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AB-297 Wildfires: local assistance grant program: prescribed grazing: advance payments. (2023-2024)

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Assembly Bill No. 297

CHAPTER 519

An act to amend Sections 4124 and 4124.5 of, and to add Section 4004.5 to, the Public Resources Code, relating to fire prevention.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 297, Vince Fong. Wildfires: local assistance grant program: prescribed grazing: advance payments.

Existing law requires the Department of Forestry and Fire Protection to establish a local assistance grant program for fire prevention activities, defined to include grazing activities, and home hardening education activities. Under existing law, eligible grant activities include public education outreach activities, as provided. Under existing law, the Director of Forestry and Fire Protection may, until January 1, 2024, authorize advance payments from a grant program award, not to exceed 25% of the total grant award, except as specified.

This bill would change the definition of fire prevention activities to include prescribed grazing, as defined. The bill would expand allowable public education outreach activities to include training on prescribed grazing. The bill would also indefinitely extend the director's authority to authorize advance payments from a grant program award, as provided, and conform a cross-reference to existing law.

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

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

SECTION 1. Section 4004.5 is added to the Public Resources Code, to read:

4004.5. "Prescribed grazing" means the lawful application of grazing by a specific kind of livestock at a determined season, duration, and intensity to accomplish defined vegetation or conservation goals, including reducing the risk of wildfire by reducing fuel loads, controlling undesirable or invasive plants, and promoting biodiversity and habitat for special status species. Prescribed grazing may involve any or multiple kinds of livestock.

SEC. 2. Section 4124 of the Public Resources Code is amended to read:

4124. For the purposes of this article, "fire prevention activities" means those lawful activities that reduce the risk of wildfire in California, including, but not limited to, mechanical vegetation management, prescribed grazing, prescribed burns, creation of defensible space, and retrofitting of structures to increase fire resistance.

SEC. 3. Section 4124.5 of the Public Resources Code is amended to read:

4124.5. (a) The department shall establish a local assistance grant program for fire prevention and home hardening education activities in California. Groups eligible for grants shall include, but are not limited to, local agencies, resource conservation districts, fire safe councils, the California Conservation Corps, certified community conservation corps as defined in Section 14507.5, University of California Cooperative Extension, the Board of Commissioners under California Volunteers described in Section 8411 of the Government Code, Native American tribes, and qualified nonprofit organizations. The department may establish a cost-share requirement for one or more categories of projects.

(b) (1) The local assistance grant program shall establish a robust year-round fire prevention effort in and near fire-threatened communities that focuses on increasing the protection of people, structures, and communities. To the maximum extent practicable, the grants shall be designed to be durable and adaptively managed so that while improving resiliency to wildfire, the projects, when on forest land, retain a mixture of species and sizes of trees to protect habitat values. The department shall prioritize, to the extent feasible, projects that are multiyear efforts.

(2) For purposes of this subdivision, "fire-threatened communities" means those communities in high and very high fire hazard severity zones, identified by the State Fire Marshal pursuant to Section 51178 of the Government Code, or Article 9 (commencing with Section 4201) of this code, or on the "Fire Risk Reduction Community" list maintained by the board pursuant to Section 4290.1.

(c) Eligible activities shall include, but not be limited to, all of the following:

(1) Development and implementation of public education and outreach programs. Programs may include technical assistance, workforce recruitment and training, and equipment purchases.

(2) Fire prevention activities as defined in Section 4124.

(3) Projects to improve compliance with defensible space requirements as required by Section 4291 through increased inspections, assessments, and assistance for low-income residents.

(4) Technical assistance to local agencies to improve fire prevention and reduce fire hazards.

(5) Creation of additional "Firewise USA" communities in the state or other community planning or certification programs deemed as appropriate by the department.

(6) Projects to improve public safety, including, but not limited to, access to emergency equipment and improvements to public evacuation routes.

(7) Vegetation management along roadways and driveways to reduce fire risk. Where appropriate, the Department of Transportation shall be consulted if state infrastructure will be affected. Those projects shall remain consistent with paragraph (1) of subdivision (b).

(8) Public education outreach regarding making homes and communities more wildfire resilient, including training on defensible space and prescribed grazing.

(9) Projects to reduce the flammability of structures and communities to prevent their ignition from wind-driven embers.

(10) Development of a risk reduction checklist for communities that includes defensible space criteria, structural vulnerability potential, and personal evacuation plans.

(d) The department may consider the fire risk of an area, the geographic balance of projects, and whether the project is complementary to other fire prevention or forest health activities when awarding local assistance grants.

(e) (1) The director may authorize advance payments from a grant awarded pursuant to this section. The advance payment shall not exceed 25 percent of the total grant award. The director may authorize a greater amount, not to exceed 50 percent of either the total grant award or the cost of equipment or supplies, whichever amount is less, for the purpose of purchasing necessary equipment or supplies.

(2) The grantee shall expend the funds from the advance payment within six months of receipt, unless the department waives this requirement.

(3) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

(f) Until July 1, 2025, the department may authorize advance payments on a grant awarded under this section in accordance with subdivision (d) of Section 11019.1 of the Government Code.

(g) The department may expand or amend an existing grant program to meet the requirements of this section.

(h) Funding for the local assistance grant program created pursuant to this section shall be made upon appropriation by the Legislature.