



1-1-2019

Chapter 638: Uniting to Fight Fire with Fire by Addressing California Forest Health in a Time of Catastrophic Wildfire

Kathryn Young

Follow this and additional works at: <https://scholarlycommons.pacific.edu/uoplawreview>



Part of the [Law Commons](#)

Recommended Citation

Kathryn Young, *Chapter 638: Uniting to Fight Fire with Fire by Addressing California Forest Health in a Time of Catastrophic Wildfire*, 50 U. PAC. L. REV. 301 (2018).

Available at: <https://scholarlycommons.pacific.edu/uoplawreview/vol50/iss2/10>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in University of the Pacific Law Review by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

Chapter 638: Uniting to Fight Fire with Fire by Addressing California Forest Health in a Time of Catastrophic Wildfire

Kathryn Young*

Code Sections Affected

Public Resources Code §§ 4497, 71365 (new); §§ 4795 and 4796 (amended).
AB 2551 (Wood); 2018 Stat. Ch. 638.

TABLE OF CONTENTS

I. INTRODUCTION.....	302
II. LEGAL BACKGROUND.....	303
A. <i>A Brief History of Fire Regulation in California</i>	304
B. <i>The Impact of Fire Suppression on California Ecology</i>	305
C. <i>The Current State of Fire Regulation and Prescribed Burns</i>	305
1. <i>Federal Programs and Regulations</i>	305
2. <i>State Regulations and California’s Unique Position in the Wildfire Scene</i>	306
a. <i>Existing Programs for Private Landowners</i>	307
3. <i>Liability for Potential Damages from Prescribed Burns</i>	308
III. CHAPTER 638.....	309
IV. ANALYSIS.....	310
A. <i>Addressing Long-Term Forest Management Goals in a Time of Crisis</i>	310
B. <i>Reducing the Barriers to the Use of Prescribed Burns on Private Land</i>	311
1. <i>Burning with Cooperators</i>	311
2. <i>Liability for Prescribed Burns</i>	313
C. <i>The Forest and Wildland Health Improvement and Fire Prevention Program</i>	313
D. <i>Agency Coordination and Environmental Regulations</i>	314

* J.D. Candidate, University of the Pacific, McGeorge School of Law, to be conferred May 2020; B.A. Environmental Studies, Mills College, 2012. Special thanks to the law review editors for their insights and patience, and sincere condolences to those affected by the fires in California.