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Development Services Department
 Planning Services
 2850 Fairlane Court
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**Subject: Comments associated with the Oak Woodland Management Plan
 Public Resources Code 4291 (Defensible Space)
 Public Resources Code 4290 (Fire Safe Regulations)**

On August 20th and August 29th, 2007 I met with Monique Wilber, Senior Planner, to discuss CAL FIRE's concerns with the Oak Woodland Management Plan (OWMP) being proposed for adoption by the County of El Dorado. Ms. Wilber was very receptive to our concerns and asked for written comments as well as additional information on Public Resources Code 4291.

Through the Public Review 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 OWMP. PRC Section 4291 requires 100 feet of defensible space (or to the property line, whichever is nearer) around all buildings and structures. Under State Law, an insurance company that insures a building or structure can require the owner to maintain a fire break greater than 100 feet.

The following comments have been reviewed and approved by the *El Dorado County Fire Prevention Officer's Association*:

1. Section I. Purpose, Goals, and Objectives should clearly state that Policy 7.4.4.4 does not apply to the area surrounding a building or structure pursuant to PRC 4291 and Title 14 CCR 1299, Defensible Space. In addition, the Mitigation measures under Option A and Option B should not apply within this zone. However, it is CAL FIRE's recommendation that retention of single specimens of native oak trees within 100 feet of a building or structure should count as Oak Woodland Canopy retention under the plan. This may encourage landowners and developers to retain Oak canopy that is consistent with PRC 4291 without penalizing them if removal is warranted for purposes of defensible space.
2. Section I. Purpose, Goals, and Objectives; B. OWMP Goals: the CEQA analysis needs to identify and either avoid or mitigate the OWMP's effects on wildland fires.
3. Section V. Mitigation Standards for the Loss of Oak Woodlands; A. California Oak Woodlands Conservation Law Requirements: Under this section the OWMP states:

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“An important consideration for El Dorado County, as well as other counties, is how to resolve the current conflict between Fire Safe guidelines and oak woodland conservation and mitigation requirements.

This OWMP recommends that no mitigation be required as long as vegetation management for Fire Safe purposes adjacent to dwellings incorporates habitat conservation measures as recommended by a qualified professional.”

Issues related to public and firefighter safety, especially in the context of wildland fire in the urban interface and urban intermix, should not be perceived as a conflict. Rather, an OWMP of this type should encourage PRC 4291 defensible space requirements and the implementation of PRC 4290 Fire Safe Regulations (i.e. Fire Safe Plans) because these laws exist to protect vegetated landscapes like Oak Woodlands as well as structures from catastrophic wildfire. One of the greatest threats to Oak Woodlands is fire. Defensible Space clearance requirements under PRC 4291 exist to minimize not only the spread of wildfire from vegetation to a structure but also exist to prevent the movement of fire from a structure to the vegetated landscape. In addition, Fire Safe Regulations address fuel modification standards that decrease the intensity of wildfire beyond the 100 foot standard where applicable.

4. On-Site Mitigation, Replacement Plantings: Replanting of Oak Woodlands to a density of 200 trees per acre under Option A of Policy 7.4.4.4 could potentially conflict with PRC 4291. Only single specimen of trees that are well maintained and pruned of dead vegetation should be allowed in the defensible space zone consistent with the 0 to 30 foot zone and the 30 to 100 foot zone under PRC 4291.
5. Section VII. Replanting and Replacement Standards; B. Thinning Standards: The following statements need revision and/or clarification:
 - a. In the first paragraph there needs to be clarification on who can “provide guidance on thinning plantings”. Fire inspection officials under PRC 4119 and Title 14 CCR 1299 are given the authority to enforce PRC 4291. This authority allows fire inspection officials to enforce defensible space measures that involve vegetation modification and removal. The OWMP needs to provide greater clarification on the role of the registered professional forester, certified rangeland manager, certified arborist and qualified biologist *outside* of the defensible space zone (100 feet) of PRC 4291.
 - b. The second paragraph states:

“Thinning for Fire Safe Purposes needs to consider both the General Plan Safety Element and the General Plan Open Space Element that includes oak woodland conservation. Where a conflict exists between fire safety and oak woodland conservation, this OWMP recommends that fire safety take precedent as determined by a qualified professional. Defensible space standards are necessary for public safety, and proper planning will reduce potential for conflicts between those General Plan elements.”

The recognition that fire safety takes precedent in planning purposes is well received by CAL FIRE. However, as mentioned above, it is the responsibility of fire inspection officials to make determinations of fire safety as it relates to defensible space around a building or

structure. In order to avoid conflict between fire safety and oak woodland conservation, the area around a building or structure regulated by PRC 4291 needs to be exempt from the requirements of the OWMP.

6. Within the OWMP there are references to Fire Safe Plans. These plans are documents written by a registered professional forester that address the basic wildland fire protection standards of the California Board of Forestry and Fire Protection in relation to a proposed project or parcel split. The authority for these Regulations is found within PRC 4290 and Title 14 CCR 1270-1276. 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. Within the OWMP there needs to be greater discussion of the nexus between Fire Safe Plans and OWMP conservation goals.

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.

Submitted by:

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