

RULE 411. WILDLAND VEGETATION MANAGEMENT BURNING IN WILDLAND AND WILDLAND/URBAN INTERFACE AREAS

Adopted: 09/05/74      Revised: 03/10/76, 07/01/92, 11/07/01

A. No wildland vegetation management burning may be done without first having obtained a permit from the California Department of Forestry and Fire Protection or other designated agency having jurisdiction over the proposed burn locations. The form of this permit shall contain the following words or words of similar import: 'This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board or by the Air Pollution Control Officer pursuant to Section 41855 of the Health and Safety Code.'

B. No person shall conduct wildland vegetation management burning on "no burn" days as announced daily by the State Air Resources Board for the Inyo, Mono and Alpine Counties or when such burning is prohibited by the Air Pollution Control Officer except:

when the Air Pollution Control Officer has authorized, by special permit pursuant to Section 80120, California Code of Regulations (CCR), Title 17, agricultural burning on days designated by the State Air Resources Board as no-burn days because the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning the Air Pollution Control Officer shall limit the amount of acreage which can be burned in any one day and only authorize burning when downwind populated areas are forecasted by the State Air Resources Board to achieve the ambient air quality standards. Every applicant for a permit to burn agricultural waste pursuant to this section shall provide information in writing to the Air Pollution Control Officer for evaluation, stating why the denial of such a permit would threaten imminent and substantial economic loss.

C. Wildland vegetation management burning, when permitted, shall conform to the following criteria:

1. The land manager, or his/her designee, shall annually or seasonally submit a potential list of burn projects to the Air Pollution Control Officer, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

2. For burn projects greater than 1 acre in size or estimated to produce more than 1 ton of particulate matter, the land manager, or his/her designee, shall submit a smoke management plan to the Air Pollution Control Officer for review and approval at least 30 days in advance of the proposed burn project, containing at a minimum, the following information:

- a. Location, types, and amounts of material to be burned;
- b. Expected duration of the fire from ignition to extinction;
- c. Identification of responsible personnel, including telephone contacts;
- d. Identification and location of all smoke sensitive areas; and

- e. procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints.
3. For burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the land manager, or his/her designee, shall submit a smoke management plan to the Air Pollution Control Officer for review and approval at least 30 days in advance of the proposed burn project, containing all the information in subsection 2 and the following additional information:
  - a. Identification of meteorological conditions necessary for burning.
  - b. The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions.
  - c. Projections, including a map, of where the smoke from burns are expected to travel, both day and night.
  - d. Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan.
  - e. An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA), as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement.
  - f. Discussion of public notification procedures.
4. If smoke may impact smoke sensitive areas, the land manager, or his/her designee, shall include in the smoke management plan; visual monitoring, ambient particulate matter monitoring or other monitoring approved by the district, as required by the Air Pollution Control Officer for the following burn projects:
  - a. Projects greater than 250 acres;
  - b. Projects that will continue burning or producing smoke overnight;
  - c. Projects conducted near smoke sensitive areas; or
  - d. As otherwise required by the Air Pollution Control Officer.
5. For multi-day burns which may impact smoke sensitive areas, the land manager or his/her designee, shall provide daily notification to the District and the CARB to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary.

6. For any natural ignition that occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless:
  - a. After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or
  - b. For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB;
  - c. After 24 hours, the District has been contacted, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

7. For any naturally-ignited wildland fire managed for resource benefits that are expected to exceed 10 acres in size, the land manager or his/her designee, shall submit a smoke management plan to the District for review and approval within 72 hours of the start of a fire.
8. The land manager or his/her designee, shall ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.
9. For burn projects greater than 250 acres, the land manager or his/her designee shall perform a post-burn smoke management evaluation.
10. Vegetation shall be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.
11. Material to be burned shall be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise.
12. Piled material to be burned shall be prepared so that it will burn with a minimum of smoke.
13. The burn plan applicant shall file with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.
14. Burn plans shall limit burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of a state or federal ambient air quality standard or cause a public nuisance.

15. Vegetation to be burned shall be free of tires, rubbish, tar paper or construction debris, and reasonably free of dirt and soil.
  16. The material to be burned shall be ignited only by devices approved by the California Department of Forestry and Fire Protection, or the local fire protection agency, and ignition shall be as rapid as practicable within applicable fire control restrictions.
  17. Prescribed burning shall not be allowed on Sundays, the last Saturday in April, or legal holidays, except for multi-day burns that cannot be reasonably treated on other days.
  18. All burning shall conform to the applicable jurisdictional fire code(s).
  19. Burning shall be curtailed when smoke is drifting into a populated area or creating a public nuisance.
- D. The total amount of material burned in any one day, may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District.

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