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FOREST STEWARDSHIP SERIES 20

Laws and Regulations Affecting Forests, Part II: Activities Other Than Timber Harvesting

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Objective

Understand the laws and regulations affecting uses and activities other than timber harvesting on forest land.

Competencies

- Understand which activities are regulated by state and local agencies.
- Familiarity with sources of information on regulatory requirements and procedures.

Related Forest Stewardship Series Publications

- *Stewardship Objectives and Planning*, ANR Publication 8248
- *Forest Taxation, Estate Planning, and Conservation Easements*, ANR Publication 8252
- *Professional Assistance*, ANR Publication 8254
- *Technical and Financial Assistance*, ANR Publication 8253
- *Laws and Regulations Affecting Forests, Part I: Timber Harvesting*, ANR Publication 8249

If you own or manage rural property, are drilling a well, building a road, or developing a home site, you may be subject to a number of county, state, and federal laws and regulations. It is advisable to be informed about potential permitting requirements prior to committing a great deal of time to planning and design. In some cases, advance consultation with regulatory agencies will disclose mandatory standards that must be met for a project to go forward.

For any project involving land development, the first screening should be the zoning and general plan designations for the site. These will specify standards such as minimum lot size, setbacks, allowable building coverage, and so forth. Zoning and general plan designations can be determined through consultation with the county planning department.

This publication provides a very general summary of land management and use regulations. These regulations vary by county and region of the state. Therefore, a landowner should always check with local sources on the applicability of the various laws and regulations.

ACTIVITIES SUBJECT TO REGULATION

California counties have jurisdiction over home site, water development, road construction and maintenance, and development standards for properties. State agencies such as the California Department of Fish and Game (DFG), the State Water Resources Control Board (SWRCB), and Regional Water Quality Control Boards (RWQCBs) may be involved in activities affecting surface and groundwater and streams or ponds. Federal agencies will rarely be directly involved in land development or use except when listed threatened or endangered species are involved, or in the case of the Army Corps of Engineers, when specified wetlands may be impacted.

[Table 1](#) summarizes a variety of land management activities and who should be consulted in each case.



Table 1. Summary of possible project activities, financial assistance, resource considerations, and permits required

Activity	Required permits	Contact	Resource considerations	Availability of financial assistance
build a home or outbuilding	variable; at minimum, building permit	county planning and/or building department	geology, fire hazard, access, utilities, ecological impacts, property lines, etc.	no
install a septic system	septic system permit	county environmental health department	water pollution, soil conditions, slope	no
drill a well or develop a water source for domestic or irrigation use	wells commonly require permits; surface water development may require acquisition of water rights	SWRCB Division of Water Rights; county environmental health department	water quality for human health, water quantity	no
close or gate a road	none	depends on access agreements with neighbors	emergency and neighbor access	no
install or replace a culvert or bridge or divert a stream (fish not present)	county grading permit may be required; 1600 agreement; potential for permits from RWQCB and Corps of Engineers	county planning and/or public works or building department; DFG	water quality, fisheries and aquatic impacts	depends; cost-share programs are available for some activities
install or replace a culvert or bridge or divert a stream (fish present)	county grading permit may be required; 1600 agreement; potential for permits from RWQCB and Corps of Engineers; if listed fish species present, consultation with FWS or NMFS required	county planning and/or public works or building department; DFG	water quality, fisheries and aquatic impacts	depends; cost-share programs available for some activities
reconstruct a road, or grade or surface it	county grading permit may be required; disturbance >1 acre is subject to regulation by RWQCB to prevent nonpoint source pollution	county planning and/or public works or building department, DFG, RWQCB	sedimentation, fisheries and aquatic impacts, dust, fire access, weight of vehicles, water quality, sensitive species	depends; cost-share programs available for some activities
any activity in or near a stream	1600 permit	DFG (some counties have regulatory authority as well)	water quality, fisheries and aquatic impacts	yes
build a pond or lake	depends on size and water rights	SRWCB Division of Water Rights; DFG	water quality, sensitive species, sedimentation, dam strength	depends; cost-share programs available for some activities
mine gravel in a floodplain versus a quarry	surface mining permit from county; 1600 permit	county planning department; DFG	water quality, sensitive species	no
conduct a controlled burn or prescribed fire	burn permit; smoke management plan	CAL FIRE; local fire district	air pollution, liability for escaped fire	depends; cost-share programs available for some activities
reduce fuels mechanically	if for timber sale, a THP may be required	CAL FIRE	archeological, sensitive species, silvicultural issues, wildfire risk	yes

Table 1, cont.

Activity	Required permits	Contact	Resource considerations	Availability of financial assistance
reduce fuels with herbicides	permit may be required (depends on chemical used)	agricultural commissioner and/or RWQCB	archeological, sensitive species, silvicultural, wildfire risk and water quality	no
spray weeds	permit may be required (depends on chemical used)	depends on herbicide used; check with agricultural commissioner	silvicultural, wildlife, water quality	yes, if target is exotic
spray insects	permit required (depends on chemical used)	depends on pesticide used; check with agricultural commissioner	silvicultural, wildlife, water quality; disease management	yes, if target is exotic and an epidemic
hunt deer, elk, or bear	hunting license for regular season; depredation permit can be issued for out-of-season needs	DFG; county animal control	wildlife issues	no
control wildlife pests (skunks, squirrels, gophers, raccoons, moles)	none unless chemicals or traps are used that require permits	county animal control, county agriculture commissioner	sensitive species, population dynamics	no

RESPONSIBILITIES OF COUNTY, STATE, AND FEDERAL AGENCIES

County Agencies

Your local government contains many helpful resources, including

- planning departments that draft general plans, review development projects, evaluate lot line adjustments, and administer county ordinances and zoning
- building departments that issue building and grading permits
- environmental health departments that ensure water quality for new wells and domestic water sources
- agricultural commissioners that offer disease and pest management assistance, noxious weed control, and pesticide regulation

In most counties, resource conservation districts (RCDs) have been established. These are independent, often volunteer-run organizations that help coordinate activities among landowners and local, state, and federal agencies to promote conservation of land, water, forests, and wildlife. For more information, see the California Association of Resource Conservation Districts Web site, <http://www.carcd.org>.

The University of California Cooperative Extension (UCCE) has 64 California county-based offices that bring the University's research-based information to all California residents. More than 400 campus-based specialists and county-based farm, home, and youth advisors work as teams to develop and deliver practical solutions for local problems. Their efforts range from technical forestry, farm, and water conservation research to nutrition education. For more information, see the UCCE Web site, <http://www.ucanr.org>, and the UCCE Forestry Web site, <http://www.CNR.Berkeley.EDU/departments/espm/extension>.

State Agencies

California state agencies that may have oversight over your activities include the following.

- Air Resources Board (ARB), <http://www.arb.ca.gov/>, delegates air pollution control to local air pollution districts, which enforce air pollution standards, including issuing burn permits and regulating agricultural waste concerns.

- California Geologic Survey (CGS), <http://www.consrv.ca.gov/CGS/>, formerly known as California Division of Mines and Geology, evaluates seismic and slope stability issues for home, road, and timber harvesting projects.
- Department of Fish and Game (DFG), <http://www.dfg.ca.gov/>, conserves the state's fish, wildlife, and botanical resources. They regulate land management activities that affect these resources, such as harvesting timber, altering a stream by building a road, or hunting. In addition, DFG offers a number of assistance programs for landowners.
- Department of Food and Agriculture (DFA), <http://www.cdfa.ca.gov/>, promotes safety and trade for the state's agriculture through disease and pest management, noxious weed control, and pesticide regulation. The county agriculture commissioners (see above) are the local agents for the department.
- Department of Forestry and Fire Protection (CAL FIRE), <http://fire.ca.gov/>, provides fire protection and regulates timber harvest on the state's private forest lands. CAL FIRE offers a number of landowner assistance programs.
- Department of Pesticide Regulation (DPR), <http://www.cdpr.ca.gov/>, licenses and certifies pesticide dealers, pest control advisers, and pest control businesses and applicators. The county agriculture commissioner issues pesticide applicators permits.
- Department of Water Resources (DWR), <http://www.water.ca.gov/>, manages the water resources for all of California's water needs through coordination of water allocation.
- State Water Resources Control Board (SWRCB), <http://www.swrcb.ca.gov/>, protects the quality of the state's water resources and allocates water rights. They oversee nine regional water quality control boards (RWQCBs), which develop basin plans, implement total maximum daily loads (TMDLs), issue waste discharge permits, enforce water quality standards, and take regulator action against violators.

Federal Agencies

- NOAA's National Marine Fisheries Service (NMFS), <http://www.nmfs.noaa.gov/>, protects endangered and threatened marine life and marine mammals, along with the ecosystems upon which they depend, under the Endangered Species Act and the Marine Mammal Protection Act. For example, they manage the recovery of listed salmonid species at the federal level, but they are not substantively involved in the timber harvest permit process in California.
- U.S. Army Corps of Engineers (USACE), <http://www.usace.army.mil/>, oversees activities that take place in streams or wetlands regulated by the Clean Water Act.
- U.S. Fish and Wildlife Service (FWS), <http://www.fws.gov/>, conserves, protects and enhances fish and wildlife and their habitats under the Endangered Species Act. FWS is generally involved in the harvest permit implementation process for forest landowners when there are issues, for example, such as northern spotted owls.
- USDI Bureau of Land Management (BLM), <http://www.blm.gov/>, manages 270 million acres nationally of primarily nonforested public lands, mostly in the western United States. They can permit use of their land for activities such as grazing, mining, and recreation.
- USDA Farm Services Agency (FSA), <http://www.fsa.usda.gov/>, helps farmers conserve land and water resources, provides credit to disadvantaged farmers or ranchers, and helps farmers recover from disasters. They work closely with the Natural Resource Conservation Service (NRCS) to administer these assistance programs.
- USDA Forest Service (FS), <http://www.fs.fed.us/>, manages 190 million acres of forested public lands. There are 17 National Forests in California. They offer state and private forestry assistance programs and can permit use of National Forest land for activities such as grazing, recreation, and firewood harvesting.

- USDA Natural Resource Conservation Service (NRCS), <http://www.nrcs.usda.gov/>, formerly known as the Soil Conservation Service, works with private landowners, farmers, and ranchers to provide technical and financial assistance for soil and water resource conservation. They sponsor the county resource conservation districts (RCDs) and are responsible for the soil survey. NRCS soil surveys and maps are available online at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- US Geological Survey (USGS), <http://www.usgs.gov/>, develops topographical maps of the nation's land that can be purchased for your use.

THE VALUE OF PLANNING

It is a good idea for forest landowners to have a management plan. Even a very general plan will help you think through what resources you have, what your management objectives are, and the steps you need to take to meet those objectives.

There are many kinds of plans to help guide your land management decisions. The simplest you may prepare yourself or with input from agency personnel. For complex plans you may need to contract for the services of a registered professional forester (RPF).

If you prepare a forest stewardship plan addressing the management of your forest, it is of utmost importance to consider and accommodate all uses that you plan to make of your property. Siting of homes, roads, water systems, and other proposed uses should be designed to be compatible with forest management objectives.

ASSISTANCE PROGRAMS

Many assistance programs are available for landowners, sponsored by both the state and the federal government. Assistance is available in the form of cost-share programs; local, state, and federal agency programs; and free or low-cost publications for everything from forest and habitat improvement to fuel reduction projects. A number of state and federal grant programs also exist to encourage various kinds of restoration projects on private lands. Some programs are available to individual landowners, some to larger ownerships. Funding sources and availability change from year to year, so check periodically to see what is available.

In some cases, funding is made available only to groups. There are several ways you might qualify for such funds: as part of a watershed group, as a homeowners' association, as a local fire safe council, and so on. Again, your forester or public agency representative may be able to help you navigate the maze of requirements and show you how to qualify for a program appropriate to your needs.

Most counties in the state have a resource conservation district (RCD), many of which now have watershed coordinators who can help you. Each RCD is different, but all focus on the management of local natural resources. Typically, members of RCD boards are local natural resource managers from the public and private sector as well as private landowners and other interested individuals. RCDs sometimes have existing grants that you as an individual landowner can participate in. It is worth a call to your local RCD to see if they have any ongoing projects you might become involved in. For more information, visit the California Association of Resource Conservation Districts' Web site, <http://www.carcd.org/wisp>, or call the Forest Stewardship Helpline at 1-800-738-8733 or your local UC Cooperative Extension Office (for the office near you, see the UC ANR Web site, <http://ucanr.org/ce.cfm>).

The California Forest Stewardship Program (FSP) assists landowners in managing their forestland through education programs, information regarding cost-share programs, and a quarterly newsletter for family forest landowners, *Forestland Steward*, which is available for free online at the Forest Stewardship Program Web site, <http://ceres.ca.gov/foreststeward/>. Forest stewardship and other workshops and courses are listed in the *Forestland Steward* newsletter.

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