

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1300

Introduced by Assembly Member Fletcher

February 27, 2009

An act to add and repeal Chapter 3.1 (commencing with Section 4310) of Part 2 of Division 4 of the Public Resources Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Fletcher. Fire protection: vegetation management: pilot program.

Existing law creates the Department of Forestry and Fire Protection within the Natural Resources Agency, and the department is responsible for 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.

This bill would require the department to establish and implement a vegetation management pilot program *until January 1, 2013*. The bill would require the department to choose up to 10 applicant communities based upon specified criteria and provide to those communities incentives for fire prevention vegetation management projects by paying *up to \$20 per ton, as specified*, for bone dry vegetation removed from the pilot program communities during fire prevention projects. The bill would require the department to seek funding from specified sources, as available for fire prevention projects, and would limit the

department’s administrative costs for selecting projects and preparing a report that would be submitted to the Legislature to no more than 15% of the value of the projects grant amount for each project selected.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.1 (commencing with Section 4310) is
 2 added to Part 2 of Division 4 of the Public Resources Code, to
 3 read:

4
 5 CHAPTER 3.1. VEGETATION MANAGEMENT PILOT PROGRAM

6
 7 4310. The goals of the vegetation management pilot program
 8 established pursuant to this chapter are as follows:

9 (a) To provide incentives for fire prevention in and around
 10 communities by making the material removed during vegetation
 11 management projects for fire prevention worth more to biomass
 12 facilities, thereby offsetting more of the cost of doing the work.

13 (b) To determine if a small incentive payment on the final
 14 disposition of the vegetation materials would statistically increase
 15 the amount of fire prevention vegetation management work done.

16 4311. (a) Notwithstanding any other law, the department shall
 17 establish a vegetation management pilot program to provide
 18 incentives for fire prevention vegetation management projects in
 19 selected communities by paying up to twenty dollars (\$20) per ton
 20 for bone dry vegetation removed from the pilot program
 21 communities during fire prevention projects and accepted by a
 22 biomass energy facility. *The fee shall be paid pursuant to the*
 23 *following considerations:*

24 (1) *Fifteen dollars (\$15) per bone dry ton for communities that*
 25 *are located up to 20 miles away from a biomass energy facility.*

26 (2) *Eighteen dollars (\$18) per bone dry ton for communities*
 27 *that are located 20 to 30, inclusive, miles away from a biomass*
 28 *energy facility.*

29 (3) *Twenty dollars (\$20) per bone dry ton for communities that*
 30 *are located more than 30 miles away from a biomass energy*
 31 *facility.*

1 (b) The department shall take any action necessary, in its best
2 discretion, to implement the pilot program.

3 (c) The community taking part in the pilot program shall work
4 with a biomass energy facility to dispose of the vegetation materials
5 collected, including transportation of the materials.

6 (d) The department, in its best judgment when reviewing the
7 applications and based upon the funding available for the term
8 necessary to complete the projects in each community selected,
9 shall choose up to 10 applying communities for inclusion in the
10 pilot program. All of the following criteria shall be used in the
11 selection process:

12 ~~(1) The community, or region where the program is taking place,~~
13 ~~is within a _____-mile radius of a biomass energy facility.~~

14 ~~(2)~~

15 (1) The community is a Firewise community, has a community
16 wildfire protection plan approved by a public fire agency, or can
17 otherwise show a concerted and dedicated effort towards wildfire
18 prevention.

19 ~~(3)~~

20 (2) The community has a written plan in place to reach full
21 compliance with existing defensible space requirements.

22 ~~(4)~~

23 (3) The community has made significant strides towards
24 reaching compliance with existing defensible space requirements
25 and has “buy-in” from the local firefighting agency.

26 ~~(5)~~

27 (4) The community has significant wildland urban interface
28 areas.

29 ~~(6)~~

30 (5) The vegetation in the community poses a high hazard,
31 including, but not limited to, chaparral or forested areas.

32 ~~(7) The types of vegetation surrounding the community are~~
33 ~~appropriate for use as fuel in the biomass energy facility within~~
34 ~~_____ miles of the program area.~~

35 ~~(8)~~

36 (6) The community has a local Fire Safe Council or other entity
37 in place that is willing and able to organize the actual project work
38 and manage the funding ~~the~~ that comes through the pilot program.

39 ~~(9)~~

1 (7) The department may also use other criteria it deems
2 appropriate to choose between two otherwise similarly eligible
3 communities after considering all of the requirements set forth in
4 paragraphs (1) to ~~(8)~~ (6), inclusive.

5 ~~(10)~~

6 (8) The department shall consider choosing communities for
7 the pilot program that are geographically widespread throughout
8 the state, but only after considering all of the requirements set forth
9 in paragraphs (1) to ~~(9)~~ (7), inclusive.

10 ~~4312. (a) The department shall seek funding for the pilot~~
11 ~~program from the following sources, to the extent the funds are~~
12 ~~available for fire prevention efforts:~~

13 ~~(1) Fire Safe Council grants dedicated to fire prevention efforts.~~

14 ~~(2) Sierra Nevada Conservancy grants dedicated to fire~~
15 ~~prevention efforts.~~

16 ~~(3) California Tahoe Conservancy grants dedicated to fire~~
17 ~~prevention efforts.~~

18 ~~(4) Other state, federal, or private funds dedicated to fire~~
19 ~~prevention efforts.~~

20 *4312. (a) The department shall seek funding for the pilot*
21 *program from new state, federal, or private funds dedicated to fire*
22 *prevention efforts, to the extent the funds are available for those*
23 *efforts.*

24 (b) The pilot program projects shall not be funded through the
25 General Fund.

26 4313. The department shall report to the Legislature, no later
27 than six months after the completion of the final project of the
28 program, regarding the effectiveness of the program and whether
29 its goals were met.

30 ~~4314. (a) The department’s administrative costs for selecting~~
31 ~~projects and preparing the report required under Section 4313 shall~~
32 ~~not exceed more than 15 percent of the value of the projects grant~~
33 ~~amount for each project selected. The department may choose to~~
34 ~~waive its administrative costs in order to fund more fire prevention~~
35 ~~projects.~~

36 ~~(b) For the purposes of this section, “value of the projects~~
37 ~~selected” means _____.~~

38 4315. This chapter shall remain in effect only until _____
39 *January 1, 2013*, and as of that date is repealed, unless a later

1 enacted statute, that is enacted before _____ *January 1, 2013*, deletes
2 or extends that date.

O