

Assembly Bill No. 2163
CHAPTER 376

An act to amend Section 4590 of the Public Resources Code, relating to forest practices, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 25, 2010. Filed with Secretary of State September 27, 2010.]

AB 2163, Mendoza. Forest practices: timber harvesting plans.

(1) The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

The act provides that a timber harvesting plan, on which work has commenced but not been completed, may be extended by amendment for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met. The act requires the notice of extension to include the circumstances that prevented a timely completion of the work under the plan and an agreement to comply with the specified law, rules, and regulations as they exist on the date the extension notice is filed.

The act allows, until January 1, 2012, an extension of a timber harvesting plan, on which timber operations have commenced but not been completed, by amendment for up to a maximum of 4 one-year extensions, if those 2 requirements are met, and in addition, the plan expired in 2008 or 2009, and the notice of extension includes written certification by a registered professional forester that listed species have not been discovered in the logging area of the plan since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan's cumulative impacts were originally assessed.

This bill would, in addition, allow up to a maximum of 4 one-year extensions, including any other extension granted prior to January 1, 2010, under those same conditions for a plan that was extended in 2008 or 2009.

(2) The act allows, until January 1, 2012, a timber harvesting plan that is approved on or after January 1, 2010, to December 31, 2011, inclusive, to be extended by amendment for a 2-year period in order to complete the timber operations, up to a maximum of 2 2-year extensions, if the plan complies with certain requirements.

This bill would remove the sunset date for the extension of these plans.

(3) Existing law, beginning January 1, 2012, provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended.

This bill would instead provide that, beginning January 1, 2012, a plan approved on or after January 1, 2012, is effective for a period not more than 3 years, unless extended.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 4590 of the Public Resources Code, as amended by Section 1 of Chapter 269 of the Statutes of 2009, is amended to read:

4590. (a) (1) A timber harvesting plan is effective for a period of not more than three years, unless extended pursuant to paragraph (2).

(2) A timber harvesting plan, on which timber operations have commenced but not been completed, may be extended by amendment for a one-year period in order to complete the timber operations, up to a maximum of two one-year extensions, if both of the following occur:

(A) Good cause is shown.

(B) All timber operations are in conformance with the plan, this chapter, and all applicable rules and regulations, upon the filing of the notice of extension as required by this section.

(b) The extension shall apply to any area covered by the plan for which a report has not been submitted under Section 4585. The notice of extension shall be provided to the department not sooner than 30 days, but at least 10 days, prior to the expiration date of the plan. The notice shall include the circumstances that prevented a timely completion of the timber operations under the plan, written certification by a registered professional forester that neither of the conditions in subdivision (f) has occurred, and, consistent with Section 4583, an agreement to comply with this chapter and the rules and regulations of the board as they exist on the date the extension notice is filed.

(c) Stocking work may continue for more than the effective period of the plan under subdivision (a), but shall be completed within five years after the conclusion of other work.

(d) Notwithstanding subdivision (a) and the submission of a completion report pursuant to Section 4585, a timber harvesting plan, on which timber operations have commenced but not been completed, may be reopened and extended by amendment for up to a maximum of four one-year extensions, including any other extension granted prior to January 1, 2010, if the following conditions have been met:

(1) The plan expired or was extended in 2008 or 2009.

(2) The plan complies with subparagraphs (A) and (B) of paragraph (2) of subdivision (a).

(3) The notice of extension, pursuant to subdivision (b), includes written certification by a registered professional forester that neither of the conditions in subdivision (f) has occurred.

(e) A timber harvesting plan that is approved on or after January 1, 2010, to December 31, 2011, inclusive, may be extended by amendment for a two-year period in order to complete the timber operations, up to a maximum of two two-year extensions, if the plan complies with subparagraphs (A) and (B) of paragraph (2) of subdivision (a) and the notice of extension, pursuant to subdivision (b), includes written certification by a registered professional forester that neither of the conditions in subdivision (f) has occurred.

(f) The department shall not approve an extension pursuant to subdivision (e) if either of the following has occurred:

(1) Listed species, as defined in Article 1 (commencing with Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.), have been discovered in the logging area of the plan since approval of the timber harvesting plan.

(2) Significant physical changes to the harvest area or adjacent areas have occurred since the timber harvesting plan's cumulative impacts were originally assessed.

(g) An extension of a timber harvesting plan on which either of the conditions in subdivision (f) has occurred may be obtained only pursuant to Section 1039 of Title 14 of the California Code of Regulations. Notwithstanding the notice provision of subdivision (b), for purposes of this subdivision the notice of extension shall be provided to the department, not sooner than 140 days, but at least 10 days, prior to the expiration date of the plan.

(h) This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

SECTION. 2. Section 4590 of the Public Resources Code, as added by Section 2 of Chapter 269 of the Statutes of 2009, is amended to read:

4590. (a) (1) A timber harvesting plan approved on or after January 1, 2012, is effective for a period of not more than three years, unless extended pursuant to paragraph (2).

(2) A timber harvesting plan, on which timber operations have commenced but not been completed, may be extended by amendment for a one-year period in order to complete the timber operations, up to a maximum of two one-year extensions, if both of the following occur:

(A) Good cause is shown.

(B) All timber operations are in conformance with the plan, this chapter, and all applicable rules and regulations, upon the filing of the notice of extension as required by this section.

(b) The extension shall apply to any area covered by the plan for which a report has not been submitted under Section 4585. The notice of extension shall be provided to the department not sooner than 30 days, but at least 10 days, prior to the expiration date of the plan. The notice shall include the circumstances that prevented a timely completion of the timber operations under the plan and, consistent with Section 4583, an agreement to comply with this chapter and the rules and regulations of the board as these exist on the date the extension notice is filed.

(c) Stocking work may continue for more than the effective period of the plan under subdivision (a), but shall be completed within five years after the conclusion of other work.

(d) A timber harvesting plan that is approved on or after January 1, 2010, to December 31, 2011, inclusive, may be extended by amendment for a two-year

period in order to complete the timber operations, up to a maximum of two two-year extensions, if the plan complies with subparagraphs (A) and (B) of paragraph (2) of subdivision (a) and the notice of extension, pursuant to subdivision (b), includes written certification by a registered professional forester that neither of the conditions in subdivision (e) has occurred.

(e) The department shall not approve an extension pursuant to subdivision (d) if either of the following has occurred:

(1) Listed species, as defined in Article 1 (commencing with Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.), have been discovered in the logging area of the plan since approval of the timber harvesting plan.

(2) Significant physical changes to the harvest area or adjacent areas have occurred since the timber harvesting plan's cumulative impacts were originally assessed.

(f) An extension of a timber harvesting plan on which either of the conditions in subdivision (e) has occurred may be obtained only pursuant to Section 1039 of Title 14 of the California Code of Regulations.

Notwithstanding the notice provision of subdivision (b), for purposes of this subdivision the notice of extension shall be provided to the department, not sooner than 140 days, but at least 10 days, prior to the expiration date of the plan.

(g) This section shall become operative on January 1, 2012.

SECTION. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide immediate relief to California's timber industry due to the state's economic downturn, allow landowners flexibility in responding to the cyclical demand for lumber during the current economic crisis, and help stimulate California's economy, at the earliest possible time, it is necessary that this act take effect immediately.