Assembly Bill No. 2465

Passed the Assembly August 21, 2014

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Chief Clerk of the Assembly

Passed the Senate August 20, 2014

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Secretary of the Senate

This bill was received by the Governor this _____ day of _____, 2014, at _____ o'clock ___M.

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Private Secretary of the Governor

CHAPTER _____

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, 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, local air districts, and other relevant organizations and individuals, to develop, 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 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.

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

SECTION 1. (a) For millennia, fire has shaped and renewed the ecosystems of California's forestlands. In many parts of the state, historical fire regimes were frequent, with fires occurring as often as every 3 to 10 years. Some of these fires were naturally ignited by lightning, but fire was also an important tool for Native Americans, who used it to promote the growth of certain plants

they relied on for food, medicine, and materials to make baskets, string, and shelter.

(b) For more than a century, states and the federal government have adopted fire suppression policies that have resulted in high fuel accumulations and significant ecological impacts on forestlands. This has been reflected in the increasingly severe fire seasons in recent years with more acres burned, increased number of catastrophic fires, problematic containment and suppression, increased financial costs, and reductions in resiliency and biodiversity of California's fire-adapted ecosystems. In addition, implementation of fire suppression policies have impacted tribal communities throughout the state, and continue to threaten cultural resources, practices, ceremonies, and cultural identity.

(c) The 2013 Rim Fire demonstrated the dangers and cost of high fuel accumulations on forestlands. The Rim Fire burned more than 250,000 acres over a period of 69 days; caused at least hundreds of millions of dollars in economic and environmental damage; destroyed significant habitat for a number of California's rarest animals; blanketed large swaths of northern California and northern Nevada with thick smoke; threatened reservoirs, such as Hetch Hetchy; and demanded more than $125 million in firefighting costs. The fire caused the Governor to declare states of emergency in the Counties of Mariposa, San Francisco, and Tuolumne and the President of the United States to make a Major Disaster Declaration. According to federal forest ecologists, the Rim Fire's exponential growth was tied to a century's worth of fuel left behind due to historic policies of fire suppression. The lack of fire over the years had led to overgrown and unhealthy forests. In fact, the fire slowed only after hitting areas that had burned in the past two decades due to prescribed and natural burns.

(d) Many states and the federal government have been taking measures to increase the use of prescribed burning as a vegetation management tool to reduce the naturally occurring buildup of vegetative fuels on forestlands, thereby reducing the risk and severity of wildfires and lessening the loss of life and property. The United States Fish and Wildlife Service, Bureau of Indian Affairs, National Parks Service, United States Forest Service, Bureau of Land Management, and United States Fire Administration are part of an interagency strategy that has adopted direction and guidance for prescribed burn planning and

implementation. These agencies have created a formal prescribed fire plan template as part of this effort. Moreover, several states have laws that promote prescribed burning and approximately one-half of the states in the country have prescribed fire councils.

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

(f) In addition to reducing the frequency and severity of wildfires, prescribed burning of forestlands helps to prepare sites for replanting and natural seeding, to control insects and diseases, and to increase productivity. It is also an important tool for increasing the fire resilience and heterogeneity of California's diverse landscapes, and for creating, restoring, and maintaining critical habitats, resources, and ecosystem services.

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

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

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

(j) Though prescribed burning is widely recognized as an effective, powerful management tool, it is complex in nature and highly regulated. Successful implementation of prescribed burning

requires careful planning, specific weather conditions, qualified crews, funding, public support, and compliance with various laws and regulations. These variables can make it difficult for managers to utilize prescribed burning, and they often have to turn to more expensive, less efficient, and less ecologically appropriate management tools, stalling the overall pace and scale of treatment.

(k) To limit the threat of catastrophic wildfires and to improve forest health, it is a priority of the state to have an effective prescribed burning program that is crafted by prescribed burning experts at state public universities, state agencies, and other relevant organizations. It is also a priority of the state that its prescribed burning program should assist forest landowners in exercising due diligence to control prescribed burning so as to prevent fire escape. By promoting due diligence, the state will be protecting the public, reducing the risk of landowner liability, and taking steps to encourage more responsible prescribed burning.

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

Article 4. Forestland Fuel Hazard Reduction

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

(1) Obtaining the required permits for prescribed burning.

(2) Complying with existing laws and regulations.

(3) Exercising due diligence to control prescribed burning so as to prevent fire escape.

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

(b) It is also the intent of the Legislature to establish a uniform prescribed burn template for forest landowners that provides standardized procedures associated with the planning and implementation of prescribed burning and meets the objectives of subdivision (a).

4496. (a) To assist landowners in conducting prescribed burns for the purpose of forest fuel treatment, the department shall, no later than July 1, 2015, develop both of the following:

(1) An Internet Web site that provides the public all of the following:

(A) Information on the regulations governing prescribed burns for forest fuel treatment.

(B) Information on how to obtain the appropriate regulatory permits for prescribed burns for forest fuel treatment.

(C) A link to the Prescribed Fire Information Reporting System and any other relevant information about permissive burn days and no-burn days that the State Air Resources Board and the local air districts deem are appropriate to provide publicly.

(D) The uniform prescribed burn template described in paragraph (2).

(E) Contact information for the offices at the department, State Air Resources Board, and local air districts, and any other relevant entity that can assist a person who is interested in conducting a prescribed burn for forest fuel treatment.

(F) If the department deems appropriate, the contact information of organizations and individuals that the department recognizes as qualified or certified to assist landowners in conducting prescribed burns.

(G) Any other information that is appropriate regarding prescribed burns for forest fuel treatment.

(2) A uniform prescribed burn template for forest landowners that provides standardized procedures associated with the planning and implementation of a prescribed burn and meets the objectives of subdivision (a) of Section 4495.

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

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

Approved _____, 2014

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Governor