

AMENDED IN ASSEMBLY APRIL 11, 2011

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 380

Introduced by Assembly Member Chesbro

February 14, 2011

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 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) Provide the industry, agencies, and the public with the
14 opportunity to participate in the development of a pilot project in
15 a transparent manner.

16 (b) A pilot project shall result in the development of guidelines
17 for conducting a cumulative effects evaluation on a planning
18 watershed scale, and shall address the potential project-specific
19 planning watershed cumulative effects of timber harvesting
20 activities. In particular, the guidelines shall require all of the
21 following:

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

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

29 (3) Documentation of the conclusions and recommendations.

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

32 (c) Consult with and seek comment from appropriate scientific
33 experts, *including, but not limited to, qualified fisheries biologists*,
34 in order to develop evaluation guidelines that are feasible,
35 enforceable, and protective of the public trust. The department and
36 the board may draw from information in the State of Washington's
37 Watershed Analysis Manual or the Methods Manual developed
38 by the State of California's North Coast Watershed Assessment
39 Program when developing guidelines.

(d) A pilot project shall have *as its primary goal to protect, maintain, and contribute to the restoration of properly functioning salmonid habitats and listed salmonid species, and may also have* one or more of the following goals:

- (1) Restore fisheries and wildlife habitat.
- (2) Reduce the risk of wildfire.
- (3) Recover forest characteristics that will produce high-quality timber.
- (4) Reduce sedimentation and soil loss.
- (5) Achieve long-term carbon sequestration.
- (6) Restore and recover unique attributes of a given planning watershed.

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

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

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

4565. The board, or a technical advisory committee, shall 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.