

AMENDED IN SENATE JUNE 1, 2009  
AMENDED IN SENATE APRIL 21, 2009  
AMENDED IN SENATE MARCH 18, 2009

**SENATE BILL**

**No. 144**

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**Introduced by Senator Pavley**

February 11, 2009

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*An act to amend Sections 4789.1 and 4789.3 of, and to add Section 4556 to, the Public Resources Code, relating to forest resources.*

LEGISLATIVE COUNSEL'S DIGEST

SB 144, as amended, Pavley. Forest resources: management.

~~The~~

(1) *The Z'berg-Nejedly Forest Practice Act of 1973* prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted for the timber operations to the Department of Forestry and Fire Protection, and approved. The act requires a person who owns timberlands that are to be devoted to uses other than the growing of timber to file an application for conversion with the State Board of Forestry and Fire Protection.

The California Forest Legacy Program Act of 2007 establishes the California Forest Legacy Program to conserve private forest lands by authorizing the department to acquire conservation easements of eligible properties according to specified criteria.

This bill would require the department, in order to further the goals of the California Global Warming Solutions Act of 2006 and to enhance the capability of forest lands to sequester carbon, to develop options and incentives for the management of private forests pursuant to the

criteria established under the California Global Warming Solutions Act of 2006, to establish, in consultation with the State Air Resources Board, scientific standardized baselines at the regional and state scales to project future scenarios of carbon emissions and sequestration, and to develop, in consultation with the State Air Resources Board and the Department of Fish and Game, regulations that establish mitigation requirements for forest land conversions. The bill would require the department to impose a fee on an applicant for conversion that fully offsets the department's costs for implementing the above requirement as it relates to conversion.

~~The bill also would state that it is the intent of the Legislature to enact legislation to develop a planning watershed-scale timber harvesting permit in order to facilitate long-term planning, improve information that is available to the public and reviewing agencies, ensure meaningful cumulative impact assessments, and provide a more cost-efficient permitting program for applicants.~~

*(2) Existing law, the Forest and Rangeland Resources Assessment and Policy Act of 1977, requires the Director of Forestry and Fire Protection, under policy guidance from the State Board of Forestry and Fire Protection and in consultation with the Secretary of the Natural Resources Agency, to prepare and submit a full and updated forest and rangeland resource assessment and analysis by January 1, 1987, and by January 1 of each 5th year thereafter. The board is required to prepare a forest resource policy statement based on the review and assessment.*

*This bill would require that the review and assessment include continued publication of trendline data on carbon stocks, at multiple geographic scales, on the state's forest lands. The bill would require the director to collaborate with the State Air Resources Board for the development and maintenance of the trendline data for the purposes of demonstrating consistency with the California Global Warming Solutions Act of 2006 for the forest sector and to identify the best available data sources and outstanding data needs necessary to develop and maintain the trendline data.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. It is the intent of the Legislature to enact~~  
2 ~~legislation to develop a planning watershed-scale timber harvesting~~  
3 ~~permit in order to facilitate long-term planning, improve~~  
4 ~~information that is available to the public and reviewing agencies,~~  
5 ~~ensure meaningful cumulative impact assessments, and provide a~~  
6 ~~more cost-efficient permitting program for applicants.~~

7     ~~SEC. 2.~~

8     ~~SECTION 1.~~ Section 4556 is added to the Public Resources  
9 Code, to read:

10     4556. (a) In order to further the goals of the California Global  
11 Warming Solutions Act of 2006 (Division 25.5 (commencing with  
12 Section 38500) of the Health and Safety Code),

13 ~~and Code), and~~ to enhance the capability of forest lands, as  
14 defined in subdivision (g) of Section 12220, to sequester carbon,  
15 the department shall do all of the following:

16     (1) Develop options and incentives for the conservation and  
17 management of private forest lands pursuant to the criteria  
18 established under the California Global Warming Solutions Act  
19 of 2006 (Division 25.5 (commencing with Section 38500) of the  
20 Health and Safety Code).

21     (2) Establish, in consultation with the State Air Resources Board,  
22 scientific standardized baselines at the regional and state scales to  
23 project future scenarios of carbon emissions and sequestration.

24     (3) Develop, in consultation with the State Air Resources Board  
25 and the Department of Fish and Game, regulations that establish  
26 a full mitigation requirement for the carbon stock and sequestration  
27 losses due to forest land conversions.

28     (b) The department shall impose a fee on an applicant for  
29 conversion that fully offsets the department's costs for  
30 implementing this section as it relates to conversion.

31     ~~SEC. 2.~~ *Section 4789.1 of the Public Resources Code is*  
32 *amended to read:*

33     4789.1. The Legislature finds and declares as follows:

34     (a) The forest resources of California provide vitally important  
35 economic and environmental benefits to the people of California.

36     (b) Demands on forest resources in California are expected to  
37 increase significantly in the next decades.

38     (c) Forest resources in California are limited.

1 (d) Better use of forest resources can result where there is good  
2 information as to anticipated needs and constraints and the  
3 potentials for meeting ~~such~~ *those* needs consistent with Section  
4 4513.

5 (e) The necessary information is not now available and should  
6 be developed.

7 (f) It is the intent of the Legislature to provide for the assessment  
8 of California's forest resources in order to develop and implement  
9 forest resources policies for the state.

10 (g) *It is the intent of the Legislature that the department, in*  
11 *collaboration with the State Air Resources Board, develop and*  
12 *maintain trendline information on carbon stocks on forest lands*  
13 *in order to evaluate and monitor progress towards achieving the*  
14 *goals of the California Global Warming Solutions Act of 2006*  
15 *(Division 25.5 (commencing with Section 38500) of the Health*  
16 *and Safety Code) as established by the State Air Resources Board.*

17 *SEC. 3. Section 4789.3 of the Public Resources Code is*  
18 *amended to read:*

19 4789.3. (a) Under policy guidance from the board and in  
20 consultation with the Secretary of the *Natural* Resources Agency,  
21 the director shall prepare and submit to the board and the Secretary  
22 of the *Natural* Resources Agency, a preliminary forest and  
23 rangeland resource assessment and analysis not later than July 1,  
24 1979, and shall present a full and updated assessment by January  
25 1, 1987, and by January 1 of each fifth year thereafter. The  
26 assessment and analysis shall recognize distinct differences in  
27 ownership and management of forest and rangeland resources in  
28 California between the various public and the various private  
29 owners and shall include, but not be limited to, the following:

30 (1) An assessment and analysis of the supply and availability  
31 of the various present and potential forest and rangeland resources  
32 of the state, including limits to those supplies imposed by natural  
33 site conditions, such as slope stability and erosion hazard, or by  
34 governmental restriction, such as special zoning. Among resource  
35 potentials to be evaluated are opportunities to accomplish any of  
36 the following:

37 (A) Improve and rehabilitate the understocked timberland in  
38 California and to more fully utilize the productive potential for  
39 growing and harvesting timber.

40 (B) Improve wood fiber utilization and wood product recycling.

1 (C) Salvage trees infested with insects and diseases on  
2 timberland.

3 (D) Improve the management of forest wildlife and wildlife  
4 habitat within the state.

5 (E) Increase the quantity and quality of recreation available in  
6 the state.

7 (F) Improve and rehabilitate rangeland areas within the state.

8 (G) Increase the potential to use wood fiber from timberland as  
9 an economically viable source of fuel for energy production.

10 (H) Improve the potential for rangeland forage for domestic  
11 livestock production.

12 (I) *Subject to funding being made available from the California*  
13 *Global Warming Solutions Act of 2006 (Division 25.5 (commencing*  
14 *with Section 38500) of the Health and Safety Code) fees or other*  
15 *sources, maintenance or improvement of carbon sequestration*  
16 *attributable to the state's forested lands, wood products in use*  
17 *and in landfills, and energy substitution for fossil fuels.*

18 (2) An assessment and critique of federal policies with respect  
19 to rangeland and timberland. The assessment and critique shall  
20 include (A) as to timberlands, a review of the federal government's  
21 national forest revenue sharing program administered pursuant to  
22 Section 500 of Title 16 of the United States Code, and (B) as to  
23 rangelands, a review of grazing fee charges and revenue sharing  
24 policies affecting national forest lands administered by the United  
25 States Department of Agriculture, Forest Service. The timber sale  
26 revenue sharing and grazing fee policies of the Department of the  
27 Interior shall also be reviewed. In conducting the review, the  
28 director shall consult with the State Board of Equalization, and  
29 with local governments and school districts affected by the federal  
30 government's revenue sharing programs.

31 (3) An analysis of present and anticipated demand for various  
32 forest and rangeland resources in the state.

33 (4) A description and evaluation of current state programs and  
34 responsibilities in cooperative state-federal forest and rangeland  
35 resource programs, and management of state and local public  
36 forest, range, and related lands.

37 (5) A discussion of important policy considerations, laws,  
38 regulations, management responsibilities, and other factors  
39 expected to influence and significantly affect the use, ownership,  
40 and management of forest and rangeland resources.

1 (6) When assessing various resource potentials ~~which~~ *that* could  
2 be obtained from forest lands and rangeland, the director shall  
3 include an evaluation of probable direct and indirect economic  
4 and environmental benefits and costs, including opportunity costs,  
5 associated with realizing those potentials.

6 (7) *Continued publication of trendline data on carbon stocks,*  
7 *at multiple geographic scales, on the state's forest lands.*

8 (b) In preparing the assessment, the director, under policy  
9 guidance of the board, shall solicit the cooperation of, and  
10 information collected by, public and private organizations, federal  
11 forest and rangeland resource agencies, state agencies concerned  
12 with forest and rangeland resources, county planning and taxation  
13 agencies, and state-supported forest and rangeland resource  
14 research agencies.

15 (c) (1) For the purpose of assisting the director and the board  
16 in preparing the assessment and its revisions, the board may appoint  
17 advisory committees it deems necessary. The committees shall  
18 consist of individuals with expertise in forest and rangeland  
19 resource fields, with particular emphasis on survey and program  
20 analysis, and shall include representatives of state agencies  
21 concerned with the use of forest and rangeland resources.

22 (2) *The director shall collaborate with the State Air Resources*  
23 *Board for the development and maintenance of trendline data, at*  
24 *multiple geographic scales, on forest land carbon stocks for the*  
25 *purpose of demonstrating consistency with the California Global*  
26 *Warming Solutions Act of 2006 (Division 25.5 (commencing with*  
27 *Section 38500) of the Health and Safety Code) for the forest sector.*

28 (d) In preparation of the assessment, the director shall do all of  
29 the following:

30 (1) Analyze the need to develop and maintain an effective  
31 system for the collection, analysis, and display of that data in forms  
32 that contribute to the achievement of the purposes of this chapter.

33 (2) Identify high-priority needs for completing the data base  
34 and analytical framework essential to improving the quality of  
35 future assessments.

36 (3) Evaluate the accuracy and completeness of existing data and  
37 of steps needed to improve the accuracy and completeness of data  
38 for future assessments.

39 (4) *In collaboration with the State Air Resources Board, identify*  
40 *best available data sources and outstanding data needs necessary*

- 1 *to generate information that will inform the development and*
- 2 *maintenance of trendline data on forest land carbon stocks at*
- 3 *multiple geographic scales.*

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