



Burn Permit Checklist for Fire Agencies

BURN PERMITS REQUIRED:

Questions to Ask Before Issuing Fire Agency Burn Permit:

- ☐ Pile is less than a single 10' x 10' or a single 8' by 4' pickup truck load.
- ☐ Material is less than 1 ton.
- ☐ Material is less than 6 inches in diameter.
- ☐ Permit is NOT for an agricultural burn.*
- ☐ Permit is NOT for a Less Than 3-Acre Conversion Exemption.
- ☐ Permit is NOT for property development.*

*Read definition on back

If the debris pile meets ALL of the above requirements (all boxes are checked) and smoke impact is minimal, cross-out (or strikeout) the text on the LE-5 "or visit at 707-463-4354 or 306 E Gobbi St Ukiah. THIS PERMIT IS NOT VALID WITHOUT AIR QUALITY APPROVAL", and initial the change.

Example of a permit NOT needing Air Quality approval:

THIS PERMIT IS SUBJECT TO THE TERMS AND CONDITIONS OF USE AS INDICATED

1. Permittee must not burn during very hot and dry periods when winds are strong enough that burning would be considered unsafe. (Example: wind keeps leaves in motion or extends a light flag or cloth.)
2. The fire shall be: (a) attended at all times by at least one prudent and responsible person; (b) confined within cleared firebreaks or barriers adequate to prevent it from escaping control.
3. When the burning operation authorized by this permit is in an incinerator: (a) a minimum clearance of 10 feet from all flammable material must be provided and maintained; (b) all openings must be screened with nonflammable material with holes not larger than 1/4 inch; and (c) must be attended at all times by a responsible person until fire is dead out.
4. This permit does not relieve the permittee of any duty to use reasonable and ordinary care to prevent damage to the property of others or injury to persons as prescribed by law.
5. THIS PERMIT IS VOID DURING PERIODS WHEN BURNING IS PROHIBITED BY STATE LAW, LOCAL ORDINANCE, OR PROCLAMATION OF PUBLIC OFFICERS.
6. This permit is valid only on those days which are not prohibited by the State Air Resources Board pursuant to Section 41855 of the Health and Safety Code or by the local air pollution control district.
7. Before burning call or visit at 463-4354 or 306 E Gobbi St Ukiah. THIS PERMIT IS NOT VALID WITHOUT AIR QUALITY APPROVAL.

For Air Pollution Control call Prior to burning call for Burn Day Status at 463-4391

8. Additional terms: Do not burn with sustained winds over 10 mph

I own or legally control the above-described land. I agree to comply with all fire laws, ordinances, and regulations. I further agree to comply with specific terms of this permit.

SIGNED: _____ DATE: _____

DIRECTOR OF THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION



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AGRICULTURAL CATEGORIES:

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following agricultural operations:

Agricultural:

Open outdoor fires used in agricultural operations in the commercial 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.

Range Improvement:

The use of open fires to remove vegetation for a wildlife, game or livestock habitat.

Forest Management:

The use of open fires, as part of a forest management practice, to remove forest debris or for forest management practices which include timber operations, silvicultural practices or forest protection practices.

Wildlife Habitat Management:

The use of open fire for improvement of land for wildlife and game habitat.

Wildland Vegetation Management:

The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency for improvement of land for wildlife and game habitat, or disease or pest prevention, and reduction of fuel load on wildlands.

Note: Agricultural burning on No-Burn days and during a Burn Ban may be allowed by the District if ordered by the Agricultural Commissioner.

NON-AGRICULTURAL CATEGORIES:

Open outdoor fires may be allowed only for the disposal of approved combustibles on permissive burn days in the following non-agricultural operations:

Single Family or Two-Family Residential:

Residential 'Dooryard Pile': Small diameter (< 4'x4') pile of vegetative material from the immediate vicinity of a residence. (Leaves, shrubs, garden waste, small limbs, etc).

A District permit may not be required for a **SINGLE** 4' x 4' pile of yard debris. Burn permits **are** required for residential burning of a single dooryard pile that is 'fed' from a larger pile.

Vegetation removal on any property that results in multiple 4' x 4' piles requires a burn permit from the local fire agency or the District.

Property Development:

The use of open outdoor burning during the process of converting land from one use to another (or developing property without structures for new home site).

Fire Hazard Reduction:

The use of open outdoor burning for disposal of standing brush, grass, brush clearance, and tree trimmings removed in compliance with local ordinances to reduce fire hazard on the property where grown.

Right-Of-Way Clearing:

The use of open fire to remove vegetation by a public agency, or through a cooperative agreement or contract involving a public agency.

Levee, Reservoir, Ditch Maintenance:

The burning of grass, brush and weeds on levees, ditch banks, ponds, reservoirs, and berms.

Fire Hazard Abatement Order (Issued by a Public Officer, Fire Marshall or Fire Chief and approved by Air Quality) Required for any open burning conducted by the following:

Commercial properties, businesses, schools, parks, churches, mobile home parks, apartment complexes, cemeteries, golf courses, homeowners associations, or properties without structures.



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OBJECTIVE:

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. Air Quality (Mendocino County Air Quality Management District) accepts burn permits issued by CAL FIRE if burn piles are small and smoke impact is minimal.

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.

Burning Permits are required by law, on SRA lands, from May 1st 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).

NOTE: Fire Districts and other special districts within SRA may request and be approved to issue burning permits on SRA lands. These requests shall be routed to the Fire Prevention Bureau for review and approval.



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AUTHORITY (Cont.):

The Mendocino County Air Quality Management District (Air Quality MCAQMD) requires burning permits throughout the year for all burning. Burn barrels are not allowed in Mendocino County as an approved device for burning debris. Mendocino County Ordinance section 9.33.050 only approves “vegetative matter” (leaves, brush, prunings, and trees) for removal by open debris burning. Regulation 2 of Air Quality MCAQMD prohibits the burning of anything except vegetative matter. Poison Oak and Oleanders are also restricted and may be subject to additional permit restrictions.

No Burn Permit is valid on days when agricultural burning is prohibited by the Air Resources Board or the Air Quality MCAQMD.

~~MCAQMD recognizes CAL FIRE burning permits as a valid MCAQMD permit for open outdoor burning. MCAQMD recognizes CAL FIRE burning permits as a valid Air Quality permit for small open outdoor burning with minimal smoke impacts. To simplify the process all burning permits issued by CAL FIRE for small residential outdoor debris pile burning on SRA Lands, can be written from the date of issuance to April 30 of the following year (example: May 1, 2018 through April 30, 2019). Local Fire Districts can issue burn permits which are equivalent to the MCAQMD burn permit, however these permits are valid to within the district only. Local Fire Districts can also issue burn permits which are accepted by Air Quality permit; however these permits are valid to within the district only.~~

Local Fire Districts Covelo FPD, Little Lake FPD (Willits), Redwood Valley – Calpella FPD, Fort Bragg FPD and the Potter Valley Community Services District may issue burning permits for Local Responsibility Area Lands (LRA) within their jurisdiction ~~district only~~.

The cities of Fort Bragg, Willits, Ukiah and Point Arena require burning permits throughout the year within the incorporated limits of that city.

Any permit written for ~~large~~ debris piles that are NOT true of the following shall be instructed to contact Air Quality for approval and further requirements:

1. Material is less than a single 10' x 10' pile.
2. Material is less than 1 ton.
3. Material is less than a single 8' by 4' pickup truck load.
4. Material is less than 6 inches in diameter (trees and branches).
5. Permit is NOT for an agricultural burn.
6. Permit is NOT for a Less Than 3-acre Conversion Exemption.
7. Permit is NOT for property development.

If the debris pile meets the above requirements and smoke impact is minimal, cross-out (or strikeout) the text on the LE-5: ” visit Air Quality at 463-4354 or 306 E Gobbi St Ukiah. THIS PERMIT IS NOT VALID WITHOUT AIR QUALITY APPROVAL”, and initial the change.

No person shall knowingly set or allow agricultural or prescribed burning unless he/she has a valid permit from Air Quality MCAQMD or designated agency (Residential dooryard burning excepted). ~~An LE-5 permit can be used as an agricultural burn permit but the permittee must also comply with Air Quality MCAQMD regulations. The Permittee should be instructed to contact Air Quality MCAQMD to ensure compliance with their~~



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regulations. All agricultural burning must comply with Health and Safety Code, Sections 41850 through 41864, and all Air Quality MCAQMD regulations.

A burning permit issued for less than 10 acres, or less than 50 tons of fuel, or less than 10,000 cubic feet of fuel are valid upon issuance. Permits issued for material equal to, or greater than, the above specified amounts are not valid until a Smoke Management Plan has been submitted to, and approved, by the MCAQMD. All permits issued for material equal to or greater than 10 acres, 50 tons of fuel, or 10,000 cubic feet require a valid Smoke Management Plan from Air Quality. Burning of lesser amounts within one mile of sensitive areas (schools, subdivisions, etc.) may also require a Smoke Management Plan.

The MCAQMD charges a \$17.00 fee for burning permits issued by them. MCAQMD permits are available via their website at <http://www.co.mendocino.ca.us/aqmd/forms/burnform1.html>. Smoke Management Plan fee of \$110 (SMP valid for up to 5 years) in addition to annual burning permit. Property Development Plan (burning to allow new construction or changing the use of the property) fee of \$164

The MCAQMD charges a fee for burning permits, Smoke Management Plan fee (SMP valid for up to 5 years) in addition to annual burning permit, and Property Development Plan fee (burning to allow new construction or changing the use of the property).



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AUTHORIZED PERMITS:

LE-5 - California Inter-Agency Burning Permit; LE-6 - Application for a Brush Burning Permit; LE-7 - Minimum Precautions for Project Type Burning; LE-8 - Project Type Burning Permit; LE-63 - California Campfire Permit; FM-29 - State Forest Campfire and Special Use Permit.

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 6100-54 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.preventwildfireca.org/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, Dunlap and Camp 1 (egg collecting station) campgrounds, and monitoring by the patrol and JDSF staff.



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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 should be made prior to issuing an LE-5 burning permit in SRA if more than one of the following conditions exist:

1. The applicant has been responsible for a previous escaped fire (records should be kept at the battalion level).
2. The applicant displays little or no knowledge of burning practices or regulations.
3. Anytime the issuing agent feels concerned about issuing the permit without an inspection.
4. 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:

1. 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.
2. The applicant does not have legal permission from the owner of the land to ignite a fire.
3. The permit is to be used for an unlawful purpose.
4. The permit is to be used in an unlawful manner.
5. 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).



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Deferring a permit:

Any authorized company officer (Fire Apparatus Engineer, Fire Captain) may defer the effective dates of a burning permit if there is substantial reason to believe that a fire set under the present conditions would most probably escape and/or threaten life and property.

Suspension of permits:

The Unit Chief has the authority to suspend burning permits due to current or predicted conditions. A burning suspension from July 1st 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.

Public relations:

Every employee issuing a permit should remember that applicants form a lasting impression of CAL FIRE from one brief encounter. ***Any employee may take an application for a burning permit, or obtain information for the issuing agent to follow up with.*** Be courteous and helpful. Take time to explain who we are and what we do. Use this opportunity to make them aware of our fire prevention concerns. If you are asked a question that you can't answer, admit it, and then try to get the answer promptly. Do not turn an applicant away.

When possible, take your engine crew along with you when inspecting. It makes us visible in the community, and allows an opportunity to teach your crew something about fire prevention.

In a perfect world, permits should be written in person to provide a quality fire prevention message. At times, it may be necessary to fax or mail a permit to a citizen to provide the best customer service. The permittee should be advised the permit is not valid until signed and it must be in their possession while burning.

Authorized personnel to issue permits:

All permanent fire control personnel within the Mendocino Unit are qualified to issue any of the above approved permits unless otherwise stated in the instructions.

Any new or seasonal employees should read and understand these rules, regulations, and policies, and receive training by Battalion personnel before issuing any permits.