

AMENDED IN SENATE AUGUST 18, 2014
AMENDED IN ASSEMBLY APRIL 21, 2014
AMENDED IN ASSEMBLY MARCH 28, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2465

Introduced by Assembly Member Chesbro

February 21, 2014

An act to add 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 Board~~, local air districts, *and other relevant organizations and individuals*, to develop ~~a page on the department's~~, *an Internet Web site that provides the public* 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, for forest landowners that provides standardized procedures associated with planning and implementation of a prescribed burn and meets specified objectives. The bill would authorize the department to contract with an institution of the University of California to perform any of these requirements.~~

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. Article 4 (commencing with Section 4495) is~~
2 ~~added to Chapter 7 of Part 2 of Division 4 of the Public Resources~~
3 ~~Code, to read:~~

4
5 ~~Article 4. Forestland Fuel Hazard Reduction~~

6
7 ~~4495. The Legislature finds and declares all of the following:~~

8 ~~SECTION 1.~~ (a) For millennia, fire has shaped and renewed
9 the ecosystems of California’s forestlands. In many parts of the
10 state, historical fire regimes were frequent, with fires occurring as
11 often as every ~~5~~ 3 to 10 years. Some of these fires were naturally
12 ignited by lightning, but fire was also an important tool for Native
13 Americans, who used it to promote the growth of certain plants
14 they relied on for food, medicine, and materials to make baskets,
15 string, and shelter.

16 (b) For ~~the last 100 to 150 years, more than a century,~~ states
17 and the federal government have adopted fire suppression policies
18 that have resulted in high fuel accumulations *and significant*
19 *ecological impacts* on forestlands. This has been reflected in the
20 increasingly severe fire seasons in recent years with more acres
21 burned, increased number of catastrophic fires, problematic
22 containment and suppression, ~~and increased financial costs:~~ *costs,*
23 *and reductions in resiliency and biodiversity of California’s*
24 *fire-adapted ecosystems. In addition, implementation of fire*
25 *suppression policies have impacted tribal communities throughout*
26 *the state, and continue to threaten cultural resources, practices,*
27 *ceremonies, and cultural identity.*

28 (c) The 2013 Rim Fire demonstrated the dangers and cost of
29 high fuel accumulations on forestlands. The Rim Fire burned more
30 than 250,000 acres over a period of 69 days; caused at least

1 hundreds of millions of dollars in economic and environmental
2 damage; destroyed significant habitat for a number of California’s
3 rarest animals; blanketed large swaths of northern California and
4 northern Nevada with thick smoke; threatened reservoirs, such as
5 Hetch Hetchy; and demanded more than \$125 million in
6 firefighting costs. The fire caused the Governor to declare states
7 of emergency in the Counties of ~~Tuolumne~~, Mariposa, ~~and San~~
8 ~~Francisco~~ *Francisco*, and *Tuolumne* and the President of the United
9 States to make a Major Disaster Declaration. According to federal
10 forest ecologists, the Rim Fire’s exponential growth was tied to a
11 century’s worth of fuel left behind due to historic policies of fire
12 suppression. The lack of fire over the years had led to overgrown
13 and unhealthy forests. In fact, the fire slowed only after hitting
14 areas that had burned in the past two decades due to prescribed
15 and natural burns.

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

30 (e) *Prescribed burning is recognized as an important tool in*
31 *the Department of Forestry and Fire Protection’s 2010 Strategic*
32 *Fire Plan for California. This plan includes the objective of*
33 *increasing “public education and awareness in support of*
34 *ecologically sensitive and economically efficient vegetation*
35 *management activities, including prescribed fire, forest thinning*
36 *and other fuels treatment projects.”*

37 (e)

38 (f) In addition to reducing the frequency and severity of
39 wildfires, prescribed burning of forestlands helps to prepare sites
40 for replanting and natural seeding, to control insects and diseases,

1 and to increase productivity. *It is also an important tool for*
2 *increasing the fire resilience and heterogeneity of California's*
3 *diverse landscapes, and for creating, restoring, and maintaining*
4 *critical habitats, resources, and ecosystem services.*

5 (f)

6 (g) Prescribed burning is often the most cost-effective, efficient
7 fuel treatment option for forestlands. In some circumstances, costs
8 may be a challenge when preburn thinning is required to avoid fire
9 escape during burns. In California, some of these costs may be
10 offset through existing timber harvest permit exemptions (for
11 example, the Forest Fire Prevention Pilot Project Exemption) that
12 allow landowners to harvest timber to offset the cost of thinning
13 *or burning.*

14 (g)

15 (h) While prescribed burning inherently creates wood smoke,
16 this smoke pales in comparison to the air quality issues created by
17 catastrophic wildfires. Therefore, by reducing the threat of
18 catastrophic wildfires, prescribed burning can have net air quality
19 benefits that are significant to protecting public health.

20 (i) *Forest ecosystems are crucial for absorbing and storing*
21 *atmospheric carbon; however, catastrophic wildfires impede the*
22 *forest's ability to sequester carbon. Accelerating the pace and*
23 *scale of prefire treatments, such as prescribed fire, promises to*
24 *help modify future wildfire impacts and thus protect our forests'*
25 *ability to sequester carbon.*

26 (h)

27 (j) Though prescribed burning is widely recognized as an
28 effective, powerful management tool, it is complex in nature and
29 highly regulated. Successful implementation of prescribed burning
30 requires careful planning, specific weather conditions, qualified
31 crews, funding, public support, and ~~the satisfaction of~~ *compliance*
32 *with* various laws and regulations. These variables can make it
33 difficult for managers to utilize prescribed burning, and they often
34 have to turn to more expensive, less efficient, and less ecologically
35 appropriate management tools, stalling the overall pace and scale
36 of treatment.

37 (i)

38 (k) To limit the threat of catastrophic wildfires and to improve
39 forest health, it is a priority of the state to have an effective
40 prescribed burning program that ~~requires best management~~

1 ~~practices and utilizes the expertise of state agencies to ensure~~
 2 ~~maximum benefits and protection for the environment and the~~
 3 ~~public. is crafted by prescribed burning experts at state public~~
 4 ~~universities, state agencies, and other relevant organizations. It~~
 5 ~~is also a priority of the state that its prescribed burning program~~
 6 ~~should assist forest landowners in exercising due diligence to~~
 7 ~~control prescribed burning so as to prevent fire escape. By~~
 8 ~~promoting due diligence, the state will be protecting the public,~~
 9 ~~reducing the risk of landowner liability, and taking steps to~~
 10 ~~encourage more responsible prescribed burning.~~

11 SEC. 2. Article 4 (commencing with Section 4495) is added to
 12 Chapter 7 of Part 2 of Division 4 of the Public Resources Code,
 13 to read:

14
 15 *Article 4. Forestland Fuel Hazard Reduction*

16
 17 ~~4496.~~

18 4495. (a) In enacting this article, it is the intent of the
 19 Legislature to ~~accomplish all of the following:~~ *establish a*
 20 *centralized source of information that will assist forest landowners*
 21 *in doing all of the following when planning and implementing*
 22 *prescribed burning on forestlands:*

23 ~~(a) The creation of a centralized source of information for forest~~
 24 ~~landowners to assist them in using prescribed burning in a manner~~
 25 ~~that does all of the following:~~

26 ~~(1) Complies~~

27 ~~(1) Obtaining the required permits for prescribed burning.~~

28 ~~(2) Complying with existing laws and regulations.~~

29 ~~(2) Utilizes best management practices to ensure the forest~~
 30 ~~landowner exercises~~

31 ~~(3) Exercising due diligence in controlling the burn. to control~~
 32 ~~prescribed burning so as to prevent fire escape.~~

33 ~~(3) Maximizes~~

34 ~~(4) Maximizing~~ benefits and protection for the environment
 35 and the public.

36 ~~(b) The creation of~~ *It is also the intent of the Legislature to*
 37 *establish a uniform prescribed burn template, modeled after the*
 38 *federal prescribed fire plan template, that forest landowners can*
 39 *utilize to conduct burns, that does all of the following: template*
 40 *for forest landowners that provides standardized procedures*

1 *associated with the planning and implementation of prescribed*
2 *burning and meets the objectives of subdivision (a).*
3 ~~(1) Complies with existing laws and regulations.~~
4 ~~(2) Utilizes best management practices to ensure the forest~~
5 ~~landowner exercises due diligence in controlling the burn.~~
6 ~~(3) Maximizes benefits and protection for the environment and~~
7 ~~the public.~~
8 ~~4497.~~
9 ~~4496. (a) To assist landowners in conducting prescribed burns~~
10 ~~for the purpose of forest fuel treatment, the department, in~~
11 ~~consultation with the State Air Resources Board and local air~~
12 ~~districts, shall, no later than July 1, 2015, do all department shall,~~
13 ~~no later than July 1, 2015, develop both of the following:~~
14 ~~(a) Develop a page on the department's~~
15 ~~(1) An Internet Web site that provides the public all of the~~
16 ~~following:~~
17 ~~(1)~~
18 ~~(A) Information on the regulations governing prescribed burns~~
19 ~~for forest fuel treatment.~~
20 ~~(B) Information on how to obtain the appropriate regulatory~~
21 ~~permits for prescribed burns for forest fuel treatment.~~
22 ~~(2) Specific~~
23 ~~(C) A link to the Prescribed Fire Information Reporting System~~
24 ~~and any other relevant information about permissive burn days~~
25 ~~and no-burn days. days that the State Air Resources Board and~~
26 ~~the local air districts deem are appropriate to provide publicly.~~
27 ~~(3)~~
28 ~~(D) The uniform prescribed burn template described in~~
29 ~~subdivision (b) paragraph (2).~~
30 ~~(4)~~
31 ~~(E) Contact information for the offices at the department, State~~
32 ~~Air Resources Board, and local air districts districts, and any other~~
33 ~~relevant entity that can assist a person who is interested in~~
34 ~~conducting a prescribed burn for forest fuel treatment.~~
35 ~~(F) If the department deems appropriate, the contact information~~
36 ~~of organizations and individuals that the department recognizes~~
37 ~~as qualified or certified to assist landowners in conducting~~
38 ~~prescribed burns.~~
39 ~~(5)~~

1 (G) Any other information that the department determines is
2 appropriate regarding prescribed burns for forest fuel treatment.

3 ~~(b) Develop a~~

4 ~~(2) A uniform prescribed burn template. The template shall~~
5 ~~provide assistance to a person, who is interested in conducting~~
6 ~~forest fuel treatment through a prescribed burn, to do all of the~~
7 ~~following: template for forest landowners that provides~~
8 ~~standardized procedures associated with the planning and~~
9 ~~implementation of a prescribed burn and meets the objectives of~~
10 ~~subdivision (a) of Section 4495.~~

11 ~~(1) Use best management practices to ensure the exercise of~~
12 ~~due diligence in controlling the burn.~~

13 ~~(2) Minimize impacts to the environment and public health~~
14 ~~while maximizing the fire resiliency of the treated forest.~~

15 ~~(3) Obtain the appropriate regulatory approval from the~~
16 ~~department and local air districts.~~

17 ~~(b) The department may contract with an institution within the~~
18 ~~University of California with an expertise in fire research and~~
19 ~~outreach to perform any of the requirements of subdivision (a).~~

20 ~~(c) The development of the Internet Web site and the uniform~~
21 ~~prescribed burn template pursuant to subdivision (a) shall be done~~
22 ~~in consultation with the State Air Resources Board, local air~~
23 ~~districts, and other relevant organizations and individuals.~~

24

25

26 **CORRECTIONS:**

27 **Text—Page 2.**

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