

BOARD OF FORESTRY AND FIRE PROTECTION

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**EXECUTIVE OFFICER'S REPORT ON PENDING LEGISLATION**

As of 02/26/2019

Board Business**[AB 1222, Flora, As Introduced](#)****Status: May be heard in committee March 24**

Existing law establishes the State Board of Forestry and Fire Protection consisting of 9 members appointed by the Governor, subject to confirmation by the Senate, and requires that all members of the board be appointed, selected, and approved for appointment on the basis of their educational and professional qualifications and general knowledge pertaining to watershed management, forest management practices, fish and wildlife, range management, forest economics, or land use planning. Existing law also requires that 5 members of the board be selected from the general public, 3 members be selected from the forest products industry, and one member be selected from the range livestock industry, as specified.

This bill would increase to 6 the number of members of the board required to be selected from the general public, thereby increasing the total member of members to ten.

Forestry**[AB 144, Aguiar-Curry, As Introduced](#)****Status: First Read on 1/7/19; referred to Assembly Committee on Natural Resources**

Existing law declares that a thriving in-state forest products sector provides public benefits, including employment opportunities in both rural and urban areas, and economic development for rural communities. Existing law establishes the Forest Health Task Force pursuant to a specified executive order issued by the Governor, and requires the task force or its successor entity, on or before July 1, 2020, in consultation with specified entities, to develop recommendations for the siting of additional wood product manufacturing facilities in the state. Existing law specifies that it is the intent of the Legislature, in developing those recommendations, that the location and activities of the mass timber production facilities be, among other things, located in, or be proximate to, areas that are near the locations of large landscape fires, as described, and in areas identified as federal opportunity zones or in areas that have an average household income of 5% below the state's median household income.

This bill would recast the median household income threshold from 5% below to at or below 5% of the state's median household income.

[AB 1375, Bigelow, As Introduced](#)**Status: May be heard in Committee March 25**

The California Disaster Assistance Act provides that the state share for disaster project allocations to local agencies is no more than 75% of total state eligible costs, except for specified events for which the state share is up to 100% of state eligible costs.

This bill would provide that the state share for the removal of dead and dying trees in connection with the Governor's Proclamation of a State of Emergency issued on October 30, 2015, is no more than 90% of total state eligible costs.

Fire Protection

[AB 632, Galgiani, As Introduced](#)

Status: Waiting for committee assignment

This bill would, until a specified date, exempt from CEQA any activity or approval necessary for, or incidental to, actions that are consistent with the draft Program Environmental Impact Report for the Vegetation Treatment Program issued by the State Board of Forestry and Fire Protection in November of 2017.

Because a lead agency would be required to determine whether the above exemption is applicable to a project, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

[AB 616, Patterson, As Introduced](#)

Status: Referred to Committee on Natural Resources

Existing law requires the Department of Forestry and Fire Protection to implement various fire protection programs intended to protect forest resources and prevent uncontrolled wildfires.

This bill would require the department, in collaboration with the Natural Resources Agency and the California Environmental Protection Agency, to prepare and submit to the Legislature and the appropriate legislative policy and budget committees, on or before January 1, 2021, and by January 1 of each year thereafter, until January 1, 2025, a report on the progress made and policies and resources needed to achieve specified wildland fire prevention goals for fuel treatment and vegetation management in the state, as prescribed.

[SB 462, Stern, As Introduced](#)

Status: Pending Committee Assignment

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Under existing law, the board of governors appoints a chief executive officer, who is known as the Chancellor of the California Community Colleges.

This bill would require the Chancellor's Office of the California Community Colleges, working in collaboration with the Academic Senate for California Community Colleges, to establish a model curriculum for a forestland restoration workforce program that could be offered at campuses of the California Community Colleges. The bill would require the chancellor's office to distribute the model curriculum to community college districts no later than January 1, 2021, with the goal of enabling interested community college districts to offer the course to students beginning with the 2021–22 academic year.

The bill would provide that certified graduates of the forestland restoration workforce course would be eligible to matriculate into the prescribed fire teams of the California Department of Forestry and Fire Protection or into work with other compatible state and federal forest restoration efforts and related apprenticeship programs, as specified. The bill would require the chancellor's office, working in collaboration with the California Fire Science Consortium, to provide community college districts interested in offering the forestland restoration workforce course with information about fire advisors from the consortium who are qualified, willing, and available to be course instructors or to consult with those instructors.

[SB 515, Caballero, As Introduced](#)

Status: Pending committee assignment

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. The California Renewables Portfolio Standard Program requires the commission to establish a renewables portfolio standard requiring all retail sellers, including electrical corporations, to procure a minimum quantity of electricity products from eligible renewables energy resources, as defined, so that the total kilowatthours of those products sold to their retail end-use customers achieves 25% of retail sales by December 31, 2016, 33% by December 31, 2020, 44% by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. The program requires electrical corporations, by December 1, 2016, to collectively procure, through 5-year financial commitments, their proportionate share of 125 megawatts of cumulative

rated generating capacity from bioenergy projects commencing operation prior to June 1, 2013, and that each produces its generation using specified minimum percentages of certain types of forest feedstock. Pursuant to existing law, the commission has adopted resolutions establishing fuel or feedstock procurement requirements for generation from bioenergy projects intended to reduce wildfire risks that are applicable to the state's 3 largest electrical corporations.

This bill would expand the fuels and feedstocks that are eligible to meet these wildfire risk reduction fuel and feedstock requirements to include salvaged vegetation from wildlife clean up, biomass diverted from specified higher fire-risk zones, and biomass from commission-designated sources.

Land Use Planning

[SB 190, Dodd, As Introduced](#)

Status: Senate Committee on Governmental Organization & Senate Committee on Natural Resources and Water

(1) Existing law requires a person, as defined, who owns, leases, controls, operates, or maintains a occupied dwelling or occupied structure in, upon, adjoining specified types of land areas within a very high fire hazard severity zone to maintain defensible space around the structure fire protection or a firebreak, as specified. Existing law also requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures, as provided.

This bill would require the Office of the State Fire Marshal to develop, in consultation with representatives from local, state, and federal fire services, local government, building officials, utility companies, the building industry, and the environmental community, a model defensible space program to be made available for use by a city, county, or city and county in the enforcement of the defensible space provisions. The bill would set forth required components of the program.

(2) Existing law requires the Director of Forestry and Fire Protection to identify areas in the state, except as specified, as very high fire hazard severity zones based on specified criteria in order to enable public officials to identify measures that will retard the rate of spread and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property and to require that those measures be taken. Existing law requires the State Fire Marshal to prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones. Existing law also requires the State Fire Marshal to annually review, revise as necessary, and administer the California Fire Service Training and Education program. Existing law requires a local agency to designate, by ordinance, very high fire hazard severity zones within its jurisdiction.

This bill would require the Office of the State Fire Marshal to develop and make available on their internet website a Wildland-Urban Interface Fire Safety Building Standards Compliance training manual intended for use in the training of local building officials, builders, and fire service personnel. The bill would require the Office of the State Fire Marshal to develop a guidance document for the maintenance of defensible space around residential structures. The bill would also require the Office of the State Fire Marshal to develop and update on a regular basis a Wildland-Urban Interface Products handbook listing products and construction systems that comply with specified Wildland-Urban Interface Fire Safety building standards.

(3) Existing law establishes the Building Standards Administration Special Revolving Fund in the State Treasury. Existing law provides that moneys in the fund, which include building permit applicant fees, shall be available, upon appropriation, to the Office of the State Fire Marshal, among other state entities, for expenditure in carrying out various provisions relating to building and housing standards, as provided.

This bill would additionally provide that, upon appropriation, moneys in the fund may be available for purposes of carrying the requirements described in paragraphs (1) and (2).

[AB 394, Obernolte, As Introduced](#)

Status: Assembly Committee on Natural Resources

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would exempt from CEQA projects or activities recommended by the State Board of Forestry and Fire Protection that improve the fire safety of an existing subdivision if certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project or activity is exempt. The bill would require the lead agency to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project or activity will be located. Because the bill would impose additional duties on a lead agency, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

[SB 182, Jackson, As Introduced](#)

Status: Senate Committee on Governance and Finance

The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Existing law requires the housing element to be revised according to a specific schedule. Existing law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after January 1, 2020, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit plan, as specified. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

[AB 747, Levine, As Introduced](#)

Status: Pending committee assignment

The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires this general plan to include certain mandatory elements, including a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires the safety element to address, among other things, evacuation routes related to identified fire and geologic hazards.

This bill would require the safety element's address of evacuation routes to include their capacity under a range of emergency scenarios.

By increasing the duties of local government officials, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

[AB 191, Patterson, As Introduced](#)

Status: Referred to Assembly Committee on Housing and Community Development

Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation, including energy conservation and fire prevention requirements relating to energy efficiency and the installation of interior sprinklers.

This bill would, until January 1, 2030, exempt homes being rebuilt after wildfires or specified emergency events that occurred on or after January 1, 2017, from meeting certain current building standards.

[AB 1516, Friedman, As Introduced](#)

Status: Pending committee assignment

(1) Existing law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on specified criteria and the severity of the fire hazard. Existing law requires that a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. A repeated violation within a specified timeframe of those requirements is a crime.

This bill would require a person described above to utilize more intense fuel reductions between 5 and 30 feet around the structure, and to create a noncombustible zone within 5 feet of the structure. Because a violation of these provisions would be a crime or expand the scope of an existing crime, the bill would impose a state-mandated local program.

This bill would require each local agency having jurisdiction of property upon which conditions regulated by the defensible space provisions described above apply to report to the Department of Forestry and Fire Protection the number of inspections, enforcement actions, and estimated compliance rates with those provisions for the property within its jurisdiction. By imposing additional reporting requirements on local agencies, the bill would impose a state-mandated local program.

This bill would require the Department of Forestry and Fire Protection to (A) ensure the inspection of each known structure within a state responsibility area at least once every 3 years, (B) periodically review and provide spot checks of defensible space requirements compliance in areas where contract counties enforce those requirements within a state responsibility area or within a very high fire hazard severity zone designated by a local agency, (C) provide biannual training to applicable local officials on defensible space inspections, and (D) take all feasible steps to improve compliance with defensible space requirements.

This bill, in addition to other penalties in existing law, would subject a person, including a landowner, who is determined by the Department of Forestry and Fire Protection to be in violation of those defensible space requirements within a state responsibility area to an administrative civil penalty in an amount not to exceed the greater of \$500 or the cost to perform or contract for the work necessary to comply with those requirements, as provided. If a person fails to pay a penalty imposed by the department pursuant these provisions, the bill would authorize the department to record a lien on the property in the amount of the penalty assessed by the department, and would provide that, upon recordation, the lien shall have the force, effect, and priority of a judgment lien. The bill would establish the Defensible Space Penalty Fund in the State Treasury and would require penalties collected pursuant to these provisions to be deposited into that fund and to be expended, upon appropriation by the Legislature, for fire prevention work conducted by the department.

(2) Existing law requires the Department of Forestry and Fire Protection to develop, periodically update, and post on its internet website a guidance document on fuels management for purposes of very high fire hazard severity zones, as designated by a local agency, and requires the guidance document to include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species.

This bill would limit these native species, for purposes of the guidance document, to those that are fire resistant or drought tolerant, or both.

(3) Existing law provides that the Director of Forestry and Fire Protection may authorize the removal of vegetation that is not consistent with specified standards regarding defensible space, as provided.

This bill would require the director to, where feasible, use members of the California Conservation Corps or a local conservation corps to remove that vegetation.

(4) Existing law requires a person that owns, controls, operates, or maintains an electrical transmission or distribution line upon mountainous land, or in forest-covered land, brush-covered land, or grass-covered land, to maintain certain clearances between all vegetation and all conductors that are carrying electric current during those times and in those areas determined to be necessary by the Director of Forestry and Fire Protection or the agency with primary responsibility for the fire protection of those areas. A violation of this provision and other specified provisions relating to fire prevention requirements is a crime.

This bill would require the Department of Forestry and Fire Protection and the Public Utilities Commission, on or before January 31, 2021, to develop a guidebook of tree species that, if planted in the vicinity of electrical transmission and distribution lines, could not come into contact with conductors due to growth, anticipated wind conditions, or structural defects, or any of these, and would require the guidebook to contain recommended native vegetation to plant in the vicinity of electrical transmission and distribution lines and towers that provides habitat benefits. The bill would prohibit landowners, on or after January 31, 2021, from planting tree species in the vicinity of electrical transmission and distribution lines that have not been identified in, or in a location that would be inconsistent with, the provisions of that guidebook. The bill would prohibit landowners, on or after January 31, 2021, from planting vegetation near electrical transmission and distribution lines and towers that can encroach within 10 feet of overhead conductors at any time. Because a violation of those prohibitions on landowners would be a crime, the bill would impose a state-mandated local program.

This bill would provide that any person who owns, controls, operates, or maintains any electrical transmission or distribution line, the Public Utilities Commission, or the Department of Forestry and Fire Protection, after providing notice and an opportunity to be heard to the landowner, is authorized to access properties in which vegetation has been planted in violation of those prohibitions on landowners for purposes of removing that vegetation at the landowner's expense.

(5) Existing law sets forth findings and declarations of the Legislature relating to the benefits of the state's expertise in wildland fire prevention and vegetation management on forest, range, and watershed lands.

This bill would revise those findings and declarations of the Legislature.

(6) Existing law requires the Department of Forestry and Fire Protection to assist local governments in preventing future wildland fire and vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments to the extent possible within the department's budgetary limitations.

This bill instead would require the department to assist local governments in preventing future high intensity wildland fires and instituting appropriate fuels management by making its wildland fire prevention and vegetation management expertise and dedicated fuels reduction crews available to local governments to the extent possible within the department's budgetary limitations. The bill would explicitly define, for these purposes, "local governments" to include cities, counties, special districts, and water and electrical utilities. The bill would authorize the department to establish a cost-share or in-kind contribution requirement for any fuel reduction work conducted pursuant to these provisions, and would require the department to explore opportunities to use its dedicated fuel reduction crews for areas in proximity to common ignition sources, including, but not limited to, roadways, electrical infrastructure, and campgrounds.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Greenhouse Gas Reduction Fund Appropriations

AB 343, Patterson, As Introduced

Status: Referred to Committee on Natural Resources

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, defined to mean the cutting or removal, or both, of timber or other solid wood forest products from timberlands for commercial purposes, unless a timber harvesting plan prepared by a registered professional forester has been submitted for the operations to the Department of Forestry and Fire Protection. The act provides an exception from its provisions for timber operations that involve the removal of trees less than 16 inches in diameter at breast height from a firebreak or fuelbreak if the removal meets specified requirements, including the requirement that the removed trees will not be processed into logs or lumber.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation.

The Administrative Procedure Act generally governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. This bill would require the Natural Resources Agency to develop and implement a fuels transportation program that provides competitive grants or other financial incentives for projects in eligible communities to offset the costs of transporting fuels to a biomass energy facility, as specified. The bill would authorize the agency to allocate moneys from the Greenhouse Gas Reduction Fund consistent with the purposes of the fund. The bill would exempt these provisions from the Administrative Procedure Act.

AB 352, Garcia, As Amended

Status: Referred to Committee on Natural Resources

(1) The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

This bill, beginning July 1, 2020, would require state agencies administering competitive grant programs that allocate moneys from the Greenhouse Gas Reduction Fund to give specified communities preferential points during grant application scoring for programs intended to improve air quality, to include a specified application timeline, to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications, and to require grant eligibility and scoring criteria to define disadvantaged community consistent with specified allocation requirements of the Greenhouse Gas Reduction Fund so as not to preclude low-income communities, as defined, from applying for or being awarded a grant.

This bill, for competitive grant programs that involve housing, urban forestry, urban greening, or planning and that allocate moneys from the Greenhouse Gas Reduction Fund after July 1, 2020, would require state agencies administering those moneys from the Greenhouse Gas Reduction Fund to develop at least 3 categories for applications based on the total population and population density of where the proposed project is to be located and to develop scoring criteria for each category, as specified.

(2) Existing law requires the Department of Finance, in consultation with the state board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Existing law requires the moneys from the Greenhouse Gas Reduction Fund to be used to facilitate the achievement of reductions of greenhouse gas emissions consistent with the act and, among other things, to maximize economic, environmental, and public health benefits to the state.

This bill would additionally require the moneys in the Greenhouse Gas Reduction Fund to be used to facilitate the achievement of reductions of greenhouse gas emissions consistent with the act and to increase water supply resilience; reduce or prevent increases in transportation, energy, or fuel costs, particularly in disadvantaged communities; accelerate the development and implementation of low-carbon technology; reduce vehicle miles

traveled; promote zoning and development activities that increase public access to essential services or amenities; promote partnerships between multiple jurisdictions; promote climate change adaptation capacity; and improve community access to green space.

This bill also would require the department to include in an annual report to the Legislature specified information on the applications received for each grant program allocating moneys from the Greenhouse Gas Reduction Fund.

(3) Existing law creates the Transformative Climate Communities Program, which is administered by the Strategic Growth Council. Existing law requires the council to award competitive grants to specified eligible entities for the development and implementation of neighborhood-level transformative climate community plans that include greenhouse gas emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities, as defined. Existing law authorizes the council, when awarding grants under the program, to give priority to plans and projects that cover areas that have a high proportion of census tracts identified as disadvantaged communities and that focus on communities that are most disadvantaged.

This bill would additionally authorize the council, when awarding grants under the program, to give priority to plans and projects that are consistent with specified allocation requirements of the Greenhouse Gas Reduction Fund. The bill would prohibit the council when adopting the program's guidelines from limiting the geographic boundaries of a project to a number of square miles.