

## **AB 1958: Oak Woodlands Exemption**

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Before European settlement, California's Black and White Oak Woodlands were maintained by frequent, low-severity fires, which would remove fire-intolerant conifers such as Douglas fir (*Pseudotsuga menziesii*) in the understory.<sup>[3]</sup> With the alteration of the natural disturbance regime through anthropogenic activities such as fire suppression, Douglas fir and other conifers have become the dominant species in these plant communities and have slowly replaced the oaks. Black and White oak woodlands have long since been a source of great historical and ecological value.<sup>[5]</sup> They are a source of habitat for over 300 species of wildlife and they have long been an important source of food for Native Americans.<sup>[4]</sup> The loss of oak woodlands through conifer encroachment has been recognized as a major conservation concern. In addition, significant portions of the oak woodlands in California are found on private lands. Under the current California Practice Rules, private landowners are mandated to meet stocking requirements after harvest activities have ceased. Thus, prohibiting any restoration activities aimed at removing conifers from oak woodlands in an attempt to restore them.<sup>[6]</sup>

The Oak woodland exemption is designed to restore and conserve California's Black and White Oak Woodlands by adding an exemption in the Forest Practice Rules under §1038. Under the Forest Practice rules, any trees removed for commercial or other uses requires the submission of a THP by a Registered Professional Forester (RPF). AB 1958 would amend §4584 and §4621 and repeal §4589 of the Z'berg-Nejedly Forest Practice Act.<sup>[1]</sup> In addition, the bill would create an exemption under §1038 which would allow the removal of conifers from oak woodlands without the submission of a THP.

Under the current Forest Practice Rules, multiple exemptions already exist. For example, the harvesting of Christmas tree farms, removal of trees along a right-of-ways for utility lines, three acre conversions for the establishment of a permanent structure, fire prevention and the creation of defensible space around structures, and the removal of dead, dying and diseased trees are all designated exemptions. Under the oak woodland restoration exemption the following requirements must be met: 1) trees may be removed within 300 ft. of an oak that is at least 4 inches in diameter; 2) trees cannot be removed if they are greater than 26 inches in stump diameter; 3) places restrictions on road construction and the types of equipment that can be used to extract the conifers; 4) requires the immediate treatment of slash generated from harvesting activities; 5) total area exempted may not exceed 300 acres for each property over a five-year period; and 6) a minimum of 35 square feet of basal area of black or white oak must remain post-harvest.<sup>[1]</sup>

AB 1958 was introduced by Jim Woods (D-North Coast) to the Assembly's committee on Natural Resources in February of 2016. By April of 2016, the bill had passed through both the Natural Resource Committee and the Committee on Appropriation, resulting in unanimous votes by both committees. In May, the bill was brought to the Assembly floor where it passed unanimously and was transferred to the Senate's Committee on Rules on June 1st for assignment. From there, it was transferred to the Committee on Natural Resources and Water. The bill received only two no votes from Senators Jeff Stone (R-La Quinta) and Andy Vidak (R-Hanford). In addition, there was no vote recorded for Senator Lois Wolk (D-Davis). The bill was amended and transferred to the Appropriations committee in August where it was placed in suspense on August 8th. On August 11th, it was removed from suspense and passed with a vote of 7-0. It was then brought to the Senate floor on August 23rd where it passed 39-0

and ordered back to the assembly as amended to ensure that the bill would not conflict with other pending legislation found in AB 2029. It passed the Assembly on August 29th with a vote of 80-0 and enrolled and presented to the Governor on September 6th for signing. The bill was approved by the Governor on September 24 and chaptered by the Secretary of State on the same day.<sup>[1]</sup> AB 1958 was supported by organizations such as Pacific Birds Habitat Joint Venture, Pacific Forest Trust, Rural County Representatives of California, The Nature Conservancy, and Trusts for Public Land. There were no organizations registered with the Assembly or Senate that opposed the measure.<sup>[2]</sup>

Costs associated with this bill include the following: one-time costs of approximately \$132,000 for the purchase of logistical supplies needed to facilitate the administration of the bill, and annual costs in salary of approximately \$433,000 for administration for Cal-Fire personnel. In addition, there will also be minor costs incurred by the California Department of Fish and Game (CDFG) and regional water boards to meet required reporting requirements specified by the state. All costs associated with this bill will be covered under the California Timber Regulation and Forest Restoration Fund established under AB 1492, which was signed into law in 2012.<sup>[2]</sup>

AB 1958 mandates Cal-Fire and the California Board of Forestry to submit a report to the legislature on its findings regarding the usage of the exemption by December 31, 2017.<sup>[1]</sup> In addition, the bill will sunset on January 1, 2024. It is hoped that this new legislation proves to be a great asset to the landowners of California and to incentivize private landowners to participate in restoration activities.

## References

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1. AB 1958. Forestry: timberlands: restoration and conservation forest management activities, California State Legislature 2015-16 session. Retrieved from <http://leginfo.legislature.ca.gov/faces/home.html>. Accessed September 22, 2016.
2. Craven, William. (2016, August 15). Senate Rules Committee Report on AB 1958. Accessed on September 22, 2016.
3. Cocking, M. I., Varner, J. M., & Engber, E. A. (2015). Conifer encroachment in California oak woodlands.
4. Devine, W. D., Harrington, C. A., & Peter, D. H. (2007). Oak woodland restoration: understory response to removal of encroaching conifers. *Ecological Restoration*, 25(4), 247-255.
5. Stansberry, Linda. (2016, April 28). March of the Conifers: Oak woodlands bill in the Assembly. *North Coast Journal of Politics, People and Art*.
6. Valachovic, Y., Quinn-Davidson, L., & Standiford, R. B. (2015). Can the California forest practice rules adapt to address conifer encroachment?