

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2465**

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**Introduced by Assembly Member Chesbro**

February 21, 2014

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An act to add ~~Section 4495 to Article 4 (commencing with Section 4495) to Chapter 7 of Part 2 of Division 4 of the Public Resources Code, relating to forestry.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2465, as amended, Chesbro. Burning of lands: private burns.

Existing law authorizes any person, firm, or corporation, or any combination thereof, that owns or controls brush-covered land within a state responsibility area to apply to the Department of Forestry and Fire Protection for permission to burn the brush from the land. Existing law requires the department to provide advisory service to applicants for burn permits as to the precautions to be taken by the applicant to prevent damage to the property of others by reason of the prescribed burning, and to provide standby fire protection, as available.

This bill would require the department, by July 1, 2015, in consultation with the State Air Resources Board and local air districts, ~~to, among other things,~~ to develop a page on the department's Internet Web site that provides certain information relating to prescribed burns, including information on the regulations that govern prescribed burns for forest fuel treatment, *and to develop a uniform prescribed burn template to assist a person conducting a prescribed burn, as provided.*

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. Section 4495 is added to the Public Resources~~  
2 ~~Code, to read:~~  
3 ~~4495.—~~

4 *SECTION 1. Article 4 (commencing with Section 4495) is*  
5 *added to Chapter 7 of Part 2 of Division 4 of the Public Resources*  
6 *Code, to read:*

7  
8 *Article 4. Forestland Fuel Hazard Reduction*  
9

10 *4495. The Legislature finds and declares all of the following:*

11 *(a) For millennia, fire has shaped and renewed the ecosystems*  
12 *of California’s forestlands. In many parts of the state, historical*  
13 *fire regimes were frequent, with fires occurring as often as every*  
14 *5 to 10 years. Some of these fires were naturally ignited by*  
15 *lightning, but fire was also an important tool for Native Americans,*  
16 *who used it to promote the growth of certain plants they relied on*  
17 *for food, medicine, and materials to make baskets, string, and*  
18 *shelter.*

19 *(b) For the last 100 to 150 years, states and the federal*  
20 *government have adopted fire suppression policies that have*  
21 *resulted in high fuel accumulations on forestlands. This has been*  
22 *reflected in the increasingly severe fire seasons in recent years*  
23 *with more acres burned, increased number of catastrophic fires,*  
24 *problematic containment and suppression, and increased financial*  
25 *costs.*

26 *(c) The 2013 Rim Fire demonstrated the dangers and cost of*  
27 *high fuel accumulations on forestlands. The Rim Fire burned more*  
28 *than 250,000 acres over a period of 69 days; caused at least*  
29 *hundreds of millions of dollars in economic and environmental*  
30 *damage; destroyed significant habitat for a number of California’s*  
31 *rarest animals; blanketed large swaths of northern California and*  
32 *northern Nevada with thick smoke; threatened reservoirs, such as*  
33 *Hetch Hetchy; and demanded more than \$125 million in*  
34 *firefighting costs. The fire caused the Governor to declare states*  
35 *of emergency in the counties of Tuolumne, Mariposa, and San*

1 *Francisco and the President of the United States to make a Major*  
2 *Disaster Declaration. According to federal forest ecologists, the*  
3 *Rim Fire’s exponential growth was tied to a century’s worth of*  
4 *fuel left behind due to historic policies of fire suppression. The*  
5 *lack of fire over the years had led to overgrown and unhealthy*  
6 *forests. In fact, the fire slowed only after hitting areas that had*  
7 *burned in the past two decades due to prescribed and natural*  
8 *burns.*

9 *(d) Many states and the federal government have been taking*  
10 *measures to increase the use of prescribed burning as a vegetation*  
11 *management tool to reduce the naturally occurring buildup of*  
12 *vegetative fuels on forestlands, thereby reducing the risk and*  
13 *severity of wildfires and lessening the loss of life and property.*  
14 *The United States Fish and Wildlife Service, Bureau of Indian*  
15 *Affairs, National Parks Service, United States Forest Service,*  
16 *Bureau of Land Management, and United States Fire*  
17 *Administration are part of an interagency strategy that has adopted*  
18 *direction and guidance for prescribed burn planning and*  
19 *implementation. These agencies have created a formal prescribed*  
20 *fire plan template as part of this effort. Moreover, several states*  
21 *have laws that promote prescribed burning and approximately*  
22 *one-half of the states in the country have prescribed fire councils.*

23 *(e) In addition to reducing the frequency and severity of*  
24 *wildfires, prescribed burning of forestlands helps to prepare sites*  
25 *for replanting and natural seeding, to control insects and diseases,*  
26 *and to increase productivity.*

27 *(f) Prescribed burning is often the most cost-effective, efficient*  
28 *fuel treatment option for forestlands. In some circumstances, costs*  
29 *may be a challenge when preburn thinning is required to avoid*  
30 *fire escape during burns. In California, some of these costs may*  
31 *be offset through existing timber harvest permit exemptions (for*  
32 *example, the Forest Fire Prevention Pilot Project Exemption) that*  
33 *allow landowners to harvest timber to offset the cost of thinning.*

34 *(g) While prescribed burning inherently creates wood smoke,*  
35 *this smoke pales in comparison to the air quality issues created*  
36 *by catastrophic wildfires. Therefore, by reducing the threat of*  
37 *catastrophic wildfires, prescribed burning can have net air quality*  
38 *benefits that are significant to protecting public health.*

39 *(h) Though prescribed burning is widely recognized as an*  
40 *effective, powerful management tool, it is complex in nature and*

1 *highly regulated. Successful implementation of prescribed burning*  
2 *requires careful planning, specific weather conditions, qualified*  
3 *crews, funding, public support, and the satisfaction of various laws*  
4 *and regulations. These variables can make it difficult for managers*  
5 *to utilize prescribed burning, and they often have to turn to more*  
6 *expensive, less efficient, and less ecologically appropriate*  
7 *management tools, stalling the overall pace and scale of treatment.*

8 *(i) To limit the threat of catastrophic wildfires and to improve*  
9 *forest health, it is a priority of the state to have an effective*  
10 *prescribed burning program that requires best management*  
11 *practices and utilizes the expertise of state agencies to ensure*  
12 *maximum benefits and protection for the environment and the*  
13 *public.*

14 *4496. In enacting this article, it is the intent of the Legislature*  
15 *to accomplish all of the following:*

16 *(a) The creation of a centralized source of information for forest*  
17 *landowners to assist them in using prescribed burning in a manner*  
18 *that does all of the following:*

19 *(1) Complies with existing laws and regulations.*

20 *(2) Utilizes best management practices to ensure the forest*  
21 *landowner exercises due diligence in controlling the burn.*

22 *(3) Maximizes benefits and protection for the environment and*  
23 *the public.*

24 *(b) The creation of a uniform prescribed burn template, modeled*  
25 *after the federal prescribed fire plan template, that forest*  
26 *landowners can utilize to conduct burns, that does all of the*  
27 *following:*

28 *(1) Complies with existing laws and regulations.*

29 *(2) Utilizes best management practices to ensure the forest*  
30 *landowner exercises due diligence in controlling the burn.*

31 *(3) Maximizes benefits and protection for the environment and*  
32 *the public.*

33 *4497. To assist landowners in conducting prescribed burns for*  
34 *the purpose of forest fuel treatment, the department, in consultation*  
35 *with the State Air Resources Board and local air districts, shall,*  
36 *no later than July 1, 2015, do all of the following:*

37 *(a) Develop a page on the department's Internet Web site that*  
38 *provides all of the following:*

39 *(1) Information on the regulations governing prescribed burns*  
40 *for forest fuel treatment.*

1 (2) Specific information about permissive burn days and no-burn  
2 days.

3 (3) The uniform prescribed burn template described in  
4 subdivision (b).

5 (4) Contact information for the offices at the department, State  
6 Air Resources Board, and local air districts that can assist a person  
7 who is interested in a prescribed burn for forest fuel treatment.

8 (5) Any other information that the department determines is  
9 appropriate regarding prescribed burns for forest fuel treatment.

10 (b) Develop a uniform prescribed burn template. The template  
11 shall provide assistance to a person, who is interested in conducting  
12 forest fuel treatment through a prescribed burn, to do all of the  
13 following:

14 (1) Use best management practices to ~~minimize~~ *ensure the*  
15 *exercise of due diligence in controlling the burn.*

16 (2) *Minimize* impacts to the environment and public health  
17 while maximizing the fire resiliency of the treated forest.

18 ~~(2)~~

19 (3) Obtain the appropriate regulatory approval from the  
20 department and local air districts.