

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 717

**Introduced by Assembly Member Keeley
(Coauthor: Assembly Member Lempert)**

February 24, 1999

An act to ~~add Sections 4592.5 and 4592.6 to amend Sections 4582, 4582.6, 4582.7, 4582.75, and 4601 of, and to add Sections 4601.5, 4601.6, 4603.5, and 4603.6 to, the Public Resources Code, relating to forest practices.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 717, as amended, Keeley. Timber harvesting plans: watershed areas.

(1) Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, prohibits a person from conducting timber operations, as defined, until the person files a timber harvesting plan with the Department of Forestry and Fire Protection, in accordance with specified requirements.

~~This bill would require the Director of Forestry and Fire Protection to defer approval of a timber harvesting plan that covers lands in a watershed area that a state or federal agency has determined, on the basis of substantial evidence and expert opinion, to be impaired or degraded, until such time that specified conditions occur, unless a timber operator can demonstrate that the timber harvesting will abate a known or a likely potential source of impairment or degradation and will substantially accelerate recovery of the beneficial uses of~~

~~water. The bill would require the director to place a stop work order prohibiting the conduct of any timber operations in a watershed area determined to be impaired or degraded, except as provided.~~

The act requires that a timber harvesting plan be a public record and include specified information relating to the conduct of timber operations.

This bill would require that a timber harvesting plan include additional information relating to the conduct of timber operations in a relevant planning watershed, as defined.

The act requires the department, with respect to a timber harvesting plan filed with the department, to consider all comments and recommendations received from responsible agencies and from the public during the public comment period on the plan.

This bill would also require the department to respond in writing to each of those comments and recommendations, and would require a responsible agency to make available to the department any applicable information or documentation it has received pertaining to the timber harvesting plan regarding current conditions in the area potentially affected by the plan, as specified. The bill would authorize the department or a responsible agency to require additional mitigation or monitoring measures, or both, to ensure compliance with rules and regulation of the State Board of Forestry and other applicable laws and regulations.

The act requires the Director of Forestry and Fire Protection, upon the request of a responsible agency, to consult with that agency, but provides that the director, or his or her designee within the department, shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board and with the act.

This bill would provide that the director shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board, with the act, and with any other applicable laws.

The act makes any person who willfully violates any provision the act or any rule or regulation of the board guilty



of a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 6 months, or by both that fine and imprisonment.

This bill would prescribe certain penalty enhancements and would prescribe the circumstances under which a penalty enhancement would apply. The bill would require that any penalties imposed pursuant to those provisions be used, upon appropriation by the Legislature, for the support of the department and other responsible agencies and to increase staffing and other support for the enforcement of the act and the rules and regulations of the board.

The bill would authorize the board or a superior court to impose a civil penalty in an amount not to exceed \$15,000 for each day on which a violation of the act or any rule adopted pursuant thereto occurs. By imposing new duties on courts, the bill would impose a state-mandated local program.

(2) 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: ~~no~~ yes.

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

1 ~~SECTION 1. Section 4592.5 is added to the Public~~
2 *SECTION 1. Section 4582 of the Public Resources*
3 *Code is amended to read:*
4 4582. The timber harvesting plan shall be filed with
5 the department in writing by a person who owns, leases,
6 or otherwise controls or operates on all or any portion of
7 any timberland and who plans to harvest the timber
8 thereon. If the person who files the plan is not the owner
9 of the timberland, the person filing the plan shall notify
10 the timberland owner by certified mail that the plan has
11 been submitted and shall certify that mailing to the
12 department. The plan shall be a public record and shall



1 ~~include~~ *not be accepted for filing by the department,*
2 *unless it includes all of the following information:*

3 (a) The name and address of the timber owner.

4 (b) The name and address of the timber operator if
5 known at the time of filing. If the timber operator is not
6 known at the time of filing, the plan submitter shall notify
7 the department as soon as the timber operator is known,
8 but in any case before timber operations begin.

9 (c) A description of the land on which the work is
10 proposed to be done, including a United States Geological
11 Survey quadrangle map or equivalent *at a scale of no less*
12 *than 1"-2000'*, indicating the location of all streams, the
13 location of all proposed and existing logging truck roads,
14 *the location and boundaries of all past, present, proposed*
15 *and reasonably foreseeable future projects, as defined in*
16 *Section 21065, within the relevant planning watershed,*
17 *including timber harvesting plans,* and indicating
18 boundaries of all site I classification timberlands to be
19 stocked in accordance with subdivision (b) of Section
20 4561 and any other site classifications if the board
21 establishes specific minimum stocking standards for other
22 site classifications. *For purposes of this section, "relevant*
23 *planning watershed" means the contiguous land base and*
24 *associated watershed system that forms a fourth order or*
25 *other watershed typically 10,000 acres or less in size, or a*
26 *third order basin flowing directly into the ocean, in which*
27 *the proposed timber harvesting plan is located.*

28 (d) A description of the silvicultural methods to be
29 applied, including the type of logging equipment to be
30 used.

31 (e) An outline of the methods to be used to avoid
32 ~~excessive—accelerated~~ erosion from timber operations ~~to~~
33 ~~be conducted within the proximity of a stream.~~

34 (f) *An evaluation of past, present, proposed, and*
35 *reasonably foreseeable future projects, as defined in*
36 *Section 21065, in the relevant planning watershed,*
37 *including a discussion of significant continuing*
38 *environmental impacts resulting from these projects,*
39 *descriptions of active and potential sources of erosion and*
40 *sedimentation, description of past and present riparian*



1 forest conditions in the relevant planning watershed, any
2 past or current cumulative impact analysis or analyses
3 performed for such projects in the relevant planning
4 watershed, and any other information deemed necessary
5 by the board or department for the adequate evaluation
6 of environmental impacts including cumulative impacts.

7 (g) Current documentation, including references, of
8 the presence or absence of salmonid species in the
9 relevant planning watershed.

10 (h) Specific information, if applicable, regarding the
11 proximity to, geographic distribution of, potential
12 duration of, and potential effect of the project on,
13 salmonid species within the relevant planning watershed.

14 (i) All applicable information, including, but not
15 limited to, stream surveys, sediment and temperature
16 data, and salmonid habitat typing regarding the relevant
17 planning watershed, including, but not limited to, any
18 information developed by the Department of Fish and
19 Game, State Regional Water Quality Control Board,
20 appropriate California regional water quality control
21 board, National Marine Fisheries Service, United States
22 Fish and Wildlife Service, and other appropriate local,
23 state, and federal agencies. Where such information is not
24 available or is inadequate, and current or historic
25 salmonid presence is reasonably likely, the department
26 shall require the plan submitter or registered professional
27 forester to retain a qualified independent biologist to
28 conduct surveys and develop other information required
29 pursuant to this section.

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

32 ~~(g)~~

33 (k) The expected dates of commencement and
34 completion of timber operations.

35 ~~(h)~~

36 (l) A certification by the registered professional
37 forester preparing the plan that he or she or a designee
38 has personally inspected the plan area.

39 (m) Current sediment or temperature data, or both,
40 as appropriate, for each watercourse within or



1 *downstream from the relevant planning watershed listed*
2 *as “impaired” under subdivision (d) of Section 303 of the*
3 *Federal Clean Water Act (33 U.S.C. Sec. 1251), including*
4 *all tributaries to those water courses.*

5 ~~(i)~~

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

9 ~~(j) This section shall become operative on January 1,~~
10 ~~1996.~~

11 *SEC. 2. Section 4582.6 of the Public Resources Code*
12 *is amended to read:*

13 4582.6. (a) Upon receipt of the timber harvesting
14 plan, the department shall place it, or a true copy thereof,
15 in a file available for public inspection in the county in
16 which timber operations are proposed under the plan,
17 and, for the purpose of interdisciplinary review, shall
18 transmit a copy to the Department of Fish and Game, the
19 appropriate California regional water quality control
20 board, the county planning agency, and, if the area is
21 within its jurisdiction, the Tahoe Regional Planning
22 Agency, as the case may be. The department shall invite,
23 consider, and respond in writing to comments received
24 from public agencies to which the plan has been
25 transmitted and shall consult with those agencies at their
26 request.

27 (b) Within the public comment period, any
28 responsible agency, as defined in Section 21069, shall
29 provide the department with specific comments or
30 recommendations, or both, on any significant
31 environmental issues and proposed mitigation measures
32 raised by the timber harvesting plan. *A responsible*
33 *agency shall make available to the department any*
34 *applicable information or documentation it has received,*
35 *created, or compiled regarding current conditions in the*
36 *area potentially affected by the timber harvesting plan,*
37 *including information or documentation concerning*
38 *direct or cumulative impacts to water quality, fisheries,*
39 *wildlife, or watershed stability.* The responsible agency
40 shall also identify its statutory authority for any requests



1 for mitigation measures that it may determine to be
2 necessary. If the responsible agency fails to respond by
3 the end of the public comment period, the department
4 may assume that the responsible agency has no comments
5 or recommendations concerning the timber harvesting
6 plan, but the failure of the responsible agency to make
7 comments or recommendations shall not be used as the
8 basis for a determination or presumption that the timber
9 harvesting plan will have no significant effect on the
10 environment. The department shall consider all
11 comments and recommendations received from
12 responsible agencies and from the public during the
13 public comment period, *and shall respond in writing to*
14 *each of these comments and recommendations upon*
15 *approval of the timber harvesting plan. Notwithstanding*
16 *subdivision (e) of Section 4582.7, and Sections 4582.75,*
17 *21080.5, and 21081, the department shall require*
18 *compliance with all responsible agency*
19 *recommendations unless the department makes a*
20 *written finding, supported by substantial evidence in the*
21 *record, that the department's own mitigation measures*
22 *would result in greater conservation and protection and*
23 *restoration of fisheries, wildlife, beneficial uses of water,*
24 *recreation, and other public trust values.* If a responsible
25 agency fails to respond within the public comment
26 period, it may request additional time to respond. The
27 director may grant an extension of the time to respond of
28 up to 14 calendar days if he or she determines, after
29 consultation with the person submitting the timber
30 harvesting plan, that an extension is necessary.

31 (c) *The department and responsible agencies shall*
32 *affirmatively find that any practices in lieu of or*
33 *alternative to standard practices proposed in a timber*
34 *harvesting plan meet or exceed standard practices*
35 *required pursuant to this chapter and the rules and*
36 *regulations of the board. The department or a responsible*
37 *agency may require additional mitigation or monitoring*
38 *measures, or both, to ensure compliance with this section*
39 *and other applicable law.*



1 (d) To ensure that all public comments and concerns
2 are considered by the department, each responsible
3 agency shall maintain a list of written information it
4 disseminates on the timber harvesting plan under review
5 prior to the close of the public comment period. *If*
6 *significant new information relevant to the department's*
7 *decision on a plan is received by the department after the*
8 *close of the public comment period, the public comment*
9 *period shall be reopened for a period of 15 days and all*
10 *commentors shall be notified of the availability of the new*
11 *information.*

12 ~~(d)~~

13 (e) ~~On and after July 1, 1983, the~~ *The* board of
14 supervisors or planning commission of any county for
15 which rules have been adopted pursuant to Section 4516.5
16 may request a public hearing on any timber harvesting
17 plan submitted for lands within the county, and the
18 department shall hold a hearing for the purpose of public
19 comment, if requested, prior to taking any action on the
20 timber harvesting plan pursuant to Section 4582.7. The
21 hearing shall be held in the county in which the proposed
22 harvest is located at a time and place convenient to the
23 public. The hearing shall be held in county offices if made
24 available by the county for that purpose. The chairperson
25 of the hearing shall be a representative of the
26 department, shall receive both oral and written
27 testimony from members of the public, local government
28 officials, persons submitting the plans, and others, and
29 shall provide for the hearing to be electronically
30 recorded. The department shall prepare and make
31 available written responses to significant issues raised at
32 the hearing. The requirements of this subdivision shall
33 not be construed as extending the time within which any
34 action is required to be taken pursuant to Section 4582.7.

35 *SEC. 3. Section 4582.7 of the Public Resources Code*
36 *is amended to read:*

37 4582.7. (a) The director shall have 15 days from the
38 date that the initial inspection is completed or, if the
39 director determines that the inspection need not be
40 made, 15 days from the date of filing, as specified in



1 Section 4604, or a longer period mutually agreed upon by
2 the director and the person submitting the timber
3 harvesting plan, to review the plan and take public
4 comments. After the initial review and public comment
5 period has ended, the director shall have up to 10 working
6 days, or a longer period mutually agreed upon by the
7 director and the person submitting the plan, to review
8 the public input, to consider recommendations and
9 mitigation measures of other agencies, to respond in
10 writing to the issues raised, and to determine if the plan
11 is in conformance with the rules and regulations of the
12 board and with this chapter.

13 (b) If the director determines that the timber
14 harvesting plan is not in conformance with the rules and
15 regulations of the board or with this chapter, the director
16 shall return the plan, stating his or her reasons in writing,
17 and advising the person submitting the plan of the
18 person's right to a hearing before the board, and timber
19 operations shall not commence.

20 (c) A person to whom a timber harvesting plan is
21 returned may, within 10 days from the date of receipt of
22 the plan, request of the board a public hearing before the
23 board. The board shall schedule a public hearing to
24 review the plan to determine if the plan is in
25 conformance with the rules and regulations of the board
26 and with this chapter. Timber operations shall await
27 board approval of the plan. Board action shall occur
28 within 30 days from the date of the filing of the appeal, or
29 a longer period mutually agreed upon by the board and
30 the person filing the appeal.

31 (d) If the timber harvesting plan is not approved on
32 appeal to the board, the plan may be found to be in
33 conformance by the director within 10 days from the date
34 of the board action, ~~provided that~~ *if* the plan is brought
35 into full conformance with the rules and regulations of
36 the board and with this chapter. If the director does not
37 act within 25 days, or a longer period mutually agreed
38 upon by the director and the person submitting the plan,
39 timber operations may commence pursuant to the plan,



1 and all provisions of the plan shall be followed as provided
2 in this chapter.

3 (e) Upon the request of a responsible agency, the
4 director shall consult with that agency, pursuant to this
5 chapter, but the director, or his or her designee within the
6 department, shall have the final authority to determine
7 whether a timber harvesting plan is in conformance with
8 the rules and regulations of the board ~~and~~, with this
9 chapter, *and with any other applicable law.*

10 *SEC. 4. Section 4582.75 of the Public Resources Code*
11 *is amended to read:*

12 4582.75. ~~The~~ *Except as provided in Section 4582.6,*
13 *subdivision (e) of Section 4582.7 and this section, the rules*
14 *adopted by the board shall be the only criteria employed*
15 *by the director when reviewing timber harvesting plans*
16 *pursuant to Section 4582.7. This section shall not be*
17 *construed to limit the applicability of any other law*
18 *governing the protection and conservation of the*
19 *resources of this state, nor shall the director make any*
20 *determination with respect to a timber harvesting plan*
21 *that conflicts with any other applicable law.*

22 *SEC. 5. Section 4601 of the Public Resources Code is*
23 *amended to read:*

24 4601. Any person who willfully violates any provision
25 of this chapter or rule or regulation of the board is guilty
26 of a misdemeanor and shall be punishable by a fine of not
27 more than one thousand dollars (\$1,000) or by
28 imprisonment in the county jail for not more than six
29 months, or by both such fine and imprisonment, *unless*
30 *the violation requires a penalty enhancement pursuant to*
31 *Section 4601.5. The person is guilty of a separate*
32 *misdemeanor offense under this section for each day in*
33 *which an order for corrective action issued pursuant to*
34 *Section 4605 or 4608 is violated.*

35 *SEC. 6. Section 4601.5 is added to the Public*
36 *Resources Code, to read:*

37 4601.5. *Upon conviction for a violation of this chapter*
38 *or rule or regulation of the board pursuant to Section*
39 *4601, and in addition to any punishment provided under*



1 *that section, the court shall also impose the following*
2 *penalty enhancements:*

3 *(a) For each tree cut in violation of the prescriptions*
4 *authorized within a watercourse and lake protection*
5 *zone or equivalent buffer on any Class I, II, or III*
6 *watercourse, the fine shall be increased by two thousand*
7 *dollars (\$2,000), plus 200 percent of the full stumpage*
8 *value of the timber, with no offset for harvesting costs.*

9 *(b) For each tree cut in violation of the prescriptions*
10 *authorized within a buffer zone established for any*
11 *wildlife species pursuant to this chapter or the rules and*
12 *regulations of the board, the fine shall be increased by two*
13 *thousand dollars (\$2,000), plus 200 percent of the full*
14 *stumpage value of the timber, with no offset for*
15 *harvesting costs.*

16 *(c) For each nesting tree cut in violation of this*
17 *chapter or the rules and and regulations of the board, the*
18 *fine shall be increased by two thousand dollars (\$2,000),*
19 *plus 200 percent of the full stumpage value of the timber,*
20 *with no offset for harvesting costs.*

21 *(d) For each uncorrectable violation of this chapter or*
22 *the rules and regulations of the board that results in the*
23 *introduction of sediment or other discharge into a Class*
24 *I, II, or III watercourse, the fine shall be increased by two*
25 *thousand dollars (\$2,000) plus 200 percent of the cost of*
26 *preventative maintenance or other action that would*
27 *have prevented the violation and the introduction of*
28 *sediment into the watercourse.*

29 *SEC. 7. Section 4601.6 is added to the Public*
30 *Resources Code, to read:*

31 *4601.6. All monetary penalties collected pursuant to*
32 *Section 4601.5 shall be used, upon appropriation by the*
33 *Legislature, for the support of the department and the*
34 *other responsible agencies, and to increase staffing and*
35 *other support for enforcement of this chapter and the*
36 *rules and regulations of the board.*

37 *SEC. 8. Section 4603.5 is added to the Public*
38 *Resources Code, to read:*

39 *4603.5. (a) If any timber owner or operator fails to*
40 *comply with any provision of this chapter or any rule*

1 *adopted pursuant thereto, the board may impose a civil*
2 *penalty in an amount not less than five hundred dollars*
3 *(\$500) or more than fifteen thousand dollars (\$15,000) for*
4 *each day the violation occurs or for each day the violation*
5 *continues to occur in accordance with this section.*

6 *(b) An inspecting forest officer may issue a complaint*
7 *to any timber owner or operator if, upon reasonable*
8 *cause, the officer determines that a timber operation is*
9 *being conducted or has been conducted in violation of*
10 *this chapter or of forest practice rules adopted by the*
11 *board pursuant to this chapter. The complaint shall allege*
12 *the act or failure to act that constitutes a violation of law*
13 *and the proposed civil penalty.*

14 *(c) The complaint shall be served by personal notice*
15 *or certified mail, and shall inform the party so served that*
16 *a hearing shall be conducted within 60 days after the date*
17 *the party has been served. The hearing shall be*
18 *conducted by a panel of the board, consisting of three or*
19 *more members of the board selected by the board. The*
20 *person who has been issued a complaint may waive the*
21 *right to a hearing, in which case the board shall not*
22 *conduct a hearing.*

23 *(d) After any hearing, the panel shall report its*
24 *proposed decision and order to the board, and shall, at the*
25 *time it reports its proposed decision and order to the*
26 *board, provide a copy to the party served with the*
27 *complaint, the party issuing the complaint, and any other*
28 *person requesting a copy. The members of the panel may*
29 *sit as members of the board in deciding the matter. The*
30 *board, after making an independent review of the record*
31 *and taking such additional evidence as may be necessary*
32 *and which could not reasonably have been offered before*
33 *the hearing panel, may adopt, with or without revision,*
34 *the proposed decision and order of the panel.*

35 *(e) An order imposing a civil penalty shall become*
36 *effective and final upon issuance thereof. Payment shall*
37 *be made not later than 30 days from the date on which the*
38 *order is issued. A copy of the order shall be served by*
39 *personal service or by registered mail upon the party*



1 served with the complaint and upon any other person
2 who appeared at the hearing and requested a copy.

3 (f) In determining the amount of the civil penalty, the
4 board shall take into account the severity of the
5 environmental damage caused by the violation, the
6 nature, circumstances, extent, and gravity of the violation
7 or violations, whether the harm done is susceptible to
8 repair, and with respect to the violator, any prior history
9 of violations, the degree of culpability, any economic
10 benefit to the violator resulting from the violation, and
11 such other matters as justice may require.

12 (g) After the time for judicial review has expired, the
13 board may apply to the clerk of the appropriate court in
14 the county in which the civil penalty was imposed for a
15 judgment to collect the penalty. The application, which
16 shall include a certified copy of the board action,
17 constitutes a sufficient showing to warrant issuance of the
18 judgment. The court clerk shall enter the judgment
19 immediately in conformity with the application. The
20 judgment so entered has the same force and effect as, and
21 is subject to all the provisions of law relating to, a
22 judgment in a civil action, and may be enforced in the
23 same manner as any other judgment of the court in which
24 it is entered.

25 (h) A civil penalty may be imposed by the superior
26 court in accordance with this article for a violation of this
27 chapter or any rule adopted pursuant thereto in an
28 amount not to exceed fifteen thousand dollars (\$15,000)
29 for each day the violation occurs or continues to occur. In
30 determining the amount of the civil penalty to be
31 imposed pursuant to this section, the superior court shall
32 consider the severity of the environmental damage
33 caused by the infraction, the nature, circumstances,
34 extent, and gravity of the violation or violations, whether
35 the harm done is susceptible to repair, and with respect
36 to the violator, any prior history of violations, the degree
37 of culpability, any economic benefit to the violator
38 resulting from the violation, and such other matters as
39 justice may require.



1 (i) No person shall be subject to both a civil penalty
2 imposed by the board and a civil penalty imposed by the
3 superior court for the same act or failure to act.

4 (j) Except as provided in subdivision (i), the remedies
5 under this section are in addition to, and do not supersede
6 or limit, any other remedies, including any civil or
7 criminal penalties that may be imposed for a violation.

8 (k) Any person who pays any fine or civil penalty
9 imposed pursuant to this section is entitled to
10 contribution for such liability from any third party, in an
11 action in the superior court and upon proof that the
12 violation was caused in whole or in part by an act or
13 omission of the third party, to the extent that the violation
14 is caused by the act or omission of the third party, in
15 accordance with the principles of comparative fault.

16 SEC. 9. Section 4603.6 is added to the Public
17 Resources Code, to read:

18 4603.6. All monetary penalties collected pursuant to
19 Section 4603.5 shall, upon appropriation by the
20 Legislature, be distributed among the department and
21 the other responsible agencies and used to increase
22 staffing and other support for enforcement of this chapter
23 and the rules and regulations of the board.

24 SEC. 10. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because a local agency or school district has
27 the authority to levy service charges, fees, or assessments
28 sufficient to pay for the program or level of service
29 mandated by this act, within the meaning of Section 17556
30 of the Government Code.

31 ~~Resources Code, to read:~~

32 ~~4592.5. The director shall defer approval of a timber~~
33 ~~harvesting plan that covers lands in a watershed area that~~
34 ~~a state or federal agency has determined, on the basis of~~
35 ~~substantial evidence and expert opinion, to be impaired~~
36 ~~or degraded until all of the following conditions are~~
37 ~~satisfied:~~

38 ~~(a) A cumulative impact analysis has been completed~~
39 ~~for the watershed that includes all of the following:~~



1 ~~(1) Information concerning the cause of any existing~~
2 ~~environmental impact in the watershed.~~

3 ~~(2) Information identifying any controllable activity~~
4 ~~that contributes to the impact.~~

5 ~~(3) An evaluation of each impact according to criteria~~
6 ~~that are relevant to each impact.~~

7 ~~(4) A plan for the recovery of the beneficial uses of~~
8 ~~water within a reasonable amount of time.~~

9 ~~(b) The analysis prepared pursuant to subdivision (a)~~
10 ~~has undergone a technical review by a team of experts~~
11 ~~who are independent of the preparer of the analysis, the~~
12 ~~regulatory agencies reviewing the timber harvesting~~
13 ~~plan, and the landowners of the affected watershed.~~

14 ~~(c) The analysis has been found to be sufficient by the~~
15 ~~agency or agencies that have determined the watershed~~
16 ~~to be impaired or degraded.~~

17 ~~(d) Timber harvesting and related activities~~
18 ~~including, but not limited to, site preparation,~~
19 ~~commercial thinning, hauling, and road building shall be~~
20 ~~prohibited in a watershed area determined to be~~
21 ~~impaired or degraded until all of the conditions set forth~~
22 ~~in subdivisions (a), (b), and (c) are satisfied, unless a~~
23 ~~timber operator can demonstrate (1) that the timber~~
24 ~~harvesting and related activities will abate a known or a~~
25 ~~likely potential source of impairment or degradation, and~~
26 ~~(2) that on the basis of actual measurements, the timber~~
27 ~~harvesting and related activities will substantially~~
28 ~~accelerate recovery of the beneficial uses of water. The~~
29 ~~demonstrations by the timber operator shall be approved~~
30 ~~by the director, in consultation with the agency or~~
31 ~~agencies that made the determination that the watershed~~
32 ~~was impaired or degraded.~~

33 ~~SEC. 2. Section 4592.6 is added to the Public~~
34 ~~Resources Code, to read:~~

35 ~~4592.6. During the period of deferral pursuant to~~
36 ~~subdivision (a) of Section 4592.5, the director shall place~~
37 ~~a stop work order with respect to any approved timber~~
38 ~~harvesting plan or related activities on land within the~~
39 ~~watershed area, except that the order shall not apply to~~
40 ~~those timber harvesting and related activities for which~~



1 ~~the director, in consultation with the agency or agencies~~
2 ~~that determined that the watershed was impaired or~~
3 ~~degraded, has approved the demonstrations made~~
4 ~~pursuant to paragraphs (1) and (2) of subdivision (d) of~~
5 ~~Section 4592.5.~~

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