

**Legal Analysis of the Conflicts Between the California Environmental Quality Act and the Forest Practices Act:
A Comparison of California, Washington and Federal Law**

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Abstract

Timber harvesting on private and state-owned land in California is subject to both the Z'berg Nagedly Forest Practices Act ("FPA") and to most of the provisions of the California Environmental Quality Act ("CEQA"). The interaction of those two statutory schemes has been the subject of controversy and significant litigation. In order to better evaluate how the environmental review of timber harvesting functions in California, and to better consider its efficacy, this paper compares that process to two other regulatory schemes: the federal system and the laws of Washington state.

Under federal law, which governs timber harvesting on federal lands, timber harvesters must comply with the National Environmental Policy Act ("NEPA"), as well as with several other, more specific statutes, including the National Forests Management Act of 1976 ("NFMA"). The NFMA requires that the Forest Service develop Land and Resource Management Plans for each forest that it has jurisdiction over. Those plans govern, among other issues, the amount and type of timber harvest within the forest. An Environmental Impact Statement ("EIS") must be prepared, considered and approved for each Land and Resource Management Plan. Through that process, environmental impacts, cumulative impacts, mitigation measures and alternatives are considered.

The environmental review process of Washington state is more limited than either the federal process or the California state process. Washington has a "little NEPA" statute, the State Environmental Policy Act of 1971 ("SEPA"). But the Washington Forest Practices Act provides for numerous categorical exemptions to the EIS requirement of SEPA and does not mandate the evaluation of individual timber-harvesting projects for substantial environmental impacts. Non-exempt operations, however, must provide a full-scale EIS. In California, in contrast, there are many fewer exemptions, but no timber operations are required to go through the full Environmental Impact Report process, but can instead provide a more abbreviated Timber Harvest Plan.

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