

County of Santa Cruz

BOARD OF SUPERVISORS

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AGENDA: 4/23/13

April 18, 2013

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: ASSEMBLY BILL 904 – TIMBER MANAGEMENT PLANS

Dear Members of the Board:

For years the issue of timber harvesting, particularly with appropriate planning and environmental protection, has been a priority for our community. The effects of a poorly managed timber harvest can create environmental problems, endangering water quality in our streams, impacting wildlife, and degrading habitat, as well as threatening life in our rural neighborhoods. Over the years the State Department of Forestry has assumed many of the responsibilities of regulating timber harvests and local communities have had very little control over the plans.

Santa Cruz County is part of the State Department of Forestry's Southern Subdistrict of the Coast Forest District, which includes part or all of San Mateo, Santa Clara, and San Benito counties. This Subdistrict is unique to other timber harvesting regions in the state because we have a large residential population adjacent to working forestlands.

The current State program for non-industrial timber management plans (NTMPs) allows for harvest plans up to 2,500 acres in size to be established in perpetuity. NTMPs undergo an initial CEQA review, but once approved there is no further opportunity for the public to comment or for the County to appeal future harvesting operations. Such plans never expire and forestland encompassed by such a plan may be harvested upon regularly forever. Harvest operations may commence with a simple submission of notice to CAL FIRE, without noticing adjacent residential neighbors.

While allowing for clarity for foresters on their acreage, over time these plans have also created problems for adjacent land owners. Problems that have arisen include damaged water pumps and intakes for adjacent properties and health issues associated

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with helicopter operations. Additionally, noise, hours of operation, traffic impacts, quality of life, and degradation to drinking water quality have all been problems identified by residents living adjacent to commercial logging.

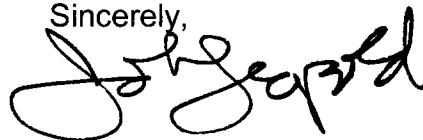
Assembly Bill 904 (AB 904) will increase the acreage ownerships allowed to prepare "in-perpetuity" harvest plans from the current 2,500 acres to 15,000 acres. These new harvest plans will be called working forest management plans (WFMPs). Existing NTMPs will continue in effect, but after 2019, no new NTMPs will be issued. WFMPs will be issued for new "in-perpetuity" permits on all acreage sizes up to 15,000 acres.

Working forest management plans (WFMPs), once approved, will also not provide any further opportunity for the public to participate in the review of future harvest operations. New information, new homes, new domestic water intakes, new schools – anything pertaining to public health, safety and welfare – none of these will need to be addressed at any time into the future on these "in perpetuity" harvest plans.

AB 904 weakens current protections, including the public's right to comment when any major amendment is made to one of these "in-perpetuity" harvest plans. This is the only opportunity the public has to access new information regarding future operations under the current NTMP process. If AB 904 is approved, this will be removed from WFMPs. The bill has the potential to pose additional threats to environmental health, public health and safety, and the welfare within our community by significantly increasing the amount of acreage that can be included in these "in perpetuity" harvest plans and the number of residential properties that may be impacted.

Therefore, I recommend that the Board of Supervisors direct the Chairperson to write a letter to Assembly Member Stone, Assembly Member Alejo, and Senator Monning asking that they oppose AB 904 unless the bill is amended to exclude the four counties making up the Southern Subdistrict from the increased acreage allowances under AB 904 and unless the bill is amended to provide that the Southern Subdistrict of the Coast Forest District is limited to the current 2,500-acre maximum ownership.

Sincerely,



JOHN LEOPOLD, Supervisor
First District

JL:ted
Attachment

cc: Sierra Club Forestry Committee

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AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL**No. 904****Introduced by Assembly Member Chesbro**

February 22, 2013

An act ~~relating to forest resources~~; to amend Sections 4593.2, 4593.3, 4593.8, 4593.9, 4593.11, 4594, and 4594.7 of, and to add Section 4594.8 to, the Public Resources Code, relating to timber management plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Chesbro. ~~Forestry: nonindustrial timber management plan.~~ Nonindustrial timber management plans: nonindustrial forest landowners.

Existing law 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. The Forest Practice Act of 1973 provides that the Director of the Department of Forestry and Fire Protection has the final authority to determine whether a timber harvesting plan conforms with rules and regulations pertaining to timber harvesting. Existing law authorizes a person who intends to become a nonindustrial tree farmer to file a nonindustrial timber management plan with the department with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of a nonindustrial timber management plan, and prescribes procedures for the preparation, filing, and approval of those plans. Existing law, for purposes of provisions governing nonindustrial timber management plans, defines a "nonindustrial tree farmer" to mean an owner of timberland with less than 2,500 acres who has an approved nonindustrial management plan and is not primarily engaged in the manufacture of forest products.

This bill would replace references in the Forest Practice Act of 1973 to a "nonindustrial tree farmer" with the term "nonindustrial forest landowner." The bill would revise the definition of the nonindustrial tree landowner to mean an owner of timberland with no more than 2,500 acres.

This bill would require the State Board of Forestry and Fire Protection to adopt regulations, no later than January 1, 2015, to provide for an appeal procedure in the event the department cancels a previously approved nonindustrial timber management plan.

~~The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection. The act authorizes a nonindustrial timber management plan to be filed with the department in writing by a person who intends to become a nonindustrial tree farmer with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of a nonindustrial timber management plan.~~

This bill would state that it is the intent of the Legislature to reform the nonindustrial timber management plan program to improve forest health and to provide incentives so

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~~that more landowners to utilize the program.~~

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

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

P2 1 *SECTION 1.*
 Section 4593.2 of the Public Resources Code is
 2 *amended to read:*
 3 4593.2.
 Notwithstanding Section 4521, unless the context
 4 otherwise requires, the following definitions govern construction
 5 of this article:
 6 (a) "Nonindustrial timberlands" means timberland owned by a
 7 nonindustrial ~~tree farmer.~~ *forest landowner.*
 8 (b) "Nonindustrial ~~tree farmer~~" *forest landowner*" means an
 9 owner of timberland with ~~less~~ *no more* than 2,500 acres who has
 P3 1 an approved nonindustrial management plan and is not primarily
 2 engaged in the manufacture of forest products.
 3 (c) "Uneven aged management" means the management of a
 4 specific forest, with the goal of establishing a well stocked stand
 5 of various age classes and ~~which~~ *that* permits the periodic harvest
 6 of individual or small groups of trees to realize the yield and
 7 continually establish a new crop.
 8 (d) "Sustained yield" means the yield of commercial wood that
 9 an area of commercial timberland can produce continuously at a
 10 given intensity of management consistent with required
 11 environmental protection and ~~which~~ *that* is professionally planned
 12 to achieve over time a balance between growth and removal.
 13 (e) "Nonindustrial timber management plan" means a
 14 management plan for nonindustrial timberlands with an objective
 15 of an uneven aged managed timber stand and sustained yield for
 16 each parcel or group of contiguous parcels meeting the
 17 requirements of Section 4593.3.
 18 (f) "Nonindustrial timber harvest notice" means notice of timber
 19 harvest operations pursuant to an approved nonindustrial timber
 20 management plan and meeting the requirements of Section 4594.
 21 *SEC. 2.*
 Section 4593.3 of the Public Resources Code is
 22 *amended to read:*
 23 4593.3.
 A nonindustrial timber management plan may be filed
 24 with the department in writing by a person who intends to become
 25 a nonindustrial ~~tree farmer~~ *forest landowner* with the long-term
 26 objective of an uneven aged timber stand and sustained yield
 27 through the implementation of a nonindustrial timber management
 28 plan. The management plan shall be prepared by a registered
 29 professional forester. It shall be a public record and shall include
 30 all of the following information:
 31 (a) The name and address of the timberland owner.
 32 (b) A description of the land on which the plan is proposed to
 33 be implemented, including a United States Geological Survey
 34 quadrangle map or equivalent indicating the location of all streams,
 35 the location of all proposed and existing logging truck roads, and
 36 indicating boundaries of all site I classification timberlands to be
 37 stocked in accordance with subdivision (b) of Section 4561 and

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38 any other site classifications if the board establishes specific
39 minimum stocking standards for other site classifications.

P4 1 (c) A description of the silviculture methods to be applied and
2 the type of yarding equipment to be used.

3 (d) An outline of the methods to be used to avoid excessive
4 accelerated erosion from timber operations to be conducted within
5 the proximity of a stream.

6 (e) Special provisions, if any, to protect any unique area within
7 the boundaries of the proposed nonindustrial timber management
8 plan.

9 (f) A description of the existing stand, its current projected
10 growth, alterations required to achieve the management objectives,
11 the projected timber volumes and tree sizes to be available for
12 harvest, and projected frequencies of harvest.

13 (g) A certification by the registered professional forester
14 preparing the plan that he or she or a designee has personally
15 inspected the plan area.

16 (h) Any other information the board provides by regulation to
17 meet its rules and the standards of this chapter.

18 ~~(i) This section shall become operative on January 1, 1996.~~
19 ~~SEC. 3.~~

20 *Section 4593.8 of the Public Resources Code is*
21 *amended to read:*
22 4593.8.

23 The nonindustrial ~~tree farmer~~ forest landowner may
24 submit a proposed amendment to the approved plan and may not
25 take any action ~~which~~ that substantially deviates, as defined by
26 the board, from the approved plan until the amendment has been
27 filed with the director and the director has determined that the
28 amendment is in compliance with the rules and regulations of the
29 board and ~~the provisions of this chapter which~~ that were in effect
30 at the time the nonindustrial timber management plan was
31 approved, in accordance with the same procedures specified in
32 Section 4593.7.

33 ~~SEC. 4.~~
34 *Section 4593.9 of the Public Resources Code is*
35 *amended to read:*
36 4593.9.

37 The nonindustrial ~~tree farmer~~ forest landowner may
38 take actions ~~which~~ that do not substantially deviate from the
39 approved plan without the submittal of an amendment, but those
40 actions shall be subsequently reported to the department. The board
41 shall specify, by regulation, those nonsubstantial deviations ~~which~~
42 that may be taken. The board shall specify the requirements for
43 reporting those deviations.

P5 1 ~~SEC. 5.~~
2 *Section 4593.11 of the Public Resources Code is*
3 *amended to read:*
4 4593.11.

5 The nonindustrial ~~tree farmer~~ forest landowner may
6 cancel the nonindustrial timber management plan by submitting a
7 written notice to the department. Once timber operations have
8 commenced pursuant to a nonindustrial timber harvest notice,
9 cancellation is not effective on land covered by the notice until a
10 report of satisfactory completion has been issued pursuant to
11 Sections 4585, 4586, and 4587.
12 ~~SEC. 6.~~

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11 Section 4594 of the Public Resources Code is amended
12 to read:

13 4594.

14 The nonindustrial ~~tree farmer~~ forest landowner who
15 owns, leases, or otherwise controls or operates on all or any portion
16 of any timberland within the boundaries of an approved
17 nonindustrial timber management plan, and who plans to harvest
18 any of the timber thereon during a given year, shall file a
19 nonindustrial timber harvest notice with the department in writing.
20 A notice shall be filed prior to the harvesting of any timber and
21 shall be effective for a maximum of one year from the date of
22 filing. If the person who files the notice is not the owner of the
23 timberland, the person filing the notice shall notify the timberland
24 owner by certified mail that the notice has been submitted, and
25 shall certify that mailing to the department. The notice shall be a
26 public record and shall include all of the following information:

- 27 (a) The name and address of the timber owner.
- 28 (b) The name and address of the timber operator.
- 29 (c) The name and address of the registered professional forester
30 preparing the nonindustrial timber harvest notice.
- 31 (d) A description of the land on which the work is proposed to
32 be done.
- 33 (e) A statement that no archeological sites have been discovered
34 in the harvest area since the approval of the nonindustrial timber
35 management plan.
- 36 (f) A statement that no rare, threatened, or endangered plant or
37 animal species has been discovered in the harvest area since the
38 approval of the nonindustrial timber management plan.
- 39 (g) A statement that there have been no physical environmental
40 changes in the harvest area that are so significant as to require any
41 amendment of the nonindustrial timber management plan.
- 42 (h) A certification by the registered professional forester that
43 the notice as carried out will implement best management practices
44 for protection of the beneficial uses of water, soil stability, forest
45 productivity, and wildlife as required by the current rules of the
46 board, or a certification that practices consistent with the original
47 plan will not result in any significant degradation to the beneficial
48 uses of water, soil stability, forest productivity, or wildlife.
- 49 (i) Special provisions, if any, to protect any unique area within
50 the area of timber operations.
- 51 (j) The expected dates of commencement and completion of
52 timber operations during the year.
- 53 (k) A statement that the harvesting notice conforms to the
54 provisions of the approved management plan.
- 55 (l) Any other information the board provides by regulation to
56 meet its rules and the standards of this chapter.

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57 ~~(m) This section shall become operative on January 1, 1996.~~
58 SEC. 7.

59 Section 4594.7 of the Public Resources Code is
60 amended to read:

61 4594.7.

62 If it is determined that the objectives of uneven aged
63 management and sustained yield are not being met by a
64 nonindustrial ~~tree farmer~~, forest landowner, or there are other
65 persistent violations detected that are not being corrected, a
66 previously approved nonindustrial timber management plan shall

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24 be canceled by the department and any further timber operations
25 under the plan shall be terminated.

26 *SEC. 8.*

Section 4594.8 is added to the Public Resources Code,

27 *to read:*

28 *4594.8.*

*The board shall adopt regulations, no later than
29 January 1, 2015, to provide for an appeal procedure in the event
30 that the department cancels a previously approved nonindustrial
31 timber management plan.*

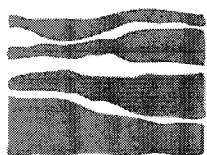
32 **SECTION 1.**

**It is the intent of the Legislature to reform the
33 nonindustrial timber management plan program (commencing with
34 Section 4593 of the Public Resources Code) to improve forest
35 health and to provide incentives so that more landowners utilize
36 the program.**

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Executive Director
Terry Corwin

April 19, 2013

Santa Cruz County Board of Supervisors
701 Ocean Street Room 500
Santa Cruz, CA 95060

Dear Board of Supervisors,

It has come to my attention that there is an item on the Consent Agenda for your April 23 Board Meeting that concerns AB 904. This is a matter of great interest to the Land Trust. It is possible that AB 904 has great merits for the local environment and our economy and we are not convinced that an amendment excluding the Southern Sub district is in the best interests of our community. We urge you to allow us time to research this matter more thoroughly so that we can develop a reasoned position that we can share with you.

Accordingly, we respectfully request that this item be removed from the Consent Agenda and rescheduled for a future meeting as a distinct agenda item.

Sincerely,

Terry Corwin

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April 22, 2013

Neal Coonerty, Chair
Board of Supervisors
County of Santa Cruz
701 Ocean St.
Santa Cruz, CA 95060

Dear Chair Coonerty & Members of the Board of Supervisors:

The Santa Cruz County Farm Bureau supports AB 904 (Chesboro). The bill's intent is to reform nonindustrial timber management plan program to improve forest health and to provide incentives so more landowners utilize this program. We ask for your consideration to support this important piece of legislation.

Please feel free to contact us with any questions or concerns about our request.

Sincerely,

Cynthia L. Mathiesen
President

CM/mg

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