

# **CAL FIRE LAW ENFORCEMENT**

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# CAL FIRE

## Mission

The California Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California.

# CAL FIRE

## Statutory Authorities

PRC 714 - The department is responsible for all of the following:

- (a) Providing fire protection, fire prevention, pest control, and forest and range protection and enhancement implements and apparatus as necessary.
- (b) Maintaining an integrated staff to accomplish fire protection, fire prevention, pest control, and forest and range protection and enhancement activities as needed.
- (c) Establishing and maintaining facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities.
- (d) Enforcing forest and fire laws, the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511), Part 2, Division 4), and other laws specified in Division 4 commencing with Section 4001).

# CAL FIRE

## Statutory Authorities

PRC 4119 - The department, or its duly authorized agent, shall enforce the state forest and fire laws. The department may inspect all properties, except the interior of dwellings, subject to the state forest and fire laws, for the purpose of ascertaining compliance with such laws.

# Timberland Conversion

Detection and Enforcement

# Means of Enforcement

- The penalties and remedies which are prescribed in this chapter [Chapter 8, Z'Berg-Nejedly Forest Practice Act] are concurrent and alternative to any other civil, criminal, or administrative right, remedies, or penalties which are provided or allowed by law with respect to such violation. (PRC § 4529)
- The general means of enforcement available to the Department are identified in policy pursuant to CAL FIRE Handbook 5000, section 5502 and Public Resources Code (PRC) §4601 et seq. The eight means of enforcement are:
  - Prosecution as a misdemeanor,
  - Licensing action against a Licensed Timber Operator,
  - Licensing complaint against a Registered Professional Forester,
  - Board of Forestry corrective action (delegated to the Director)
  - Preliminary injunction,
  - Administrative civil penalty,
  - Infraction for specified code sections,
  - Administrative action including personal discussion with the timber owner, timber operator or agent, sending or handing of inspection reports accompanied by violation notices, warning letter, etc.

# CAL FIRE Policy

- The Director has determined that it is the department's policy to pursue vigorously the prompt and positive enforcement of the Forest Practice Act, the forest practice rules, related laws and regulations, and environmental protection measures applying to timber operations on the non-federally owned lands of the state. (CAL FIRE HB 5501)
- Inspections with a high probability of further law enforcement action or administrative action are the highest priority. These situations may be driven by public complaint or the likelihood of immediate, significant, and long-term harm to the resources of the State. (Assistant Deputy Director Shintaku, Memorandum, September 2009)



# Detection

- Response to citizen complaints regarding logging and timberland conversion.
- Individual agency assists.
- Detection in plain view

# Task Force Participation

- Participation as members of environmental task forces led by local government.
- Cooperating agencies include:
  - Sheriff's Departments
  - Probation Departments
  - District Attorney Offices
  - Building, Planning and Environmental Health
  - CAL FIRE
  - DFG
  - CHP
  - North Coast Regional Water Quality Control Board
  - U.S. Forest Service

# Where are we going from here?

- CAL FIRE continues to follow-up on complaints.
- CAL FIRE continues to participate in Task Forces designed to address similar environmental issues.
- CAL FIRE continues to address situational awareness in all programs.