



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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#21
Draft
OWMP

Draft Oak Woodland Management Plan Comments

Attn: Monique Wilber
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Subject: Comments on the Draft Oak Woodland Management Plan

Through the Public Comment process, CAL FIRE would like to ensure that there are no conflicts between a landowners' responsibility under California State Law to maintain defensible space around a building or structure and the Oak Woodland Management Plan (OWMP).

Specifically the Amador El Dorado Unit is concerned over Policy 7.4.4.4, Option A and B and the possible confusion and conflicts it will create with PRC 4290 (Fire Safe Regulations) and 4291 (Defensible Space). Below I have outlined the sections in the Policy that are points of confusion and/ or conflict:

Section 2, Applicability (page 4, paragraph 2): It greatly concerns us that the Policy will apply to all new development projects (including single residences) on parcels less than or equal to one acre with at least 10% oak cover or greater than one acre with at least 1% oak cover.

When new homes are constructed on smaller parcels (less than two acres) replacement and retention will conflict with PRC 4291 defensible clearance requirements. PRC 4291 requires removal of all highly flammable vegetation within 30 feet of a structure and canopy separation for the remaining 70 feet. To comply with the PRC landowners will be required to plant, at a 1:1 ratio, for every tree removed or pay a fee on the canopy cover removed. This will discourage landowners from doing clearance to the full extent of the law. We recommend that Policy 7.4.4.4 exempt the area surrounding a new or existing building or structure pursuant to PRC 4291, Defensible Space.

Section 2, Exemptions (page 4, paragraph 3): This section states that actions pursuant to a County approved Fire Safe Plan necessary to protect existing structures are exempt. These plans are documents written by a registered professional forester that address the basic wildland fire protection standards in relation to a proposed project or parcel split. These regulations have been adopted with amendments by El Dorado County. Fire Safe Regulations address emergency access, signing and building numbering, emergency water standards and fuel modification standards. These plans are reviewed and approved

by the local fire district where the project is being planned as well as by CAL FIRE. Often times, the Fire Safe Plan incorporates the requirements of defensible space measures of PRC 4291 while also making recommendations for vegetation modification outside of the 100 foot defensible space zone. The fuel modification standards outside the realm of PRC 4291 are required to ensure the safety of emergency fire equipment and evacuating civilians during a wildland fire, in addition to providing a point of attack or defense for firefighters during a wildland fire.

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Fire Safe Plans are not required for existing structures or developments. Existing structures and developments may be included in a Community Wildfire Protection Plan (CWPP) and we certainly do support the exemption of activities approved in CWPP's. This reference to Fires Safe Plans and existing structures should be removed unless the intent is to exempt structures within areas covered by CWPP's.

Section 2, Exemptions (page 4, paragraph 5): Fire Safe Plans are incorrectly referenced however Defensible Space is correctly stated; 100 foot defensible space clearance is required around existing structures as per PRC 4291. We do support the exemption of Defensible Space clearing around *existing structures* and we do not understand why the same importance (exemption) can not be placed on *new structures*.

Any reference to Fire Safe Plans and existing structures should be removed, Fire Safe Plans are only required for new development projects.

Section 2, Exemptions (page 5, paragraph 1): Again this paragraph creates confusion and conflict when it states, "Oak tree removal in the 100 foot defensible space zone, and fuel modification actions pursuant to a County approved *Fire Safe Plan* inside and outside of the 100 foot defensible space zone **for all new developments projects is not exempt...**" As stated above Fire Safe Plans incorporate the requirements of defensible space measures of PRC 4291 while also making recommendations for vegetation modification outside of the 100 foot defensible space zone. The fuel modification standards outside the realm of PRC 4291 are required to ensure the safety of emergency fire equipment and evacuating civilians during a wildland fire, in addition to providing a point of attack or defense for firefighters during a wildland fire. The fuel reduction activities within an approved Fire Safe Plan for a new development should be exempt from the Policy (OWMP).

Section 2, Public Road Safety Projects (page 5, paragraph 6) are exempt from the Policy, we feel that Fire Safety around new developments and structures would be given the same exemption as Public Road Safety Projects.

Section 2, Mitigation Option A (page 6, paragraph 4) this section displays the amount of woodland canopy that must be retained and then says, "In *addition to retention*, Option A requires that removed oak woodland canopy be replaced at a 1:1 ratio". Our Defensible Space requirements call for the removal of all the highly flammable vegetation in the 0-30 foot zone and further clearing in the 30-100 foot zone, therefore the landowner would be required to plant one tree for every tree removed and on smaller lots (less than 2 acres) there is not sufficient space for planting unless trees are planted in the understory of existing trees (refer to the attached figure). We do support the retention of single specimens of well spaced trees in the 30-100 foot zone however we **do not support** replacement planting in any of the Defensible Space zones. When replacement planting is not an option, which is the case on many small lots (refer to the attached figure), landowners will be required to pay the mitigation fee. Landowners should not have to pay a fee for meeting State Law.

We appreciate the opportunity to comment on the Oak Woodland Management Plan. We are confident that the issues raised in this comment letter will be addressed and resolved through the Public Review Process.

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Unit Chief
Bill Holmes

Figure 1.

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If you put a 3000 sq. ft. house (dimensions 55ft X 55ft.) on a one acre lot (208 ft. X 280ft) there would be no room for oak replacement and the landowner would be forced to pay the fee for the canopy cover removed which would be more than half of the lot just to meet the minimum PRC 4291 specifications.

