

ASSEMBLY THIRD READING

AB 1958 (Wood)

As Amended April 7, 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: Exempts the removal of trees, including commercial harvest, to restore and conserve California black or Oregon white oak woodlands and associated grasslands from being subject to a Timber Harvest Plan (THP). Clarifies that restoration and conservation forest management activities do not require a timber conversion permit. Specifically, **this bill:**

- 1) Requires a registered professional forester (Forester) to prepare a notice of exemption (NOE) and submit the NOE to the Director of Department of Forestry and Fire Protection (CAL FIRE) to qualify for the exemption.
- 2) Requires the Board to adopt regulations to implement the exemption on or before January 1, 2018. Sunsets the exemption seven years after the effective date of the regulations.
- 3) Prohibits the Board of Forestry and Fire Protection (Board) from granting an NOE for Oakwood land restoration in the Southern Subdistrict of the Coast Forest District and the Southern Forest District.

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

- 1) Prohibits timber operations unless a THP has been prepared by a Forester and approved by 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.
- 3) Requires any person who owns timberlands that are to be devoted to uses other than the growing of timber to file a timberland conversion permit with the Board. Prohibits the Board from approving a timberland conversion permit unless the Board makes written findings.

- 4) Exempts various tree removal activities from 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. Requires ministerial permits for certain exemptions, called a NOE, and subjects projects to inspection by CAL FIRE.

FISCAL EFFECT: According to the Assembly Appropriations Committee:

- 1) Increased personnel costs for CAL FIRE to perform on-sight inspections to ensure any removal or harvesting activities are consistent with the NOE filed with the Board. CAL FIRE 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: According to a presentation from various academics at the University of California and California State University, Humboldt, 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 over 100 years old, with some oak trees over 300 years old. As a result of fire suppression, douglas-fir will often spread into an oak woodland and will overtop oak trees and rob the oak trees of sunlight and other resources that oak trees need. 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.

This bill creates another option for oak woodland restoration. A ministerial NOE for oak woodland restoration would reduce the costs and time to do this restoration work. This would allow smaller landowners to restore oak woodlands without spending tens of thousands of dollars completing a THP. However, a NOE is a ministerial permit that leaves agencies without the discretion to modify proposed projects. There has been a proliferation of these exemptions over the years. This raises questions about whether there is an alternative to exemptions from THPs that will allow agencies to work with applicants to improve their projects.