

AMENDED IN SENATE AUGUST 28, 1996
AMENDED IN SENATE AUGUST 5, 1996
AMENDED IN SENATE JULY 9, 1996
AMENDED IN SENATE MAY 23, 1996
AMENDED IN ASSEMBLY JANUARY 23, 1996
AMENDED IN ASSEMBLY MARCH 27, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1357

Introduced by Assembly Member Knowles
(Principal coauthor: Senator Leslie)

February 23, 1995

An act to ~~amend Section 4584 of the Public Resources Code, relating to forest practices~~ relating to the Tahoe Regional Planning Agency, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1357, as amended, Knowles. ~~Forest practices: exemptions~~ Tahoe Regional Planning Agency: state audit.

Under the Tahoe Regional Planning Compact, the Tahoe Regional Planning Agency, bi-state agency, has specified powers and duties pursuant to an interstate compact between California and Nevada with regard to the regulation of development in the Lake Tahoe region.

This bill would require the agency to reimburse the State Auditor for all reasonable costs associated with the State Auditor conducting a performance audit of the agency, pursuant to the Supplemental Report on a specified item of the Budget Act of 1996, and would make a statement of legislative intent in that regard.

The bill would declare that it is to take effect immediately as an urgency statute.

~~(1) Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, authorizes the State Board of Forestry to exempt from the act specified forest management activities if the board determines that the exemption is consistent with the act.~~

~~This bill would include among those specified activities the cutting and removal of trees by the commercial thinning method to reduce the threat of wildfire, as prescribed. The bill would require that the exemption be filed and certified by a registered professional forester and require the board to adopt regulations that it determines to be necessary to implement the exemption.~~

~~Because a willful violation of the act, or of regulations adopted by the board pursuant to the act, is a misdemeanor, a willful violation of the terms of the wildfire threat reduction exemption, or of regulations adopted by the board pursuant to that exemption, would be a misdemeanor, thereby imposing a state-mandated local program by creating new crimes.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.

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

- 1 SECTION 1.—Section 4584 of the Public Resources
- 2 SECTION 1. *The Tahoe Regional Planning Agency*
- 3 *shall reimburse the State Auditor for all reasonable costs*



1 associated with the State Auditor conducting a
2 performance audit on the agency, pursuant to the
3 Supplemental Report on Item 3110-101-0001 of the
4 Budget Act of 1996. It is the intent of the Legislature that
5 this reimbursement shall come from funds allocated to
6 the Tahoe Regional Planning Agency by the Legislature
7 in the Budget Act of 1996.

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or
10 safety within the meaning of Article IV of the
11 Constitution and shall go into immediate effect. The facts
12 constituting the necessity are:

13 In order to provide for an independent performance
14 evaluation of the Tahoe Regional Planning Agency's
15 operations, so that recommendations may be developed
16 for streamlining the agency's operations to, among other
17 things, best achieve the purpose of water quality and
18 water clarity, thereby protecting public health and safety
19 and the environment, it is necessary that this act take
20 effect immediately.

21 Code is amended to read:

22 ~~4584. If the board determines that the exemption is~~
23 ~~consistent with the purposes of this chapter, the board~~
24 ~~may exempt from this chapter, or portions thereof, a~~
25 ~~person engaged in forest management whose activities~~
26 ~~are limited to any of the following:~~

27 (a) ~~The cutting or removal of trees for the purpose of~~
28 ~~constructing or maintaining a right-of-way for utility~~
29 ~~lines.~~

30 (b) ~~The planting, growing, nurturing, shaping,~~
31 ~~shearing, removal, or harvest of immature trees for~~
32 ~~Christmas trees or other ornamental purposes or minor~~
33 ~~forest products, including fuelwood.~~

34 (c) ~~The cutting or removal of dead, dying, or diseased~~
35 ~~trees of any size.~~

36 (d) ~~Site preparation.~~

37 (e) ~~Maintenance of drainage facilities and soil~~
38 ~~stabilization treatments.~~

39 (f) ~~Timber operations on land managed by the~~
40 ~~Department of Parks and Recreation.~~



1 ~~(g) The one-time conversion of less than three acres to~~
2 ~~a nontimber use.~~

3 ~~(h) Easements granted by a right-of-way construction~~
4 ~~agreement administered by the federal government if~~
5 ~~any timber sales and operations within or affecting these~~
6 ~~areas are reviewed and conducted pursuant to the~~
7 ~~National Environmental Policy Act of 1969 (42 U.S.C. Sec.~~
8 ~~4321 et seq.).~~

9 ~~(i) The cutting, removal, or sale of timber or other~~
10 ~~solid wood forest products from the species *Taxus*~~
11 ~~*brevifolia* (Pacific yew), provided that the known~~
12 ~~locations of any stands of this species three inches and~~
13 ~~larger in diameter at breast height are identified in the~~
14 ~~exemption notice submitted to the department. Nothing~~
15 ~~in this subdivision is intended to authorize the peeling of~~
16 ~~bark from, or the cutting or removal of, *Taxus brevifolia*~~
17 ~~within a watercourse and lake protection zone, special~~
18 ~~treatment area, buffer zone, or other area where timber~~
19 ~~harvesting is prohibited or otherwise restricted pursuant~~
20 ~~to board rules.~~

21 ~~(j) (1) The cutting or removal of trees in compliance~~
22 ~~with Sections 4290 and 4291 which eliminates the vertical~~
23 ~~continuity of vegetative fuels and the horizontal~~
24 ~~continuity of tree crowns for the purpose of reducing~~
25 ~~flammable materials and maintaining a fuelbreak for a~~
26 ~~distance of not more than 150 feet on each side from an~~
27 ~~approved and permitted group R occupancy, as defined~~
28 ~~in the Uniform Building Code and adopted in Part 2~~
29 ~~(commencing with Section 1201) of Title 24 of the~~
30 ~~California Code of Regulations, when that cutting or~~
31 ~~removal is conducted in compliance with this subdivision.~~

32 ~~(2) (A) The cutting or removal of trees pursuant to~~
33 ~~this subdivision shall be limited to cutting or removal that~~
34 ~~will result in a reduction in the rate of fire spread, fire~~
35 ~~duration and intensity, fuel ignitability, or ignition of the~~
36 ~~tree crowns and shall be in accordance with any~~
37 ~~regulations adopted by the board pursuant to this section.~~

38 ~~(B) Trees may not be cut or removed pursuant to this~~
39 ~~subdivision by the clearcutting regeneration method, by~~
40 ~~the seed tree removal step of the seed tree regeneration~~



1 ~~method, or by the shelterwood removal step of the~~
2 ~~shelterwood regeneration method.~~

3 ~~(3) (A) Surface fuels, including logging slash and~~
4 ~~debris, low brush, and deadwood which could promote~~
5 ~~the spread of wildfire shall be chipped, burned, or~~
6 ~~otherwise removed from all areas of timber operations~~
7 ~~within 45 days from the date of commencement of timber~~
8 ~~operations pursuant to this subdivision.~~

9 ~~(B) (i) All surface fuels, that are not chipped, burned,~~
10 ~~or otherwise removed from all areas of timber operations~~
11 ~~within 45 days from the date of commencement of timber~~
12 ~~operations may be determined to be a nuisance and~~
13 ~~subject to abatement by the department or the city or~~
14 ~~county having jurisdiction.~~

15 ~~(ii) The costs incurred by the department, city, or~~
16 ~~county, as the case may be, to abate the nuisance upon~~
17 ~~any parcel of land subject to the timber operations,~~
18 ~~including, but not limited to, investigation, boundary~~
19 ~~determination, measurement, and other related costs,~~
20 ~~may be recovered by special assessment and lien against~~
21 ~~the parcel of land by the department, city, or county. The~~
22 ~~assessment may be collected at the same time and in the~~
23 ~~same manner as ordinary ad valorem taxes, and shall be~~
24 ~~subject to the same penalties and the same procedure and~~
25 ~~sale in case of delinquency as is provided for ad valorem~~
26 ~~taxes.~~

27 ~~(4) All timber operations conducted pursuant to this~~
28 ~~subdivision shall conform to applicable city or county~~
29 ~~general plans, city or county implementing ordinances,~~
30 ~~and city or county zoning ordinances. Nothing in this~~
31 ~~paragraph is intended to authorize the cutting, removal,~~
32 ~~or sale of timber or other solid wood forest products~~
33 ~~within an area where timber harvesting is prohibited or~~
34 ~~otherwise restricted pursuant to the rules or regulations~~
35 ~~adopted by the board.~~

36 ~~(5) (A) The board shall adopt regulations, initially as~~
37 ~~emergency regulations in accordance with subparagraph~~
38 ~~(B), that the board considers necessary to implement and~~
39 ~~to obtain compliance with this subdivision.~~



1 ~~(B) The emergency regulations adopted pursuant to~~
2 ~~subparagraph (A) shall be adopted in accordance with~~
3 ~~the Administrative Procedure Act (Chapter 3.5~~
4 ~~(commencing with Section 11340) of Part 1 of Division 3~~
5 ~~of Title 2 of the Government Code). The adoption of~~
6 ~~emergency regulations shall be deemed to be an~~
7 ~~emergency and necessary for the immediate~~
8 ~~preservation of the public peace, health, and safety, or~~
9 ~~general welfare.~~

10 ~~(k) (1) The cutting and removal of trees by the~~
11 ~~commercial thinning method to reduce the threat of~~
12 ~~wildfire. The cutting and removal of trees pursuant to this~~
13 ~~subdivision is limited to cutting and removal that will~~
14 ~~reduce the rate of spread, the duration, and the intensity~~
15 ~~of a wildfire, and shall be in accordance with any~~
16 ~~regulations adopted by the board pursuant to paragraph~~
17 ~~(3). A registered professional forester shall be responsible~~
18 ~~for filing the exemption with the department, certifying~~
19 ~~that subsequent timber operations comply with the~~
20 ~~intent of this subdivision, certifying that he or she has~~
21 ~~personally inspected the timber operations and evaluated~~
22 ~~the potential for any significant adverse effects on the~~
23 ~~natural resources of the state, and certifying that the~~
24 ~~timber operations, if implemented in compliance with~~
25 ~~the requirements of the commercial thinning method as~~
26 ~~adopted by the board, are not reasonably expected to~~
27 ~~have any significant adverse effects on the natural~~
28 ~~resources of the state.~~

29 ~~(2) (A) Except as specified in subparagraph (B), the~~
30 ~~stocking standards for the commercial thinning method~~
31 ~~shall be met upon the completion of timber operations~~
32 ~~pursuant to this subdivision.~~

33 ~~(B) If trees 18 inches and larger in diameter at breast~~
34 ~~height are harvested as part of commercial thinning~~
35 ~~operations pursuant to this subdivision, stocking~~
36 ~~standards shall include all of the following:~~

37 ~~(i) At least eight seed trees that are not less than 18~~
38 ~~inches in diameter at breast height shall be retained per~~
39 ~~acre.~~



1 ~~(ii) Each seed tree that is not less than 24 inches in~~
2 ~~diameter at breast height shall be equivalent to two seed~~
3 ~~trees that are less than 24 inches in diameter at breast~~
4 ~~height.~~

5 ~~(iii) Seed trees shall be of full crown, capable of seed~~
6 ~~production, and representative of the best phenotypes~~
7 ~~available in the preharvest stand.~~

8 ~~(3) The board shall adopt regulations that the board~~
9 ~~determines to be necessary to implement this~~
10 ~~subdivision.~~

11 ~~SEC. 2. No reimbursement is required by this act~~
12 ~~pursuant to Section 6 of Article XIII B of the California~~
13 ~~Constitution because the only costs that may be incurred~~
14 ~~by a local agency or school district will be incurred~~
15 ~~because this act creates a new crime or infraction,~~
16 ~~eliminates a crime or infraction, or changes the penalty~~
17 ~~for a crime or infraction, within the meaning of Section~~
18 ~~17556 of the Government Code, or changes the definition~~
19 ~~of a crime within the meaning of Section 6 of Article~~
20 ~~XIII B of the California Constitution.~~

21 ~~Notwithstanding Section 17580 of the Government~~
22 ~~Code, unless otherwise specified, the provisions of this act~~
23 ~~shall become operative on the same date that the act~~
24 ~~takes effect pursuant to the California Constitution.~~

