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EXECUTIVE OFFICER’S REPORT ON PENDING LEGISLATION

As of 06/12/2024

# Administration and Finance

# Fire Protection/Fuel Management

## [AB 692, Patterson, As Introduced](https://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=42Lt88vMxaj5xM%2B5Itfn44NSKl%2F7pmWTMTBrFDr1%2FoLPp3FBwnPsX3AL%2B0pJ%2BEOf)

***Status: Dead***

This bill would, until January 1, 2030, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress route if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met.

[SB 504, Dodd, As Amended](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB504)

***Status: Assembly Committee on Natural Resources (no change since May 2023)***

Existing law requires fuels to be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. A violation of these requirements is a crime.

This bill would instead require fuels to be maintained and spaced in a condition so that a wildfire would be unlikely to ignite the structure.

[*AB 3150, Quirk-Silva*](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB3150)

***Status: Amended, in Senate Natural Resources and Water Committee***

This bill would change the authorities in PRC 4290, 4290.1, and 4291 (Fire Safe Regulations, Fire Risk Reduction Communities List, and Defensible Space, respectively) from the Board to the Office of the State Fire Marshal.

[SB 610, Wiener](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB610)

***Status: Assembly Natural Resources Committee***

Existing law requires the State Fire Marshal to classify lands within state responsibility areas into fire hazard severity zones and, by regulation, designate fire hazard severity zones and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone, as provided. Existing law describes state responsibility areas for these purposes as areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the State Board of Forestry and Fire Protection to be primarily the responsibility of the state. Existing law also requires the State Fire Marshal to identify areas of the state that are not state responsibility areas as moderate, high, and very high fire hazard severity zones based on specified criteria.

(SB 610, continued)

This bill would revise and recast these provisions by, among other things, replacing the fire hazard severity zone requirements with a requirement that the State Fire Marshal designate, by regulation, a wildfire mitigation area in the state, excluding federal lands. The bill would require the wildfire mitigation area to be based on fuel loading, slope, fire weather, and other relevant factors identified by the Director of Forestry and Fire Protection as a major cause of wildfire spread.

Existing law, applicable to lands that are not state responsibility areas, requires a local agency to designate, by ordinance transmitted to the State Board of Forestry and Fire Protection, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal.

This bill would, upon the adoption by the State Fire Marshal of the wildfire mitigation area, repeal the requirement that a local agency designate fire hazard severity zones.

Existing law, applicable to lands within state responsibility areas, prohibits the State Fire Marshal from adopting the designation of a zone and assignment of a rating until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located and a public hearing has been held in that county, as provided. Existing law requires the State Fire Marshal to periodically review designated zones and, as necessary, revise zones or their ratings or repeal the designation of zones.

This bill would revise and recast these provisions by, among other things, instead requiring the State Fire Marshal, when publishing the notice of proposed action applicable to the designation of the wildfire mitigation area, to also transmit a copy to the board of supervisors of the county and the city council of each city in which the wildfire mitigation area is located, and to conduct at least 3 public hearings during the rulemaking process. The bill would also require the State Fire Marshal to periodically review, and, if necessary, update the wildfire mitigation area, and notwithstanding this requirement, require the State Fire Marshal to annually account for modifications to the state responsibility area as adopted by the State Board of Forestry and Fire Protection, and make any necessary adjustments to the wildfire mitigation area. The bill would exempt these revisions from specified adoption requirements and the Administrative Procedure Act, as provided.

Existing law, applicable to lands that are not state responsibility areas, requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency, to comply with specified defensible space requirements, including maintaining a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. A violation of these requirements is a crime.

This bill would revise and recast these provisions by, among other things, requiring the State Fire Marshal to adopt, by regulation, defensible space requirements, as

(SB 610, continued)

provided, and, upon the adoption of those regulations, repealing the above-described defensible space requirements applicable to land with a very high fire hazard severity zone designated by the local agency and replacing those requirements with similar defensible space requirements applicable to a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within the wildfire mitigation area. By expanding the scope of a crime, the bill would impose a state-mandated local program.

Existing law also requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. A violation of these requirements is a crime.

Existing law requires the persons described above to use more intense fuel reductions between 5 and 30 feet around the structure, and to create an ember-resistant zone within 5 feet of the structure, based on regulations promulgated by the State Board of Forestry and Fire Protection, as provided. Existing law requires the board, in consultation with the State Fire Marshal, to develop, periodically update, and post on its internet website a guidance document on fuels management, as provided. Existing law requires the State Fire Marshal to provide notice to affected residents describing specified components of the specified defensible space requirements before imposing penalties for a violation of these requirements, as provided.

This bill would revise and recast these provisions by, among other things, replacing the requirement for an ember-resistant zone within 5 feet of the structure with a requirement for more intense fuel reductions to be utilized between 0 and 5 feet of the structure, as provided. By expanding the scope of a crime, the bill would impose a state-mandated local program. The bill would instead require the State Fire Marshal to develop, periodically update, and post on its internet website a guidance document on fuels management, as provided. The bill would also eliminate the State Fire Marshal’s above-described duty to make reasonable efforts to provide notice to affected residents, as provided.

Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards related to defensible space, as provided. Under existing law, these regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as very high fire hazard severity zones, that are not within state responsibility areas, after July 1, 2021, as provided.

This bill would instead require the State Fire Marshal to adopt regulations implementing minimum fire safety standards related to lands within the wildfire

(SB 610, continued)

mitigation area, as provided, and apply these regulations to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within the wildfire mitigation area, as provided. The bill would, upon the adoption of these regulations, repeal the above-described minimum fire safety standards within lands classified and designated as very high fire hazard severity zones, as provided.

Existing law requires specified sellers of real property that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection, to provide specified disclosures and documentation, as provided.

This bill would instead require the above-described sellers of real property that is located in the wildfire mitigation area, as identified by the State Fire Marshal, to comply with those disclosure and documentation requirements, as provided.

Under existing law, any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification.

Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development and pursuant to the above-described process for adopting or proposing building standards, to propose fire protection building standards applicable to fire hazard severity zones, including very high fire hazard severity zones, designated by the State Fire Marshal, and other areas designated by a local agency, as provided. Upon identification of high fire hazard severity zones, existing law requires the Office of the State Fire Marshal and the Department of Housing and Community Development to propose, and the California Building Standards Commission to adopt, expanded application of the building standards adopted pursuant to this process to high fire hazard severity zones during the next triennially occurring California Building Standards Code adoption cycle.

This bill would revise and recast these provisions by, among other things, instead requiring the State Fire Marshal, in consultation with the Director of Housing and Community Development and pursuant to the above-described process for adopting or proposing building standards, to propose fire protection building standards applicable to buildings in the wildfire mitigation area designated by the State Fire Marshal, as provided. The bill would require the Office of the State Fire Marshal and the Department of Housing and Community Development to propose, and the California Building Standards Commission to adopt, the building standards adopted pursuant to this process to the wildfire mitigation area during the next triennially occurring California Building Standards Code adoption cycle.

This bill would also require the State Fire Marshal to establish wildfire mitigation measures in the wildfire mitigation area, including Wildland Urban Interface building standards, statewide minimum fire safety regulations, state defensible space requirements, real estate hazard disclosure requirements, defensible space real estate compliance requirements, subdivision review requirements, and safety element review requirements, as provided. To the extent these wildfire mitigation measures would impose new duties on local agencies, the bill would impose a state-mandated local program.

[SB 571, Allen](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB571)

***Status: In Assembly Committee on Natural Resources (no change since April 2024)***

This bill would require the board, on or before January 1, 2027, tocreate, and provide to the Legislature, a report relating to standards for ingress and egress routes in newdevelopment, as provided. The bill would require the state board to do certain things when creating the report, including provide opportunities for input from the public, as specified. The bill would prohibit the state board from adopting any regulations incorporating the standards described in the report until at least 6 months after completing that report.

[SB 504, Dodd](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB504)

***Status: In Assembly Natural Resources (unchanged since May 2023)***

Existing law [PRC 4291] requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to maintain defensible space of 100 feet from each side. Existing law requires fuels to be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. A violation of these requirements is a crime.

This bill would instead require fuels to be maintained and spaced in a condition so that a wildfire would be unlikely to ignite the structure. By expanding the scope of a crime, this bill would impose a state-mandated local program.

[AB 2330, Holden, As Amended](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2330)

***Status: Senate Committee on Natural Resources and Water***

The California Endangered Species Act prohibits the taking of an endangered, threatened, or candidate species, except as specified. Under the act, the Department of Fish and Wildlife (department) may authorize the take of listed species by certain entities through permits or memorandums of understanding for specified purposes. Existing law requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Existing law requires a local agency to designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal, as provided.

This bill would authorize a city, county, city and county, special district, or other local agency to submit to the department a locally designed plan to conduct wildfire preparedness activities on land designated as a fire hazard severity zone, as defined, that minimizes impacts to wildlife and habitat for candidate, threatened, and endangered species, and meets specified criteria. The bill would require the department to notify the local agency within 90 days of receipt of the plan if an incidental take permit or other permit is needed, or if there are other considerations, exemptions, or streamlined pathways that the wildfire preparedness activities qualify for, including, but not limited to, the State Board of Forestry and Fire Protection’s California Vegetation Treatment Program. The bill would require the department to provide the local agency, in its notification, a description of the candidate, endangered, and threatened species within the plan area and reasonable measures to avoid, minimize, and fully mitigate the take of the candidate, threatened, and endangered species, as provided. The bill would require the Department of Fish and Wildlife to consult the State Board of Forestry and Fire Protection if technical assistance is necessary.

# Forestry

## [AB 2639, Patterson, As Amended](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2639)

***Status: Appropriations Committee, held under submission (no change since May 2024)***

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, and approved by, the Department of Forestry and Fire Protection. Existing law defines “timber operations” for purposes of the act. The act provides that any person who willfully violates any provision of the act or rule or regulation of the State Board of Forestry and Fire Protection is guilty of a misdemeanor.

This bill would expand the definition of “timber operations” to include the maintenance of timberlands for fuels reduction, paid in part or in whole with public funds. By expanding the scope of a crime, the bill would create a state-mandated local program.

The bill would provide that timber operations for the maintenance of timberland, paid in part or in whole with public funds, may comply with the requirements of CEQA in lieu of preparing a timber harvesting plan.

## [AB 66, Mathis, As Amended](https://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=doXdRpJk50l%2Fq%2BUZPFGZxBfuDu1VbFrgr4doUQlHVEkmziFqaA4ZvNWHM8jh1QdV)

***Status: Died***

Existing law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state’s natural and cultural resources. Existing law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application. The bill would require the department, board, conservancy, or commission responsible for issuing a permit to post updates on its internet website for each permit application explaining how the permit approval process is progressing and the estimated time until the permit is approved.

[AB 2276, Wood](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2276)

***Status: Senate Appropriations Committee Consent Calendar***

The Z’berg-Nejedly Forest Practice 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, and approved by, 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, as prescribed, including: (1), for a period of 5 years following the adoption of emergency regulations, the cutting or removal of trees on the person’s property that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break, known as the Small Timberland Owner Exemption, (2), until January 1, 2026, the harvesting of those trees that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for specified purposes, known as the Forest Fire Prevention Exemption, and (3), until January 1, 2026, the cutting or removal of trees on the person’s property in compliance with specified defensible space requirements, as provided.

This bill would (1) repeal the Small Timberland Owner Exemption, (2) rename the Forest Fire Prevention Exemption the Forest Resilience Exemption, revise the standards and criteria for qualifying for that exemption, and extend that exemption until January 1, 2031, and (3) extend until January 1, 2031, the other exemption described above. The bill would also make conforming changes.

# Range Management Advisory Committee

## [SB 675,](https://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=2KLHt3hqEy1VKI4rVSmQpd0abeCEizPdETKhlUj5scTpmnHNbEnRXRJG2QARHWSj) [[Limón](https://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=2KLHt3hqEy1VKI4rVSmQpd0abeCEizPdETKhlUj5scTpmnHNbEnRXRJG2QARHWSj)](http://sd19.senate.ca.gov/)[, As Amended](https://ctweb.capitoltrack.com/public/publishbillinfo.aspx?bi=2KLHt3hqEy1VKI4rVSmQpd0abeCEizPdETKhlUj5scTpmnHNbEnRXRJG2QARHWSj)

***Status: Inactive File***

Existing law requires the State Board of Forestry and Fire Protection to appoint a Range Management Advisory Committee and to consult with the advisory committee on rangeland resource issues under consideration by the board.

The bill would require, on or before July 1, 2024, the advisory committee, in consultation with specified entities, to develop guidance for local or regional prescribed grazing plans, as provided. The bill would require the Department of Forestry and Fire Protection (department) and the Department of Conservation to consider and incorporate, where appropriate, this guidance in specified grant programs, as provided.

Existing law requires the Wildfire and Forest Resilience Task Force, established by former Governor Edmund G. Brown Jr., to develop a comprehensive implementation strategy to track and ensure the achievement of the goals and key actions identified in the state’s “Wildfire and Forest Resilience Action Plan,” as provided. Existing law requires, on or before January 1, 2026, and every 5 years thereafter, the task force to update the action plan.

This bill would require the task force, on or before June 30, 2025, in consultation with the advisory committee, to develop a strategic action plan to expand the use of prescribed grazing, as provided. The bill would require the task force to consider incorporating prescribed grazing in the January 1, 2026, update to the “Wildfire and Forest Resilience Action Plan.”

# Forest Biomass [*AB 625, Aguiar-Curry, As Amended*](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB625)

***Status: Died***

This bill would establish the Forest Biomass Waste Utilization Program to be administered by the state board’s Joint Institute for Wood Products Innovation to develop an implementation plan to meet the goals and recommendations of, and the comprehensive framework to align with the state’s wood utilization policies and priorities and focused market strategy of, specified statewide forest management plans, and to develop a workforce training program to complement the workforce needs associated with the implementation plan.