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AB-1712 Private burning of lands. (2017-2018)

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Assembly Bill No. 1712

CHAPTER 93

An act to amend Sections 4491, 4492, 4493, and 4494 of, and to amend the heading of Article 3 (commencing with Section 4491) of Chapter 7 of Part 2 of Division 4 of, the Public Resources Code, relating to forestry.

[Approved by Governor July 21, 2017. Filed with Secretary of State July 21, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, Committee on Natural Resources. Private burning of lands.

Existing law provides that cooperation by the Department of Forestry and Fire Protection with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands, which has as its objective, among other things, the prevention of high intensity wildland fires, is a public purpose.

This bill would instead provide that cooperation by the department with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands or to help meet wildland management goals, which has as its objective, among other things, restoring ecological integrity and resilience, community wildfire protection, carbon resilience, and enhancement of culturally important resources, is a public purpose.

Existing law authorizes a person, firm, or corporation, as provided, that owns or controls brush-covered land within a state responsibility area to apply to the department for permission to burn the brush from the lands.

This bill would instead authorize a person, firm, or corporation, as provided, that owns or controls forest land, woodland, grassland, or shrubland within a state responsibility area to apply to the department for permission to use prescribed burning for the public purposes described above.

The bill would also make conforming and technical changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The heading of Article 3 (commencing with Section 4491) of Chapter 7 of Part 2 of Division 4 of the Public Resources Code is amended to read:

Article 3. Private Burning of Lands Under Permit

SEC. 2. Section 4491 of the Public Resources Code is amended to read:

4491. (a) Cooperation by the department, as provided in this article, with a person desiring to use prescribed burning as a means of converting brush-covered lands into forage lands or to help meet wildland management goals, which has as its objective the

prevention of high intensity wildland fires, watershed management, range improvement, vegetation management, forest improvement, wildlife habitat improvement, restoring ecological integrity and resilience, community wildfire protection, carbon resilience, enhancement of culturally important resources, and maintenance of air quality, or any combination thereof, is declared to be for a public purpose.

(b) This article shall be administered by the director or, if responsibility therefor is delegated by the director, by the chief of a county fire department in a county contracting with the department pursuant to Section 4129.

(c) In furtherance of this article, the department shall provide advisory service to applicants for permits as to precautions to be taken by the applicant to prevent damage to the property of others by reason of the prescribed burning, and shall provide standby fire protection, to the extent the personnel, fire crews, and firefighting equipment are available.

SEC. 3. Section 4492 of the Public Resources Code is amended to read:

4492. A person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area may apply to the department for permission to utilize prescribed burning for those public purposes set forth in subdivision (a) of Section 4491. The application shall be on a form prescribed by the department and shall contain a description of the lands and other pertinent information that the department may require.

SEC. 4. Section 4493 of the Public Resources Code is amended to read:

4493. Upon receipt of an application, the department shall inspect the land in company with the applicant to determine whether a permit shall be granted, shall prescribe the manner in which the site for the prescribed burning shall be prepared, and shall require any precautions to be taken by the applicant as may be considered reasonable to prevent damage to the property of others by reason of the burning. The precautions shall, if deemed necessary, include the advance preparation of firebreaks and the firefighting equipment and personnel desirable to conduct the prescribed burning.

SEC. 5. Section 4494 of the Public Resources Code is amended to read:

4494. Upon the conclusion of the examination provided for in Section 4493, the department may issue to the applicant a burning permit that shall specify the site preparation requirements and required precautions to be exercised prior to and during the burning. The issuance of a permit by the department does not relieve the permit holder from the duty of exercising due diligence to avoid damage to property of others in conducting the burning of vegetation as authorized by the permit.