

Date of Hearing: April 20, 2016

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1958 (Wood) – As Amended April 7, 2016

Policy Committee: Natural Resources Vote: 9 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill authorizes the Board of Forestry (Board) to grant a timber harvest plan (THP) exemption for the removal and commercial harvest of trees to restore and conserve California black or Oregon white oak woodlands and their associated grasslands under specified conditions. Specifically, this this bill:

- 1) Requires the Board to adopt regulations to implement the exemption on or before January 1, 2018.
- 2) Prohibits the Board from granting THP exemptions in the Southern Subdistrict of the Coast Forest District and the Southern Forest District.

Additionally, this bill clarifies that restoration and conservation forest management activities do not require a timber conversion permit.

FISCAL EFFECT:

- 1) Increased personnel costs for CALFIRE to perform on-sight inspections to ensure any removal or harvesting activities are consistent with the Notice of Exemption (NOE) filed with the Board. CALFIRE estimates they will require an additional two Forester I positions at an annual cost of \$400,000 (Timber Regulation and Forest Restoration Fund).
- 2) Potential one-time costs in the \$150,000 range for initial hiring and equipment purchases. (Timber Regulation and Forest Restoration Fund).
- 3) Minor, likely absorbable, costs for the Board to adopt regulations to implement the provisions of the bill.
- 4) Minor, absorbable costs to review additional NOEs filed for this new exemption.

COMMENTS:

- 1) **Rationale.** According to the author, California's oak woodlands have been disappearing at a rapid rate due in part to the encroachment of conifers. Historically, the regular occurrence of wildfires prevented conifer encroachment. However, with increased development in the wildland areas and the need for modern fire suppression to protect structures, conifers have become major competitors to many oak species.

Once conifers become established within oak woodlands, they quickly overtop oak trees, shading them and jeopardizing their ability to regenerate. This bill allows the Board to remove impediments to restoring oak woodlands while maintaining the integrity of the Forest Practice Act.

- 2) **Background.** The Forest Practices Act prohibits timber operations unless a timber harvest plan (THP) is prepared by a registered professional forester and approved by the Director of CALFIRE or the Board. A THP is the functional equivalent of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA).

Various tree removal activities are exempt from the requirement to file THP's, including Christmas tree farms, right-of-ways for utility lines, conversions of less than three acres, fire prevention, defensible space, and dead, dying and diseased trees. For certain exemptions, an NOE, which is a ministerial permit, is required to be filed prior to any activities. Projects for which an NOE is filed are subject to inspection by CAL FIRE.

- 3) **Oak Woodlands.** According to a presentation from various academics at the University of California and Humboldt State University, California black or Oregon white oak woodlands and associated grasslands are being lost because of conifer encroachment. These oak woodlands support very high levels of biodiversity and provide valuable food sources and habitat for wildlife. Oak woodlands are also deeply connected to Native American tradition and culture. Most of these oak woodlands contain oaks that are over a 100 years old, with some oak trees over 300 years old. Restoration of this important habitat requires removal of the encroachment, restocking of the area with oaks, and protection of oak seedlings.

The Board has developed an Oak Woodland Management Alternative Prescription, which is pending approval at the Board. This alternative prescription will allow THP's to incorporate oak woodland restoration. However, this would require anyone wishing to do oak woodland restoration to obtain a THP, which can be costly and time consuming.

Instead, this bill allows those performing restoration and forest management activities to file a notice and be subject to inspection.

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