

Guide to the California  
**FOREST PRACTICE ACT**  
and Related Laws

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## Preface

This is a comprehensive treatise on the regulation of forest practices on private lands in California. This book provides an in-depth summary and analysis of the myriad state and federal laws that govern forest practices on private lands, including discussion of statutory and regulatory requirements, applicable case law, and agency policies. It also includes a number of useful appendices, sidebar discussions, and charts, graphs and tables to assist users of this book in understanding these complex state and federal regulatory processes and how such processes interrelate.

California has the most extensive body of laws applicable to private land forestry of any state in the country. The primary governing statute is the 1973 Z'berg Nejedly Forest Practice Act (FPA). The FPA requires an owner of timberland who wishes to harvest timber for commercial purposes to submit one of several types of timber harvest plans, depending upon the nature of the operation and the type of landowner involved, to the California Department of Forestry and Fire Protection (CDF) for its review and approval. This book outlines the detailed procedures and substantive requirements for the preparation, review, approval and implementation of such plans, as set forth in the FPA and its implementing regulations.

California also has enacted the 1976 Timberland Productivity Act (TPA), which establishes a special zoning designation for commercial timberland that restricts the use of such land to timberland production and compatible uses and which offers certain tax advantages. This book outlines the processes for zoning land for timberland production, and for rezoning and converting such specially zoned land to other zoning designations and land uses.

In addition, this book describes the roles and responsibilities of each participant in the process of obtaining approval to harvest timber

on private lands, including the timberland owner or timber owner, plan submitter, registered professional forester (RPF), licensed timber operator (LTO), the public, CDF, the Board of Forestry and Fire Protection (Board), and other public agencies. This book discusses the Board's rulemaking responsibilities, as well as CDF's licensing, regulation and discipline of RPFs, LTOs, and other forestry professionals. The text also discusses the roles and responsibilities of other state and local agencies in regulating forest practices on private lands. These agencies include the California Department of Fish and Game, the Regional Water Quality Control Boards and State Water Resources Control Board, California Geological Survey, California Coastal Commission, Department of Pesticide Regulation, and cities and counties. The book outlines how each of these other agencies interfaces with CDF and the Board, both under the FPA and TPA, and in implementing their own responsibilities under other applicable statutes.

The book also provides a detailed discussion of other state and federal laws that impose additional requirements on timber harvesting on private lands. These other laws include the California Environmental Quality Act (CEQA), the state and federal Endangered Species Acts, state and federal water quality laws, the California Coastal Act, the state and federal Wild and Scenic Rivers Acts, laws regulating the use of pesticides, and restrictions on streambed alteration and other miscellaneous provisions of the Fish and Game Code. Additionally, this treatise discusses the law of nuisance and the public trust doctrine, two common laws that are relevant to timber operations on private lands.

This book provides a discussion of the application of these various statutory and common laws to private land forestry in California, including an extensive overview of available enforcement mechanisms under the FPA and other state and federal laws. Finally, the book provides brief summaries of laws concerning urban forestry, regulation of state-owned forests, and state and federal programs for restoration of private forest lands.

Because the focus of this book is on laws and regulations pertaining to commercial timber harvesting on privately-owned forest lands in California, it does not cover the regulation and management of federal forest lands or logging on federal forest lands. Nor does it provide a detailed discussion of California fire regulations for private forest lands.

The book is intended to be a comprehensive guide for the wide variety of actors who are involved or interested in timber harvesting on private lands in California. It is designed to assist timberland owners and timber owners in understanding their rights and responsibilities when pursuing logging proposals. It also is intended to guide forestry

professionals who assist timberland owners and timber owners in preparing and implementing logging plans, including but not limited to plan submitters, RPFs, LTOs, biologists, hydrologists, geologists, and other resource professionals.

Similarly, the book is intended to assist each public agency responsible for regulating timber operations on private lands, and members of the public who are interested in participating in these agency processes, to ensure that the laws are properly applied and enforced. This book likewise provides a useful guide to lawyers, planners, and other consulting professionals involved in timber harvesting on private lands and environmental issues generally, on behalf of landowners, agencies, and the interested public. Finally, this book also can serve as a textbook for a variety of undergraduate, graduate and legal educational institutions.

A note of caution is in order: this book is not intended to provide legal advice, nor can it provide a complete, up-to-date discussion of every applicable area of the law and every possible interpretation of these complex laws and regulations. The law is constantly and rapidly evolving through adoption of new statutes and regulations, court decisions, agency interpretations, and the like. This book is intended only as a general guide. It covers statutes, regulations, policies and guidance documents, case law and studies in effect or proposed as of March 30, 2005, including all relevant laws enacted in 2004 that became effective on January 1, 2005. Readers are advised to consult their own attorneys to obtain legal advice on a particular matter. The authors hope that this book will be a useful and practical tool for all those who wish to understand private land forestry regulation in California.

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