

**BOARD OF FORESTRY AND FIRE PROTECTION**

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

As of 08/18/2016

**SB 937, as introduced, McGuire. Disaster relief: Lake County Fires.**

The California Disaster Assistance Act generally 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 add the forest fires that occurred in the County of Lake in 2015 to the list of events for which the state share of state eligible cost is up to 100%. This bill would declare that it is to take effect immediately as an urgency statute.

08/18/2016 Status	In Senate, held under submission
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**AB 1642, as introduced, Obernolte. State responsibility areas: fire prevention fees.**

Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas, as defined. Existing law requires that a fire prevention fee be charged on each habitable structure on a parcel that is within a state responsibility area, collected annually by the State Board of Equalization, in accordance with specified procedures, and specifies that the annual fee shall be due and payable 30 days from the date of assessment by the state board. Existing law authorizes a petition for redetermination of the fee to be filed within 30 days after service of a notice of determination, as specified.

This bill would extend the time when the fire prevention fee is due and payable from 30 to 60 days from the date of assessment by the State Board of Equalization and would authorize the petition for redetermination to be filed within 60 days after service of the notice of determination, as specified.

08/18/2016 Status	In Assembly, held under submission
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**SB 810, as introduced, Gaines. Unmanned aircraft: fire interference.**

Existing law makes it a misdemeanor to engage in disorderly conduct that delays or prevents a fire from being timely extinguished or to resist or interfere with the lawful efforts of a firefighter in the discharge of an official duty. Existing law makes it a misdemeanor to impede police officers, firefighters, emergency personnel, or military personnel, in the performance of their duties in coping with an emergency. This bill would make it unlawful to knowingly, intentionally, or recklessly operate an unmanned aircraft or unmanned aircraft system, as defined, in a manner that prevents or delays the extinguishment of a fire, or in any way interferes with the efforts of firefighters to control, contain, or extinguish a fire. The bill would make a violation of this prohibition punishable by imprisonment in a county jail not to exceed 6 months, by a fine not to exceed \$5,000, or by both that imprisonment and fine. By creating a new crime, this bill would impose a state-mandated local program.

08/18/2016 Status	In Senate Public Safety Committee
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[SB 1028, as amended, Hill. Electrical corporations: wildfire mitigation plans.](#)

This bill would require each electrical corporation, local publicly owned electric utility, and electrical cooperative to construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. The bill would require each electrical corporation and each local publicly owned electric utility or electrical cooperative to annually prepare a wildfire mitigation plan. The bill would require each electrical corporation to submit its plan to the commission and each local publicly owned electric utility or electrical cooperative to submit its plan to its governing board for approval, as specified. The bill would require the governing board of a local publicly owned electric utility or electrical cooperative to determine whether any portion of the geographical area where the utility's overhead electrical lines and equipment are located has a significant risk of catastrophic wildfire resulting from those electrical lines and equipment and, if so, would require the local publicly owned electric utility or electrical cooperative to annually present to the board for its approval those wildfire mitigation measures the utility intends to undertake to minimize the risk of its overhead electrical lines and equipment causing a catastrophic wildfire.

08/12/16 Status	Passed Assembly Appropriations Committee; ordered to third reading
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[AB 1589, as amended, Mathis. California Environmental Quality Act: exemption.](#)

This bill would, for the duration of a state of emergency proclaimed by the Governor due to drought conditions, exempt from the requirements of CEQA certain projects that are undertaken, carried out, or approved by a public agency to mitigate those drought conditions.

04/04/16 Status	Failed passage in Assembly Natural Resources, reconsideration granted
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[AB 2146, as amended, Patterson. Forestry and fire protection: greenhouse gas emissions.](#)

Existing law requires the Department of Forestry and Fire Prevention to implement various fire prevention programs intended to protect forest resources and prevent uncontrollable wildfires. The California Global Warming Solutions Act of 2006 requires that all moneys, except for fines and penalties, collected by the State Air Resources 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, for greenhouse gas emissions reduction activities. This bill would provide that an amount not to exceed \$200,000,000 from the fund shall be made available to the department, upon appropriation, for specified activities that reduce greenhouse gas emissions in the state caused by uncontrolled forest fires. The bill would authorize the department to use these funds to provide (1) payments to local governmental entities that carry out fire prevention activities; (2) incentives for actions by private parties to reduce the risk or intensity of wildfires or improve the resiliency of lands prone to wildfires; and (3) funding for the creation and implementation of partnerships between the department and the federal government to reduce the risk or intensity of wildfires or improve the resiliency of federal lands prone to wildfires. The bill would require the department to develop an accounting system to demonstrate that each project awarded funding will provide a long-term reduction of greenhouse gas emissions and to prioritize and fund projects based on the extent to which a project will maximize certain cobenefits, as prescribed.

05/27/2016	In Assembly, held under submission
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[AB 2162, as introduced, Chu. Oak Woodlands Protection Act.](#)

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The Oak Woodlands Conservation Act provides funding for the conservation and protection of California's oak woodlands. Any violation of the Fish and Game Code is a crime.

This bill would enact the Oak Woodlands Protection Act, which would prohibit a person from removing from an oak woodland, as defined, specified oak trees, unless an oak removal plan and oak removal permit application for the oak tree removal has been submitted to and approved by the Director of Fish and Wildlife.

By June, 30, 2016, the bill would require the Fish and Game Commission to adopt regulations to implement the act, including regulations establishing an oak removal permit application fee. The bill would require the fee to be deposited into the Oak Woodlands Protection Act Fund, as created by the bill. Moneys in the fund would be continuously appropriated to the department for purposes of paying the total costs incurred by the department in administering and enforcing the act, thereby making an appropriation.

02/29/2016 Status	Referred to Assembly Committee on Natural Resources
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[AB 1958, as introduced, Wood. Forest practices: oak woodlands.](#)

The Z'berg-Nejedly Forest Practice Act of 1973, which regulates timber harvesting, requires the State Board of Forestry and Fire Protection to divide the state into districts, taking into account differing characteristics, and to adopt, and continuously review and revise, district forest practice rules and regulations for each district in accordance with specified policies.

This bill would also, until 7 years after the effective date of regulations adopted by the board implementing the provisions of the bill, authorize the board to exempt a person cutting or removing trees in specified areas, ~~including through commercial harvest~~, to restore and conserve California black or Oregon white oak woodlands and associated grasslands, as specified.

This bill would define "growing of timber," for these purposes, to include restoration and conservation forest management activities, which may include the removal of commercial species, if necessary to achieve specific forest health and ecological goals, that are not conducted in conjunction with the cutting or removal of trees or other forest products during the conversion of timberlands to other uses.

08/18/2016 Status	Passed Senate Appropriations Committee; ordered to third reading
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[SB 1463, as amended, Moorlach. Electrical lines: mitigation of wildfire risks.](#)

This bill would require the Public Utilities commission, in consultation with the Department of Forestry and Fire Protection, to prioritize areas in which communities are at risk from the consequences of wildfires when determining areas in which it will require enhanced mitigation measures for wildfire hazards posed by overhead electrical lines and equipment. The bill would require the commission to develop a definition of "enhanced mitigation measures" for these purposes. The bill, as part of any findings supporting a decision to approve the boundaries for those areas, would require the commission

to describe how the commission incorporated the concerns of local governments, fire departments, or both in determining those boundaries.

08/18/2016 Status	Passed Assembly Appropriations Committee ; ordered to third reading
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[AB 1555, as amended, Gomez. Greenhouse Gas Reduction Fund.](#)

This bill would appropriate \$800,000,000 from the Greenhouse Gas Reduction Fund for the-2016–17 fiscal year to various state agencies in specified amounts for various purposes including, among other things, low carbon transportation and infrastructure, clean energy communities, wetland and watershed restoration, and carbon sequestration. The bill would state the intent of the Legislature to reserve \$150,000,000 from the fund to fund future legislative priorities.

(8) The amount of twenty-five million dollars (\$25,000,000) to the Department of Forestry and Fire Protection for urban forestry.

04/14/2016 Status	Assembly Budget Committee
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[AB 2779, as introduced, Rodriguez. California Conservation Camp program.](#)

Existing law declares the existence of the California Conservation Camp program to provide for the training and use of the inmates and wards assigned to conservation camps in furtherance of public conservation. Existing law requires, in order to effect the maximum possible conservation and development of natural resources for the benefit of people in the state, specified conservation projects to be undertaken by the California Conservation Camps. Existing law requires the various agencies concerned with conservation projects to consult with and advise each other to promote the conservation projects.

This bill would require the various agencies to consider and adopt incentives and programs necessary to ensure adequate inmate ward participation in conservation camps.

03/10/2016 Status	Assembly Committee on Natural Resources
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[SB 1136, as amended, Morrell. Fire prevention: state responsibility areas: report.](#)

Existing law requires the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee in amount not to exceed \$150 to be charged on each structure, defined as a building used or intended to be used for human habitation, on a parcel that is within a state responsibility area, as defined. Existing law requires the state board to adjust the fire prevention fee annually using prescribed methods, and requires the state board, until January 31, 2017, to report to the Legislature every January 31 on the status and uses of the fund.

This bill would extend to January 31, 2021, the time until which the state board is required to submit the report to the Legislature, and would additionally require that the report include specified information on each program, subprogram, and element for which the Department of Forestry and Fire Protection uses money generated from that fire prevention fee, and other information regarding fund expenditures, as provided.

08/18/2016 Status	August 11 hearing; held in Assembly Appropriations Committee under submission
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[SB 1402, as amended, Pavley. Low-carbon fuels.](#)

This bill would create the California Low-Carbon Fuels Incentive Program to be administered by the state board and the State Energy Resources Conservation and Development Commission, and would authorize moneys in the fund appropriated to the program to be used to provide incentives for the in-state production of low-carbon transportation fuels from new and existing facilities using sustainable feedstock, with priority to be given to projects benefitting disadvantaged communities.

08/18/2016 Status	In Senate, held under submission
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**SB 1043, as amended, Allen. Renewable gas: biogas and biomethane.**

This bill would require the state board to consider and, as appropriate, adopt policies to significantly increase the sustainable production and use of biogas, as defined, and, in so doing, would require the state board, among other things, to ensure the production and use of biogas provides direct environmental benefits and identify barriers to the rapid development and use of biogas and potential sources of funding. The bill would require the state board to develop and adopt a life-cycle accounting method for greenhouse gases and emissions of short-lived climate pollutants associated with biogas produced from forest biomass, as specified.

*(The Legislature finds and declares all of the following:...(e) Using forest biomass collected as part of a sustainable forestry plan can significantly reduce the risks and impacts of catastrophic wildfires, including black carbon emissions and air pollution, impacts on water supply and quality, impacts on utility and other infrastructure, threats to public safety and communities, impacts on fisheries and wildlife, and effects on precipitation.*

*HSC 39735 39735.*

*(a) For purposes of this section, the following terms have the following meanings:*

*(1) "Biogas" has the same meaning as defined in Section 25420, except that it does not include gas produced from forest biomass unless it is produced from forest waste remaining after all other reasonable forest products have been produced and it meets one or more of the following conditions:*

*(A) The waste was generated pursuant to the Governor's state of emergency proclamation issued on October 30, 2015.*

*(B) The waste was generated as a result of activities necessary to clear defensible space within 300 feet of a legally permitted structure.*

*(C) The waste was produced pursuant to an approved timber harvest plan, nonindustrial timber management plan, or working forest management plan that will increase the average stand diameter of residual crop trees, and the biogas produced from the waste will provide long-term reductions in greenhouse gas and emissions of short-lived climate pollutants pursuant to the life-cycle accounting method specified in subdivision (c).*

*(D) The waste was generated from fuel reduction or ecological forest restoration thinning activities on national forest land that increase stand heterogeneity, create openings of less than one acre, and increase the average stand diameter of residual trees....*

*(b) In order to meet the state's climate change, low-carbon fuel, renewable energy, landfill diversion, and wildfire reduction goals, the state board shall consider and adopt policies to significantly increase the sustainable production and use of renewable gas. In doing so, the state board shall do all the following:....*

*(5) Coordinate with the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, publicly owned utilities, the Department of Resources Recycling and Recovery, and the Department of Forestry and Fire Protection.)*

08/18/2016 Status	In Senate, held under submission
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**SB 805, as introduced, Committee on Natural Resources and Water. Natural resources.**

(3) Existing law requires the State Board of Forestry and Fire Protection to appoint a Range Management Advisory Committee and requires 2 members on the board to be from the general public, as provided, and for one member to be nominated by the Watershed Fire Council of Southern California. This bill would instead require 3 members to be from the general public, as provided, and would delete the nomination from the Watershed Fire Council of Southern California.

02/26/2016 Status	In committee
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[SB 1396, as amended, Wolk. Wildlife Conservation Board: Inner Coast Range Program.](#)

Existing law, the Wildlife Conservation Law of 1947, establishes the Wildlife Conservation Board in the Department of Fish and Wildlife. Under existing law, the board consists of the president of the Fish and Game Commission, the Director of Fish and Wildlife, and the Director of Finance. Existing law prescribes the board’s duties with regard to, among other things, real property acquisitions for property used for wildlife preservation and conservation purposes.

This bill would establish the Inner Coast Range Program with specified goal areas and authorization related to the Inner Coast Range Region, as defined. This bill would require the board to establish an advisory board for the program consisting of ~~representatives~~ *one representative of each* of *the* counties within the region and would authorize the board to invite certain legislators and representatives of *state and* federal agencies to participate as members on the advisory board. The bill would create the Inner Coast Range Program Fund in the State Treasury and would provide that moneys in the fund would be available, upon appropriation, for the purposes of the program.

The bill would require the board to make ~~an annual~~ *a biannual* report to the Legislature and to the Secretary of the Natural Resources Agency regarding expenditures, land, management costs, and administrative costs for the purposes of the program. The bill, by January 1, 2027, would require the board, in consultation with the advisory board, to review the program and issue a report to the relevant policy committees of the Legislature about the possible creation of a state conservancy for the Inner Coast Range Region.

08/18/2016 Status	Hearing canceled at request of author
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[AB 2029, as amended, Dahle. Timber harvesting plans: exemptions.](#)

The Z’berg-Nejedly Forest Practices Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, including the cutting or removal of trees in compliance with existing law relating to defensible space. In this regard, the act authorizes, until 3 years after the effective date of regulations adopted by the board, the Forest Fire Prevention Pilot Project Exemption if specified conditions are met, including that only trees less than 24 inches in stump diameter, measured at 8 inches above ground level, shall be ~~removed, no new road construction or reconstruction shall occur,~~ *removed* and the activities shall be conducted in those portions of 21 counties designated as the Sierra Nevada Region, as defined, in any part of 7 other counties, or in any combination of these areas. Existing law authorizes a registered professional forester in an emergency to file, on behalf of a timber owner or operator, a specified emergency notice with the department that allows for the immediate commencement of timber operations.

This bill would require the department and the board to review and submit a report to the Legislature, on or before December 31, 2017, on the trends in the use of, compliance with, and effectiveness ~~of~~ *of*, the above exemptions and emergency notice provisions and specified regulations. If the report is not submitted on or before that date, the bill would require specified legislative committees to hold a hearing to investigate why the report was not submitted. The bill would authorize the Forest Fire Prevention Pilot Project Exemption until January 1, ~~2023,~~ *2021*, and, on January 1, 2018, or upon the submission of the report, whichever occurs first,

would expand the exemption to instead permit the removal of trees less than 26 inches in stump diameter, measured at 8 inches above ground ~~level, allow the construction or reconstruction of temporary roads of 600 feet or less on slopes of 40 percent or less,~~ *level* and apply to activities anywhere within those 28 counties, or in any combination of those areas, as prescribed.

08/18/2016 Status	Passed Assembly Appropriations Committee; ordered to third reading
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