

EXECUTIVE OFFICER'S REPORT ON PENDING LEGISLATION

As of 08/14/2019

Forestry

[AB 1160, Dahle, As Amended](#)

Status: Enrolled and Presented to the Governor

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, and approved by, the Department of Forestry and Fire Protection. The act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations, as provided, and requires a sustained yield plan that is prepared and approved in accordance with these rules and regulations to be effective for a period of no more than 10 years.

This bill would instead require the sustained yield plan to be effective for a period of no more than 20 years.

[SB 69, Weiner, As Amended](#)

Status: Amended July 11. Assembly Committee on Appropriations

(7) 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 to, and approved by, the Department of Forestry and Fire Protection. The act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations, as provided, to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources. The forest practice rules establish requirements specific to watersheds with listed anadromous salmonids for each forest district.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of waste that could affect the quality of the waters of the state.

This bill would require, on or before July 1, 2022, the State Board of Forestry and Fire Protection, in consultation with specified state and federal agencies, to evaluate the above-referenced forest practice rules establishing requirements specific to watersheds with listed anadromous salmonids in order to support salmonid populations at all life history stages and to control pollutant inputs known to negatively impact salmonids. The bill would require, on or before January 1, 2024, the State Board of Forestry and Fire Protection to update those specified forest

practice rules based on that evaluation, and would require any amendments to the rules to provide additional protections to listed anadromous salmonids.

This bill would require timber harvesting ~~plans, nonindustrial timber management plans, and working forest management plans on plans~~ filed on or after January 1, 2020, for lands containing or adjacent to watercourses bearing listed anadromous salmonids included on a specified list of water quality limited segments impaired by sediment to include an erosion control ~~implementation~~ plan that ~~describes methods that will be used to avoid significant sediment discharge into watercourses from timber operations.~~ is consistent with specified law. The bill would prohibit timber harvesting activity from being undertaken under a timber harvesting plan that requires an erosion control ~~implementation~~ plan on ground ~~that shows evidence of extreme erosion potential, unless the timber harvesting plan has been approved by a certified and licensed engineering geologist and is transmitted to the appropriate California regional water quality control board for review.~~ with an extreme erosion hazard rating unless the timber harvesting plan has been reviewed by the California Geological Survey.

Fire Protection

[AB 1823, Natural Resources Committee, As Amended](#)

Status: Senate Inactive file.

(1) Existing law requires the State Board of Forestry and Fire Protection, on or before July 1, 2022, to develop criteria for and maintain a “Fire Risk Reduction Community” list of local agencies located in a state responsibility area or a very high fire hazard severity zone that meet best practices for local fire planning. Existing law requires the state board to consider certain things when developing the criteria for the list, including recently developed or updated community wildfire protection plans. This bill would also require the state board, when considering developing criteria for the list, to consider compliance with the state board’s regulations, including minimum fire safety standards. The bill would require the state board to post the list on its internet website. The bill would also repeal a duplicative and inoperative provision that incorrectly names the list.

[SB 632, Galgiani, As Amended](#)

Status: Amended July 11. Assembly Committee on Appropriations

This bill would require the board, ~~by June 30, 2020,~~ as soon as practicably feasible, but by no later than February 1, 2020, to complete its environmental review under CEQA and certify a specific ~~draft final~~ program environmental impact report for a vegetation treatment program. ~~The bill would repeal these provisions on January 1, 2021.~~

Land Use Planning

[AB 394, Obernolte, As Amended](#)

Status: Amended August 13. Senate Appropriations Committee

This bill would, until January 1, 2025, exempt from CEQA egress route projects ~~or activities~~ undertaken by a public agency that are specifically recommended by the State Board of Forestry and Fire Protection that improve the fire safety of an existing subdivision if certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project ~~or activity~~ is exempt. The bill would require the lead agency to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project or activity will be located.

[SB 182, Jackson, As Amended](#)

Status: Assembly Appropriations Committee

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after January 1, 2020, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit ~~strategy~~, strategy to reduce the risk of property loss and damage during wildfires, ~~as specified~~, specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the clearinghouse described below. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

This bill would require a city or county that contains a very high fire risk area, as defined, upon each revision of the housing element on or after January 1, 2021, to amend the land use element of its general plan to contain, among other things, the locations of all very high fire risk areas within the city or county and feasible implementation measures designed to carry out specified goals, objectives, and policies relating to the protection of lives and property from unreasonable risk of wildfire. The bill would require the city or county to complete a review of, and make findings related to, wildfire risk reduction standards, as defined, upon each subsequent revision of the housing element, as provided. The bill would require the State Board of Forestry and Fire Protection to review the findings and make recommendations, as provided.

The bill would additionally require the Office of the State Fire Marshal, in consultation with the Office of Planning and Research, on or before January 1, 2023, to review the wildfire risk reduction standards and specified wildfire risk reduction standards that meet certain requirements, adopt reasonable standards for third-party inspection and certifications for a specified enforcement program, and update the maps of the very high fire hazard severity zones, as specified.

SB 99, Nielsen, As Amended

Status: Passed. To Engrossing and Enrolling.

This bill would require the city or county, upon the next ~~specified~~ revision of the housing ~~element,~~ element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in ~~very high fire hazard severity zones or state responsibility~~ hazard areas that do not have at least two emergency evacuation routes. By increasing the duties of local officials, this bill would impose a state-mandated local program.

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.