (1) Ninety days for a working forest management plan for less
11 than 5,000 acres.

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

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

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

18 (1) Within 30 working days of the receipt of a working forest
19 management plan, or within 40 working days of the receipt of a
20 plan to which a road management plan is appended, the department
21 shall determine if the plan is accurate, complete, and in proper
22 order, and if so, the plan shall be filed. An unfiled plan shall be
23 returned to the applicant with an explanation that includes
24 provisions for resubmitting the plan.

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

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

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

35 (5) After the final interagency review and public comment
36 period has ended, the department shall have up to 30 working days
37 to review the public input, to consider recommendations and
38 mitigation measures of other agencies, to respond in writing to the
39 issues raised, and to determine if the plan is in conformance with

1 the applicable rules adopted by the board and other applicable
2 provisions of law.

3 (c) If after final interagency review the director determines that
4 the plan is not in conformance with the rules and regulations of
5 the board or this chapter, the director shall deny and return the
6 plan, stating the reasons for the denial and advising the person
7 submitting the plan of the person's right to a hearing before the
8 board.

9 (d) If the director does not act within the time periods provided
10 in paragraphs (1) through (5) in subdivision (b), the director and
11 the working forest landowner submitting the working forest
12 management plan shall negotiate and mutually agree upon a longer
13 period for the director to review the plan. If a longer period cannot
14 be mutually agreed upon, the working forest management plan
15 shall be deemed denied and returned to the working forest
16 landowner submitting the plan.

17 (e) (1) A working forest landowner to whom a plan is denied
18 pursuant to subdivision (c) or (d) may request, within 30 working
19 days from the receipt of the plan, a public hearing before the board.
20 The board shall schedule a public hearing to review the plan to
21 determine if the plan is in conformance with the rules and
22 regulations of the board and this chapter.

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

26 (3) If the director's decision to deny the plan is overturned by
27 the board, the board shall prepare findings and its rationale for
28 overturning the decision, and return the plan to the department for
29 approval by the director.

30 (4) If the plan is not approved on appeal to the board, the
31 director, within 10 working days of board action, shall advise the
32 plan submitter regarding changes needed that would achieve
33 compliance with this chapter and other applicable provisions of
34 the law. The plan submitter shall have 45 working days from the
35 date of the notification letter, or longer, if mutually agreeable to
36 the department and the plan submitter to revise the plan to bring
37 it into full conformance with the rules and regulations of the board
38 and this chapter. Upon receipt of the information requested of the
39 plan submitter, the department shall recirculate the plan and reopen
40 the public comment period for 30 working days. Prior to

1 determining whether to approve the proposed revised plan, the
2 director shall have 30 working days to review public input and
3 consider recommendations and mitigation measures of other
4 agencies, and to respond in writing to issues raised.

5 4597.7. The working forest landowner may submit a proposed
6 amendment to the approved plan and shall not take any action that
7 substantially deviates, as defined by the board, from the approved
8 plan until the amendment has been filed with the director and the
9 director has determined, after completion of the interagency review
10 and public comment period, either of the following:

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

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

19 (1) The adherence to new or modified rules and regulations of
20 the board would cause unreasonable additional expense to the
21 working forest landowner.

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.

27 (c) Review timelines for substantial deviations of working forest
28 management plans shall conform to the direction provided in
29 Section 4582.7, except for amendments that add acreage covered
30 by the original working forest management plan that exceeds 10
31 percent or 500 acres, whichever is greater. Amendments that add
32 acreage in excess of 10 percent or 500 acres shall be reviewed
33 pursuant to the procedures specified in Section 4597.6.

34 4597.8. The working forest landowner may take actions that
35 do not substantially deviate from the approved plan without the
36 submission of an amendment, but those actions shall be
37 subsequently reported to the department. The board shall specify,
38 by regulation, those nonsubstantial deviations that may be taken.
39 The board shall specify the requirements for reporting those
40 deviations.

1 4597.9. In the event of a change of ownership of the land
2 described in the working forest management plan, the working
3 forest landowner shall notify the new landowner of the existence
4 of the plan and the need to notify the department of the new
5 landowner's intent regarding assumption of the plan. Notification
6 shall be in writing with a copy to the department of the new
7 landowner's intent regarding assumption of the plan. The new
8 landowner shall have one year from the date of the receipt of the
9 notification by the department to notify the department in writing
10 of his or her assumption of the plan. If the department does not
11 receive notification within this period, the plan shall expire one
12 year from the date the new landowner is advised by the department
13 of the necessity to assume the plan.

14 4597.10. The working forest landowner may cancel the working
15 forest management plan by submitting a written notice to the
16 department. Once timber operations have commenced pursuant to
17 a working forest harvest notice, cancellation is not effective on
18 land covered by the notice until a report of satisfactory completion
19 has been issued pursuant to Sections 4585, 4586, and 4587.

20 4597.11. The working forest landowner who owns, leases, or
21 otherwise controls or operates on all or any portion of any
22 timberland within the boundaries of an approved working forest
23 management plan, and who plans to harvest any of the timber
24 during a given year, shall file a working forest harvest notice with
25 the department in writing. A notice shall be filed prior to the
26 harvesting of any timber and shall be effective for a maximum of
27 one year from the date of filing. If the person who files the notice
28 is not the owner of the timberland, the person filing the notice shall
29 notify the timberland owner by certified mail that the notice has
30 been submitted and shall certify that mailing to the department.
31 The notice shall be a public record and shall include all of the
32 following information:

- 33 (a) The name and address of the timber owner.
- 34 (b) The name and address of the timber operator.
- 35 (c) The name and address of the registered professional forester
36 preparing the working forest management plan.
- 37 (d) A description of the land on which the work is proposed to
38 be done.

1 (e) A statement that no archaeological sites have been discovered
2 in the harvest area since the approval of the working forest
3 management plan.

4 (f) A statement that state or federally listed rare, threatened,
5 candidate, or endangered plant or animal species have not been
6 discovered in the harvest area since the approval of the working
7 forest management plan. Prior to submitting the notice, a review
8 of the California Natural Diversity Database or other public
9 databases for any species listed as threatened, endangered,
10 candidate, or rare, or species that meet the criteria of endangered
11 or rare as provided in Section 15380 of Title 14 of the California
12 Code of Regulations, shall be conducted after the initial year after
13 the plan is approved. When a notice of operations is filed after the
14 initial year the plan is approved, it shall comply with the following:

15 (1) Documented occurrences obtained from a review of public
16 and readily available sources of species state or federally listed as
17 threatened, endangered, candidate, or rare within the biological
18 assessment area and outside the area identified in the working
19 forest harvest notice not addressed in the approved plan shall be
20 submitted to the director as a minor deviation concurrently with
21 the filing of a working forest harvest notice.

22 (2) Occurrences of species that are state or federally listed as
23 threatened, endangered, candidate, or rare discovered inside the
24 area identified in the working forest harvest notice not addressed
25 in the approved plan shall be submitted to the director as an
26 amendment to the plan prior to filing a working forest harvest
27 notice. The amendment shall contain take avoidance and mitigation
28 measures if no such information is currently contained within the
29 approved plan.

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

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

35 (1) The notice as carried out will protect the beneficial uses of
36 water, soil stability, forest productivity, and wildlife as provided
37 by the rules and regulations of the board and other applicable
38 provisions of law.

39 (2) Compliance with the rules and regulations of the board and
40 the provisions of this chapter that were in effect at the time the

1 working forest management plan was approved will not result in
2 any significant degradation to the beneficial uses of water, soil
3 stability, forest productivity, or wildlife. This paragraph shall only
4 apply if the forester certifies that adherence to current or modified
5 rules and regulations of the board would cause unreasonable
6 additional expense to the working forest landowner.

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

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

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

16 (l) An update on erosion control mitigation measures for the
17 harvest area and any appurtenant roads if conditions have changed
18 since the working forest management plan was approved and a
19 certification from the registered professional forester that no
20 additional listings of water bodies to the Section 303(d) of the
21 Clean Water Act (33 U.S.C. Sec. 1313(d)) list have occurred on
22 the lands of the plan.

23 (m) Any other information the board provides by regulation to
24 meet its rules and the standards of this chapter and other applicable
25 provisions of law.

26 ~~4597.11.1. (a) At least 10 days prior to submitting to the~~
27 ~~department a working forest harvest notice that proposes timber~~
28 ~~harvest operations in the Southern Subdistrict of the Coast Forest~~
29 ~~District, as defined in Section 895.1 of Title 14 of the California~~
30 ~~Code of Regulations, the registered professional forester shall~~
31 ~~provide a preoperations notice to any person who owns land that~~
32 ~~adjoins or includes a Class I, II, or IV watercourse that is 1,000~~
33 ~~feet downstream from the proposed harvest area. The preoperations~~
34 ~~notice shall include both of the following:~~

35 ~~(1) Information about the proposed timber harvest operations,~~
36 ~~including the location of the harvest area and identification of~~
37 ~~watercourses that the operations may affect.~~

38 ~~(2) A request that the notice recipient provide information on~~
39 ~~any of his or her legal domestic surface water intake systems~~

1 located within 1,000 feet downstream from the proposed harvest
2 area.

3 ~~(b) A working forest harvest notice for which a preoperations~~
4 ~~notice is required pursuant to subdivision (a) shall not be submitted~~
5 ~~to the department until the preoperations notice period has expired.~~
6 ~~The working forest harvest notice shall include a certification by~~
7 ~~the registered professional forester that the forester has complied~~
8 ~~with subdivision (a). If the registered professional forester receives~~
9 ~~information pursuant to paragraph (2) of subdivision (a), the~~
10 ~~forester shall certify either of the following:~~

11 ~~(1) (A) Based on the information received in response to the~~
12 ~~preoperations notice, a deviation is required to the working forest~~
13 ~~management plan to protect legal surface domestic water intake~~
14 ~~systems. This deviation includes a description of the legal domestic~~
15 ~~surface water intake systems and protection measures to be~~
16 ~~approved pursuant to Section 4597.7 or 4597.8 prior to the~~
17 ~~commencement of operations.~~

18 ~~(B) For the purpose of paragraph (1), if a deviation requires an~~
19 ~~amendment pursuant to Section 4597.7, timber operations under~~
20 ~~the working forest harvest notice may still occur while the~~
21 ~~department processes the amendment; however, only log hauling~~
22 ~~on existing roads may be conducted within 300 feet of the new~~
23 ~~legal surface domestic water intake systems. All other operations~~
24 ~~within 300 feet of the new legal domestic surface water intake~~
25 ~~system shall not commence until the amendment has been~~
26 ~~processed by the department.~~

27 ~~(2) Based on the information received in response to the~~
28 ~~preoperations notice, no deviation is required from the working~~
29 ~~forest management plan because the plan identifies all known legal~~
30 ~~surface domestic water intake systems and includes measures that~~
31 ~~provide adequate protection.~~

32 ~~(c) The preoperations notice may be mailed or personally~~
33 ~~delivered to each person required to receive notice pursuant to~~
34 ~~subdivision (a).~~

35 4597.12. (a) For an approved working forest management
36 plan, the director shall convene a meeting with the interdisciplinary
37 review team, as that term is used in subdivision (a) of Section
38 1037.5 of Title 14 of the California Code of Regulations, every
39 five years to review the plan's administrative record, information
40 obtained pursuant to subdivision (b), and any other information

1 relevant to verify that operations have been conducted in
2 accordance with the plan and applicable laws and regulations.
3 Participation by review team agencies shall be at the discretion of
4 each agency. If at this meeting a member of the review team
5 determines that a field inspection is necessary to verify that
6 operations have been conducted in accordance with the plan and
7 applicable laws and regulations, then a field inspection may be
8 conducted.

9 (b) For the purposes of subdivision (a), the board, in consultation
10 with the review team agencies, shall adopt regulations that require
11 the department to develop a plan summary before each five-year
12 review that allows the review team to analyze information
13 including, but not limited to, the number of notices of timber
14 operations, the acreage operated under each notice, the violations
15 received, and the volume harvested in relation to projections of
16 harvest in the plan. If the department or a review team agency does
17 not have direct access to information needed for the plan summary,
18 the department may require the landowner to provide this
19 information.

20 (c) For the purpose of allowing the public to monitor a working
21 forest management plan, the department shall provide the public,
22 in writing or on its Internet Web site, notice of each five-year
23 review and a copy of the plan summary. The public may submit
24 to the review team additional information relevant to the purpose
25 of the five-year review and the review team may consider this
26 information when conducting its review.

27 (d) This section does not authorize the public disclosure of
28 proprietary information without first obtaining the landowner's
29 consent.

30 4597.13. The registered professional forester who prepares the
31 working forest management plan or prepares the notice of harvest,
32 or any other registered professional forester who is employed by
33 the owner or operator, shall report to the owner or operator if there
34 are deviations from the plan that, in the forester's judgment,
35 threaten the attainment of the resource conservation standards of
36 the plan.

37 4597.14. If the board finds that a registered professional forester
38 has made any material misstatement in a working forest harvest
39 notice, working forest management plan, or report pursuant to this

1 chapter, the board shall take disciplinary action against the forester
2 as provided pursuant to Section 775.

3 4597.15. Notwithstanding any other provisions of this chapter,
4 if a registered professional forester certifies by written declaration,
5 on behalf of the timber owner or operator, that the working forest
6 harvest notice conforms to and meets the requirements of the
7 approved working forest management plan under which it is filed,
8 timber operations may commence immediately. If the notice has
9 been filed by mailing, operations may commence three days after
10 the notice has been mailed. Cancellation of the plan may be
11 appealed by the plan submitter or landowner utilizing the process
12 prescribed in paragraph (1) of subdivision (e) of Section 4597.6.

13 4597.16. If the department determines that the objectives of
14 uneven aged management and sustained yield are not being met
15 by a working forest landowner, or there are other persistent
16 violations detected that are not being corrected, the department
17 shall cancel a previously approved working forest management
18 plan and any further timber operations under the plan shall be
19 terminated. In making a determination to cancel a plan, the
20 department may cite the findings of a review conducted pursuant
21 to Section 4597.12.

22 4597.17. If a landowner with a nonindustrial timber
23 management plan or a working forest management plan with less
24 than 2,500 acres expands his or her total timberland ownership to
25 2,500 or more acres, the landowner may transition into a working
26 forest management plan for more than 2,500 acres through an
27 amendment to the plan. The board shall adopt regulations that
28 establish this amendment process.

29 4597.18. A participating landowner, in conjunction with the
30 preparation of an application for a working forest management
31 plan filed with the department, may also seek approval of a safe
32 harbor agreement from the ~~California~~ Department of Fish and
33 Wildlife, pursuant to Article 3.7 (commencing with Section 2089.2)
34 of Chapter ~~1.5~~, 1.5 of Division ~~3~~, 3 of the Fish and Game Code.
35 All review costs associated with the safe harbor agreement approval
36 process incurred by the ~~California~~ Department of Fish and Wildlife
37 pursuant to this section shall be paid from the fund created in
38 Section 4629.3.

39 4597.19. Notwithstanding any other law, if a person with a
40 working forest management plan or a nonindustrial timber

1 management plan applies for state restoration grant funding for a
2 restoration project that has a significant public benefit, the
3 application shall not be summarily denied on the basis that the
4 project is a required condition of the harvesting plan.

5 4597.20. The board shall adopt the regulations needed to
6 implement this article by January 1, 2016.

7 4597.21. This article does not affect the applicability of county
8 rules adopted pursuant to Section 4516.5 nor any court decision
9 made by a court of competent jurisdiction.

10 4597.22. *This article shall not apply to the Southern Subdistrict*
11 *of the Coast Forest District, as defined in Section 845.1 of Title*
12 *14 of the California Code of Regulations.*

13 ~~SEC. 2.—Article 7.8 (commencing with Section 4598) is added~~
14 ~~to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,~~
15 ~~to read:~~

16

17 ~~Article 7.8.—Small Forest Unevenaged Management Plan~~

18

19 ~~4598.—The Legislature finds and declares the following:~~

20 ~~(a) Small nonindustrial landowners own approximately~~
21 ~~one-fourth of the timberland in California, and often have different~~
22 ~~economic pressures and management goals than owners of lands~~
23 ~~managed for timber production.~~

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

32 ~~(c) It is the intent of the Legislature to create a streamlined~~
33 ~~discretionary permit, subject to multiagency and public review,~~
34 ~~that facilitates long-term stewardship of the property with a high~~
35 ~~level of conservation. Once the permit is approved, it is the intent~~
36 ~~of the Legislature to allow the small nonindustrial landowner to~~
37 ~~file ministerial timber harvest notices that are in compliance with~~
38 ~~the permit.~~

39 ~~(d) It is the intent of the Legislature that the Board of Forestry~~
40 ~~promulgate the regulations necessary to implement this article,~~

1 using the general framework of the Nonindustrial Timber
2 Management Plan, combined with the permit streamlining approach
3 reflected in the Modified Timber Harvest Plan.

4 4598.1. (a) The Board of Forestry, in consultation with the
5 entities identified in subdivision (a) of Section 1037.5 of Title 14
6 of the California Code of Regulations, shall adopt regulations
7 creating a Small Forest Unevenaged Management Plan. The
8 regulations shall follow the general structure of the Nonindustrial
9 Timber Management Plan, pursuant to Article 7.7 (commencing
10 with Section 4597) and include all of the following provisions:

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

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

15 (B) When the property reaches a fully regulated condition the
16 landowner may update the forest inventory and thereafter harvest
17 100 percent of growth.

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

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

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

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

35 (c) A plan submitter who is in compliance with the regulations
36 adopted pursuant to this section shall not be required to prepare a
37 cumulative impact assessment unless a fair argument based on
38 substantial evidence, as that term is used in Section 15384 of Title
39 14 of the California Code of Regulations, is raised that such an
40 assessment is required.

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

5 *SEC. 2. The Legislature finds and declares that a special law*
6 *is necessary and that a general law cannot be made applicable*
7 *within the meaning of Section 16 of Article IV of the California*
8 *Constitution because of the unique urbanized nature of the*
9 *Southern Subdistrict of the Coast Forest District.*

10 *SEC. 3. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *the only costs that may be incurred by a local agency or school*
13 *district will be incurred because this act creates a new crime or*
14 *infraction, eliminates a crime or infraction, or changes the penalty*
15 *for a crime or infraction, within the meaning of Section 17556 of*
16 *the Government Code, or changes the definition of a crime within*
17 *the meaning of Section 6 of Article XIII B of the California*
18 *Constitution.*