

12-8-1997

Timber Harvest Operations. Discharges. Releases. Clearcutting.

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

December 8, 1997

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (97222)

FROM: *Deirdre Avent*
DEIRDRE AVENT
ELECTIONS AVENT

SUBJECT: INITIATIVE #773

Pursuant to Elections Code section 3513, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**TIMBER HARVEST OPERATIONS.
DISCHARGES. RELEASES. CLEARCUTTING.
INITIATIVE STATUTE.**

The Proponents of the above-named measure are:

William Verick
William F. Grader, Jr
c/o Mr. James Wheaton
Environmental Law Foundation
1736 Franklin Street, 8th Floor
Oakland, CA. 94612
(510) 208-4555

DEC 10 1997

INITIATIVE #773

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/28/98, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

f. If the signature count is more than 476,596 or less than 411,606 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 411,606 and 476,596 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a))..... Sunday, 07/19/98*

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State (EC §9031(b)(c)). Friday, 08/28/98

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 07/19/98, the last day is no later than the thirtieth working day after the county's receipt of notification). EC §9031(b)(c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033). Tuesday, 09/01/98*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 3, 1998 GENERAL ELECTION: This initiative must be certified for the ballot 131 days before the election (June 25, 1998). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections official by April 17, 1998. If a 100% check of signatures is necessary, it is advised that the petitions be filed by February 25, 1998.

* Date varies based upon receipt of county certification

#773
TIMBER HARVEST OPERATIONS. DISCHARGES.
RELEASES. CLEARCUTTING.
INITIATIVE STATUTE.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 433,269
California Constitution, Article II, Section 8(b)

2. Official Summary Date:.....Monday, 12/08/97
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336)Monday, 12/08/97

 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))Thursday, 05/07/98

 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b)).....Tuesday, 05/19/98

 - (If the Proponent files the petition with the county on a date prior to 05/07/98,
the county has eight working days from the filing of the petition to determine
the total number of signatures affixed to the petition and to transmit the total to
the Secretary of State) (EC §9030(b)).

 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Thursday, 05/28/98*

 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)).....Thursday,07/09/98

* Date varies based upon receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures, Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555
Facsimile: (916) 323-2137
(916) 324-5490

December 8, 1997

FILED
In the office of the Secretary of State
of the State of California

DEC 8 1997

Bill Jones
Secretary of State
1500 - 11th Street
Sacramento, CA 95814

BILL JONES, Secretary of State

By 
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: TIMBER HARVEST OPERATIONS. DISCHARGES.
RELEASES. CLEARCUTTING. INITIATIVE STATUTE.
File No: SA 97 RF 0048

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the names and address of the proponents are as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General



MICHELE W. OLSEN
Acting Initiatives Coordinator

MWO:fec
Enclosures
cc: William Verick
William F. Grader, Jr.

Date: December 8, 1997
File No.: SA97RF0048

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

TIMBER HARVEST OPERATIONS. DISCHARGES. RELEASES. CLEARCUTTING. INITIATIVE STATUTE. Restricts discharge. Release of material harmful to fish or water quality by industrial timber operators on commercial or federal timberland. Authorizes civil enforcement actions, with injunctions, fines for violations; burden on defendants to prove compliance. Imposes reporting requirements upon designated government employees and registered foresters who become aware of violations, with criminal penalties for nondisclosure. Substantially restricts clearcutting. Imposes administration/enforcement fees for timber harvesting. Prohibits use of public funds for timber operations on private lands. Requires identification, public notice of trees older than approximately 145 years affected by large-scale timber harvests. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown reduction in state and local revenues, potentially a few million to over ten million dollars annually, to extent timber harvesting is reduced. Unknown long term impact on state and local revenues due to changes in economic activities. Unknown impact on state costs to implement timber harvest regulations; any costs would be offset by fees. Annual savings of about \$13 million to various state funds from filing fee revenues for timber harvest plans.



ENVIRONMENTAL LAW FOUNDATION

1736 Franklin Street, 8th Floor, Oakland, California 94612 • 510/208-4555 • Fax 510/465-6248

SA97RF0048

RECEIVED
OCT 32 1997

XXXXXXXXXXXXXXXXXXXX

DIRECTORS

Ralph Santiago Abascal
California Rural Legal Assistance

Craig Merrilees
United Brotherhood of Teamsters

David Nesmith
Sierra Club / Bay Chapter

Teresa Schilling

James Wheaton
President and Executive Director

Chappell Hayes
(1948-1994)

SENIOR ADVISORS

Professor Robert Zellmeth
San Diego State University
San Diego

William Meyerhoff
Natural Resources Defense Council

17 October 1997

Attorney General Dan Lungren
Deputy Attorney General Rosemary Calderon
1300 I Street
Sacramento, California 95814

Re: Proposed initiatives

Dear Ms. Calderon:

We are the proponents of five initiatives filed with your office on Friday 10 October 1997, numbered SA97RF0047 - SA97RF0051. Please direct all further correspondence and questions from your office or the Secretary of State about those initiatives to:

Mr. James Wheaton
Environmental Law Foundation
1736 Franklin Street, 8th Floor
Oakland, CA 94612
510/208-4555
Fax: 510/465-6248

Cordially,

William Verick

William F. Grader, Jr.

RECEIVED

NOV 14 1997

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Verification

I, William Verick, am an official proponent of the attached initiative and request for Title and Summary.

Signed,



William L. Verick

SA97RF0048

Verification

I, William Grader, am an official proponent of the attached initiative and request for Title and Summary.

Signed,



William Grader



ENVIRONMENTAL LAW FOUNDATION

1736 Franklin Street, 8th Floor, Oakland, California 94612 • 510/208-4555 • Fax 510/465-6248

RECTORS

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Chapter

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OR ADVISORS

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Diego

eyerhoff
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se Council

10 October 1997

Attorney General Dan Lungren
Deputy Attorney General Rosemary Calderon
1300 I Street
Sacramento, California 95814

BY HAND DELIVERY

Re: Proposed initiatives

Dear Attorney General Lungren:

Attached hereto for filing are drafts of five individual initiative measures, submitted for Title and Summary of the chief purpose and points of the proposed measures, under the provisions of Elections Code § 9002.

Each is accompanied by a verification containing the original signatures of the two proponents of the measures, Mr. William Verick and Mr. William Grader. A separate sheet with the proponents' residential addresses for verification of their status as registered electors is also attached to this letter. Separate checks for \$200 for each measure are also attached hereto.

Please address all correspondence and questions to me, at the address and phone numbers above, on behalf of the proponents.

Each measure has a suggested Title, which appears at the top of each draft. We will, per your office's suggestion, forward a suggested Summary of the chief purpose and points of each measure, within a week or ten days of this filing, to aid you in your official role.

We look forward to working with you to answer any inquiries you may have about these measures.

Cordially,

James Wheaton

Encl.

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO
THE VOTERS**

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CLEAN WATER ENFORCEMENT AND HERITAGE TREE PRESERVATION ACT

[set forth summary here]

TO THE HONORABLE SECRETARY OF THE STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County, hereby propose amendments to various California Codes relating to water quality and forest practices and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments (full title and text of the measure) read as follows:

SECTION 1. This Act shall be known as the Clean Water Enforcement and Heritage Tree Preservation Act of 1998.

SECTION 2. Findings and Declarations.

The People of the State of California find and declare as follows:

(a) The People of the State of California declare that the waters of this state should be drinkable, fishable, and swimmable. The People find that existing law has not given them the safe, clean, and healthy rivers, lakes and streams to which they are entitled.

(b) The People further find that protection of fisheries, streams, rivers, lakes, and reservoirs is important to themselves, their children and their children's children. The People find that government agencies do not adequately protect this heritage and these resources. The People

therefore declare that they are the sovereign stewards of their waters and act to protect them when government fails to do so,

(c) The People further find that abundant fisheries are the surest sign of healthy, safe and clean waters. The People find that thriving fisheries benefit not only themselves and their children, but are also necessary for a thriving commerce in fishing and recreation, and that therefore the protection and restoration of clean water and fisheries is of enormous economic benefit to the People of California.

(d) The People further find that all businesses in the state have a responsibility to conduct their business as “good neighbors,” being mindful and careful of their effect on their neighbors, the environment, and all of California. The People also find that sustainable forestry practices must be instituted in order to keep the waters of the state in safe, clean and healthy condition. Without protections for the health of California’s watersheds, inappropriate and unsustainable logging practices will contribute to unsafe, unclean and unhealthy waters, cause the decline of fisheries and the degradation of rivers, increase flooding, silt up the reservoirs upon which the public relies for its drinking water, and increase the risk of pathogens and diseases carried in its drinking water.

(e) The People of the State of California therefore declare their rights:

(1) To prevent the destruction of our reservoirs, our water systems and the creation of unhealthy conditions in our drinking water.

(2) To protect the waters of the state and the public’s fisheries from pollutants that affect water quality.

(3) To protect the water quality throughout the state from being degraded by

landslides and runoff caused by industrial logging practices.

(4) To protect and ensure healthy, thriving fisheries and aquatic habitat for the economic and aesthetic benefit of all Californians and for future generations.

(5) To protect our natural and historical heritage.

(6) To protect public trust resources from irresponsible clearcutting and “cut and run” logging.

(7) To protect the public purse from being used to subsidize activities that harm public trust resources.

The People hereby enact the provisions of this initiative in furtherance of these rights.

SECTION 3. Article 4 (commencing with Section 5850) is added to Chapter 2 Part 1 of Division 6 of the Fish & Game Code, to read:

Article 4. Fish and Watershed Protection.

Section 5850. (a) No person who conducts industrial timber operations shall discharge or release material harmful to fish or water quality onto land or into water where that material will pass or probably will pass into a watercourse in the State.

(b) Subdivision (a) shall apply only to discharges or releases that occur on any of the following:

(1) Commercial timberland as defined in Section 4526 of the Public Resources Code.

(2) Land owned by the United States, to the extent not inconsistent with federal law.

(c) If the person responsible for the discharge or release can show that the discharge or release conforms with all other applicable laws, and with every applicable regulation, permit requirement, and order, then subdivision (a) shall not apply to any discharge or release that meets

either of the following criteria:

(1) The discharge or release will not cause any significant amount of the discharged or released material to pass into any watercourse.

(2) The discharge or release did not occur as the result of any of the following: timber harvesting; the construction, maintenance or presence of layouts; the yarding or hauling of timber; the construction, maintenance, or presence of any road the principal purpose for which is to haul timber; or the construction, maintenance, or presence of any log landing.

(d) In any action brought to enforce this section, the defendant shall bear the burden of showing by a preponderance of the evidence that a discharge or release meets all of the criteria of subdivision (c).

Section 5851. (a) Any violation of Section 5850 of this Code, or Sections 4563 or 5030 of the Public Resources Code is a civil violation.

(b) Any person violating or threatening to violate the Sections referenced in subdivision (a) may be enjoined in any court of competent jurisdiction.

(c) (1) Any person who violates the Sections referenced in subdivision (a) shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day for each violation, or not less than one thousand dollars (\$1000) per cubic yard of illegally discharged material, whichever is greater.

(2) Discharge or release of material via any separate sediment transport corridor shall constitute a separate violation of the Sections referenced in subdivision (a).

(3) The penalties in this subsection shall be doubled if a violation of the Sections referenced in subdivision (a) occurs within five hundred (500) feet of where any Heritage Tree, as

defined in Public Resources Code Section 5030 of the Public Resources Code has been cut, felled, harvested, destroyed or other wise damaged during timber operations.

(d) An action for violating the Sections referenced in subdivision (a) may be brought by the Attorney General in the name of the people of the State of California or by any district attorney or, with the consent of the district attorney, by a city attorney in any city or city and county in the name of the People of the State of California upon their own complaint or upon the complaint of any board, officer, person, corporation or association, or any person on his or her own behalf or on behalf of the public.

(e) No action may be commenced pursuant to subsection (d) of this Section by any person that is not the Attorney General, a district attorney or city attorney if the Attorney General, a district attorney or city attorney has previously commenced and is diligently prosecuting a civil action against the alleged violator for the same violation.

(f) In any action brought to enforce the Sections referenced in subdivision (a), the court shall, upon motion, award to a prevailing party that is enforcing this Act, that party's attorneys fees and costs, including the costs of expert witnesses and consultants, if the following conditions are met:

(1) A significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons, and

(2) The necessity and financial burden of private enforcement are such as to make the award appropriate.

Section 5852. An action to enforce this Act may be brought in the county in which the violation has occurred or is occurring, or in any county in which the Attorney General maintains

an office, notwithstanding Sections 393 and 397 of the Code of Civil Procedure.

Section 5853. Any action to enforce this Act shall be commenced within four years after the commission of the offense. No cause of action based on facts that would constitute a violation of this article but which is barred under existing law on the effective date of this Act, shall be revived by the enactment of this Act.

Section 5854. Nothing in this Act shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this article shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this Act shall be in addition to any penalties or sanctions otherwise prescribed by law.

Section 5855. All civil penalties collected pursuant to this Act shall be deposited in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund established pursuant to Section 7861 of the Fish and Game Code.

Section 5856. For the purposes of this Act, the following definitions shall apply:

(a) "discharge or release material" includes:

(1) depositing, introducing, or dumping material, or

(2) permitting or suffering to exist the flow or transport of materials harmful to

fish into a watercourse from any source or condition of the land, including landslides, mass wasting, streambed aggradation, road failures, culvert failures, splash erosion, sheet erosion, gully erosion or debris flows, in any or all of the following circumstances:

(A) On land which the person owns or over which the person has or had control.

(B) On land from which the person has purchased logs.

(C) On land for which the person has prepared a timber harvest plan.

(D) On land upon which the person has harvested timber.

(b) "Materials harmful to fish or water quality" shall include, but not be limited to, all of the following: dirt, soil, sand, gravel, clay, rocks, silt, sawdust, or increased water temperature.

(c) "Person" means any individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, joint venture, or association, or any individual or entity that exerts either direct or indirect control over any of the foregoing.

(d)(1) "Person who conducts industrial timber operations" means any or all of the following:

(A) Any person that owns or controls 5,000 acres or more of commercial timberland, as defined in Section 4526 of the Public Resources Code.

(B) Any person that purchased logs cut from land owned by the United States.

(C) Any registered professional forester pursuant to Article 3 (commencing with Section 750) of Chapter 2.5 of Division 1 of the Public Resources Code, that prepared a timber harvest plan for a person specified in this paragraph.

(D) Any licensed timber operator pursuant to Section 4571 of the Public Resources Code that harvested timber for a person specified in this paragraph.

(2) "Person who conducts industrial timber operations" does not include any city, county, or district, or any department, agency, or employee thereof, or any department, agency, or employee of the state or federal government.

(e) "Significant amount" means any, or a combination, of the following:

- (1) any amount of material that is a contributing cause of harm to fish or fish habitat, or
- (2) any amount of material that is a contributing cause of siltation of reservoirs, or other drinking water systems, or
- (3) any amount of material that is a contributing cause of flooding, or
- (4) any amount of material from any sediment transport corridor greater than one hundred (100) square yards in area, or
- (5) an amount that causes an increase of total suspended solids of twenty percent (20%) or more in a watercourse immediately downstream of the discharge or release, or
- (6) in the case of the flow of warm water, an amount that causes an increase in the temperature of the body of water immediately downstream from the point into which the warm water flows.
- (f) "Sediment transport corridor" means any visible corridor of bare ground whereby materials harmful to fish or water quality will or probably will flow, slide, erode, or are otherwise transported to where those materials pass into or probably will pass into a watercourse. "Sediment transport corridor" includes, but is not limited to, road ditches, gullies, swales and ephemeral watercourses. A visible corridor of bare ground is not a "sediment transport corridor" if materials harmful to fish or water quality from that area will not, or probably will not, enter into a watercourse.
- (g) "Probably will pass into a watercourse" means more likely than not will pass into a watercourse within a year of the discharge or release.
- (h) "Watercourse" means any natural channel or body in which water flows or

collects, including rivers, streams, ephemeral watercourses, springs and spring boxes, ponds, lakes, reservoirs, and estuaries. "Watercourse" does not include road ditches.

SECTION 4. Section 12022 is added to Chapter 1 of Division 9 of the Fish and Game Code, to read:

12022. (a) Any designated government employee or registered professional forester who obtains information in the course of his or her duties revealing the discharge or threatened discharge of material in violation of Article 4 (commencing with Section 5850) of Chapter 2 of Part 1 of Division 6 shall, within seventy-two (72) hours of obtaining the information, disclose that information to the board of supervisors and the regional water quality control board having jurisdiction over the area in which the alleged violation occurred. No disclosure of information is required under this subdivision when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(b)(1) Any designated government employee or registered professional forester who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (a) shall, upon conviction, be punished by imprisonment in the county jail for not more than one year, in state prison for not more than three years, or by a fine of not less than five thousand dollars (\$5000) or more than twenty-five thousand dollars (\$25,000), or by both that imprisonment and fine.

(2) The employment of a government employee who is convicted of a felony for violating this Section shall be terminated when the trial court judgment is entered.

(3) Upon entry of the trial court judgment of a felony conviction of a registered professional forester for violating this section, the license of that registered professional forester shall be forfeited for a period of not less than five (5) years.

(c) All reports made pursuant to this Section shall be public records pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and no exemption from disclosure shall apply.

(d) (1) For the purposes of this Section, the following definitions shall apply:

(A) “designated government employee” means a “designated employee” as defined in Section 82019 of the Government Code.

(B) “registered professional forester” means a “professional forester” registered pursuant to Article 3 (commencing with Section 750) of Chapter 2.5 of Division 1 of the Public Resources Code.

(2) For the purpose of paragraphs (2) and (3) of subdivision (b), “trial court judgment” means a judgment by the trial court either sentencing the person or otherwise upholding and implementing the plea, verdict, or finding.

SECTION 5. Section 4563 is added to Article 5 of Chapter 8 of Part 2 of Division 4 of the Public Resources Code to read:

Section 4563(a). Notwithstanding any other provision of law, except as otherwise provided by this section, clearcutting of timber is prohibited.

(b) For the purposes of this section, “clearcutting” means any timber harvest operation in which the post-harvest area retains less than 100 square feet of basal area at breast height per acre on any area greater than two (2) acres in size. Clearcutting does not include any of

the following:

(1) Harvesting of Christmas trees or Eucalyptus trees;

(2) Emergency sanitation of damaged, insect-infested or diseased trees that pose an imminent threat to human health or safety;

(3) Emergency road repairs;

(4) Fire breaks, fire roads, and rights-of-ways not to exceed 30 feet in width; or

(5) Timber operations on timberland owned or controlled by a single entity which owns or controls a total of 40 acres or less. For purposes of this section, an “entity” shall include an individual, organization, partnership, joint venture, corporation, or limited liability company, and any parent or subsidiary of any such entity.

SECTION 6. Section 5030 is added to Article 3 of Chapter 1 of Part 4 of Division 5 of

the Public Resources Code to read:

Section 5030. Heritage Trees.

(a) The People of the State of California find and declare that ancient and old growth trees are rare and irreplaceable resources that make an invaluable contribution to the natural and historical heritage of California.

(b) All trees in California that are known or likely to have been living on the date on which California became a state are hereby declared to be “Heritage Trees” and historical resources and are subject to the provisions of this Article.

(c) In addition to the requirements of Section 4582 of the Public Resources Code, each timber harvesting plan must specifically and individually identify each Heritage Tree that will be cut, felled, harvested, destroyed, or otherwise damaged during timber operations.

(d) In addition to the requirements of subsection (c) of this section, no timber harvesting plan may be accepted for filing, approved, or deemed approved unless, at least 30 days prior to the date on which the timber harvesting plan is accepted for filing, the timber owner, as defined in Section 4527.5 of the Public Resources Code, has notified the public of the total number, species, and diameter at breast height of each Heritage Tree required to be identified pursuant to subsection (c) of this section. This notice shall require, at a minimum, a quarter page display advertisement, in 15 point type or larger, in at least the largest daily circulation newspaper(s) in both the county in which the Heritage Tree or Heritage Trees are to be cut, and the State.

(e) When a timber owner sells a log or logs from Heritage Trees, that timber owner shall provide notice to the purchaser that the log is from a Heritage Tree.

(f) Any person that mills lumber from a Heritage Tree shall affix to each piece of lumber milled from a Heritage Tree a permanent seal or stamp which shall be of legible size and typography and shall state the following: This lumber was milled from a California Heritage Tree.

(g) Subsections (c),(d), and (e) of this section shall apply only to timber owners who own or control 2000 acres or more of timberland, or who have rights to harvest timber on 2000 acres or more of timberland, as defined in section 4526 of the Public Resources Code.

SECTION 7. Section 4592.5 is added to Article 7 of Chapter 8 of Part 2 of Division 4 of the Public Resources Code to read:

Section 4592.5. No timber harvesting plan shall be accepted for filing, approved, or deemed approved unless the department, the appropriate regional water quality control board, the Department of Fish and Game, and the Division of Mines and Geology have been fully compensated by the timber owner or operator for the actual costs incurred in administering and

enforcing this Article, including but not limited to developing regulations, monitoring compliance, and reviewing timber harvesting plans. The department shall adopt a schedule of timber harvest plan filing fees adequate to meet the requirements of this section. Fees shall be increased in proportion both to the timber volume proposed to be removed and to the acreage of land upon which timber is proposed to be harvested.

SECTION 8. Section 4518 is added to Article 7 of Chapter 8 of Part 2 of Division 4 of the Public Resources Code to read:

Section 4518. Notwithstanding any other provision of law, no funds from the General Fund shall be appropriated or expended to pay for any direct or indirect costs of timber operations on private lands.

SECTION 9. All references to California Code Sections that existed prior to the enactment of this Act are to those sections as they read on January 1, 1998.

SECTION 10. If any provision of this initiative or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the initiative which can be given effect without the invalid provision or application, and to this end the provisions of this initiative are severable.

SECTION 11. To further the purposes of this Act, this Act shall be construed broadly.

