

ASSEMBLY THIRD READING  
 AB 2029 (Dahle, et al.)  
 As Amended May 27, 2016  
 Majority vote

Committee	Votes	Ayes	Noes
Natural Resources	9-0	Williams, Jones, Cristina Garcia, Gomez, Hadley, Harper, McCarty, Mark Stone, Wood	
Appropriations	20-0	Gonzalez, Bigelow, Bloom, Bonilla, Bonta, Calderon, Chang, Daly, Eggman, Gallagher, Eduardo Garcia, Roger Hernández, Holden, Jones, Obernolte, Quirk, Santiago, Wagner, Weber, Wood	

**SUMMARY:** Extends the Forest Fire Prevention Pilot Project (Pilot) from January 1, 2018 to January 1, 2023, and expands it by allowing road construction and larger trees to be harvested in forest land without a timber harvest permit (THP).

**EXISTING LAW,** pursuant to the Z'Berg-Nejedly Forest Practice Act (FPA):

- 1) Prohibits timber operations unless a THP has been prepared by a registered professional forester (Forester) and approved by the Department of Forestry and Fire Protection (CAL FIRE). Considers a THP the functional equivalent of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA).
- 2) Requires a THP to contain a description of the location of the planned harvest, the harvest method, measures to avoid excessive erosion, timeframe of operations, and other information required by forest practice rules (FPR) adopted by the Board of Forestry and Fire Protection (Board).
- 3) Exempts various tree removal activities from THPs, including Christmas tree farms, rights-of-way for utility lines, conversions of less than three acres, fire prevention, defensible space, and dead, dying and diseased trees. Requires ministerial permits for certain exemptions, called a notice of exemption (NOE), and subjects projects to inspection by CAL FIRE.
- 4) Creates an exemption from THP known as the Pilot Exemption. Limits harvesting under the exemption to the following:
  - a) Only trees less than 24 inches in stump diameter;
  - b) Tree harvesting must decrease fuel continuity and increase quadratic mean diameter of the stand;
  - c) No new road construction or reconstruction;

- d) No known sites of rare, threatened, or endangered plants or animals will be disturbed, threatened, or damaged; and,
  - e) The activates are limited to the Sierra Nevada Region or the Counties of Del Norte, Humboldt, Mendocino, Modoc, Sonoma, Siskiyou, or Trinity.
- 5) Requires CAL FIRE to maintain records regarding the use of exemptions granted in order to evaluate the impact of the exemptions on fuel reduction and natural resources in areas where an exemption has been used.
  - 6) Requires CAL FIRE to conduct an onsite inspection to determine compliance with the Pilot.
  - 7) Sunsets the Pilot three years after the effective date of regulations adopted by the Board (January 1, 2018).

**FISCAL EFFECT:** According to the Assembly Appropriation Committee:

- 1) Increased personnel costs and workload for CAL FIRE to perform on-sight inspections and monitor projects including the evaluation of roads for proper location, construction and maintenance. CAL FIRE estimates they will require an additional three Forester I positions at an annual cost of \$650,000 (Timber Regulation and Forest Restoration Fund).
- 2) Potential one-time costs in the \$200,000 range for initial hiring and equipment purchases. (Timber Regulation and Forest Restoration Fund).

**COMMENTS:**

- 1) **Background.** California has regulated forest practices on private lands since at least 1945. The Legislature assessed the effectiveness of this approach and concluded that the industry could not be relied on to ensure proper water quality, forest health, and adequate timber supply. In 1957, the state Senate Interim Committee on Soil and Beach Erosion found that timber harvesting and logging road construction contributed to stream erosion and resultant impacts to fish populations. In 1962, the Assembly Interim Committee on Natural Resources, Planning, and Public Works concluded that timber regulations were inadequately enforced, leading to deleterious effects on water quality, fishing, and recreation. In 1967, after three years of study, the Assembly Subcommittee on Forest Practices and Watershed Management recommended that the basic state policy governing forest practices should be broadened and strengthened. These collective findings, coupled with a 1971 report that identified logging as a primary factor in an 80% decline of salmon and steelhead populations, motivated the Legislature to pass the FPA in 1973. The FPA requires THPs, which are a complex discretionary permit that acts as an EIR under CEQA.

AB 1492 (Budget Committee), Chapter 289, Statutes of 2012, extended the life of THPs from three years to five years with an option for a two-year extension. AB 1492 also shifted state fees for a THP to an assessment on all lumber products to fund agency review. However, a THP can still cost landowners tens of thousands of dollars to prepare.

**2) Author's statement:**

The Forest Fire Prevention Pilot Program regulations took effect January 2015. Since then 2087 acres have been treated. During this time a few issues have come up in regards to access, counties eligible, diameter and the sunset. We propose allowing a temporary access road up to 600 feet in order to allow access to hard to reach stands in order to be able to treat more acres. We realized in doing AB 744 we neglected to capture complete counties so we want to correct this by including the whole county of the existing list, no new counties are being added. Another issue has come up in regards to older stands. These stands have larger trees and are much more dense. In order to be able to utilize the exemption and treat more land we would like to see a diameter increase to 28 inches. This will allow older stands to be treated while still keeping the overall stand diameter increasing. In light of these adjustments we want to make, we would like to extend the sunset out another 5 years to 2022 in order to get a more concise accounting of how it's working.

- 3) **Pilot.** Since 2015, there have been 16 Pilot projects treating the forest to prevent fire with one violation for harvesting trees over 24 inches. CAL FIRE has not yet evaluated whether the Pilot has been effective at preventing fires. CAL FIRE has also not been able to demonstrate that overall diameter is increasing on areas using the exemption. As an exemption, CAL FIRE has no ability to work with applicants to ensure projects are strategically located to be most effective in fire prevention. The exemption has also been used mostly by large timber operators who are in a better position to afford conducting a THP than small land owners. Therefore, it is unclear what the value of the Pilot has been. However, the Pilot has only been in effect for a year and half. One reason it might not be used more frequently is because of the tree mortality crisis. Forest land owners may be using the dead, dying, and diseased trees exemption instead because so many trees qualify for it.