
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Josh Becker, Chair

2025 - 2026 Regular

Bill No:	AB 442	Hearing Date:	June 9, 2026
Author:	Hadwick		
Version:	June 1, 2026 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Edith Hannigan		

Subject: Z'berg-Nejedly Forest Practice Act of 1973: working forest management plans: nonindustrial timber management plans

SUMMARY

This bill would make changes to the areas eligible for timber harvest under a Working Forest Management Plan or a Nonindustrial Timber Management Plan.

BACKGROUND AND EXISTING LAW

State Board of Forestry and Fire Protection (Board). In 1885, the Governor of California approved an act that authorized the appointment of a three-man State Board of Forestry, the first such body in the nation. That original Board or Commission of Forestry was abolished in 1893. In 1905, an "Act of March 18, 1905", became law, creating a new Board of Forestry and the first State Forester. In 1927, the Division of Forestry was organized.

In 1947, the original Forest Practice Act was passed by the State Legislature. Throughout the period of the 1950s and 1960s, the Board functioned under the mandate of the 1947 Act by formulating forest policy for the state.

At the time of passage of the Z'berg-Nejedly Forestry Practice Act of 1973, the Legislature reorganized the Board and concomitantly expanded its powers and responsibilities (Public Resources Code (PRC) §§ 730 *et seq.*). For example, the 1973 statute changed the Board's function in relation to forest practice rules from a ratification role to an adoptive role. In addition, the present general public five (5), forest products industry three (3), and range-livestock industry one (1) membership ratio was enacted to increase the public input into Board matters.

Department of Forestry and Fire Protection (Department). The Department is established within the Natural Resources Agency (PRC § 701). The Department is responsible for the fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies (PRC § 713). The Department, through its Forest Practice Program, enforces the applicable provisions of the Forest Practice Act and Rules.

Forest Practice Act and Rules. The Z'berg-Nejedly Forest Practice Act (Act) of 1973 establishes the intent of the Legislature to promote sound public policy encouraging prudent and responsible forest management that serves the public's need for timber and other forest products while giving consideration to watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities for this and

future generations (PRC § 4512). The Act establishes minimum rules for resource conservation, equipment operations, and licensing related to the commercial harvesting of timber, known as timber operations.

The Board adopts regulations, known as the Forest Practice Rules (Rules), under the Administrative Procedures Act process to implement, interpret, and make specific the Act. Together, the Act and Rules provide a regulatory framework for timber operations in the state, which are enforced by foresters at the Department.

A sustainable timber industry. Pursuant to the established policy of the state to serve the public's need for wood products, the Act establishes resource conservation standards for timber operations "to ensure a cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after timber operations" (PRC § 4561). The Legislature establishes the intent of the Act to restore, enhance, and maintain the productivity of timberlands and the goal of maximum sustained production of high-quality timber products (PRC § 4513).

Nonindustrial Timber Management Plan (NTMP). In the late 1980s, the Legislature declared that "a substantial acreage of timberlands of the state are held by private nonindustrial owners and that it is the policy of the state to increase the productivity of these timberlands under prudent management plans to serve the public's need for timber and other forest products" (PRC § 4593).

The Legislature also noted that prudent management of nonindustrial timberlands causes minimal environmental, and such prudent and responsible management would be encouraged by approving NTMPs in advance and removing government discretion to disapprove harvest notices that are submitted pursuant to an approved NTMPs (PRC § 4593).

The Legislature defined the terms for what timberland owners are eligible to use a NTMP, which include nonindustrial tree farmers. A "nonindustrial tree farmer" is an owner of less than 2,500 acres who has an approved NTMP and is not primarily engaged in the manufacture of forest products (PRC § 4593.2).

Working Forest Management Plan (WFMP). For smaller timberland owners who intend to become a working forest landowner, the Legislature implemented an alternative timber harvest plan document that allows them to achieve the long-term objectives of an uneven aged timber stand and sustained yield. The WFMP is a management plan "for working forest timberlands, with objectives of maintaining, restoring, or creating uneven aged managed timber stand conditions, achieving sustained yield, and promoting forestland stewardship that protects watersheds, fisheries and wildlife habitats, and other important values" (PRC § 4597.1).

The Legislature defined a working forest landowner as a timberland owner with less than 10,000 acres, and limited WFMPs to include land that was contained within only one hydrologic area. Additionally, timberland owners in the Southern Subdistrict of the Coast Forest District were excluded from utilizing the WFMP to manage their forests. The Southern Subdistrict is composed of the timberlands in the Counties of Santa Cruz,

Santa Clara, San Mateo, San Francisco, and Marin situated within the boundaries of the Coast Forest District.

California hydrologic areas. Under the Act, the harvest area under a WFMP cannot include more than one watershed (single hydrological area) as defined by State Water Resources Control Board's (State Water Board's) CalWater 2.2.

The California Interagency Watershed Map of 1999 (CalWater 2.2, updated May 2004) is the state's working definition of watershed boundaries. Each hydrologic region is progressively subdivided into six smaller, nested levels: the Hydrologic Unit (major rivers), Hydrologic Area (major tributaries), Hydrologic Sub-Area, Super Planning Watershed, and Planning Watershed. At the Planning Watershed (the most detailed level), where implemented, polygons range in size from approximately 3,000 to 10,000 acres. At all levels, a total of 7,035 polygons represent the state's watersheds.

Existing Law

- 1) Defines a "nonindustrial tree farmer" as an owner of timberland with less than 2,500 acres, with an approved NTMP, and who is not primarily engaged in the manufacture of forest products (PRC § 4593.2(b)).
- 2) Defines a "nonindustrial timber management plan" as a management plan for nonindustrial timberlands that may include multiple nonindustrial tree farmers, but covers no more than 2,500 acres (PRC § 4593(e)).
- 3) Defines a "working forest landowner" as an owner of timberland with less than 10,000 acres, with an approved WFMP, who is not primarily engaged in the manufacture of forest products (PRC § 4597.1(i)).
- 4) Defines a "working forest management plan" as a management plan for working forests that may include multiple working forest landowners, but covers no more than 10,000 acres and is contained within a single hydrologic unit (PRC § 4597.1(j)).
- 5) Excludes landowners in the Southern Subdistrict of the Coast Forest District from using a WFMP to manage their forests (PRC § 4597.22).

PROPOSED LAW

This bill would:

- 1) Increase the allowable acreage owned by a nonindustrial tree farmer from 2,500 to 4,000 acres.
- 2) Increase the allowable acreage managed under a NTMP from 2,500 to 4,000 acres.
- 3) Increase the allowable acreage owned by a working forest landowner from 10,000 to 15,000 acres.
- 4) Increase the allowable acreage managed under a WFMP from 10,000 to 15,000 acres.

- 5) Repeal the requirement that all the land managed under a WFMP be contained in a single hydrological area.
- 6) Repeal the restriction on the use of the WFMP in the Southern Subdistrict of the Coast Forest District.

ARGUMENTS IN SUPPORT

According to the author, "California's forests are one of our most vital natural resources, contributing to the environmental, economic, and cultural health of our state. Poorly managed forests create catastrophic wildfire risk, threatening communities, wildlife, and critical infrastructure. Assembly Bill 442 streamlines Working Forest Management Plans by removing a requirement that they cannot include more than one watershed. This bill promotes long-term, sustainable forestry practices for non-industrial landowners while protecting California's natural resources."

ARGUMENTS IN OPPOSITION

None received.

COMMENTS

Increasing Options for Smaller Landowners. Since the NTMP program was initiated in 1989, 75 NTMPs have been filed. A useful tool for smaller landowners who wish to achieve long-term objectives relating to uneven aged timber stands and sustained yield, it can be much more cost-effective for a smaller landowner than filing a full timber harvest plan (THP). Additionally, there are opportunities for cost-share funding under the California Forest Improvement Program (CFIP) that a NTMP could take advantage of. CFIP funding is available for projects up to 5,000 acres, and can fund things like preparation of a forest management plan, forestation, stand improvement, and other forestland conservation practices or fish and wildlife habitat improvement.

By increasing the acreage allowable under an NTMP, additional forest landowners will be able to take advantage of the streamlined NTMP permitting as well as CFIP funds. This provides additional financial incentives to landowners to prudently manage their forests.

Limited uptake of WFMP. According to Department data, only one WFMP has been filed since the program's inception in 2013. One identified barrier to the use of the WFMP is the requirement that the plan be entirely contained within one hydrologic unit. Parcel lines and ownership patterns typically do not closely follow hydrologic units, preventing landowners who might otherwise qualify for a WFMP to use it for their land.

The State Water Board notes that neither CalWater 2.2.1 nor any of its predecessors is a "pure" watershed map because administrative boundaries such as the state border were used to delineate watershed areas. Some of the boundaries, particularly in developed valley areas, also have legal and administrative purposes other than the representation of actual drainage divides. Further, CalWater is not a legal map document, as it does not represent the Regional Water Quality Control Board jurisdictions.

This restriction poses significant burdens on landowners by forcing them to develop a patchwork of WFPMs, NTMPs, and THPs to accommodate watershed boundaries instead of a single WFPM for a harvest area. For example, cutting a tree down pursuant to a WFPM on the top of a ridgeline would violate existing law. The creation of multiple plans instead of a single plan appears to have no environmental benefit. Further, developing multiple plans costs several hundred thousand dollars that could be better used toward fuels management.

Other changes to law proposed in this bill would also increase availability of the WFMP for landowners, by increasing the acreage allowed to be managed under a WFMP to 15,000 acres and repealing a provision that prevented the use of the WFMP in the Southern Subdistrict of the Coast Foast District.

Related Legislation

SB 901 (Dodd, Chapter 626, Statutes of 2018) specified that a NTMP may include multiple nonindustrial tree farmers, but shall not cover more than 2,500 acres). SB 901 also reduced the acreage eligible for a WFMP from 15,000 to 10,000 acres, and specified that the WFMP must be contained within a single hydrologic area.

SUGGESTED AMENDMENTS: none**SUPPORT**

BBW & Associates (BBWA)
California Forestry Association
California Licensed Foresters Association
California Rangeland Trust
City of Arcata
Eddie Ranch
Forest Landowners of California
Jefferson Resource Company
Jim Ostrowski Forestry
Mailliard Ranch
Matt Greene Forestry & Biological Consulting
North Coast Resource Management
Rural County Representatives of California (RCRC)
The Buckeye Conservancy
Yosemite Mountain Ranch

OPPOSITION

None Received

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