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AB-697 Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects. (2021-2022)

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Date Published: 09/24/2021 02:00 PM

Assembly Bill No. 697

CHAPTER 232

An act to amend Section 4810 of, to amend the heading of Chapter 6 (commencing with Section 4810) of Part 2.5 of Division 4 of, and to add Sections 4811 and 4812 to, the Public Resources Code, relating to forestry.

[Approved by Governor September 23, 2021. Filed with Secretary of State September 23, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 697, Chau. Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects.

Existing law establishes in the State Treasury the Good Neighbor Authority Fund, to be administered by the Department of Forestry and Fire Protection under the direction of the Secretary of the Natural Resources Agency. Existing law makes the moneys in the fund available for expenditure, upon appropriation by the Legislature, as authorized by specified federal law, and to the extent not in conflict with federal law or agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, including administrative and operational costs.

This bill would reorganize the law relating to the fund. The bill would require the Secretary of the Natural Resources Agency, under an agreement between the state and the federal government, to establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest lands, with priority given to forest restoration and fuels reduction projects that are landscape scale and are focused on ecological restoration and to community fire protection and protection of water and other infrastructure. The bill would require projects to be based on the best available science and emphasize the use of prescribed fire where appropriate. The bill would require projects with multiple benefits to be prioritized, as applicable and feasible. The bill would require projects to be designed, to the extent feasible, to prevent type conversion and the spread of invasive plants and grasses, provide for ecological restoration and fire resiliency projects appropriate to the landscape and vegetation being treated based upon the best available science, and provide ecologically appropriate treatment to native shrublands, 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 heading of Chapter 6 (commencing with Section 4810) of Part 2.5 of Division 4 of the Public Resources Code is amended to read:

CHAPTER 6. Good Neighbor Authority Program

SEC. 2. Section 4810 of the Public Resources Code is amended to read:

4810. For purpose of this chapter, the following terms shall apply:

(a) "Agreement" means the Good Neighbor Authority Agreement entered into between the state and the federal government pursuant to Section 2113a of Title 16 of the United States Code.

(b) "Forest collaborative" means a functioning collaborative group that includes multiple persons or entities representing diverse interests, that is transparent and inclusive, and that has sufficient expertise, capacity, and scientific support to effectively plan, implement, and monitor landscape-level, ecological-based forest restoration activities.

(c) "Fund" means the Good Neighbor Authority Fund, established as specified in Section 4811.

SEC. 3. Section 4811 is added to the Public Resources Code, to read:

4811. (a) There is continued in existence in the State Treasury the Good Neighbor Authority Fund, originally established pursuant to Chapter 18 of the Statutes of 2020. The fund shall be administered by the department under the direction of the Secretary of the Natural Resources Agency. The moneys in the fund shall be available for expenditure, upon appropriation by the Legislature, and as authorized by Section 2113a(b)(2) of Title 16 of the United States Code, and to the extent not in conflict with federal law or agreements, for state departments or agencies to undertake forest health and fuels reduction projects on federal lands executed through these agreements, and to fund costs associated with planning, implementing, and maintaining these projects, including administrative and operational costs.

(b) The fund shall be the depository for revenues derived from the sale of forest products, as defined in Section 4638, from federal lands, as authorized by Section 2113a(b)(2) of Title 16 of the United States Code, and to the extent not in conflict with federal law or agreements, to support the activities described in subdivision (a).

(c) State departments or agencies engaged in agreements may accept grants and donations, including, but not limited to, donations of equipment, seedlings, labor, materials, or funds from any source for the purpose of supporting or facilitating activities undertaken pursuant to this section. Funds received pursuant to this subdivision shall be transferred to the department and deposited into the fund for use by state departments or agencies engaged in agreements to support the activities described in subdivision (a) at the direction of the Secretary of the Natural Resources Agency.

SEC. 4. Section 4812 is added to the Public Resources Code, to read:

4812. (a) Under an agreement between the state and the federal government, the Secretary of the Natural Resources Agency shall establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest lands, with priority given to forest restoration and fuels reduction projects that are landscape scale and are focused on ecological restoration and to community fire protection and protection of water and other infrastructure. Projects shall be based on the best available science and shall emphasize the use of prescribed fire where appropriate. Projects with multiple benefits shall be prioritized, as applicable and feasible. Eligible activities under the program, consistent with Section 2113a of Title 16 of the United States Code, any other federal law, and the agreement, may include any of the following:

(1) The development of federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) documents, and documents prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(2) Other activities related to project planning, such as preparation of resource surveys, analyses, and reports.

(3) Implementation and maintenance of selected projects, including ecological thinning, prescribed fire, replanting, and related activities necessary to carry out authorized restoration services pursuant to an agreement.

(b) Projects subject to this chapter shall be designed, to the extent feasible, to do the following:

(1) Prevent type conversion and the spread of invasive plants and grasses.

(2) Based upon the best available science, provide for ecological restoration and fire resiliency projects appropriate to the landscape and vegetation being treated.

(3) Provide ecologically appropriate treatment for native shrublands, such as chaparral and coastal sage scrub, including the removal of flammable nonnative invasive species and the restoration of native species, where appropriate.

(c) The Secretary of the Natural Resources Agency may contract with Native American tribes, state agencies, local governments, special districts, forest collaboratives, resource conservation districts, private entities, and qualified nongovernmental organizations to assist in planning, implementing, and maintaining landscape scale restoration projects on national forest lands.