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AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2029

Introduced by Assembly Members Dahle, Gordon, and Wood

February 16, 2016

An act to amend Section 4584 of, *to add and repeal Section 4589 of*, and to repeal Section 4584.1 of, the Public Resources Code, relating to timber harvesting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2029, as amended, Dahle. Timber harvesting plans: exemptions.

The Z'berg-Nejedly Forest Practices 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, including the cutting or removal of trees in compliance with existing law relating to defensible space. In this regard, the act authorizes, until 3 years after the effective date of regulations adopted by the board, the Forest Fire Prevention Pilot Project Exemption if specified conditions are met, including that only trees less than 24 inches in stump diameter, measured at 8 inches above ground level, shall be removed, no new road construction or

reconstruction shall occur, and the activities shall be conducted in those portions of 21 counties designated as the Sierra Nevada Region, as defined, in any part of 7 other counties, or in any combination of these areas. *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 require the department and the board to review and submit a report to the Legislature, on or before December 31, 2017, on the trends in the use of, compliance with, and effectiveness of the above exemptions and emergency notice provisions and specified regulations. If the report is not submitted on or before that date, the bill would require specified legislative committees to hold a hearing to investigate why the report was not submitted. The bill would authorize the ~~exemption~~ Forest Fire Prevention Pilot Project Exemption until January 1, 2023, ~~and~~ and, on January 1, 2018, or upon the submission of the report, whichever occurs first, would expand the exemption to instead permit the removal of trees less than 26 inches in stump diameter, measured at 8 inches above ground level, allow the construction or reconstruction of temporary roads of 600 feet or less on slopes of 40 percent or less, and apply to activities anywhere within those 28 counties, or in any combination of those areas, as prescribed.

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. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) On October 20, 2015, Governor Brown issued a proclamation
- 4 declaring a state of emergency relative to the tree mortality
- 5 epidemic in California, characterized by all of the following
- 6 conditions:
- 7 (1) The lack of precipitation over the last four years has made
- 8 many regions of the state susceptible to epidemic infestations of
- 9 native bark beetles that cause vast tree mortality, with the United
- 10 States Forest Service estimating that over 22 million trees are dead
- 11 and tens of millions more are likely to die by the end of 2016.
- 12 (2) Recent scientific measurements suggest that the scale of this
- 13 tree die-off is unprecedented in modern history, and the die-off is

1 of such a scale that it worsens wildfire risk across large regions of
2 the state, presents safety risks for forested communities, and
3 worsens the threat of erosion across watersheds.

4 (3) Wildfires release thousands of tons of greenhouse gas
5 emissions and other harmful pollutants into the atmosphere.

6 (b) The thinning of forests is widely known to provide all of
7 the following benefits:

8 (1) Reduced threat of wildfires by removing fuel from the forests
9 as well as a reduced risk of canopy fire.

10 (2) Increased water storage by reducing the need for water in
11 forests.

12 (3) Conditions that favor healthier, better maintained forests.

13 SEC. 2. Section 4584 of the Public Resources Code is amended
14 to read:

15 4584. Upon determining that this exemption is consistent with
16 the purposes of this chapter, the board may exempt from this
17 chapter, or portions of this chapter, a person engaged in forest
18 management whose activities are limited to any of the following:

19 (a) The cutting or removal of trees for the purpose of
20 constructing or maintaining a right-of-way for utility lines.

21 (b) The planting, growing, nurturing, shaping, shearing, removal,
22 or harvest of immature trees for Christmas trees or other ornamental
23 purposes or minor forest products, including fuelwood.

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

26 (d) Site preparation.

27 (e) Maintenance of drainage facilities and soil stabilization
28 treatments.

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

31 (g) (1) The one-time conversion of less than three acres to a
32 nontimber use. A person, whether acting as an individual, as a
33 member of a partnership, or as an officer or employee of a
34 corporation or other legal entity, shall not obtain more than one
35 exemption pursuant to this subdivision in a five-year period. If a
36 partnership has as a member, or if a corporation or other legal
37 entity has as an officer or employee, a person who has received
38 this exemption within the past five years, whether as an individual,
39 as a member of a partnership, or as an officer or employee of a
40 corporation or other legal entity, then that partnership, corporation,

1 or other legal entity is not eligible for this exemption. “Person,”
2 for purposes of this subdivision, means an individual, partnership,
3 corporation, or other legal entity.

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

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

9 (ii) Authorize the department to inspect the sites approved in
10 conversion applications that have been approved on or after January
11 1, 2002, in order to determine that the conversion was completed
12 within the two-year period described in subparagraph (B) of
13 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of
14 the California Code of Regulations.

15 (iii) Require the exemption pursuant to this subdivision to expire
16 if there is a change in timberland ownership. The person who
17 originally submitted an application for an exemption pursuant to
18 this subdivision shall notify the department of a change in
19 timberland ownership on or before five calendar days after a change
20 in ownership.

21 (iv) The board may adopt regulations allowing a waiver of the
22 five-year limitation described in paragraph (1) upon finding that
23 the imposition of the five-year limitation would impose an undue
24 hardship on the applicant for the exemption. The board may adopt
25 a process for an appeal of a denial of a waiver.

26 (B) The application form for the exemption pursuant to
27 paragraph (1) shall prominently advise the public that a violation
28 of the conversion exemption, including a conversion applied for
29 in the name of someone other than the person or entity
30 implementing the conversion in bona fide good faith, is a violation
31 of this chapter and penalties may accrue up to ten thousand dollars
32 (\$10,000) for each violation pursuant to Article 8 (commencing
33 with Section 4601).

34 (h) Easements granted by a right-of-way construction agreement
35 administered by the federal government if timber sales and
36 operations within or affecting these areas are reviewed and
37 conducted pursuant to the National Environmental Policy Act of
38 1969 (42 U.S.C. Sec. 4321 et seq.).

39 (i) (1) The cutting or removal of trees 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 150 feet on each side
4 from an approved and legally permitted structure that complies
5 with the California Building Standards Code, when that cutting or
6 removal is conducted in compliance with this subdivision. For
7 purposes of this subdivision, an “approved and legally permitted
8 structure” includes only structures that are designed for human
9 occupancy, garages, barns, stables, and structures used to enclose
10 fuel tanks.

11 (2) (A) The cutting or removal of trees pursuant to this
12 subdivision is limited to cutting or removal that will result in a
13 reduction in the rate of fire spread, fire duration and intensity, fuel
14 ignitability, or ignition of the tree crowns and shall be in
15 accordance with any regulations adopted by the board pursuant to
16 this section.

17 (B) Trees shall not be cut or removed pursuant to this
18 subdivision by the clearcutting regeneration method, by the seed
19 tree removal step of the seed tree regeneration method, or by the
20 shelterwood removal step of the shelterwood regeneration method.

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

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

31 (ii) The costs incurred by the department, city, or county, as the
32 case may be, to abate the nuisance upon a parcel of land subject
33 to the timber operations, including, but not limited to, investigation,
34 boundary determination, measurement, and other related costs,
35 may be recovered by special assessment and lien against the parcel
36 of land by the department, city, or county. The assessment may
37 be collected at the same time and in the same manner as ordinary
38 ad valorem taxes, and shall be subject to the same penalties and
39 the same procedure and sale in case of delinquency as is provided
40 for ad valorem taxes.

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

8 (5) (A) The board shall adopt regulations, initially as emergency
9 regulations in accordance with subparagraph (B), that the board
10 considers necessary to implement and to obtain compliance with
11 this subdivision.

12 (B) The emergency regulations adopted pursuant to
13 subparagraph (A) shall be adopted in accordance with the
14 Administrative Procedure Act (Chapter 3.5 (commencing with
15 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
16 Code). The adoption of emergency regulations shall be deemed to
17 be an emergency and necessary for the immediate preservation of
18 the public peace, health, and safety, or general welfare.

19 (6) (A) Notwithstanding paragraph (1), the board may exempt
20 from this chapter, or portions of this chapter, a person engaged in
21 forest management whose activities are limited to the cutting or
22 removal of trees on the person's property in compliance with
23 Sections 4290 and 4291 that eliminates the vertical continuity of
24 vegetative fuels and the horizontal continuity of tree crowns for
25 the purpose of reducing flammable materials and maintaining a
26 fuel break for a distance of not more than 300 feet on each side
27 from an approved and legally permitted habitable structure, when
28 that cutting or removal is conducted in compliance with this
29 subdivision and all of the following conditions are met:

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

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

34 (I) The residual stocking standards are consistent with Sections
35 913.2, 933.2, and 953.2 of Title 14 of the California Code of
36 Regulations, as appropriate.

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

1 (III) The residual stand consists primarily of healthy and
2 vigorous dominant and codominant trees from the preharvest stand,
3 well distributed through the harvested area.

4 (IV) Postharvest slash treatment and stand conditions will lead
5 to more moderate fire behavior in the professional judgment of
6 the registered professional forester who submits the notice of
7 exemption.

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

11 (B) For purposes of this paragraph, “habitable structure” means
12 a building that contains one or more dwelling units or that can be
13 occupied for residential use. Buildings occupied for residential
14 use include single family homes, multidwelling structures, mobile
15 and manufactured homes, and condominiums. For purposes of this
16 paragraph “habitable structure” does not include commercial,
17 industrial, or incidental buildings such as detached garages, barns,
18 outdoor sanitation facilities, and sheds.

19 (C) The department shall evaluate the effects of this paragraph
20 and shall report its recommendations, before the paragraph becomes
21 inoperative, to the Legislature based on that evaluation. The report
22 shall be submitted in compliance with Section 9795 of the
23 Government Code.

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

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

29 (j) (1) The harvesting of trees, limited to those trees that
30 eliminate the vertical continuity of vegetative fuels and the
31 horizontal continuity of tree crowns, for the purpose of reducing
32 the rate of fire spread, duration and intensity, fuel ignitability, or
33 ignition of tree crowns.

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

38 (3) Except as provided in paragraph (11), the notice of
39 exemption, which shall be known as the Forest Fire Prevention

1 Exemption, may be authorized only if all of the conditions specified
2 in paragraphs (4) to (10), inclusive, are met.

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

9 (5) (A) The registered professional forester who submits the
10 notice of exemption shall include a description of the preharvest
11 stand structure and a statement of the postharvest stand stocking
12 levels.

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

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

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

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

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

34 (6) (A) The registered professional forester who submits the
35 notice shall include selection criteria for the trees to be harvested
36 or the trees to be retained. In the development of fuel reduction
37 prescriptions, the registered professional forester should consider
38 retaining habitat elements, where feasible, including, but not
39 limited to, ground level cover necessary for the long-term
40 management of local wildlife populations.

1 (B) All trees that are harvested or all trees that are retained shall
2 be marked or sample marked by or under the supervision of a
3 registered professional forester before felling operations begin.
4 The board shall adopt regulations for sample marking for this
5 section in Title 14 of the California Code of Regulations. Sample
6 marking shall be limited to homogenous forest stand conditions
7 typical of plantations.

8 (7) (A) The registered professional forester submitting the
9 notice, upon submission of the notice, shall provide a confidential
10 archaeology letter that includes all the information required by
11 any of the following provisions that apply to the exemption at
12 issue:

13 (i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
14 of Section 929.1 of Title 14 of the California Code of Regulations,
15 and include site records if required pursuant to subdivision (g) of
16 that section or pursuant to Section 929.5 of Title 14 of the
17 California Code of Regulations.

18 (ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
19 of Section 949.1 of Title 14 of the California Code of Regulations,
20 and include site records if required pursuant to subdivision (g) of
21 that section or pursuant to Section 949.5 of Title 14 of the
22 California Code of Regulations.

23 (iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
24 of Section 969.1 of Title 14 of the California Code of Regulations,
25 and include site records if required pursuant to subdivision (g) of
26 that section or pursuant to Section 969.5 of Title 14 of the
27 California Code of Regulations.

28 (B) The director shall submit a complete copy of the confidential
29 archaeological letter and two copies of all required archaeological
30 or historical site records to the appropriate Information Center of
31 the California Historical Resource Information System within 30
32 days from the date of notice submittal to the director. Before
33 submitting the notice to the director, the registered professional
34 forester shall send a copy of the notice to Native Americans, as
35 defined in Section 895.1 of Title 14 of the California Code of
36 Regulations.

37 (8) Only trees less than 18 inches in stump diameter, measured
38 at eight inches above ground level, may be removed. However,
39 within 500 feet of a legally permitted structure, or in an area
40 prioritized as a shaded fuel break in a community wildfire

1 protection plan approved by a public fire agency, if the goal of
2 fuel reduction cannot be achieved by removing trees less than 18
3 inches in stump diameter, trees less than 24 inches in stump
4 diameter may be removed if that removal complies with this section
5 and is necessary to achieve the goal of fuel reduction. A fuel
6 reduction effort shall not violate the canopy closure regulations
7 adopted by the board on June 10, 2004, and as those regulations
8 may be amended.

9 (9) (A) This subparagraph applies to areas within 500 feet of
10 a legally permitted structure and in areas prioritized as a shaded
11 fuel break in a community wildfire protection plan approved by a
12 public fire agency. The board shall adopt regulations for the
13 treatment of surface and ladder fuels in the harvest area, including
14 logging slash and debris, low brush, small trees, and deadwood,
15 that could promote the spread of wildfire. The regulations adopted
16 by the board shall be consistent with the standards in the board's
17 "General Guidelines for Creating Defensible Space" described in
18 Section 1299.03 of Title 14 of the California Code of Regulations.
19 Postharvest standards shall include vertical spacing between fuels,
20 horizontal spacing between fuels, maximum depth of dead ground
21 surface fuels, and treatment of standing dead fuels, as follows:

22 (i) Ladder and surface fuels shall be spaced to achieve a vertical
23 clearance distance of eight feet or three times the height of the
24 postharvest fuels, whichever is the greater distance, measured from
25 the base of the live crown of the postharvest dominant and
26 codominant trees to the top of the surface fuels.

27 (ii) Horizontal spacing shall achieve a minimum separation of
28 two to six times the height of the postharvest fuels, increasing
29 spacing with increasing slope, measured from the outside branch
30 edges of the fuels.

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

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

36 (B) This subparagraph applies to all areas not described in
37 subparagraph (A).

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

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

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

8 (C) The standards required by subparagraphs (A) and (B) shall
9 be achieved on approximately 80 percent of the treated area. The
10 treatment shall include chipping, removing, or other methods
11 necessary to achieve the standards. Ladder and surface fuel
12 treatments, for any portion of the exemption area where timber
13 operations have occurred, shall be done within 120 days from the
14 start of timber operations on that portion of the exemption area or
15 by April 1 of the year following surface fuel creation on that
16 portion of the exemption area if the surface fuels are burned.

17 (10) Timber operations shall comply with the requirements of
18 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
19 1038 of Title 14 of the California Code of Regulations. Timber
20 operations in the Lake Tahoe region shall comply instead with the
21 requirements of paragraphs (1) to (16), inclusive, of subdivision
22 (f) of Section 1038 of Title 14 of the California Code of
23 Regulations.

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

27 (A) The conditions specified in paragraphs (2), (4), (6), (7), and
28 (10) are met, except that, notwithstanding paragraph (5) of
29 subdivision (b) of Section 1038 of Title 14 of the California Code
30 of Regulations, the construction or reconstruction of temporary
31 roads of 600 feet or less on slopes of 40 percent or less shall be
32 allowed.

33 (B) Only trees less than 26 inches in stump diameter, measured
34 at eight inches above ground level, may be removed. A fuel
35 reduction effort shall not violate the canopy closure regulations
36 adopted by the board on June 10, 2004, and as those regulations
37 may be amended.

38 (C) (i) The registered professional forester who submits the
39 notice of exemption shall include a description of the preharvest

1 stand structure and a statement of the postharvest stand stocking
2 levels.

3 (ii) The level of residual stocking shall be consistent with
4 maximum sustained production of high-quality timber products.
5 The residual stand shall consist primarily of healthy and vigorous
6 dominant and codominant trees from the preharvest stand. Where
7 present prior to operations, the overstory canopy closure for trees
8 greater than 12 inches in diameter at breast height shall not be
9 reduced below 50 percent. Stocking shall be met with the largest
10 trees available prior to harvest and shall not be reduced below the
11 standards required by any of the following provisions that apply
12 to the exemption at issue:

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

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

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

22 (iii) If the preharvest dominant and codominant crown canopy
23 is occupied by trees less than 14 inches in diameter at breast height,
24 a minimum of 100 trees over four inches in diameter at breast
25 height shall be retained per acre for Site I, II, and III lands, and a
26 minimum of 75 trees over four inches in diameter at breast height
27 shall be retained per acre for Site IV and V lands. The retained
28 trees shall be the largest trees available prior to harvest.

29 (D) The activities conducted pursuant to this paragraph occur
30 in Alpine, Amador, Butte, Calaveras, Del Norte, El Dorado, Fresno,
31 Humboldt, Inyo, Kern, Lassen, Madera, Mariposa, Mendocino,
32 Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou,
33 Sonoma, Tehama, Trinity, Tulare, Tuolumne, or Yuba Counties,
34 or in any combination of these areas.

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

39 (F) The department shall maintain records regarding the use of
40 the exemption granted in this paragraph in order to evaluate the

1 impact of the exemption on fuel reduction and natural resources
2 in areas where the exemption has been used.

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

8 ~~(G)~~

9 *(H) This paragraph shall become inoperative on January 1, 2023.*

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

14 SEC. 3. Section 4584.1 of the Public Resources Code is
15 repealed.

16 SEC. 4. Section 4589 is added to the Public Resources Code,
17 to read:

18 4589. (a) *On or before December 31, 2017, the department*
19 *and board shall review and submit a report to the Legislature on*
20 *the trends in the use of, compliance with, and effectiveness of the*
21 *exemptions and emergency notice provisions described in Sections*
22 *4584 and 4592 of this code and Sections 1038 and 1052 of Title*
23 *14 of the California Code of Regulations. The report shall also*
24 *include recommendations to improve the use of those exemptions*
25 *and emergency notice provisions.*

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

29 *(c) The report shall be submitted pursuant to Section 9795 of*
30 *the Government Code.*

31 *(d) If the report is not submitted to the Legislature on or before*
32 *December 31, 2017, either the Senate Budget Subcommittee on*
33 *Resources or the Senate Committee on Natural Resources shall*
34 *hold a hearing in January 2018 to investigate why the report was*
35 *not submitted.*

36 *(e) This section shall remain in effect only until January 1, 2019,*
37 *and as of that date is repealed, unless a later enacted statute, that*
38 *is enacted before January 1, 2019, deletes or extends that date.*

O