

California Senate Bill No. 1856 – Air Quality Maintenance Defined within the Agricultural Burning Definition under Prescribed Burning

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SUMMARY

Senate Bill (SB) 1856 (Bowen 2004) required that under the Agricultural Burning definition in the California Health and Safety Code, prescribed burning must meet one of seven objectives, which includes *air quality maintenance*. However, no definition of the term *air quality maintenance* was provided. In the legislative record, there was no detailed information on the intent and/or reason for the inclusion of *air quality maintenance* as an objective for conducting a prescribed burn. It appears that SB 1856's reference to an earlier bill SB 1001, from Senator Bowen's notes dated April 13, 2004, states that the current bill is a repeat of a bill introduced in 1999. The Senator noted that "the goal is to simply reconcile the different definitions of prescribed burning in the Health and Safety and Public Resources Codes. The primary change requires burning to be used to meet one of seven fairly broad objectives"¹ *air quality maintenance* is listed as the last one.

In reviewing SB 1001's legislative documents, *air quality maintenance* was listed as an important purpose of a prescribed burn project. This was taken from the Arguments in Support section of the Assembly Republican Bill Analysis, from the Natural Resources Committee. Including air quality was intended to enhance prescribed burn techniques, and furthermore reduce fire hazards. Thus, changing the definition of prescribed burning reconciled the competing and complementary reasons of prescribed burning, and also improved air quality.

While SB 1001 ultimately did not pass as a bill to change the definition of prescribed burning, therein lies the supporting documentation to provide further information on what was intended/implied by including *air quality maintenance*.

Accordingly, an appropriate definition of *Air Quality Maintenance* can be as follows:

Air Quality Maintenance: An objective in the use of prescribed burning (as per the definition in the Health and Safety Code Sections 39001 and 42311.2), having less smoke emissions occurring than a wildland fire (or wildfire) and resulting in reduced air quality impacts.

¹ Senate Committee on Natural Resources and Wildlife, SB 1856 (BOWEN) (2003-2004 Reg. Session) dated April 13, 2004 - https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=200320040SB1856 4/8/04 Senate Committee

The full review analysis of the legislative information is presented in the following sections.

BACKGROUND

In 2004, Senator Deborah Bowen introduced SB 1856, which was signed by Governor Arnold Schwarzenegger on September 22, that same year², changing the definition of Agricultural Burning in both the Health and Safety Code and the Public Resources Code (See Appendix 1).

The summary of this bill stated it was to create a uniform definition of “prescribed burning” in the Health and Safety Code and the Public Resources Code.

In the background information it states, According to the author’s office, the current definitions of “prescribed burning” are inconsistent and do not reflect the purposes of such a burn or how the[y] should be conducted. Establishing a consistent definition of “prescribed burning” among statutes that guide foresters and statutes that guide air quality regulators is a necessary first step toward reconciling often competing, but potentially complementary, objectives of prescribed burning and air quality.³

Four sections of California code were changed: Health and Safety Code Sections 39011 and 42311.2 and Public Resources Code Sections 4464 and 4475. These changes borrowed heavily from the Public Resources Code Section 4475 that defined prescribed burning for purposes of wildland vegetation management burning.

The primary change required that prescribed burning must meet one of seven objectives, listed in the Bill Analysis Section below, including *air quality maintenance*. However, no definition of the term *air quality maintenance* was provided. The purpose of this analysis is to provide clarity on what was intended with this phrase in the prescribed burning section of the agricultural burning definition, by researching the legislative record in order to discover the intent.

ONLINE LEGISLATIVE RECORD RESEARCH

Senate Bill SB 1856 Online (Internet) Resources

The first round of research of the SB 1865 bill analysis documents was from online resources. One of the primary changes to the definition from SB 1856 was to require prescribed burning to meet one of the following seven objectives:

1. Prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels
2. Watershed management
3. Range improvement
4. Vegetation management

² SB-1856 (BOWEN) Prescribed Burning Activities. (2003-2004 Reg. Session)
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB1856

³ Assembly Committee on Natural Resources Hearing June 14, 2004, SB 1856 (BOWEN) (2003-2004 Reg. Session), As Amended: May 5, 2004, pages 1 and 2

5. Forest improvement
6. Wildlife habitat improvement
7. Air quality maintenance

The first six objectives were clear, however the last, *air quality maintenance*, was not defined.

The following is a summary of the information researched in the on-line legislative record on SB 1856. The bill analysis has been broken into Committees along the bill's timeline.

Senate Committee on Natural Resources and Wildlife

SB 1856 was introduced in the 2003 – 2004 Regular Session with a Committee Hearing Date of April 13, 2004. The summary states,

“This bill provides a uniform definition of “prescribed burning” in four code sections and makes other technical changes.”⁴

The proposed law included the seven objectives as noted above. At the Senate Floor Analysis on May 4, 2004 – Second Reading, there was one comment that read:

Prescribed burning refers to a land management technique which involves planned combustion of excess understory, brush, and forest debris in order to maintain or restore forest health and to reduce the risks of wildland fires. In existing law, the author correctly determined that slight variations in the definitions of prescribed burning were being applied to four different categories of lands: agricultural lands, state responsibility areas, wildlands, and private lands or lands protected by local fire agencies. The Bill simply adopted a uniform definition of prescribed burning that applies to all four categories of lands.⁵

Senate Appropriations Committee

No comments were received.

The Bill's third reading in the Senate was approved, where it then moved to the Assembly.

⁴ Senate Committee on Natural Resources and Wildlife, SB 1856 (BOWEN) (2003-2004 Reg. Session,) Hearing Date April 13, 2004 -

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=200320040SB1856

⁵ Senate Rules Committee, Office of Senate Floor Analyses, SB 1856 (Bowen) (2003-2004 Reg. Session), May 4, 2004 - Second Reading

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=200320040SB1856

Assembly Committee on Natural Resources

The Assembly Republican Bill Analysis of the Natural Resource Committee Version May 5, 2004, under Comments, discussed that there was a nearly identical bill from 1999. The bill moved to the next Committee.

Assembly Appropriations Committee

The following comment was provided under the rationale for this bill:

Rationale: The author notes that the definition of "prescribed burning" that governs those activities on agricultural lands and areas in which the state is responsible for fire prevention and suppression is different from the definition and description that governs wildland vegetation management. By standardizing these definitions, the potential for confusion and conflict between foresters and air quality regulators, who operate under a different set of priorities and goals, should be reduced.⁶

Interestingly, there was a reference made to a prior bill but no number. Also, there was no mention of air quality, or any detailed information made on the term *air quality maintenance* by the Senate, Assembly, or their Committees. The SB 1865 bill analysis did not provide this detailed information.

CALIFORNIA STATE ARCHIVE FILES RESEARCH

The second round of research of the SB 1865 bill analysis documents took place at the California State Archives, Sacramento on August 8, 2019. Copies of the information reviewed for this document are available at the Placer County Air Pollution Control District.

Senate Bill SB 1856 Files

At the State Archives, the SB 1856 files from both the Senate Natural Resources and Wildlife and Appropriation Committees and Assembly Natural Resources and Appropriation Committees were requested for review.

Senate Natural Resources and Wildlife Committee

Unfortunately, this file was missing. Although this information was available online as previously discussed from the internet research.

Senate Appropriations Committee

No comments were received.

The Bill's third reading at the Senate was approved, then moved to the Assembly.

⁶ Assembly Committee on Appropriations, SB 1856 As Amended May 5, 2004 (BOWEN) (2003-2004 Reg. Session) Hearing Date: June 23, 2004

Assembly Committee on Natural Resources

The background section of the bill stated:

According to the author's office, the current definitions of "prescribed burning" are inconsistent and do not reflect the purposes of such a burn or how the[y] should be conducted. Establishing a consistent definition of "prescribed burning" among statutes that guide foresters and statutes that guide air quality regulators is a necessary first step toward reconciling often competing, but potentially complementary, objectives of prescribed burning and air quality.⁷

Arguments in Support of the Bill, from the Assembly Republican Bill Analysis of the Natural Resources Committee, stated:

According to the Senate analysis: Prescribed burning refers to a land management technique which involves planned combustion of excess understory, brush, and forest debris in order to maintain or restore forest health and to reduce the risks of wildland fires. In existing law, the author correctly determined that slight variations in the definitions of prescribed burning were applied to four different categories of lands: agricultural lands, state responsibility areas, wildlands, and private lands or lands protected by local fire agencies. The bill simply adopts a uniform definition of prescribed burning that applies to all four categories of lands.⁸

Further information on the previous bill, which had been introduced in 1999, was identified as SB 1001 and was included in the SB 1856 Assembly Republican Bill Analysis for the Natural Resource Committee. Comments in the background information stated:

This bill is almost identical to the 1999 bill by Sen. Bowen. It simply makes the definition of "prescribed burning" the same in various locations in the statutes. Prior to a "Gut & Amend" move by Senator Burton SB 1001 was eventually approved.⁹

(SB 1001 was the bill in 1999 which was changed into a bill regarding MTBE – methyl tertiary butyl ether.)

There were no Arguments in Opposition to bill SB 1856.

Senator Bowen's SB 1856 File

Archives Staff suggested a review of the Senator's file on SB 1856. Information from the Senator's Bill file including her notes were used to introduce the Bill into the Senate's Committee on Natural Resources and Wildlife. Her notes state that the Bill was

⁷ Assembly Committee on Natural Resources, SB1856 As Amended May 5, 2004 (BOWEN) (2003-2004 Reg. Session) Hearing Date: June 14,2004

⁸ Natural Resources Committee, Assembly Republican Bill Analysis SB 1856 Last Amended May 5, 2004 (BOWEN) (2003-2004 Reg. Session) June 8, 2004

⁹ ibid

introduced in order to create one clear definition of prescribed burning, and that it must in turn meet at least one of the seven objectives outlined in the definition.

Unfortunately, any clarity on what was meant by the *air quality maintenance* objective was not included in SB 1856. However, her notes referenced an earlier bill, Senate Bill 1001 from 1999; thus, those files needed to be reviewed.

Once the bill passed the Assembly Committee, it moved onto Appropriations Committee.

Assembly Committee on Appropriations

This information was reviewed online with the same rationale comment as listed under the Assembly Appropriations Committee.

Rationale: The author notes that the definition of "prescribed burning" that governs those activities on agricultural lands and areas in which the state is responsible for fire prevention and suppression is different from the definition and description that governs wildland vegetation management. By standardizing these definitions, the potential for confusion and conflict between foresters and air quality regulators, who operate under a different set of priorities and goals, should be reduced.¹⁰

The bill then moved onto Governor Arnold Schwarzenegger who signed it into law on September 22, 2004, thereby changing the definition of Agricultural Burning in both the Health and Safety Code and the Public Resources Code.

Senate Bill 1001 Files

The SB 1001 files from both the Senate Natural Resources and Wildlife and Appropriation Committees and Assembly Natural Resources and Appropriation Committees were reviewed.

Senate's Natural Resources and Wildlife Committee

SB 1001 was introduced February 26, 1999 in the 1999 – 2000 Regular Session with a committee Hearing date of April 20, 1999. The summary states, "This bill re-defines "prescribed burning" to include specific allowed reasons for a prescribed burn, including watershed and vegetation management, wildlife habitat and forest improvement and air quality maintenance."¹¹

The Proposed Law states that this bill allows prescribed burning for the following reasons:

¹⁰ Assembly Committee on Appropriations, SB 1856 As Amended May 5, 2004 (BOWEN) (2003-2004 Reg. Session) Hearing Date: June 23, 2004

¹¹ Senate Natural Resources and Wildlife, SB1001 (BOWEN) (1999-2000 Reg. Session) Hearing Date April 20, 1999

- Prevention of high-intensity wildland fires, through the reduction of fuels;
- Watershed and vegetation management;
- Range, forest, and wildlife habitat improvement; and
- Air quality maintenance.¹²

These were essentially the same as the seven objectives listed in SB 1856.

Under the initial comments in the committee information, the following was written:

This bill makes uniform the reasons and definitions for prescribed burning and provides specific reasons for allowing a prescribed burn. Balancing the air quality and forest agendas should make prescribed burning more effective and promote cooperation between agencies.¹³

Included in the file was a SB 1001 Background document that provided the intention for the bill along with an attached memo of general background information on the progression of the issue. The document states one of the reasons is:

Establishing a consistent definition of prescribed burning between statutes that guide foresters (PRC) and statutes that guide air quality regulators (HSC) is a necessary first step toward reconciling the often competing, but potentially complementary, objectives of prescribed burning and air quality.¹⁴

SB1001 may be used as a vehicle for any statutory changes necessitated by the ARB's proposal.¹⁵

It is noted in this background document that the CARB was reviewing their Agricultural Burning Guidelines at the time, in order to adapt to planned increases in prescribed burning. The Smoke Management Guidelines for Agricultural and Prescribed Burning in the California Code of Regulations, Title 17, Subchapter 2 were adopted by the CARB Board in 2000. However, these regulations have a different Agricultural Burning definition than the one proposed by SB 1001, or the one adopted in 2004.

This memo had attached to it a Background Document memo that discussed Strategies for Wildland Fire Management, from the oversight hearing in 1997, with a handwritten date of June 1997 (crossing out the April 16, 1999 date). The 1997 memo states that it:

¹² *ibid*

¹³ *ibid*

¹⁴ Background SB 1001 (BOWEN) (1999-2000 Reg. Session) – No date

¹⁵ *ibid*

“Strategies for Wildland Fire Management” provided an assessment of current issues related to wildland fires in California. Several common themes emerged from the wide range of interests represented.

Six findings were listed.

1. Fuels available for wildland fires have accumulated to unprecedented levels.
2. Systematic exclusion of wildland fires threatens natural processes.
3. Losses from catastrophic fires can and should be reduced, but there isn’t a “no fire” alternative.
4. Appropriate fuel reduction treatments will vary.
5. Increased coordination and funding is needed for wildland fire management.
6. Wildland fires have profound effects on watersheds and downstream resources, which impact all Californians.

The potential remedies were:

1. State policies must ensure that forestry and other land management practices complement fire management objectives.
2. Impediments to using prescribed fires, for the purpose of reducing fuels and regenerating fire-adapted landscapes, should be reduced. To the extent that prescribed fires reduce the emission impacts of catastrophic fires, a net benefit to air quality can be realized. Recognizing this, air quality regulations should be adjusted to accommodate prescribed fires.
3. Residential exposure to and intensification of fire danger should be minimized.
4. Investment in proactive, coordinated fire management strategies should be encouraged.¹⁶

Since this 1997 memo was in the file, it may have been provided to the Committee members.

The May 12, 1999 Senate Floor Analysis on the Third Reading, included information from the April 20, 1999 committee. This included:

SB1001 simply reconciles and updates the various statutory definitions of ‘prescribed burning’.

Prescribed burning is generally understood to be the planned application of fire to achieve any number of environmental objects. Existing prescribed burning definitions in the Health and Safety and Public Resources Codes are inconsistent and do not necessarily reflect the current understanding of what prescribed burning is.

¹⁶ Background SB 1001 (BOWEN) (1999-2000 Reg. Session) – No date and attached memo Assembly Natural Resources Committee: Strategies for Wildland Fire Management Memo June 1997

Establishing a consistent definition of prescribed burning between statutes that guide foresters (PRC) and statutes that guide air quality regulators (HSC) is a necessary first step toward reconciling the often competing, but potentially complementary, objectives of prescribing burning and air quality.¹⁷

Senate Appropriations Committee

No comments were received.

The Bill's third reading at the Senate was approved, then moved to the Assembly.

Assembly's Natural Resources Committee

Prior to being heard by the Natural Resources Committee, an Assembly Republican Bill Analysis provided the following in the Arguments in Support of the Bill.

1. Because prescribed burning practices help reduce fire hazard, improved air quality is an important objective of prescribed burn projects. Specifically including air quality in the statutory list of objectives will enhance the use of prescribed burn techniques for these purposes.
2. Existing law offers multiple definitions and explanations of prescribed burning as a practice. This bill will offer a singular definition, complete with a range of acceptable objectives so as to clarify any confusion as to what constitutes a prescribed burn.
3. Establishing a consistent definition of prescribed burning will reconcile both the competing and complementary objectives of prescribed burning and improved air quality.¹⁸

There was one Argument in Opposition to the Bill from this committee:

Restricting the definition of prescribed fire could potentially limit the flexibility of fire districts and property owners in utilizing the practice as a tool.¹⁹

The Committee Hearing was on July 12, 1999. The comments reiterated much of what was stated at the Senate Natural Resources and Wildlife Committee meetings. The following are additional comments from the Assembly Committee:

Air quality provisions, within the Health and Safety Code, and the Forest Practices Act, within the Public Resources Code define "prescribed burning" differently, though the definitions appear to achieve substantially similar purposes. According to the

¹⁷ Senate Natural Resources and Wildlife Committee, SB 1001 (BOWEN) (1999-2000 Reg. Session) – Third Reading Hearing Date April 20, 1999

¹⁸ Natural Resources Committee, Assembly Republican Bill Analysis SB 1001 (BOWEN) (1999-2000 Reg. Session) as introduced 2/26/99

¹⁹ Ibid

author's office, the purpose of this bill is to simply update and reconcile the varying statutory definitions, because the existing definitions of prescribed burning do not necessarily reflect the current understanding of what prescribed burning is.²⁰

Once the bill passed the Assembly Committee it moved onto Appropriations Committee.

Assembly Committee on Appropriations

The Hearing was held on August 18, 1999 with no comments.

On September 10, 1999, under Senate Unfinished Business, the provisions of SB 1001 were deleted and the bill's subject became methyl tertiary butyl ether (MTBE) by Senator Burton.

The online legislative information on SB 1001 can be found under the Bill Analysis via the link below. It shows the bill initially as a definition change to prescribed burning and then becoming MTBE legislation.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=199920000SB1001

The completes the research of SB 1001.

RECORD RESEARCH AND ANALYSIS CONCLUSION

The 1997 Strategies for Wildland Fire Management memo, which was included in the SB 1001 legislative record in 1999, summarized in its findings that fuels (vegetation) have accumulated to unprecedented levels, by excluding wildland fires which threaten the natural process. It further stated that losses from catastrophic fires can and should be reduced, but that there is not a no-fire alternative. With a focus on mitigating severe fire-inducing conditions, there should be an introduction of low-intensity prescribed fires to emulate historic fire patterns and reduce fuels. These were the current issues then and are still the current issues today.

In addition, in 1999, the Air Resources Board (CARB) was in the process of reviewing its Agricultural Burning Guidelines (CRR Title 17 §§ 80100-80330) to adapt to planned increases in prescribed burning. In general, the CARB was proposing a more sophisticated local allocation of burning to accommodate increased prescribed burning while minimizing smoke impacts.²¹ The increase in the use of prescribed burning continues to be true today for federal, state, local, and private landowners, many of whom have conducted prescribed burns prior to the 2000 Title 17 revisions.

²⁰ Assembly Committee on Natural Resources, SB 1001 (BOWEN) (1999-2000 Reg. Session) dated July 12, 1999 - https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=199920000SB1001

²¹ Background SB 1001 (BOWEN) (1999-200 Reg. Session)

It should be noted that the CARB's Agricultural Burning Guidelines were established in 1971, in response to statewide legislation in 1970, which recognized the need to reduce the harmful health effects caused from unrestrained open burning of vegetative material on public and private lands.²²

The CARB Agricultural Burning Guidelines, which are referred to as Title 17, continue to be the guidelines for smoke management and air quality in California for both the CARB and the local air districts. Those regulations have continued to be updated and refined with the last update in 2000.

From the legislative record, and the analysis provided here, there is enough support to conclude what was intended by the term "*air quality maintenance*".

Both in the 1999, and 2004 bills, the information in the written legislative record referred to the creation of a uniform definition that accounts for considering the complementary objectives of prescribed burning and improved air quality. This was to reduce confusion and conflict between foresters and air quality regulators, who operate under a different set of priorities and goals. The Summary for the Assembly Committee on Appropriations stated that

This bill standardizes the definition and description of "prescribed burning" in the various statutes that address wildland fire fuels management and air quality control in order to reduce or eliminate confusion and conflict among public agencies and those seeking to conduct prescribed burning.²³

There was clearly a need to align burning and air quality with the use of prescribed burning as there was an expectation that changing to a uniform definition would reduce or eliminate confusion. It is interesting that with the definition change more than 15 years ago, prescribed burns easily fall under one or more of the objectives listed.

Wildland fires continue to have far reaching effects, in which potential remedies should encourage an investment in proactive coordinated fire management strategies, which continue to include air quality. The analysis implies, that wildland fires are worse than low intensity prescribed fires, which suggests that there is less smoke from prescribed fires, and thereby less emissions than smoke from a wildland fire.

In closing, an appropriate definition of *Air Quality Maintenance* could be the following:

An objective in the use of prescribed burning (as per the definition in the Health and Safety Code Sections 39001 and 42311.2), having less smoke emissions than a wildland fire (or wildfire), and resulting in reduced air quality impacts.

²² California Environmental Protection Agency – Air Resources Board Planning and Technical Support Division Staff Report on the Proposed Amendments to California's Agricultural Burning Guidelines – Introduction page 4

²³ Assembly Committee on Appropriations, SB 1856 As Amended May 5, 2004 (BOWEN) (2003-2004 Reg. Session) Hearing Date: June 23, 2004

Appendix A

Below are the new sections of both the Health and Safety Code and the Public Resources Code for the Agricultural Burning Definition.

Chapter 693

An act to amend Sections 39011 and 42311.2 of the Health and Safety Code, and to amend Sections 4464 and 4475 of the Public Resources Code, relating to resources.

[Filed with Secretary of State September 22, 2004.

Approved by Governor September 22, 2004.]

SB 1856, Bowen. Prescribed burning activities.

Existing law provides varying definitions of “prescribed burning” for purposes of air pollution control laws and forest protection laws.

This bill would revise those definitions to reconcile the differences and would make related changes.

BILL TEXT

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

SECTION 1.

Section 39011 of the Health and Safety Code is amended to read:

39011.

“Agricultural burning” means open outdoor fires used in any of the following:

(a) Agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.

(b) The operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (a).

(c) Wildland vegetation management burning.

(1) For purposes of this subdivision, wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush.

(2) For purposes of this subdivision, prescribed burning is the planned application and confinement of fire to wildland fuels on lands selected in advance of that application to achieve any of the following objectives:

- (A) Prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels.
 - (B) Watershed management.
 - (C) Range improvement.
 - (D) Vegetation management.
 - (E) Forest improvement.
 - (F) Wildlife habitat improvement.
 - (G) Air quality maintenance.
- (3) The planned application of fire may include natural or accidental ignition.

SEC. 2.

Section 42311.2 of the Health and Safety Code is amended to read:

42311.2.

(a) Notwithstanding Section 42311, a district shall not adopt or impose fees that exceed actual district administrative costs for processing or enforcing permits applicable to any of the following:

(1) Prescribed burning operations on state responsibility lands conducted under the terms of a permit issued by the Department of Forestry and Fire Protection pursuant to Article 3 (commencing with Section 4491) of Chapter 7 of Part 2 of Division 4 of the Public Resources Code when the purpose of the operation is prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels.

(2) Burning of vegetation or disposal of slash following timber operations required under regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4551.5 or 4562 of the Public Resources Code and for the purpose of reducing the incidence and spread of fires on timberlands.

(3) Wildland vegetation management burns.

(A) For purposes of this subdivision, "wildland vegetation management burn" means the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency to burn land predominantly covered with chaparral, trees, grass, or standing brush.

(B) For purposes of this subdivision, "prescribed burning" is the planned application and confinement of fire to wildland fuels on lands selected in advance of that application to achieve any of the following objectives:

(i) Prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels.

(ii) Watershed management.

(iii) Range improvement.

(iv) Vegetation management.

(v) Forest improvement.

(vi) Wildlife habitat improvement.

(vii) Air quality maintenance.

(C) The planned application of fire may include natural or accidental ignition.

(b) Prior to adopting or revising fees for the activities described in paragraph (1), (2), or (3) of subdivision (a), a district shall hold a public hearing and shall consider the following:

(1) The costs of the fees on private landowners and other persons who engage in activities specified in paragraph (1), (2), or (3) of subdivision (a).

(2) Any revenues currently provided to the county for general government by public agencies that administer public lands.

SEC. 3.

Section 4464 of the Public Resources Code is amended to read:

4464.

Unless the context clearly requires otherwise, the following definitions govern the construction of this chapter:

(a) "Wildland" means any land that is classified as a state responsibility area pursuant to Article 3 (commencing with Section 4125) of Chapter 1 and includes any land having a plant cover consisting principally of grasses, forbs, or shrubs that are valuable for forage. "Wildland" also means any lands that are contiguous to lands classified as a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area.

(b) "Wildland fuel" means any timber, brush, grass, or other flammable vegetation, living or dead, standing or down.

(c) "Wildland fire" means any uncontrolled fire burning on wildland.

(d) "Prescribed burning" or "prescribed burning operation" means the planned application and confinement of fire to wildland fuels on lands selected in advance of that application to achieve any of the following objectives:

(1) Prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels.

(2) Watershed management.

(3) Range improvement.

(4) Vegetation management.

(5) Forest improvement.

(6) Wildlife habitat improvement.

(7) Air quality maintenance.

(e) "Prescribed burn crew" means personnel and firefighting equipment of the department that are prepared to contain fire set in a prescribed burning operation and to suppress any fire that escapes during a prescribed burning operation.

(f) "Person" means any natural person, firm, association, partnership, business trust, corporation, limited liability company, company, or combination thereof, or any public agency other than an agency of the federal government.

SEC. 4.

Section 4475 of the Public Resources Code is amended to read:

4475.

The director, with the approval of the Director of General Services, may enter into a contract for prescribed burning with (1) the owner or any other person who has legal control of any property or (2) any public agency with regulatory or natural resource management authority over any property that is included within any wildland for any of the following purposes, or any combination thereof:

(a) Prevention of high-intensity wildland fires through reduction of the volume and continuity of wildland fuels.

(b) Watershed management.

(c) Range improvement.

(d) Vegetation management.

(e) Forest improvement.

(f) Wildlife habitat improvement.

(g) Air quality maintenance.

No contract may be entered into pursuant to this section unless the director determines that the public benefits estimated to be derived from the prescribed burning pursuant to the contract will be equal to or greater than the foreseeable damage that could result from the prescribed burning.