

## MENDOCINO UNIT 2018 BURN PERMIT ADMINISTRATION PLAN



### BURN PERMITS

The objective of the burning permit program is to provide an opportunity for the public to enhance its knowledge of fire safety and fire laws while preventing unwanted fires by complying with minimum fire safety standards relating to the burning of flammable material. CAL FIRE burn permits are the equivalent to the Mendocino County Air Quality Management District's permits and therefore can be issued year round.

### GOAL:

Mendocino Unit's burning permit process is used to make every contact a positive and educational opportunity to inform and educate the public about fire safety and prevention.

### AUTHORITY:

Public Resources Code; Chapter 6, Article 2 "Prohibited Activities"  
 •PRC 4423... Burning Permits; Zones; Times,  
 •PRC 4423.1. Suspension, Restriction, or Prohibition of Permit Burning; Proclamation  
 •PRC 4433... Where Campfire Permits are required.  
 •PRC 4439... Flammable Forest Product Waste Material; Area for burning; Trees; Permits

Public Resources Code; Chapter 7, Article 2 "Dept. of Forestry Burning Contracts"  
 •PRC 4494... Issuance of Brush-Burning permit; ...

Health & Safety Code  
 •H&SC §12640... Permit Required for Use of other than Safe & Sane Fireworks.

California Code of Regulations; Title 14, Chapter 4, Subchapter 5, Article 7... Hazard Reduction.  
 •CCR 937.3(d)... Prescribed Broadcast Burning of Slash.

California Code of Regulations; Title 14, Chapter 9.5, Article 8...Resource Protection Guidelines.  
 •CCR 1545.4...Hazard Protection.

### AUTHORITY:

Burning Permits are required by law, on SRA lands, from May 1<sup>st</sup> until the "director declares, by proclamation, that the hazardous fire conditions have abated for that year, or at any other time in Zone B (PRC 4414) during any year when the director has declared, by proclamation, that "unusual fire hazard conditions exist in the area". Burning Permits are required for all outdoor burning on SRA lands during this time period (Public Resources Code 4423).

### AUTHORITY:

**NOTE:** Fire Districts and other special districts within SRA may request and be approved to issue burning permits on SRA lands.

## AUTHORIZED PERMITS:

### OUTDOOR DEBRIS BURNING (LE-5):

Mendocino Unit will use the LE-5 "California Inter-Agency Burning Permit" form for all outdoor debris burning except "Project Type Burning" (PRC 4491 – 4494). All burning will comply with Health and Safety Code, Sections 41800 through 41814, Mendocino County Code, Chapter 9.33, Ordinance 3746, and Mendocino County Air Quality Management District Regulation 2.

### PROJECT TYPE BURNING (LE-6, LE-7, AND LE-8):

Legal requirements found in Health and Safety Code, Section 41854; Public Resources Code, Sections 4491 through 4494; California Code of Regulations, Sections 937 through 937.7; and California Code of Regulations, Section 1545.4. A "Project Type Burning" permit should only be administered by field Battalion Chief's, or other designated and trained personnel identified by that Battalion Chief.

### CAMPFIRE PERMITS (LE-63) – CALIFORNIA CAMPFIRE PERMIT:

In lieu of individual agency campfire permits, it has been mutually agreed by the Bureau of Land Management, United States Forest Service, and the California Department of Forestry and Fire Protection (CAL FIRE) that one campfire permit will be issued throughout the State of California. The permit is called the "California Campfire Permit" and is designated form FS 6100D-54 or CAL FIRE form LE-63. Persons issuing a LE-63 permit should be familiar with the Public Resources Code, Sections 4432 through 4434; and Health and Safety Code, Section 41806. This campfire permit is not valid for Jackson Demonstration State Forest, State Parks, or for any other camping area outside the boundaries of the above listed Federal Agencies. These permits can be obtained by the public at <http://www.govcentral.ca.gov/Permits/>.

### CAMPFIRE PERMIT (FM-29) – STATE FOREST CAMPFIRE AND SPECIAL USE PERMIT:

Only identified personnel from Jackson Demonstration State Forest and the Fire Prevention Patrol staff will issue these permits. This is necessary to prevent overcrowding of the two designated camping areas, Durtap and Camp 1 (egg collecting station) campgrounds, and monitoring by the patrol and JDFP staff.

## Inspections:

- Alternatives to open burning in SRA during periods where a risk of escape exists, should be considered and noted on the permit. An inspection will be made prior to issuing an LE-5 burning permit in SRA if one or more of the following conditions exist:
- The applicant has been responsible for a previous escaped fire (records should be kept at the battalion level).
- The applicant displays little or no knowledge of burning practices or regulations.
- Anytime the issuing agent feels concerned about issuing the permit without an inspection.
- The debris pile to be burned is larger than 4' (ft.) in diameter.
- Otherwise, inspections of open burning projects subject to LE-5 issuance will be made at the discretion of the employee authorized to issue the permit.

## Refusing a permit:

- A burning permit may be refused for any of the following reasons:
- There is substantial or reasonable evidence that the land upon which the applicant will use the permit is not owned or legally controlled by him or her.
- The applicant does not have legal permission from the owner of the land to ignite a fire.
- The permit is to be used for an unlawful purpose.
- The permit is to be used in an unlawful manner.
- When state and/or local regulations prohibit burning.

## Voiding a permit:

- If the Permittee is burning in violation of the law, an LE-38 will be issued. Note on the LE-38 that the previous permit is void and list the reasons. Ask for the Permittees copy of the permit. If they refuse to relinquish it, make no further attempt to obtain it and note the lack of cooperation on the LE-38. Also, note that another permit can be issued when the violations have been corrected and an inspection has been made
- In all other cases a citation should be issued by the Battalion Chief, or a Public Officer within that battalion.

## Permittee advisement:

- Burn day information can be obtained by calling (707) 463-4391. The Permittee must be advised that they are responsible for the fire. The permit entitles them to burn, but if the fire escapes their control, Health and Safety Code, Sections 13007 and 13009 hold them liable for suppression costs and for damage to the property of others. This is a citable misdemeanor offense, by authority of Health and Safety Code, Section 13000 and/or Public Resources Code 4422(b).

## Suspension of permits:

- The Unit Chief has the authority to suspend burning permits due to current or predicted conditions. A burning suspension from July 1<sup>st</sup> to that period that the Unit Chief feels the hazard no longer exists has become an annual event in Mendocino County. The dates however, can be changed at any time by the Unit Chief.