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AB-2889 Timber harvesting plans: guidance and assistance. (2017-2018)

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Date Published: 09/21/2018 09:00 PM

Assembly Bill No. 2889

CHAPTER 640

An act to add Section 4592.5 to the Public Resources Code, relating to forestry and fire protection.

[Approved by Governor September 21, 2018. Filed with Secretary of State September 21, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2889, Caballero. Timber harvesting plans: guidance and assistance.

Existing law prohibits a person, as defined, from conducting timber operations, as defined, unless a timber harvesting plan that meets specified requirements and is prepared by a professional forester for those operations has been submitted to the Department of Forestry and Fire Protection. Existing law requires the department to review, approve, or require the modification of, timber harvesting plans in accordance with prescribed procedures.

This bill would require the department to provide guidance and assistance to ensure the uniform and efficient implementation of processes and procedures regulating the filing, review, approval, required modification, completion, and appeal of decisions relating to timber harvesting plans, as provided. The bill would also require the department to issue guidance to achieve greater timber harvesting plan review accuracy and efficiency and to avoid duplication of efforts, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature to establish timber harvesting plan submitter assistance consistent with, and in furtherance of, the goals in Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, which includes the promotion of sustainable forest practices, the assurance of consistent funding for timber harvest review, the promotion of transparency of regulatory costs and programs, and the identification and implementation of efficiencies of the regulation of timber harvesting between state agencies.

(b) In the 2017 "Assembly Bill 1492 Annual Report to the Joint Legislative Budget Committee on the Timber Regulation and Forest Restoration Program" report, required pursuant to Section 4629.9 of the Public Resources Code, it was noted that timber harvesting plan review time averaged 127 days, increasing from 107 days from the previous year even though staffing increased from 191.1 staffers to 211.9 and the total number of timber harvesting plans submitted decreased by six and the total number of acres treated was reduced by over 20,000 acres. Even after timber harvesting plan approval, plan submitters must then seek additional permits, which extends the review time well past 127 days.

(c) The goal of this act is to assist timber harvesting plan submitters, reduce errors in the submission of timber harvesting plans, and reduce the overall review time. The addition of an electronic plan submission program will hopefully significantly reduce the return rate of timber harvesting plans.

SEC. 2. Section 4592.5 is added to the Public Resources Code, to read:

4592.5. (a) The department shall provide guidance and assistance to ensure the uniform and efficient implementation of processes and procedures regulating the filing, review, approval, required modification, completion, and appeal of decisions relating to timber harvesting plans. The guidance and assistance shall comply with all of the following requirements:

(1) A plan submitter has the expectation of a timely determination under Section 4582.7 and any relevant administrative regulations.

(2) The department shall provide clearly written guidance documents that explain the regulatory process. In this context, the department shall publish a list of all information required in a plan, using the rules of the board, and an explanation of the criteria that will be used by the department to determine whether the information contained in a plan at the time of submission is adequate.

(3) The department, using the rules of the board, shall provide a checklist that if properly followed by the registered professional forester, should result in a plan that complies with Section 4582 for the purposes of filing. The department, in the implementation of an electronic plan submission program, shall incorporate procedures that address this information.

(b) In addition to the requirements in subdivision (a), the department shall issue guidance to achieve greater timber harvesting plan review accuracy and efficiency and to avoid duplication of efforts. The guidance shall include guidance to responsible agencies that rely on the timber harvesting plan for their analysis under the California Environmental Quality Act (Division 13 (commencing with Section 21000)) when the agencies are issuing a permit to enable implementation of all or part of the project. This guidance shall assist the responsible agencies to avoid duplication in information requests for the responsible agencies permits. Responsible agencies are encouraged to include mitigation measures prior to the close of public comment to ensure they are examined at a sufficient level of detail prior to the close of public comment.

(c) This section does not preclude the department or other public agencies from imposing postapproval compliance requirements as the result of newly discovered or unforeseen conditions.

(d) For purposes of this section, "plan" or "timber harvesting plan" includes all forms or documents required to be submitted to the department for review, including, but not limited to, timber harvesting plan documents, program timberland environmental impact reports, program timber harvest plans, modified timber harvesting plans, nonindustrial timber management plans, sustained yield plans, and working forest management plans.