

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 380**

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**Introduced by Assembly Member Chesbro**

February 14, 2011

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An act to add Article 5.5 (commencing with Section 4564) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to resources. .

LEGISLATIVE COUNSEL'S DIGEST

AB 380, as amended, Chesbro. Resources: watersheds.

The Z'berg-Nejedly Forest Practice Act of 1973, among other things, prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and unless the plan has been approved. Existing law requires the Board of Forestry and Fire Protection to adopt certain forest practice rules and regulations to minimize the effects of erosion on water resources and lakes.

This bill would require the department and the board, when implementing a pilot project to protect and restore the riparian zone in watersheds with listed anadromous salmonids, among other things, to provide the industry, agencies, and the public with the opportunity to participate in the development of the pilot project in a transparent manner and to ensure that the pilot project ~~have~~ has certain goals. The bill would also require all documents that form the basis for the pilot projects to be posted on the department's Internet Web site.

The bill would require the board, or a technical advisory committee, to develop recommendations for providing electronic public access to

all relevant documents that assist the department in administering timber harvest regulations for actions that occur on a planning watershed scale.

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 finds and declares all of the
- 2 following:
- 3 (a) There are numerous water bodies in California that have
- 4 been declared by the State Water Resources Control Board to be
- 5 impaired due to excessive sedimentation, high water temperatures,
- 6 and pollutants.
- 7 (b) Sequestration of carbon in forest lands is a vital component
- 8 of California's climate change strategy as articulated by the Climate
- 9 Action Team and the Air Resources Board.
- 10 (c) The regions of California that have state or federal listed
- 11 anadromous salmonid species are often predominately forest lands
- 12 that are subject to the Z'berg-Nejedly Forest Practice Act of 1973,
- 13 pursuant to Chapter 8 (commencing with Section 4511) of Part 2
- 14 of Division 4 of the Public Resources Code, for purposes of review
- 15 and approval of timber harvest plans. These plans include, but are
- 16 not limited to, timber harvest plans (THPs), nonindustrial timber
- 17 management plans (NTMPs), Sustained Yield Plans (SYPs), and
- 18 Program Timberland Environmental Impact Reports (PTEIR).
- 19 (d) Important gains have been made in forest land resource
- 20 protection and conservation since the Z'berg-Nejedly Forest
- 21 Practice Act of 1973, including the application of the California
- 22 Environmental Quality Act (CEQA), and various state and federal
- 23 water quality and fish and game statutes and regulations.
- 24 (e) There are still opportunities for improvement by the
- 25 development of a comprehensive cumulative effects review process
- 26 that is conducted in cooperation with landowners and other
- 27 stakeholders. An effective cumulative effects process can provide
- 28 the information necessary to restore and recover fish and wildlife
- 29 populations, to improve the quality and quantity of timber, to take
- 30 actions to reduce fire hazards, to sequester carbon, to produce
- 31 energy, and to create jobs.

1 SEC. 2. Article 5.5 (commencing with Section 4564) is added  
2 to Chapter 8 of Part 2 of Division 4 of the Public Resources Code,  
3 to read:

4  
5 Article 5.5. Comprehensive Forest Land Recovery and  
6 Restoration Act  
7

8 4564. When implementing a pilot project pursuant to a  
9 regulation adopted in accordance with Section 4551, 4551.5, or  
10 4562.7, to protect and restore the riparian zone in watersheds with  
11 listed anadromous salmonids, the department and board shall  
12 comply with all of the following:

13 ~~(a) The department shall implement a pilot project on state forest~~  
14 ~~land only when a private landowner is not willing to undertake a~~  
15 ~~pilot project on private lands.~~

16 ~~(b)~~

17 (a) Provide the industry, agencies, and the public with the  
18 opportunity to participate in the development of a pilot project in  
19 a transparent manner.

20 ~~(c)~~

21 (b) A pilot project shall result in the development of guidelines  
22 for conducting a cumulative effects evaluation on a planning  
23 watershed scale, and shall address the potential project-specific  
24 planning watershed cumulative effects of timber harvesting  
25 activities. In particular, the guidelines shall require *all of* the  
26 following:

27 (1) The spatial scale of the cumulative effects analysis to be  
28 consistent with the site-specific and cumulative impacts of the  
29 project in the watershed and its physical processes.

30 (2) The use of reproducible, quantitative methods of evaluation  
31 as the primary means of determining baseline physical, chemical,  
32 or biological parameters, in estimating cumulative impacts, and  
33 in monitoring implementation of mitigation measures.

34 (3) Documentation of the conclusions and recommendations.

35 (4) An evaluation by a person or entity with relevant training  
36 and experience.

37 ~~(d)~~

38 (c) Consult with and seek comment from appropriate scientific  
39 experts in order to develop evaluation guidelines that are feasible,  
40 enforceable, and protective of the public trust. The department and

1 the board may draw from information in the State of Washington's  
2 Watershed Analysis Manual or the Methods Manual developed  
3 by the State of California's North Coast Watershed Assessment  
4 Program when developing guidelines.

5 ~~(e)~~

6 (d) A pilot project shall have one or more of the following goals:

7 (1) Restore fisheries and wildlife habitat.

8 (2) Reduce the risk of wildfire.

9 (3) Recover forest characteristics—~~which~~ *that* will produce  
10 high-quality timber.

11 (4) Reduce sedimentation and soil loss.

12 (5) Achieve long-term carbon sequestration.

13 (6) Restore and recover unique attributes of a given planning  
14 watershed.

15 ~~(f)~~

16 (e) A pilot project shall be consistent with state and federal  
17 mandates governing coho recovery and restoration of impaired  
18 water bodies.

19 ~~(g)~~

20 (f) Funding and personnel for the development and  
21 implementation of pilot projects shall be utilized from existing  
22 department and responsible agencies' budgets and personnel.  
23 Additional funding shall be sought from private and public sources,  
24 statewide and nationally, with an emphasis on receiving support  
25 from educational institutions.

26 ~~(h)~~

27 (g) All documents that form the basis for the pilot projects that  
28 are developed pursuant to this section shall be posted on the  
29 department's Internet Web site.

30 4565. The board, or a technical advisory committee, shall  
31 develop recommendations for providing electronic public access  
32 to all relevant documents that assist the department in administering  
33 timber harvest regulations for actions that occur on a planning  
34 watershed scale.