

Legal Analysis of the Conflicts Between the California Environmental Quality Act and the Forest Practices Act: An Analysis of the Case Law

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Abstract

This paper provides an historic overview of litigation involving timber harvest plans in California following the enactment of the California Environmental Quality Act ("CEQA" and the Z'Berg Nejedly Forest Practice Act ("FPA") in the early 1970's. Since that time, judicial review of agency action under state forestry and environmental laws has centered on a number of recurring concerns, including the adequacy of cumulative environmental impact assessments, evaluation and mitigation of impacts on wildlife, perceived violations of agency authority and abuse of discretion, and the applicability of CEQA to timber harvest operations on private lands. This paper categorizes litigation within these areas for ease of review and analysis, discussing the courts' disposition of cases and evolving judicial interpretations of statutory and regulatory authority governing forest practices over the past twenty years.

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