

AMENDED IN SENATE AUGUST 19, 2016
AMENDED IN SENATE AUGUST 4, 2016
AMENDED IN SENATE AUGUST 2, 2016
AMENDED IN SENATE JUNE 21, 2016
AMENDED IN ASSEMBLY APRIL 7, 2016
AMENDED IN ASSEMBLY MARCH 29, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1958

Introduced by Assembly Member Wood

February 12, 2016

An act to amend Sections 4584 and 4621 of, and to add and repeal Section 4589 of, the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1958, as amended, Wood. Forestry: timberlands: restoration and conservation forest management activities.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities. Existing law authorizes a registered professional forester in an emergency to file, on behalf of a timber owner or operator, a specified emergency notice with the

department that allows for the immediate commencement of timber operations.

This bill would also, until January 1, 2024, authorize the board to exempt from some or all of those provisions of the act a person cutting or removing trees in specified areas to restore and conserve California black or Oregon white oak woodlands and associated grasslands, as specified. The bill would require the department and board to review and submit a report to the Legislature on the trends in the use of, compliance with, and effectiveness of the above exemptions and emergency notice provision and specified regulations.

Existing law requires a person who owns timberlands that are to be devoted to uses other than the growing of timber to file an application for conversion with the board and requires the board to establish a system of graduated timberland conversion permit fees.

This bill would define “growing of timber,” for these purposes, to include restoration and conservation forest management activities, which may include the removal of commercial species, if necessary to achieve specific forest health and ecological goals, that are not conducted in conjunction with the cutting or removal of trees or other forest products during the conversion of timberlands to other uses.

This bill would incorporate additional changes to Section 4584 of the Public Resources Code proposed by AB 2029 that would become operative if this bill and AB 2029 are enacted and this bill is enacted last.

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

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

- 1 SECTION 1. Section 4584 of the Public Resources Code is
- 2 amended to read:
- 3 4584. Upon determining that the exemption is consistent with
- 4 the purposes of this chapter, the board may exempt from this
- 5 chapter, or portions of this chapter, a person engaged in forest
- 6 management whose activities are limited to any of the following:
- 7 (a) The cutting or removal of trees for the purpose of
- 8 constructing or maintaining a right-of-way for utility lines.
- 9 (b) The planting, growing, nurturing, shaping, shearing, removal,
- 10 or harvest of immature trees for Christmas trees or other ornamental
- 11 purposes or minor forest products, including fuelwood.

1 (c) The cutting or removal of dead, dying, or diseased trees of
2 any size.

3 (d) Site preparation.

4 (e) Maintenance of drainage facilities and soil stabilization
5 treatments.

6 (f) Timber operations on land managed by the Department of
7 Parks and Recreation.

8 (g) (1) The one-time conversion of less than three acres to a
9 nontimber use. A person, whether acting as an individual, as a
10 member of a partnership, or as an officer or employee of a
11 corporation or other legal entity, shall not obtain more than one
12 exemption pursuant to this subdivision in a five-year period. If a
13 partnership has as a member, or if a corporation or other legal
14 entity has as an officer or employee, a person who has received
15 this exemption within the past five years, whether as an individual,
16 as a member of a partnership, or as an officer or employee of a
17 corporation or other legal entity, then that partnership, corporation,
18 or other legal entity is not eligible for this exemption. "Person,"
19 for purposes of this subdivision, means an individual, partnership,
20 corporation, or other legal entity.

21 (2) (A) Notwithstanding Section 4554.5, the board shall adopt
22 regulations that do all of the following:

23 (i) Identify the required documentation of a bona fide intent to
24 complete the conversion that an applicant will need to submit in
25 order to be eligible for the exemption in paragraph (1).

26 (ii) Authorize the department to inspect the sites approved in
27 conversion applications that have been approved on or after January
28 1, 2002, in order to determine that the conversion was completed
29 within the two-year period described in subparagraph (B) of
30 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of
31 the California Code of Regulations.

32 (iii) Require the exemption pursuant to this subdivision to expire
33 if there is a change in timberland ownership. The person who
34 originally submitted an application for an exemption pursuant to
35 this subdivision shall notify the department of a change in
36 timberland ownership on or before five calendar days after a change
37 in ownership.

38 (iv) The board may adopt regulations allowing a waiver of the
39 five-year limitation described in paragraph (1) upon finding that
40 the imposition of the five-year limitation would impose an undue

1 hardship on the applicant for the exemption. The board may adopt
2 a process for an appeal of a denial of a waiver.

3 (B) The application form for the exemption pursuant to
4 paragraph (1) shall prominently advise the public that a violation
5 of the conversion exemption, including a conversion applied for
6 in the name of someone other than the person or entity
7 implementing the conversion in bona fide good faith, is a violation
8 of this chapter and penalties may accrue up to ten thousand dollars
9 (\$10,000) for each violation pursuant to Article 8 (commencing
10 with Section 4601).

11 (h) An easement granted by a right-of-way construction
12 agreement administered by the federal government if timber sales
13 and operations within or affecting the area are reviewed and
14 conducted pursuant to the National Environmental Policy Act of
15 1969 (42 U.S.C. Sec. 4321 et seq.).

16 (i) (1) The cutting or removal of trees in compliance with
17 Sections 4290 and 4291 that eliminates the vertical continuity of
18 vegetative fuels and the horizontal continuity of tree crowns for
19 the purpose of reducing flammable materials and maintaining a
20 fuel break for a distance of not more than 150 feet on each side
21 from an approved and legally permitted structure that complies
22 with the California Building Standards Code, when that cutting or
23 removal is conducted in compliance with this subdivision. For
24 purposes of this subdivision, an “approved and legally permitted
25 structure” includes only structures that are designed for human
26 occupancy and garages, barns, stables, and structures used to
27 enclose fuel tanks.

28 (2) (A) The cutting or removal of trees pursuant to this
29 subdivision is limited to cutting or removal that will result in a
30 reduction in the rate of fire spread, fire duration and intensity, fuel
31 ignitability, or ignition of the tree crowns and shall be in
32 accordance with any regulations adopted by the board pursuant to
33 this section.

34 (B) Trees shall not be cut or removed pursuant to this
35 subdivision by the clearcutting regeneration method, by the seed
36 tree removal step of the seed tree regeneration method, or by the
37 shelterwood removal step of the shelterwood regeneration method.

38 (3) (A) Surface fuels, including logging slash and debris, low
39 brush, and deadwood, that could promote the spread of wildfire
40 shall be chipped, burned, or otherwise removed from all areas of

1 timber operations within 45 days from the date of commencement
2 of timber operations pursuant to this subdivision.

3 (B) (i) All surface fuels that are not chipped, burned, or
4 otherwise removed from all areas of timber operations within 45
5 days from the date of commencement of timber operations may
6 be determined to be a nuisance and subject to abatement by the
7 department or the city or county having jurisdiction.

8 (ii) The costs incurred by the department, city, or county, as the
9 case may be, to abate the nuisance upon a parcel of land subject
10 to the timber operations, including, but not limited to, investigation,
11 boundary determination, measurement, and other related costs,
12 may be recovered by special assessment and lien against the parcel
13 of land by the department, city, or county. The assessment may
14 be collected at the same time and in the same manner as ordinary
15 ad valorem taxes, and shall be subject to the same penalties and
16 the same procedure and sale in case of delinquency as is provided
17 for ad valorem taxes.

18 (4) All timber operations conducted pursuant to this subdivision
19 shall conform to applicable city or county general plans, city or
20 county implementing ordinances, and city or county zoning
21 ordinances. This paragraph does not authorize the cutting, removal,
22 or sale of timber or other solid wood forest products within an area
23 where timber harvesting is prohibited or otherwise restricted
24 pursuant to the rules or regulations adopted by the board.

25 (5) (A) The board shall adopt regulations, initially as emergency
26 regulations in accordance with subparagraph (B), that the board
27 considers necessary to implement and to obtain compliance with
28 this subdivision.

29 (B) The emergency regulations adopted pursuant to
30 subparagraph (A) shall be adopted in accordance with the
31 Administrative Procedure Act (Chapter 3.5 (commencing with
32 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
33 Code). The adoption of emergency regulations shall be deemed to
34 be an emergency and necessary for the immediate preservation of
35 the public peace, health, and safety, or general welfare.

36 (6) (A) Notwithstanding paragraph (1), the board may exempt
37 from this chapter, or portions of this chapter, a person engaged in
38 forest management whose activities are limited to the cutting or
39 removal of trees on the person's property in compliance with
40 Sections 4290 and 4291 that eliminates the vertical continuity of

1 vegetative fuels and the horizontal continuity of tree crowns for
2 the purpose of reducing flammable materials and maintaining a
3 fuel break for a distance of not more than 300 feet on each side
4 from an approved and legally permitted habitable structure, when
5 that cutting or removal is conducted in compliance with this
6 subdivision and all of the following conditions are met:

7 (i) The notice of exemption is prepared, signed, and submitted
8 by a registered professional forester to the department.

9 (ii) For the areas between 150 and 300 feet from the habitable
10 structure, the operations meet all of the following provisions:

11 (I) The residual stocking standards are consistent with Sections
12 913.2, 933.2, and 953.2 of Title 14 of the California Code of
13 Regulations, as appropriate.

14 (II) Activities within this area will increase the quadratic mean
15 diameter of the stand.

16 (III) The residual stand consists primarily of healthy and
17 vigorous dominant and codominant trees from the preharvest stand,
18 well distributed ~~through~~ *through* the harvested area.

19 (IV) Postharvest slash treatment and stand conditions will lead
20 to more moderate fire behavior in the professional judgment of
21 the registered professional forester who submits the notice of
22 exemption.

23 (V) Any additional guidance for slash treatment and postharvest
24 stand conditions and any other issues deemed necessary that are
25 consistent with this section, as established by the board.

26 (B) For purposes of this paragraph, “habitable structure” means
27 a building that contains one or more dwelling units or that can be
28 occupied for residential use. Buildings occupied for residential
29 use include single family homes, multidwelling structures, mobile
30 and manufactured homes, and condominiums. For purposes of this
31 paragraph “habitable structure” does not include commercial,
32 industrial, or incidental buildings such as detached garages, barns,
33 outdoor sanitation facilities, and sheds.

34 (C) The department shall evaluate the effects of this paragraph
35 and shall report its recommendations, before the paragraph becomes
36 inoperative, to the Legislature based on that evaluation. The report
37 shall be submitted in compliance with Section 9795 of the
38 Government Code.

39 (D) The board shall adopt regulations to implement this
40 paragraph no later than January 1, 2016.

1 (E) This paragraph shall become inoperative three years after
2 the effective date of regulations adopted by the board pursuant to
3 subparagraph (D) but no later than January 1, 2019.

4 (j) (1) The harvesting of trees, limited to those trees that
5 eliminate the vertical continuity of vegetative fuels and the
6 horizontal continuity of tree crowns, for the purpose of reducing
7 the rate of fire spread, duration and intensity, fuel ignitability, or
8 ignition of tree crowns.

9 (2) The board may authorize an exemption pursuant to paragraph
10 (1) only if the tree harvesting will decrease fuel continuity and
11 increase the quadratic mean diameter of the stand, and the tree
12 harvesting area will not exceed 300 acres.

13 (3) Except as provided in paragraph (11), the notice of
14 exemption, which shall be known as the Forest Fire Prevention
15 Exemption, may be authorized only if all of the conditions specified
16 in paragraphs (4) to (10), inclusive, are met.

17 (4) A registered professional forester shall prepare the notice
18 of exemption and submit it to the director, and include a map of
19 the area of timber operations that complies with the requirements
20 of paragraphs (1), (3), (4), and (7) to (12), inclusive, of subdivision
21 (x) of Section 1034 of Title 14 of the California Code of
22 Regulations.

23 (5) (A) The registered professional forester who submits the
24 notice of exemption shall include a description of the preharvest
25 stand structure and a statement of the postharvest stand stocking
26 levels.

27 (B) The level of residual stocking shall be consistent with
28 maximum sustained production of high-quality timber products.
29 The residual stand shall consist primarily of healthy and vigorous
30 dominant and codominant trees from the preharvest stand. Stocking
31 shall not be reduced below the standards required by any of the
32 following provisions that apply to the exemption at issue:

33 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
34 (1) of subdivision (a) of Section 913.3 of Title 14 of the California
35 Code of Regulations.

36 (ii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
37 (1) of subdivision (a) of Section 933.3 of Title 14 of the California
38 Code of Regulations.

1 (iii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
2 (1) of subdivision (a) of Section 953.3 of Title 14 of the California
3 Code of Regulations.

4 (C) If the preharvest dominant and codominant crown canopy
5 is occupied by trees less than 14 inches in diameter at breast height,
6 a minimum of 100 trees over four inches in diameter at breast
7 height shall be retained per acre for Site I, II, and III lands, and a
8 minimum of 75 trees over four inches in diameter at breast height
9 shall be retained per acre for Site IV and V lands.

10 (6) (A) The registered professional forester who submits the
11 notice shall include selection criteria for the trees to be harvested
12 or the trees to be retained. In the development of fuel reduction
13 prescriptions, the registered professional forester should consider
14 retaining habitat elements, where feasible, including, but not
15 limited to, ground level cover necessary for the long-term
16 management of local wildlife populations.

17 (B) All trees that are harvested or all trees that are retained shall
18 be marked or sample marked by, or under the supervision of, a
19 registered professional forester before felling operations begin.
20 The board shall adopt regulations for sample marking for this
21 section in Title 14 of the California Code of Regulations. Sample
22 marking shall be limited to homogenous forest stand conditions
23 typical of plantations.

24 (7) (A) The registered professional forester submitting the
25 notice, upon submission of the notice, shall provide a confidential
26 archaeology letter that includes all the information required by
27 any of the following provisions that apply to the exemption at
28 issue:

29 (i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
30 of Section 929.1 of Title 14 of the California Code of Regulations,
31 and include site records if required pursuant to subdivision (g) of
32 that section or pursuant to Section 929.5 of Title 14 of the
33 California Code of Regulations.

34 (ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
35 of Section 949.1 of Title 14 of the California Code of Regulations,
36 and include site records if required pursuant to subdivision (g) of
37 that section or pursuant to Section 949.5 of Title 14 of the
38 California Code of Regulations.

39 (iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
40 of Section 969.1 of Title 14 of the California Code of Regulations,

1 and include site records if required pursuant to subdivision (g) of
2 that section or pursuant to Section 969.5 of Title 14 of the
3 California Code of Regulations.

4 (B) The director shall submit a complete copy of the confidential
5 archaeological letter and two copies of all required archaeological
6 or historical site records to the appropriate Information Center of
7 the California Historical Resource Information System within 30
8 days from the date of notice submittal to the director. Before
9 submitting the notice to the director, the registered professional
10 forester shall send a copy of the notice to Native Americans, as
11 defined in Section 895.1 of Title 14 of the California Code of
12 Regulations.

13 (8) Only trees less than 18 inches in stump diameter, measured
14 at eight inches above ground level, may be removed. However,
15 within 500 feet of a legally permitted structure, or in an area
16 prioritized as a shaded fuel break in a community wildfire
17 protection plan approved by a public fire agency, if the goal of
18 fuel reduction cannot be achieved by removing trees less than 18
19 inches in stump diameter, trees less than 24 inches in stump
20 diameter may be removed if that removal complies with this section
21 and is necessary to achieve the goal of fuel reduction. A fuel
22 reduction effort shall not violate the canopy closure regulations
23 adopted by the board on June 10, 2004, and as those regulations
24 may be amended.

25 (9) (A) This subparagraph applies to areas within 500 feet of
26 a legally permitted structure and in areas prioritized as a shaded
27 fuel break in a community wildfire protection plan approved by a
28 public fire agency. The board shall adopt regulations for the
29 treatment of surface and ladder fuels in the harvest area, including
30 logging slash and debris, low brush, small trees, and deadwood,
31 that could promote the spread of wildfire. The regulations adopted
32 by the board shall be consistent with the standards in the board's
33 "General Guidelines for Creating Defensible Space" described in
34 Section 1299.03 of Title 14 of the California Code of Regulations.
35 Postharvest standards shall include vertical spacing between fuels,
36 horizontal spacing between fuels, maximum depth of dead ground
37 surface fuels, and treatment of standing dead fuels, as follows:

38 (i) Ladder and surface fuels shall be spaced to achieve a vertical
39 clearance distance of eight feet or three times the height of the
40 postharvest fuels, whichever is the greater distance, measured from

1 the base of the live crown of the postharvest dominant and
2 codominant trees to the top of the surface fuels.

3 (ii) Horizontal spacing shall achieve a minimum separation of
4 two to six times the height of the postharvest fuels, increasing
5 spacing with increasing slope, measured from the outside branch
6 edges of the fuels.

7 (iii) Dead surface fuel depth shall be less than nine inches.

8 (iv) Standing dead or dying trees and brush generally shall be
9 removed. That material, along with live vegetation associated with
10 the dead vegetation, may be retained for wildlife habitat when
11 isolated from other vegetation.

12 (B) This subparagraph applies to all areas not described in
13 subparagraph (A).

14 (i) The postharvest stand shall not contain more than 200 trees
15 over three inches in diameter per acre.

16 (ii) Vertical spacing shall be achieved by treating dead fuels to
17 a minimum clearance distance of eight feet measured from the
18 base of the live crown of the postharvest dominant and codominant
19 trees to the top of the dead surface fuels.

20 (iii) All logging slash created by the timber operations shall be
21 treated to achieve a maximum postharvest depth of nine inches
22 above the ground.

23 (C) The standards required by subparagraphs (A) and (B) shall
24 be achieved on approximately 80 percent of the treated area. The
25 treatment shall include chipping, removing, or other methods
26 necessary to achieve the standards. Ladder and surface fuel
27 treatments, for any portion of the exemption area where timber
28 operations have occurred, shall be done within 120 days from the
29 start of timber operations on that portion of the exemption area or
30 by April 1 of the year following surface fuel creation on that
31 portion of the exemption area if the surface fuels are burned.

32 (10) Timber operations shall comply with the requirements of
33 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
34 1038 of Title 14 of the California Code of Regulations. Timber
35 operations in the Lake Tahoe region shall comply instead with the
36 requirements of paragraphs (1) to (16), inclusive, of subdivision
37 (f) of Section 1038 of Title 14 of the California Code of
38 Regulations.

1 (11) A notice of exemption, which shall be known as the Forest
2 Fire Prevention Pilot Project Exemption, may be authorized if all
3 of the following conditions are met:

4 (A) The conditions specified in paragraphs (2), (4), (6), (7), and
5 (10) are met.

6 (B) Only trees less than 24 inches in stump diameter, measured
7 at eight inches above ground level, may be removed. A fuel
8 reduction effort shall not violate the canopy closure regulations
9 adopted by the board on June 10, 2004, and as those regulations
10 may be amended.

11 (C) (i) The registered professional forester who submits the
12 notice of exemption shall include a description of the preharvest
13 stand structure and a statement of the postharvest stand stocking
14 levels.

15 (ii) The level of residual stocking shall be consistent with
16 maximum sustained production of high-quality timber products.
17 The residual stand shall consist primarily of healthy and vigorous
18 dominant and codominant trees from the preharvest stand. Where
19 present prior to operations, the overstory canopy closure for trees
20 greater than 12 inches in diameter at breast height shall not be
21 reduced below 50 percent. Stocking shall be met with the largest
22 trees available prior to harvest and shall not be reduced below the
23 standards required by any of the following provisions that apply
24 to the exemption at issue:

25 (I) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
26 (1) of subdivision (a) of Section 913.3 of Title 14 of the California
27 Code of Regulations.

28 (II) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
29 (1) of subdivision (a) of Section 933.3 of Title 14 of the California
30 Code of Regulations.

31 (III) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
32 (1) of subdivision (a) of Section 953.3 of Title 14 of the California
33 Code of Regulations.

34 (iii) If the preharvest dominant and codominant crown canopy
35 is occupied by trees less than 14 inches in diameter at breast height,
36 a minimum of 100 trees over four inches in diameter at breast
37 height shall be retained per acre for Site I, II, and III lands, and a
38 minimum of 75 trees over four inches in diameter at breast height
39 shall be retained per acre for Site IV and V lands. The retained
40 trees shall be the largest trees available prior to harvest.

1 (D) The activities conducted pursuant to this paragraph occur
2 in the Sierra Nevada Region as defined in subdivision (f) of Section
3 33302, in Modoc, Siskiyou, or Trinity Counties, or in any
4 combination of these areas.

5 (E) All activities conducted pursuant to this paragraph occur
6 within the most recent version of the department's Fire Hazard
7 Severity Zone Map in the moderate, high, and very high fire threat
8 zones.

9 (F) The department shall maintain records regarding the use of
10 the exemption granted in this paragraph in order to evaluate the
11 impact of the exemption on fuel reduction and natural resources
12 in areas where the exemption has been used.

13 (G) This paragraph shall become inoperative three years after
14 the effective date of regulations adopted by the board implementing
15 this paragraph.

16 (12) After the timber operations are complete, the department
17 shall conduct an onsite inspection to determine compliance with
18 this subdivision and whether appropriate enforcement action should
19 be initiated.

20 (k) The cutting or removal of trees to restore and conserve
21 California black or Oregon white oak woodlands and associated
22 grasslands, if all of the following requirements are met:

23 (1) A registered professional forester shall prepare the notice
24 of exemption and submit it to the director. The notice shall include
25 all of the following:

26 (A) A map of the area of timber operations that complies with
27 the requirements of paragraphs (1), (3), (4), (7) to (11), inclusive,
28 and (14) of subdivision (x) of Section 1034 of Title 14 of the
29 California Code of Regulations.

30 (B) A certification signed by the registered professional forester
31 that a minimum of 35 square feet of basal area per acre of
32 California black or Oregon white oak, or both, occupy the proposed
33 treatment area at the time the notice is prepared and the timber
34 operation is designed to restore and conserve California black and
35 Oregon white oak woodlands and associated grasslands.

36 (C) A description of the preharvest stand structure and a
37 statement of the postharvest stand stocking levels.

38 (2) No tree larger than 26 inches in diameter at stump height
39 shall be harvested for commercial purposes, which includes use

1 for saw logs, posts and poles, fuel wood, biomass, or other forest
2 products.

3 (3) Only conifers within 300 feet of a California black or Oregon
4 white oak that are at minimum four inches in diameter at breast
5 height may be harvested.

6 (4) The total area exempted pursuant to this subdivision shall
7 not exceed 300 acres per property per five-year period.

8 (5) Conifer shall be reduced to less than 25 percent of the
9 combined hardwood and conifer postharvest stand stocking levels.

10 (6) No more than 20 percent of the total basal area of preexisting
11 oak stock shall be cut or removed during harvest and a minimum
12 of 35 square feet of basal area per acre of California black or
13 Oregon white oak, or both, shall be maintained postharvest.

14 (7) The registered professional forester submitting the notice,
15 upon submission of the notice, shall provide a confidential
16 archaeology letter that includes all the information required by
17 paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of
18 Section 929.1 of Title 14 of the California Code of Regulations,
19 and site records if required pursuant to subdivision (g) of that
20 section or pursuant to Section 929.5 of Title 14 of the California
21 Code of Regulations.

22 (8) All slash created by the timber operations shall be treated
23 to achieve a maximum postharvest depth of 18 inches above the
24 ground within 24 months of the date of the director receiving the
25 notice. Slash shall be configured so as to minimize the risk of fire
26 mortality to the remaining oak trees.

27 (9) Timber operations shall comply with the requirements of
28 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
29 1038 of Title 14 of the California Code of Regulations.

30 (10) On or before January 1, 2018, the board shall adopt
31 regulations to implement this subdivision.

32 (11) This subdivision shall not apply to the Southern Subdistrict
33 of the Coast Forest District, as defined in Section 895.1 of Title
34 14 of the California Code of Regulations, or the Southern Forest
35 District, as defined in Section 909 of Title 14 of the California
36 Code of Regulations.

37 (12) This subdivision shall become inoperative on January 1,
38 2024.

39 *SEC. 1.5. Section 4584 of the Public Resources Code is*
40 *amended to read:*

1 4584. Upon determining that ~~the~~ *this* exemption is consistent
 2 with the purposes of this chapter, the board may exempt from this
 3 chapter, or portions of this chapter, a person engaged in forest
 4 management whose activities are limited to any of the following:
 5 (a) The cutting or removal of trees for the purpose of
 6 constructing or maintaining a right-of-way for utility lines.
 7 (b) The planting, growing, nurturing, shaping, shearing, removal,
 8 or harvest of immature trees for Christmas trees or other ornamental
 9 purposes or minor forest products, including fuelwood.
 10 (c) The cutting or removal of dead, dying, or diseased trees of
 11 any size.
 12 (d) Site preparation.
 13 (e) Maintenance of drainage facilities and soil stabilization
 14 treatments.
 15 (f) Timber operations on land managed by the Department of
 16 Parks and Recreation.
 17 (g) (1) The one-time conversion of less than three acres to a
 18 nontimber use. A person, whether acting as an ~~individual or~~
 19 *individual*, as a member of a partnership, or as an officer or
 20 employee of a corporation or other legal entity, shall not obtain
 21 more than one exemption pursuant to this subdivision in a five-year
 22 period. If a partnership has as a member, or if a corporation or
 23 other legal entity has as an officer or employee, a person who has
 24 received this exemption within the past five years, whether as an
 25 ~~individual or~~ *individual*, as a member of a partnership, or as an
 26 officer or employee of a corporation or other legal entity, then that
 27 partnership, corporation, or other legal entity is not eligible for
 28 this exemption. "Person," for purposes of this subdivision, means
 29 an individual, partnership, corporation, or other legal entity.
 30 (2) (A) Notwithstanding Section 4554.5, the board shall adopt
 31 regulations that do all of the following:
 32 (i) Identify the required documentation of a bona fide intent to
 33 complete the conversion that an applicant will need to submit in
 34 order to be eligible for the exemption in paragraph (1).
 35 (ii) Authorize the department to inspect the sites approved in
 36 conversion applications that have been approved on or after January
 37 1, 2002, in order to determine that the conversion was completed
 38 within the two-year period described in subparagraph (B) of
 39 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of
 40 the California Code of Regulations.

1 (iii) Require the exemption pursuant to this subdivision to expire
2 if there is a change in timberland ownership. The person who
3 originally submitted an application for an exemption pursuant to
4 this subdivision shall notify the department of a change in
5 timberland ownership on or before five calendar days after a change
6 in ownership.

7 (iv) The board may adopt regulations allowing a waiver of the
8 five-year limitation described in paragraph (1) upon finding that
9 the imposition of the five-year limitation would impose an undue
10 hardship on the applicant for the exemption. The board may adopt
11 a process for an appeal of a denial of a waiver.

12 (B) The application form for the exemption pursuant to
13 paragraph (1) shall prominently advise the public that a violation
14 of the conversion exemption, including a conversion applied for
15 in the name of someone other than the person or entity
16 implementing the conversion in bona fide good faith, is a violation
17 of this chapter and penalties may accrue up to ten thousand dollars
18 (\$10,000) for each violation pursuant to Article 8 (commencing
19 with Section 4601).

20 (h) Easements—*An easement* granted by a right-of-way
21 construction agreement administered by the federal government
22 if timber sales and operations within or affecting ~~these areas~~ *the*
23 *area* are reviewed and conducted pursuant to the National
24 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

25 (i) (1) The cutting or removal of trees in compliance with
26 Sections 4290 and 4291 that eliminates the vertical continuity of
27 vegetative fuels and the horizontal continuity of tree crowns for
28 the purpose of reducing flammable materials and maintaining a
29 fuel break for a distance of not more than 150 feet on each side
30 from an approved and legally permitted structure that complies
31 with the California Building Standards Code, when that cutting or
32 removal is conducted in compliance with this subdivision. For
33 purposes of this subdivision, an “approved and legally permitted
34 structure” includes only structures that are designed for human
35 ~~occupancy~~ *and occupancy*, garages, barns, stables, and structures
36 used to enclose fuel tanks.

37 (2) (A) The cutting or removal of trees pursuant to this
38 subdivision is limited to cutting or removal that will result in a
39 reduction in the rate of fire spread, fire duration and intensity, fuel
40 ignitability, or ignition of the tree crowns and shall be in

1 accordance with any regulations adopted by the board pursuant to
2 this section.

3 (B) Trees shall not be cut or removed pursuant to this
4 subdivision by the clearcutting regeneration method, by the seed
5 tree removal step of the seed tree regeneration method, or by the
6 shelterwood removal step of the shelterwood regeneration method.

7 (3) (A) Surface fuels, including logging slash and debris, low
8 brush, and deadwood, that could promote the spread of wildfire
9 shall be chipped, burned, or otherwise removed from all areas of
10 timber operations within 45 days from the date of commencement
11 of timber operations pursuant to this subdivision.

12 (B) (i) All surface fuels that are not chipped, burned, or
13 otherwise removed from all areas of timber operations within 45
14 days from the date of commencement of timber operations may
15 be determined to be a nuisance and subject to abatement by the
16 department or the city or county having jurisdiction.

17 (ii) The costs incurred by the department, city, or county, as the
18 case may be, to abate the nuisance upon a parcel of land subject
19 to the timber operations, including, but not limited to, investigation,
20 boundary determination, measurement, and other related costs,
21 may be recovered by special assessment and lien against the parcel
22 of land by the department, city, or county. The assessment may
23 be collected at the same time and in the same manner as ordinary
24 ad valorem taxes, and shall be subject to the same penalties and
25 the same procedure and sale in case of delinquency as is provided
26 for ad valorem taxes.

27 (4) All timber operations conducted pursuant to this subdivision
28 shall conform to applicable city or county general plans, city or
29 county implementing ordinances, and city or county zoning
30 ordinances. This paragraph does not authorize the cutting, removal,
31 or sale of timber or other solid wood forest products within an area
32 where timber harvesting is prohibited or otherwise restricted
33 pursuant to the rules or regulations adopted by the board.

34 (5) (A) The board shall adopt regulations, initially as emergency
35 regulations in accordance with subparagraph (B), that the board
36 considers necessary to implement and to obtain compliance with
37 this subdivision.

38 (B) The emergency regulations adopted pursuant to
39 subparagraph (A) shall be adopted in accordance with the
40 Administrative Procedure Act (Chapter 3.5 (commencing with

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code). The adoption of emergency regulations shall be deemed to
3 be an emergency and necessary for the immediate preservation of
4 the public peace, health, and safety, or general welfare.

5 (6) (A) Notwithstanding paragraph (1), the board may exempt
6 from this chapter, or portions of this chapter, a person engaged in
7 forest management whose activities are limited to the cutting or
8 removal of trees on the person's property in compliance with
9 Sections 4290 and 4291 that eliminates the vertical continuity of
10 vegetative fuels and the horizontal continuity of tree crowns for
11 the purpose of reducing flammable materials and maintaining a
12 fuel break for a distance of not more than 300 feet on each side
13 from an approved and legally permitted habitable structure, when
14 that cutting or removal is conducted in compliance with this
15 subdivision and all of the following conditions are met:

16 (i) The notice of exemption is prepared, signed, and submitted
17 by a registered professional forester to the department.

18 (ii) For the areas between 150 and 300 feet from the habitable
19 structure, the operations meet all of the following provisions:

20 (I) The residual stocking standards are consistent with Sections
21 913.2, 933.2, and 953.2 of Title 14 of the California Code of
22 Regulations, as appropriate.

23 (II) Activities within this area will increase the quadratic mean
24 diameter of the stand.

25 (III) The residual stand consists primarily of healthy and
26 vigorous dominant and codominant trees from the preharvest stand,
27 well distributed ~~though~~ *through* the harvested area.

28 (IV) Postharvest slash treatment and stand conditions will lead
29 to more moderate fire behavior in the professional judgment of
30 the registered professional forester who submits the notice of
31 exemption.

32 (V) Any additional guidance for slash treatment and postharvest
33 stand conditions and any other issues deemed necessary that are
34 consistent with this section, as established by the board.

35 (B) For purposes of this paragraph, "habitable structure" means
36 a building that contains one or more dwelling units or that can be
37 occupied for residential use. Buildings occupied for residential
38 use include single family homes, multidwelling structures, mobile
39 and manufactured homes, and condominiums. For purposes of this
40 paragraph "habitable structure" does not include commercial,

1 industrial, or incidental buildings such as detached garages, barns,
2 outdoor sanitation facilities, and sheds.

3 (C) The department shall evaluate the effects of this paragraph
4 and shall report its recommendations, before the paragraph becomes
5 inoperative, to the Legislature based on that evaluation. The report
6 shall be submitted in compliance with Section 9795 of the
7 Government Code.

8 (D) The board shall adopt regulations to implement this
9 paragraph no later than January 1, 2016.

10 (E) This paragraph shall become inoperative three years after
11 the effective date of regulations adopted by the board pursuant to
12 subparagraph (D) but no later than January 1, 2019.

13 (j) (1) The harvesting of trees, limited to those trees that
14 eliminate the vertical continuity of vegetative fuels and the
15 horizontal continuity of tree crowns, for the purpose of reducing
16 the rate of fire spread, duration and intensity, fuel ignitability, or
17 ignition of tree crowns.

18 (2) The board may authorize an exemption pursuant to paragraph
19 (1) only if the tree harvesting will decrease fuel continuity and
20 increase the quadratic mean diameter of the stand, and the tree
21 harvesting area will not exceed 300 acres.

22 (3) Except as provided in paragraph (11), the notice of
23 exemption, which shall be known as the Forest Fire Prevention
24 Exemption, may be authorized only if all of the conditions specified
25 in paragraphs (4) to (10), inclusive, are met.

26 (4) A registered professional forester shall prepare the notice
27 of exemption and submit it to the director, and include a map of
28 the area of timber operations that complies with the requirements
29 of paragraphs (1), (3), (4), and (7) to (12), inclusive, of subdivision
30 (x) of Section 1034 of Title 14 of the California Code of
31 Regulations.

32 (5) (A) The registered professional forester who submits the
33 notice of exemption shall include a description of the preharvest
34 stand structure and a statement of the postharvest stand stocking
35 levels.

36 (B) The level of residual stocking shall be consistent with
37 maximum sustained production of high-quality timber products.
38 The residual stand shall consist primarily of healthy and vigorous
39 dominant and codominant trees from the preharvest stand. Stocking

1 shall not be reduced below the standards required by any of the
2 following provisions that apply to the exemption at issue:

3 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
4 (1) of subdivision (a) of Section 913.3 of Title 14 of the California
5 Code of Regulations.

6 (ii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
7 (1) of subdivision (a) of Section 933.3 of Title 14 of the California
8 Code of Regulations.

9 (iii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
10 (1) of subdivision (a) of Section 953.3 of Title 14 of the California
11 Code of Regulations.

12 (C) If the preharvest dominant and codominant crown canopy
13 is occupied by trees less than 14 inches in diameter at breast height,
14 a minimum of 100 trees over four inches in diameter at breast
15 height shall be retained per acre for Site I, II, and III lands, and a
16 minimum of 75 trees over four inches in diameter at breast height
17 shall be retained per acre for Site IV and V lands.

18 (6) (A) The registered professional forester who submits the
19 notice shall include selection criteria for the trees to be harvested
20 or the trees to be retained. In the development of fuel reduction
21 prescriptions, the registered professional forester should consider
22 retaining habitat elements, where feasible, including, but not
23 limited to, ground level cover necessary for the long-term
24 management of local wildlife populations.

25 (B) All trees that are harvested or all trees that are retained shall
26 be marked or sample marked ~~by~~ *by*, or under the supervision ~~of~~
27 *of*, a registered professional forester before felling operations begin.
28 The board shall adopt regulations for sample marking for this
29 section in Title 14 of the California Code of Regulations. Sample
30 marking shall be limited to homogenous forest stand conditions
31 typical of plantations.

32 (7) (A) The registered professional forester submitting the
33 notice, upon submission of the notice, shall provide a confidential
34 archaeology letter that includes all the information required by
35 any of the following provisions that apply to the exemption at
36 issue:

37 (i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
38 of Section 929.1 of Title 14 of the California Code of Regulations,
39 and include site records if required pursuant to subdivision (g) of

1 that section or pursuant to Section 929.5 of Title 14 of the
2 California Code of Regulations.

3 (ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
4 of Section 949.1 of Title 14 of the California Code of Regulations,
5 and include site records if required pursuant to subdivision (g) of
6 that section or pursuant to Section 949.5 of Title 14 of the
7 California Code of Regulations.

8 (iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
9 of Section 969.1 of Title 14 of the California Code of Regulations,
10 and include site records if required pursuant to subdivision (g) of
11 that section or pursuant to Section 969.5 of Title 14 of the
12 California Code of Regulations.

13 (B) The director shall submit a complete copy of the confidential
14 archaeological letter and two copies of all required archaeological
15 or historical site records to the appropriate Information Center of
16 the California Historical Resource Information System within 30
17 days from the date of notice submittal to the director. Before
18 submitting the notice to the director, the registered professional
19 forester shall send a copy of the notice to Native Americans, as
20 defined in Section 895.1 of Title 14 of the California Code of
21 Regulations.

22 (8) Only trees less than 18 inches in stump diameter, measured
23 at eight inches above ground level, may be removed. However,
24 within 500 feet of a legally permitted structure, or in an area
25 prioritized as a shaded fuel break in a community wildfire
26 protection plan approved by a public fire agency, if the goal of
27 fuel reduction cannot be achieved by removing trees less than 18
28 inches in stump diameter, trees less than 24 inches in stump
29 diameter may be removed if that removal complies with this section
30 and is necessary to achieve the goal of fuel reduction. A fuel
31 reduction effort shall not violate the canopy closure regulations
32 adopted by the board on June 10, 2004, and as those regulations
33 may be amended.

34 (9) (A) This subparagraph applies to areas within 500 feet of
35 a legally permitted structure and in areas prioritized as a shaded
36 fuel break in a community wildfire protection plan approved by a
37 public fire agency. The board shall adopt regulations for the
38 treatment of surface and ladder fuels in the harvest area, including
39 logging slash and debris, low brush, small trees, and deadwood,
40 that could promote the spread of wildfire. The regulations adopted

1 by the board shall be consistent with the standards in the board’s
2 “General Guidelines for Creating Defensible Space” described in
3 Section 1299.03 of Title 14 of the California Code of Regulations.
4 Postharvest standards shall include vertical spacing between fuels,
5 horizontal spacing between fuels, maximum depth of dead ground
6 surface fuels, and treatment of standing dead fuels, as follows:

7 (i) Ladder and surface fuels shall be spaced to achieve a vertical
8 clearance distance of eight feet or three times the height of the
9 postharvest fuels, whichever is the greater distance, measured from
10 the base of the live crown of the postharvest dominant and
11 codominant trees to the top of the surface fuels.

12 (ii) Horizontal spacing shall achieve a minimum separation of
13 two to six times the height of the postharvest fuels, increasing
14 spacing with increasing slope, measured from the outside branch
15 edges of the fuels.

16 (iii) Dead surface fuel depth shall be less than nine inches.

17 (iv) Standing dead or dying trees and brush generally shall be
18 removed. That material, along with live vegetation associated with
19 the dead vegetation, may be retained for wildlife habitat when
20 isolated from other vegetation.

21 (B) This subparagraph applies to all areas not described in
22 subparagraph (A).

23 (i) The postharvest stand shall not contain more than 200 trees
24 over three inches in diameter per acre.

25 (ii) Vertical spacing shall be achieved by treating dead fuels to
26 a minimum clearance distance of eight feet measured from the
27 base of the live crown of the postharvest dominant and codominant
28 trees to the top of the dead surface fuels.

29 (iii) All logging slash created by the timber operations shall be
30 treated to achieve a maximum postharvest depth of nine inches
31 above the ground.

32 (C) The standards required by subparagraphs (A) and (B) shall
33 be achieved on approximately 80 percent of the treated area. The
34 treatment shall include chipping, removing, or other methods
35 necessary to achieve the standards. Ladder and surface fuel
36 treatments, for any portion of the exemption area where timber
37 operations have occurred, shall be done within 120 days from the
38 start of timber operations on that portion of the exemption area or
39 by April 1 of the year following surface fuel creation on that
40 portion of the exemption area if the surface fuels are burned.

1 (10) Timber operations shall comply with the requirements of
2 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
3 1038 of Title 14 of the California Code of Regulations. Timber
4 operations in the Lake Tahoe region shall comply instead with the
5 requirements of paragraphs (1) to (16), inclusive, of subdivision
6 (f) of Section 1038 of Title 14 of the California Code of
7 Regulations.

8 (11) A notice of exemption, which shall be known as the Forest
9 Fire Prevention Pilot Project Exemption, may be authorized if all
10 of the following conditions are met:

11 (A) The conditions specified in paragraphs (2), (4), (6), (7), and
12 (10) are met.

13 (B) Only trees less than ~~24~~ 26 inches in stump diameter,
14 measured at eight inches above ground level, may be removed. A
15 fuel reduction effort shall not violate the canopy closure regulations
16 adopted by the board on June 10, 2004, and as those regulations
17 may be amended.

18 (C) (i) The registered professional forester who submits the
19 notice of exemption shall include a description of the preharvest
20 stand structure and a statement of the postharvest stand stocking
21 levels.

22 (ii) The level of residual stocking shall be consistent with
23 maximum sustained production of high-quality timber products.
24 The residual stand shall consist primarily of healthy and vigorous
25 dominant and codominant trees from the preharvest stand. Where
26 present prior to operations, the overstory canopy closure for trees
27 greater than 12 inches in diameter at breast height shall not be
28 reduced below 50 percent. Stocking shall be met with the largest
29 trees available prior to harvest and shall not be reduced below the
30 standards required by any of the following provisions that apply
31 to the exemption at issue:

32 (I) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
33 (1) of subdivision (a) of Section 913.3 of Title 14 of the California
34 Code of Regulations.

35 (II) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
36 (1) of subdivision (a) of Section 933.3 of Title 14 of the California
37 Code of Regulations.

38 (III) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
39 (1) of subdivision (a) of Section 953.3 of Title 14 of the California
40 Code of Regulations.

1 (iii) If the preharvest dominant and codominant crown canopy
2 is occupied by trees less than 14 inches in diameter at breast height,
3 a minimum of 100 trees over four inches in diameter at breast
4 height shall be retained per acre for Site I, II, and III lands, and a
5 minimum of 75 trees over four inches in diameter at breast height
6 shall be retained per acre for Site IV and V lands. The retained
7 trees shall be the largest trees available prior to harvest.

8 (D) The activities conducted pursuant to this paragraph occur
9 in the Sierra Nevada Region as defined in subdivision (f) of Section
10 33302, in Modoc, Siskiyou, or Trinity Alpine, Amador, Butte,
11 Calaveras, Del Norte, El Dorado, Fresno, Humboldt, Inyo, Kern,
12 Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada,
13 Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma, Tehama, Trinity,
14 Tulare, Tuolumne, or Yuba Counties, or in any combination of
15 these areas.

16 (E) All activities conducted pursuant to this paragraph occur
17 within the most recent version of the department's Fire Hazard
18 Severity Zone Map in the moderate, high, and very high fire threat
19 zones.

20 (F) The department shall maintain records regarding the use of
21 the exemption granted in this paragraph in order to evaluate the
22 impact of the exemption on fuel reduction and natural resources
23 in areas where the exemption has been used.

24 (G) *The amendments made to this paragraph by the act that*
25 *added this subparagraph during the 2015–16 Regular Legislative*
26 *Session shall become operative on January 1, 2018, or when the*
27 *report described in Section 4589 is submitted to the Legislature,*
28 *whichever occurs first.*

29 ~~(G)~~

30 (H) This paragraph shall become inoperative ~~three years after~~
31 ~~the effective date of regulations adopted by the board implementing~~
32 ~~this paragraph.~~ *on January 1, 2021.*

33 (12) After the timber operations are complete, the department
34 shall conduct an onsite inspection to determine compliance with
35 this subdivision and whether appropriate enforcement action should
36 be initiated.

37 (k) *The cutting or removal of trees to restore and conserve*
38 *California black or Oregon white oak woodlands and associated*
39 *grasslands, if all of the following requirements are met:*

1 (1) A registered professional forester shall prepare the notice
2 of exemption and submit it to the director. The notice shall include
3 all of the following:

4 (A) A map of the area of timber operations that complies with
5 the requirements of paragraphs (1), (3), (4), (7) to (11), inclusive,
6 and (14) of subdivision (x) of Section 1034 of Title 14 of the
7 California Code of Regulations.

8 (B) A certification signed by the registered professional forester
9 that a minimum of 35 square feet of basal area per acre of
10 California black or Oregon white oak, or both, occupy the
11 proposed treatment area at the time the notice is prepared and the
12 timber operation is designed to restore and conserve California
13 black and Oregon white oak woodlands and associated grasslands.

14 (C) A description of the preharvest stand structure and a
15 statement of the postharvest stand stocking levels.

16 (2) No tree larger than 26 inches in diameter at stump height
17 shall be harvested for commercial purposes, which includes use
18 for saw logs, posts and poles, fuel wood, biomass, or other forest
19 products.

20 (3) Only conifers within 300 feet of a California black or Oregon
21 white oak that are at minimum four inches in diameter at breast
22 height may be harvested.

23 (4) The total area exempted pursuant to this subdivision shall
24 not exceed 300 acres per property per five-year period.

25 (5) Conifer shall be reduced to less than 25 percent of the
26 combined hardwood and conifer postharvest stand stocking levels.

27 (6) No more than 20 percent of the total basal area of
28 preexisting oak stock shall be cut or removed during harvest and
29 a minimum of 35 square feet of basal area per acre of California
30 black or Oregon white oak, or both, shall be maintained
31 postharvest.

32 (7) The registered professional forester submitting the notice,
33 upon submission of the notice, shall provide a confidential
34 archaeology letter that includes all the information required by
35 paragraphs (2) and (7) to (11), inclusive, of subdivision (c) of
36 Section 929.1 of Title 14 of the California Code of Regulations,
37 and site records if required pursuant to subdivision (g) of that
38 section or pursuant to Section 929.5 of Title 14 of the California
39 Code of Regulations.

1 (8) All slash created by the timber operations shall be treated
2 to achieve a maximum postharvest depth of 18 inches above the
3 ground within 24 months of the date of the director receiving the
4 notice. Slash shall be configured so as to minimize the risk of fire
5 mortality to the remaining oak trees.

6 (9) Timber operations shall comply with the requirements of
7 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
8 1038 of Title 14 of the California Code of Regulations.

9 (10) On or before January 1, 2018, the board shall adopt
10 regulations to implement this subdivision.

11 (11) This subdivision shall not apply to the Southern Subdistrict
12 of the Coast Forest District, as defined in Section 895.1 of Title
13 14 of the California Code of Regulations, or the Southern Forest
14 District, as defined in Section 909 of Title 14 of the California
15 Code of Regulations.

16 (12) This subdivision shall become inoperative on January 1,
17 2024.

18 SEC. 2. Section 4589 is added to the Public Resources Code,
19 to read:

20 4589. (a) On or before December 31, 2017, the department
21 and board shall review and submit a report to the Legislature on
22 the trends in the use of, compliance with, and effectiveness of the
23 exemptions and emergency notice provisions described in Sections
24 4584 and 4592 of this code and Sections 1038 and 1052 of Title
25 14 of the California Code of Regulations. The report shall also
26 include recommendations to improve the use of those exemptions
27 and emergency notice provisions.

28 (b) The Department of Fish and Wildlife, regional water quality
29 control boards, and the public shall be provided opportunities to
30 participate in the review and the development of the report.

31 (c) The report shall be submitted pursuant to Section 9795 of
32 the Government Code.

33 (d) This section shall remain in effect only until January 1, 2019,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2019, deletes or extends that date.

36 SEC. 3. Section 4621 of the Public Resources Code is amended
37 to read:

38 4621. (a) A person who owns timberlands that are to be
39 devoted to uses other than the growing of timber shall file an
40 application for conversion with the board. The board shall, by

1 regulation, prescribe the procedures for, and the form and content
2 of, the application. An application for a timberland conversion
3 permit shall be accompanied by an application fee, payable to the
4 department, in an amount determined by the board pursuant to
5 subdivision (b).

6 (b) The board shall establish, by regulation, a system of
7 graduated timberland conversion permit fees to finance the cost
8 of administering this article.

9 (c) For purposes of this section, “growing of timber” shall
10 include restoration and conservation forest management activities,
11 which may include the removal of commercial species, if necessary
12 to achieve specific forest health and ecological goals, including
13 the restoration and conservation of oak woodlands, grasslands,
14 wet meadows, and other ecologically important or unique habitats,
15 that are not conducted in conjunction with the cutting or removal
16 of trees or other forest products during the conversion of
17 timberlands for other uses, including, but not limited to, residential
18 or commercial developments, production of other agricultural
19 crops, recreational developments, ski developments, water
20 development projects, and transportation projects.

21 *SEC. 4. Section 1.5 of this bill incorporates amendments to*
22 *Section 4584 of the Public Resources Code proposed by both this*
23 *bill and Assembly Bill 2029. It shall only become operative if (1)*
24 *both bills are enacted and become effective on or before January*
25 *1, 2017, (2) each bill amends Section 4584 of the Public Resources*
26 *Code, and (3) this bill is enacted after Assembly Bill 2029, in which*
27 *case Section 1 of this bill shall not become operative.*

28 *SEC. 5. Section 2 of this bill shall not become operative if*
29 *Assembly Bill 2029 is enacted and becomes effective on or before*
30 *January 1, 2017, and that bill adds Section 4589 to the Public*
31 *Resources Code.*