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THE BOARD OF SUPERVISORS  
ALPINE COUNTY, CALIFORNIA

P.O. BOX 158  
MARKLEEVILLE, CALIFORNIA 96120

TELEPHONE  
530-694-2281  
FAX  
530-694-2491

October 27, 2005

State Board of Forestry and Fire Protection  
George Gentry, Executive Officer  
P.O. Box 944246  
Sacramento, CA 94244-2460

RE: Alpine County Comment – Defensible Space Regulations

Dear Mr. Gentry:

At its meeting October 18, 2005, the Alpine County Board of Supervisors discussed the proposed amendment to the State Board of Forestry Defensible Space Regulations. While the Board conceptually supports the new guidelines, which expand the defensible space clearance requirement from within 30 feet of a structure to 100 feet of a structure, the board has some concerns regarding compliance and enforcement.

Many of the residential areas in Alpine County are within a State Responsibility Area (SRA). However, these lands are managed by a cooperative agreement between the California Department of Forestry (CDF) and the U.S. Forest Service (USFS), due to the lack of a local CDF office within close proximity to Alpine County. As such, the County has historically experienced problems with enforcement of CDF regulations, since the USFS is not a state agency. Our concern is that once the new guidelines are adopted, there will be no enforcement mechanism for non-compliance or a strategy for how the new regulations will be administered in remote rural areas such as Alpine County.

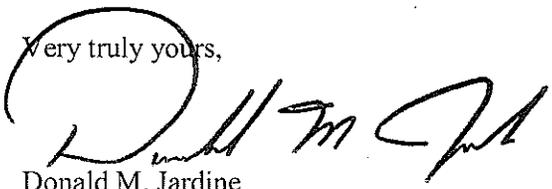
15-1

As well, the Board of Supervisors is concerned over undeveloped properties existing within SRA residential or commercial areas. Fuels loading on undeveloped properties is not regulated by SRA regulations, and yet pose a significant threat to structures on adjoining properties. The Board of Supervisors urges that minimum standards for defensible space and vegetative clearing be established for undeveloped property, as well.

15-2

Your attention to our comments is appreciated.

Very truly yours,



Donald M. Jardine  
Chair

cc: Alpine County Fire Safe Council  
Members, Board of Supervisors

216

October 27, 2005

Attn: Mr. George Gentry

RE: Comments on the California Department of Forestry Fire Plan

My husband & I own a home on six acres in Nevada City, California which is diverse in tree and plant life. The choice of buying and building here in 1990 was in part made by this healthy natural growth. We maintain a greater than 30 foot clearance around the home for fire protection, and continually prune & thin the trees and shrubs on the property for a healthy environment. **We object to many elements of the Fire Plan** in its original form, as it would take away the beautiful and safe landscaping of our property, and this community.

16-1

I encourage the growth of trees, yet thin appropriately and continually. I protect the native plants, and place emphasis on them in our landscape. The abundant bird and wildlife is a reflection of an excellent balance of plants or trees for them to nest, rest, or eat in. In clearing as proposed in your Fire Plan, the plants, animals, birds, and insect life risk becoming seriously out of balance. If an area must be seeded to prevent erosion there becomes additional risk in introducing non-native species which will crowd out the native which supports its local inhabitants.

16-2

On our property I have allowed the native Gooseberry (Ribes) to grow in selective areas. I see hummingbirds feed on the early spring blooms and quail, grouse and wild turkey on the berries. They are to attract over 30 bird species. A Ceanothus we call wild Lilac, provides nectar to some, and the foliage is a favorite of the deer. Its white blooms in the spring are a must in a natural landscape. Elderberry can attract 40 varieties of birds as well as leaves for deer. I have removed Manzanita *except for a few specimens* as they provide valuable early food for the hummingbirds, bees, and cover for many birds. I want to maintain this right to keep a plant or two on my 6 acres or within the fire protection area around the house that you are asking be completely removed. Allowing just a few of the native berries to remain also provides excellent food and coverage for many birds. The list goes on with Western Dogwood, Silver Bush Lupine, Monkey Flower, Wild Mock Orange, Penstemon, Honeysuckle....on on. In this part of the State, these are important. Please do not make me or others remove them, **or thin the trees they live under beyond what they can tolerate.**

16-3

Another major concern comes from experience on several residential rental properties we own. Insurance companies have cancelled insurance because they require 1500 feet of clearance around the home. As the house is on a small city lot, and we do not own that many feet our hands are tied and we pay double the insurance rate with another company. Camellias, Rhododendrons, and Jasmine just don't seem like brush. It would be hard to attract a tenant with a bare lot around the house. I could write pages on this subject but realize that is not the focus of your inquiry.

16-4

**I fear this plan creates a vision of the healthy natural areas of our state being mandated to be stripped, looking like the heart of our major southern cities.** Careful what you ask for, as someday the vision could become reality!

16-5

Sincerely in protest of being mandated to cut trees and clear away plants in such an unreasonable manner.

Andria Cox  
PO Box 2505  
Nevada City, CA. 95959

RECEIVED BY

OCT 31 2005

BOARD OF FORESTRY  
AND FIRE PROTECTION

**F A X**



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To: State Board of Forestry and Fire Protection

Fax number: 1 916 653-0989

From: Greg Crompton

Fax number:

Business phone:

Home phone:

Date & Time: 10/28/2005 6:50:31 AM

Pages: 4

Re: Comments on Defensible Space Regulation

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Review comments based on concerns about an implied requirement to remove all native trees within the 30 foot zone.

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L-17



**DOBBINS/OREGON HOUSE ACTION COMMITTEE**

PO BOX 703

OREGON HOUSE CA 95962

PHONE (530) 692-0110  
October 28, 2005

State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

Honorable Board Members:

The Dobbins/Oregon House Action Committee (DOACT) acts as a forum where citizens in our communities (Dobbins and Oregon House in the Sierra foothills of Yuba County, California) can address issues of interest to them, achieve consensus and represent that consensus to those having jurisdiction. Our area of influence includes approximately 3,000 residents who are eligible to participate. Wildfire prevention and mitigation is perhaps our most pressing concern. Attached are our comments on your proposed Defensible Space Regulations § 1299.

At the October meeting of our county's Fire Safe Council copies of your proposed Defensible Space Regulations § 1299 were distributed. Members of our organization present at that meeting felt that this proposed regulation should be brought up at our regular meeting (October 27, 2005) for review and comment. A concern identified at our meeting was that the words "removing and clearing away all flammable vegetation and other combustible growth" in subsection 1299 (a) (1), if literally interpreted, could result in a requirement to remove all native trees. Our local CDF Battalion Chief told us that such removal was never intended, and that the comments we were contemplating are unnecessary. We, however, opined that a day could come when a person of such reasonable understanding as our current Battalion Chief might not be in charge of implementing the regulation. Further, we feel that otherwise uninformed property owners need to be able to fully understand what is required of them. We are therefore forwarding our recommendations to you in *strikeout and italicized* format and we respectfully request your consideration of them in light of our above stated concerns.

17-1

Respectfully:

Greg Crompton, Chairman  
Dobbins/Oregon House  
Action Committee

DEFENSIBLE SPACE, 2005

Recommended by BOF for 45-Day Notice of Public Hearing

on September 15, 2005

Adopt 14 CCR, Division 1.5, Chapter 7 Fire Protection, Subchapter 3.

Defensible Space Regulations. § 1299

§ 1299. Defensible Space.

The intent of this regulation is to provide guidance for implementing the defensible space criteria of Public Resources Code 4291(a) and (b) and minimize the spread of fire within a 100 foot zone around a building or structure.

(a) Any person that owns, leases, controls, operates or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass covered lands, or any land that is covered with flammable material, and is within any State Responsibility Area, shall do the following:

(1) Within 30 feet from each building or structure maintain a firebreak by removing and clearing away all flammable *understory* vegetation and other combustible growth of *weeds and grasses (excluding green lawn grasses mowed to a height of not more than two inches), all fallen dry leaves, needles and any other forms of fallen dry foliage, bract and duff, and lower tree branches up to one third of the height of the tree or twelve feet whichever is less*, pursuant to PRC § 4291 (a)

17-2

(2) Within the 30 feet to 100 feet zone (Reduced Fuel Zone) from each building or structure (or to the property line, whichever is nearer to the structure), provide a fuelbreak by disrupting the vertical and/or horizontal continuity of flammable and combustible vegetation

with the goal of reducing fire intensity, inhibiting fire in the crowns of trees, reducing the rate of fire spread, and providing a safer environment for firefighters to suppress wildfire.

(b) Any vegetative fuels identified as a fire hazard by the fire inspection official of the authority having jurisdiction, shall be removed or modified provided it is required by subsection

(a) (1) & (a) (2).

(c) Within the intent of the regulations, the fire inspection Official of the authority having jurisdiction may approve alternative practices which provide for the same practical effects as the stated guidelines.

(d) Guidance for implementation of this regulation shall be consistent with procedures contained in the publication: "General Guidelines to Implement Performance Based Defensible Space Regulations under PRC 4291" as adopted by the Board of Forestry and Fire Protection on XXXXX XX, 200X.

Note: Authority cited: Section 4102, 4291, 4125-4128.5, Public Resource Code. Reference: 4291, Public Resource Code.

L 1 B

**Virginia McAfee**  
**17803 Jayhawk Drive**  
**Penn Valley, CA 95946**  
**Telephone: 530-432-9428**  
**Email: RKMcafee@SBCGlobal.net**

October 28, 2005

California Department of Forestry  
916-653-0989

Gentlemen:

This fax is in response to the request for comments in today's issue of The Grass Valley Union regarding the potential requirement of a revised CDF Fire Plan that would call for a *100 feet defensible space around one's home*

The term "defensible space" was not defined, but if it meant all shrubs and trees that could possibly burn in a fire, then it would mean that every lot in Lake Wildwood would have to be almost totally denuded. Virtually every lot property line here falls outside the 100 foot defensible space requirement.

It is difficult for me to believe that this could even be legal, much less practical. What about our property values? If this is the intended impact of the revised CDF Fire Plan, I am confident that all 5,000 members of our Lake Wildwood Association would be strongly opposed to it.

18-1

If my concerns are correct, I beg you to reconsider the parameters of the revised Fire Plan and make them something that we, as quarter acre property owners, can live with.

Yours truly,  
*Virginia McAfee*  
Virginia McAfee

L19

14487 Burlington Parkway  
Fenn Valley, California 95946

October 27, 2005

Mr. George Gentry  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, California 94244-2460

Dear Mr. Gentry:

I would like to comment on the proposed Defensible Space 2005 Rule of the California Department of Forestry Fire Plan. The proposed increase from 30 to 100 feet of defensible space around a house is a drastic jump upward. For homeowners like myself on 5 acres of land, I estimate the required clearing would cost from \$8,000 to \$25,000 plus the cost of ongoing maintenance (if we can even find contractors to carry out such work, once they are all incredibly overworked if the proposed new rule takes effect). Is the CDF also proposing some source of funding to assist homeowners in meeting these expenses? Otherwise, this seems like a dubious kind of tax on all property owners in California.

19-1

19-2

As the proposed rule guidelines note, there is a "wide variation of terrain, climate conditions, and vegetation characteristics" throughout California. Specifying a blanket number of feet of defensible space overlooks these variations as well as the diverse ecological and environmental impacts of vegetation clearing in different locations – or else it opens the enforcement of the rule to great subjectivity of interpretation with likely resulting conflict and legal battles.

19-3

People like my wife and myself and many of our friends here in Nevada County have not moved to this location primarily to do everything possible to prevent fires. Our primary reasons have often had more to do with the chance to live close to natural surroundings, including native vegetation and wildlife (realizing that this may involve certain risks of variety of types). Forcing us to clear a hundred feet of defensible space will result in a virtual deforestation of many areas of the region where I live. It will also decrease the values of our properties, especially for those wanting to purchase homes in this area for similar reasons as ourselves. For many of us, it matters little if the natural landscapes around our homes are destroyed by fire or by the new defensible space rule.

19-4

I am particularly concerned about the loss of habitat for the deer, foxes, skunks, raccoons, opossums, mice, snakes, bobcats and other creatures that also share our land with us. The amount

of clearing involved in the proposed rule would virtually eliminate the habitat of many of these creatures. It would also expose our house much more to the view of our neighbors, another factor in decreasing our property value (especially for those looking to live in privacy and quiet).

The wholesale elimination of all species of plants (especially the bushier ones) is likely to have unexpected effects in terms of the disruption of sensitive interrelationships in particular ecologies. Not only more obvious negative results such as soil erosion but subtler disease-causing conditions to plant, animal, and soil life as well as other yet unknown consequences. The CDF needs to study the ecological and environmental impacts of its proposed defensible space policy in far more detail than has been indicated in the description of the proposed Fire Plan. Have any expert botanical, zoological, geological, or ecological scientists been consulted or involved in developing the proposed plan?

19-4

Finally, although everyone would like to do what is possible and common-sensical to reduce the danger of fire, a generalized, seemingly arbitrary increase of defensible space will not be effective in itself. Any increase in defensible space law (and it is possible a much smaller, less draconian increase might be justified, maybe from 30' to 50') needs to be an integral part of a more comprehensive fire safety plan that might include measures such as methods to increase use and retrofit of fire-resistant building materials, greater attention to evacuation routes, rationally spaced gravity-fed water tanks (especially on one-way roads), and more complex, ecologically sound guidelines on more restrained land clearing methods. Also, considering the historical situation, a determination of what defensible space is "safe" should also take into account the vastly increased application of groundwater to the surface of our now more settled and developed land compared to wilder conditions in the past.

19-5

I hope the above points will be seriously considered in a revision of the proposed defensible space rule.

Sincerely,

David Adams, Ph.D.

State Board of Forestry-

RE: SB1369

Due to the financial hardship and environmental degradation that this law creates, I urge you to please reconsider implimenting this law. It's sure to end up a huge net loss.

Glen Armintrout  
P.O.B. 594  
Cedar Ridge  
CA 95924

\*\*\*\*\*

ATTN: MR. George Gentry  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460  
FAX:916-653-0989

L 21

RECEIVED BY  
NOV 1 2005  
BOARD OF FORESTRY  
AND FIRE PROTECTION

SUBJECT: oppose 100 foot clearing radius in rules related to SB 1369

RE: Comments on Proposed Guidelines for Defensible Space,  
Including But Not Limited to: PRC4291 and Reg 14 CCR 2291

Thank you for the opportunity to comment on the proposed regulations.  
I support efforts to reduce catastrophic fires. Although I live within a "very high fire hazard severity zone", I am opposed to the regulations or

mandates as appear to be contained in PRC4291 and 14CCR2291 (which may have originated in SB1369).

As a homeowner, I accept the risks of wherever my home is—a floodplain, earthquake fault, non-compliant air pollution area, contaminated ground water zone, fire hazard, etc. The risks should be dealt with (reduced) at the land-use, zoning, and permitting stage, not after the structures have

been established.

To have public agencies prepared to use precious resources to monitor and/or maintain "defensible space" is unrealistic and unacceptable. The

scarce public resources should be directed to

- (a) establishing strict rules and regulations to issue or not issue building permits,
- (b) identifying and requiring fire-proof or fire-resistant building materials, and
- (c) educating the public regarding fire reduction practices.

If the goal of these "defensible space" proposals is indeed to reduce the

probability and possibility of catastrophic fires or wildfires, then at the permit level, the first "line of defense" is where the proposals will cause the least disruption and hardship, and will be the most effective.

Additionally,

1. To expand the mandate/recommendation from 30 feet to 100 feet should require a thorough review under the California Environmental Quality Act (CEQA) and possibly under NEPA. The public should be noticed and encouraged to participate in these regulations/recommendations before any

are adopted.

2. To "clear" 100 feet of space, according to the proposals, would devastate wildlife habitat (both avian and mammalian), cause irreparable watershed damage (run off, pollution, etc.), and create areas in which native vegetation may never recover. Before your agency attempts to implement such a rule, it must study, investigate and provide realistic, workable alternatives to bring wildlife and other environmental impacts to less than significant.

3. To suggest: "It does mean arranging the tree, shrubs and other fuels

sources in a way that makes it difficult for fire to transfer from one fuel source to another" is a disingenuous statement that attempts to make one believe that fire is predictable. For structures in the most "fire-vulnerable" locations, fire paths cannot be predicted to the degree

of detail this statement suggests. Your agency should foster creation of

advisory committees that consist of citizens as well as community leaders

to evaluate the fuel loads of their area as well as the degree of risk the community and individuals are willing to accept with regard to wildfire.

4. Every landscape is unique; the 100 feet of defensible space is an egregious "one-size-fits-all" attempt to reduce a risk that will need annual (if not biannual) maintenance, and thus create unnecessary hardship. Please consider abandoning any measurable defensible space criteria and concentrate on structure defense criteria instead.

5. The proposed rule's statement "Fuel reduction through vegetation management is the key fundamental to creating defensible space" is not necessarily true. It is only one component. Another fundamentally important approach is to require more fire-resistant building materials. This has been proven repeatedly in wildfires in southern California. Change the focus from "defensible" to "fire-reducing practices", and include a mandate to require the use of fire-retardant materials.

6. Any proposal or recommendation is incomplete unless it addresses public warning and evacuation procedures. These defensible clearing proposals, if adopted as they are stated, could instill a false sense of security and

result in great loss of life and property to the public. Before your agency attempts to implement such a rule, it must address evacuation procedures.

Your agency should not implement fully the legislative intent of SB1369,

or it will become mired in lawsuits, protests, and the ire of rural landowners

(which are a very tenacious bunch). These actions will distract and alienate your employees, and dilute your agency's efforts to accomplish many of its important missions. Your agency should consider legislative review and modification of SB1369.

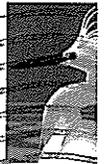
\* Thank you for considering my comments.

Sincerely

*Deim Livingston*

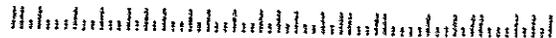
414 Glenwood Pines Ct  
Grass Valley 95945

NE LIVINGSTON  
LENWOOD PINES CT  
IS VALLEY, CA 95945



State Board of Forestry and Fire Protection  
attn: Mr. George Senter  
P.O. Box 94244  
Sacramento CA 94244-2460

94244-2460



L 22

**Gentry, George**

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**From:** Hal Wagenet [hal@hals-pals.org]  
**Sent:** Wednesday, November 02, 2005 12:12 PM  
**To:** Gentry, George  
**Subject:** Re:

Dear YG;

This regulation and the accompanying discretionary guidelines are right on the mark to alleviate the concerns expressed to you at our meeting this summer in Santa Rosa.

I greatly appreciate you doing me the courtesy of a pre-emptive look.

I will support this direction in any way you choose: letter to your board, etc.

Best Regards,

Hal Wagenet  
3rd District Supervisor  
Mendocino County

----- Original Message -----

**From:** Gentry, George  
**To:** Hal Wagenet (E-mail)  
**Sent:** Monday, October 31, 2005 2:49 PM

<<4291guideline9\_15\_05.pdf>> <<Defensible Space Regulations. § 1299 10\_17\_05.pdf>>

Dear Mr. Wagenet:

Attached please find the rule and the guidelines under consideration by the Board in response to SB1369. Note that the Regulations are the enforceable portion of what we are talking about. The Guidelines are meant to show various ways to impliment the regulations, but not all the ways to impliment. If you have any questions, please feel free to call.

George D. Gentry (YG)  
Executive Officer  
Board of Forestry and Fire Protection  
(916) 653-8007

L 23

LETS COMPROMISE

DEAR CDF,

I HAVE BEEN A RESPONSIBLE PROPERTY OWNER IN NEVADA COUNTY FOR 27 YEARS, ALWAYS MAINTAINING MY LAND IN ACCORDANCE WITH THE LAW AND WITH RESPECT FOR THE BALANCE OF NATURE. INCREASING THE 30' DEFENSIBLE SPACE TO 50' SEEMS REASONABLE BUT EXTENDING THAT TO 100' OR 200' (SLOPE PROPERTY) IS REDICULOUS. WE ALL KNOW THE GREATEST FIRE DANGER EXISTS IN THE WILDLANDS WHERE THE CDF COULD MAKE A VALUABLE IMPACT BY THINNING, PRUNING AND REMOVING DEAD VEGETATION JUST AS WE DO ON OUR PROPERTY. MY DAD, A VERY WISE MAN ~~THE~~ EDUCATED ME AT AN EARLY AGE TO APPRECIATE THE LIFE THAT NATURE PROVIDES FOR US AND NOT TO DESTROY THE ECOSYSTEM THAT SUPPORTS IT. NOW COULD WE EVER JUSTIFY BEING FORCED TO STERILIZE OUR BEAUTIFUL NEVADA COUNTY.

*Lyubeta*, GARCIA

FAX TO - 916-653-0989

STATE BOARD OF FORESTRY  
AND FIRE PROTECTION

ATTN. MR GARY GENTRY

FROM LYLE PETERSON  
12045 PADDOCK LN  
G.U. CA 95949

L 24



November 22, 2005

Christopher Zimny  
Regulations Coordinator  
Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA. 94244-2460

RECEIVED  
NOV 28 2005  
BOARD OF FORESTRY

BOARD OF DIRECTORS

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Pat O'Brien  
General Manager

Dear Mr. Zimny:

The East Bay Regional Park District has embraced defensible space throughout the nearly 100,000 acres of public parklands it manages in both Alameda and Contra Costa Counties. We are especially pleased to see that the Board of Forestry and Fire Protection is considering adoption of revised regulations.

Title 14 of the California Code of Regulations (14 CCR) Division 1.5, Chapter 7 Fire Protection, Subchapter 3. Article 3. Defensible Space Regulations 1299 is an overdue change. We are strongly in support of implementing the enhanced defensible space criteria of the proposed 100 foot zone.

Upon review of the proposed regulation it is apparent, but not specific, with respect to the fact that it does NOT apply to governmental entities. The underlying statute, Public Resources Code Section 4291 makes clear the law does not apply to government bodies. See Section 4291 (j) definition of "person."

While we may, as a good practice, conform to such regulations as a matter of law we are not required to do so. To make this clear, we recommend that the proposed regulations be amended to add the following language as a new subparagraph "(d)." The following addition actually tracks the language of the underlying statute on which the regulation is based, "Proposed (d)."

**NEW: (d) As used in this regulation, "person" means a private individual, organization, partnership, limited liability company or corporation.**

We believe this change will limit any confusion or inconsistency between the regulations and the statute. Should you have any questions, contact Fire Marshal Ken Blonski at (510) 544-3056.

Sincerely,  
  
Pat O'Brien  
General Manager

cc: Police Chief Tim Anderson  
Fire Chief Dennis Rein  
Ted Radosevich, District Counsel  
Ken Blonski, Fire Marshall

L24-1

L24-2



The Shasta – Trinity Unit has reviewed the 45 Day Notice of Regulation 1299 per PRC 4291. We suggest that consideration be given to changing the word "material" to "vegetation". See the discussion under numeral 1.

} 25-1

We also have concerns over the use of the word "flammable" as we were unable to find a definition for flammable in the proposed new law. See the discussion under numeral 2.

The proposed 4291 (a) language states:

A person that owns, leases, controls, operates, or maintains a building or structure in upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with **flammable material**, and is within State Responsibility Area, shall do the following:

1. Change the word "material".

"Flammable material". Does "material" mean lumber, tires, trash, firewood, etc.? Some people might interpret "material" to mean these kinds of items. "Material" needs to be changed to "vegetation" or similar. The idea here is to focus on vegetation, not other flammable materials. We're weed cops, not garbage cops.

} 25-1

2. Change the word "flammable".

"Flammable material". We found no definition section in the proposed new law language. Therefore, we referenced a Merriam Webster Dictionary. The definition of flammable means: capable of being easily ignited and of burning quickly. The California Fire Codes definition of flammable material is: A material that will readily ignite from common sources of heat, and a material that will ignite at a temperature of 600 degrees F or less.

} 25-2

Section 4291 (a) is only enforceable when the vegetation is "flammable". This means that CDF personnel cannot enforce the law until "after" the vegetation had dried and is considered flammable. Usually, this means during fire season at a time when most personnel are committed to firefighting operations. If a Unit decided to get an early jump on enforcing 4290, by the language of the law, they cannot until the vegetation is flammable. We suggest:

Option #1: A person that owns, leases, controls, operates, or maintains a building or structure in upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable vegetation or vegetation that will be flammable during declared fire season, and is within State Responsibility Area, shall do the following:

Option #2:

A person that owns, leases, controls, operates, or maintains a building or structure in upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with

flammable vegetation or will be flammable during the time of the year when burning permits are required, and is within State Responsibility Area, shall do the following:

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NOV 30 2005

BOARD OF FORESTRY

Mr. Douglas Rischbieter  
P.O. Box 94  
Arnold, CA 95223

NOV 30 2005

BOARD OF FORESTRY

November 30, 2005

Honorable Members of the Board;

I am writing to express my deep concerns about impacts and flaws associated with the new Defensible Space Regulations that will extend the mandate for vegetation clearance from 30' to 100' around structures. This proposed rulemaking, based on hastily-passed and flawed legislation, will have great environmental and economic consequences that have not been adequately raised, addressed, nor mitigated in your rulemaking process.

26-1

Specifically, implementation of the new Regulations:

1) Will have significant impacts to the environment, including State- and federally-listed Threatened and Endangered Species, far in excess of those considered and improperly dismissed in the Board's analysis; and

26-2

2) There is substantial evidence that adoption of the new Regulations is not properly "Exempt" from CEQA, owing to the occurrence of several conditions ("Exceptions") as described in CEQA Guidelines Section 15300.2 (a- Location; b- Cumulative Impacts; c- Significant Effects; d- Scenic Highways); and

26-3

3) The economic analysis posed to the Board is seriously flawed, based on false assumptions and neglect of facts, and the Regulations will result in far greater economic impact and loss to homeowners than those estimated.

26-4

With all due respect, I urge the Board NOT to adopt the Regulations in their current form, and instead perhaps:

1) Revise the proposed Regulations and implement them only after full and honest compliance with the California Environmental Quality Act and preparation of an Environmental Impact Report, including analysis of more meaningful alternatives and adoption of effective mitigation measures, or preferably;

26-5

2) Work with the Legislature to repeal or amend the admittedly-flawed enabling legislation (SB 1369 of 2004), and consider alternatives to the 100' clearance benchmark.

26-6

I am elaborating on the reasons for my strong opinion, below.

**1. Significant Unaddressed Environmental Effects.** The Board's *Initial Statement of Reasons* (October 28, 2005) dismisses possible significant adverse environmental effects because "these projects affect limited areas around existing homes." Though the Board attempts to estimate the number of affected structures in the "State Responsibility Area" and the likely affected area around each, there is no

26-7

evidence presented that the diversity of geography, vegetation, or development in California was adequately researched or mapped. For example, I live in a subdivision of over 1,650 homes near Arnold, CA. Within 1-4 miles of my subdivision are at least 5 more large subdivisions. Cumulatively just in my area, there are thousands of nearly-contiguous homesites, almost ALL in forested terrain and with lot lines within 100' of each structure. Vegetation modification under the proposed Regulation will be almost continuous over THOUSANDS of acres, creating an impact AT LEAST as great as a large-scale selective logging operation. These impacts to water quality in second- and third-order streams and beyond, and associated modifications to currently still-valuable wildlife habitat, are certain to be significant. This is just one example that will be repeated MANY times throughout California's Sierra foothills, if the proposed Regulations are implemented.

26-7

26-8

26-9

There are other examples where removal of trees and other vegetation will have impacts to Endangered Species. Consider homesites in the Santa Cruz Mountains as just one example: any new soil disturbance in that area will exacerbate impacts to water quality that have already contributed to the federal-listing of steelhead, coho salmon, red-legged frog, tiger salamanders, and other aquatic- and wildland-dependent species on California's coast. ANY such impact to these species' habitat is consider "take" under the Endangered Species Act, and consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service is thus required for this action under Section 10 of the Act. A Habitat Conservation Plan will likely be required in areas where implementation of the Defensible Space Regulations have the potential to degrade listed species habitat. Remember, under ESA it is not permissible to dismiss these impacts as "minor" -- it is *take*, regardless. "MOU's" to authorize take of critical habitat may exist in SOME southern California locales, but they do not exist throughout California and reliance on this flawed logic underscores the inadvisability of imposing "one size fits all" regulations throughout the State's diverse ecoregions and geography.

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The "mitigation measures" incorporated by the Board DO NOT "eliminate or substantially lessen" the potential adverse environmental effects of the new Regulations. Imposition of these modifications will affect ALL of rural California, even though the annual affects of wildfire only affect a tiny fraction of 1% of the State. [The environmental benefits in NO WAY outweigh the ecological costs.] Consider also the authority vested in the local "fire inspection official." This is likely to be a person unfamiliar with ecological processes and without a full understanding of the environmental impacts associated with large-scale habitat modification and soil disturbance. It further leaves homeowners and the environment subject to the vagaries of single-minded personal judgment and potential over-zealous Regulation interpretation and enforcement. [The long-term impacts are also inadequately addressed. As just one example, consider the Regulation allowing retention of "embedded" logs as a habitat element. There is no provision for recruitment of such large woody debris afforded; as fire protection officials prescribe removal of recently-felled material (not "embedded"), there is no source to offset the decay of rotting logs. In a few years, the continuing absence of this nutrient source and habitat will

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permanently change soil health and wildlife distribution. These impacts do not seem to have been considered nor mitigated.

15

Pages 9 through 11 of the *Initial Statement of Reasons* list numerous citations upon which the Board relied to arrive at its conclusions. With only one exception, the referenced titles are limited to topics of fire prevention, fuel modification techniques, fire behavior, and other related subjects within this narrow scope. NOWHERE is there evidence that the Board considered "technical, theoretical, and/or empirical study, reports, or documents" describing the *ecological* impacts of the proposed large-scale vegetation modification! How can the Board come to conclusions that potential adverse environmental effects are "eliminate[d] or substantially lessen[ed]" in the absence of such review?! At a MINIMUM, the Board should consult Longcore (2000)<sup>1</sup> and many of the more than 50 relevant citations therein before arriving at any conclusion. In my opinion, with the **substantial evidence** posed by Longcore (2000), the Board's conclusion would be the exact opposite.

26-16

## 2. Exceptions to "Categorical Exemptions" require preparation of an EIR.

The California Environmental Quality Act provides "partial exemptions for certain regulatory programs," but CEQA also clearly articulates several conditions which, when present, make the Board's use of a Categorical Exemption inappropriate. At least four of these conditions apply to the proposed Regulations.

First, "location" is an essential factor to consider (CEQA Guidelines 15300.2[a]), especially for projects involving "minor alterations of land, water, or vegetation." A Categorical Exemption can NOT be used for a project "that is ordinarily insignificant [but] may in a particularly sensitive environment be significant." This exception is of particular applicability where resources are "precisely mapped, and officially adopted pursuant to a law by federal, state, or local agencies." There are MANY examples where habitat protection (and Critical Habitat, and Scenic Highways) have been so prescribed in California; unfortunately, it does not appear that the Board's "State Responsibility Area" has been adequately compared to these precisely-mapped resources and jurisdictions.

Second, the proposed Regulations would have widespread "cumulative impact" (CEQA Guidelines 15300.2[b]). Ongoing vegetation modification for current (30') Regulations has an impact, and will continue to do so. Expanding this disturbed area by several times in individual cases, across a VAST swath of California at hundreds-of-thousands of points, WILL have cumulative impacts that have not been addressed.

Third, there IS a "reasonable possibility that [the new Regulation] will have a significant effect on the environment due to unusual circumstances" (emphasis added). Unusual circumstances include but are not limited to the geographic scale of the effects of the new Regulation. CEQA does not allow a Categorical Exemption in such cases (CEQA Guidelines 15300.2[c]).

Fourth, it seems likely that some vegetation modification (including tree removal) required if the new Regulation is adopted will occur within 1,000' of a State Scenic

26-17

<sup>1</sup> Longcore, T. 2000. Ecological effects of fuel modification on arthropods and other wildlife in an urbanizing wildland. In: L.A. Brennan et al. (eds.) National Congress on Fire Ecology, Prevention, and Management Proceedings, No. 1 Tall Timbers Research Station, Tallahassee, FL.

Highway, since some homes are so situated in some rural areas. "A Categorical Exemption *shall not* be used for a project that *may* result in damage to scenic resources, including but not limited to, trees...within a highway officially designated..." (CEQA Guidelines 15300.2[d]; emphases added).

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For these and other reasons, including compliance with the spirit of CEQA and fair evaluation of more than the VERY LIMITED alternatives inadequately considered by the Board, an Environmental Impact Report should be prepared.

**3. Substantial Unaddressed Economic Impacts.** The Board's *Informative Digest* claims these Regulations will not "create or eliminate jobs" nor affect the expansion of businesses..." I am incredulous of such claims. Furthermore, the vague "unspecified economic benefits" purported in the *Digest* and *Initial Statement of Reasons* are implausible and will almost certainly not be returned to homeowners who must bear the greatly-understated costs of compliance. While CEQA does not require full review of economic impacts and alternatives, the Board's reliance on certain economic assumptions in the *Initial Statement of Reasons* raises the need to correct some fallacious premises.

26-18

Using my previous example of the thousands of homes in the several subdivisions within the few miles surrounding Arnold, there is NO WAY general compliance can routinely be achieved by "an 8-hour day of landscaping labor...at \$200 per home." Not only does the stereotypical "guy with a pickup truck" (who now routinely does the 30' clearance) cost more than this, but there is insufficient labor or contractors in place in this community to accomplish any meaningful compliance in a reasonable number of years! And "a guy with a pickup truck" is not going to climb trees beyond the range of a pole-saw to remove dead limbs, nor fall whole trees to create gaps in the overstory/canopy -- THAT will take a Certified Arborist or tree company that typically charge \$1,000s! Again, my local situation is just ONE example of what must be HUNDREDS of such communities in the Sierra Foothills! A majority of homeowners will be out of compliance for prolonged periods, and subject to the vagaries of the "fire inspection official's" sensitivity to the situation.

26-19

In the *Initial Statement of Reasons* the Board demonstrates a beginning of an awareness of potential impacts to aesthetic resources. Woefully inadequate in the degree it leaves final implementation of this aspect of the Regulations to the "fire inspection official," it also fails to connect these aesthetics to related economic impacts. The impact to aesthetics in these forested mountain subdivisions will be so severe that every Realtor and homeowner should take note, **because decreased aesthetics will decrease property values.** Lost privacy, lost scenery, lost shading, lost wildlife/bird habitat -- the impact to individual parcels will ROUTINELY be tens-of-thousands of dollars of decrease in a property value, especially in today's market. Decreased shading can also result in higher energy costs.

26-20

Underlying all the Board's effort is the root discussion of the "Public Problem...The Regulation is Intended to Address" (*Initial Statement of Reasons*). I am unconvinced by

the significance of the arbitrary "\$100 million" annual property damage frequency -- to what degree has that threshold been reached more often in recent years SIMPLY because of inflation and escalation of property values? I am skeptical it is significant in the greater equation of insurance premiums and the continued increase in insurance customers as California's population has grown over the same period. Was PRC 4291 based on and driven by single-minded lobbying from the Insurance Industry?

26-21

26-22

I am sympathetic to the difficulty encountered by your Board as you seek to find some way to overcome the gross flaws of SB 1369. But I am resigned that it is just not possible to do that in an environmentally - and economically-sensitive or reasonable manner. The cause-and-effect discussion, and dismissal of environmental and economic impacts, is based on SPECULATIVE assumptions to too great a degree. A marginal increase in forest fire protection is NOT "worth any cost." A "one-size fits all" approach to vegetation clearance is NOT suitable for an area as diverse as California, and the "flexibility" sought by the Board in crafting these regulations gives insufficient assurance that impacts will not be significant. The cost of PRC 4291 to our environment and wildlife, water quality, and property values is too high. I believe a half-hearted suggestion of slightly-lower insurance premiums is not worth tens-of-thousands (or hundreds-of-thousands?!) of cases of significant decrease in property value and equity. Please let your legislators know that the enabling legislation (SB 1369) needs repeal or overhaul.

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26-26

Sincerely,



Douglas Rischbieter  
P.O. Box 94  
Arnold, CA 95223  
(209) 795-7105  
rischbieter@mybluelight.com

- cc: Sierra Club  
Ebbetts Pass Forest Watch  
Natural Resources Defense Council  
California Department of Fish and Game  
State Water Resources Control Board  
U.S. Fish and Wildlife Service  
National Marine Fisheries Service  
California Association of Realtors  
Chair -- Assembly Water, Wildlife, and Parks Committee  
Senator Dave Cox  
Assemblymember Dave Cogdill

L 2 7

**From:** Hoffman, Tom  
**Sent:** Friday, September 30, 2005 3:49 PM  
**To:** Zimny, Chris; Stanley, Mark; Gentry, George; Mitchell, Wayne  
**Subject:** FW: 100 foot defensible space regs out for public notice  
FYI

**Tom Hoffman**

CDF Staff Chief, Fire Prevention & Prefire Management  
P.O. Box 944246  
Sacramento, CA 94244-2460  
(916) 653-7472 (desk/cell)  
(916) 653-8961 (fax)

-----Original Message-----

**From:** German, Larry  
**Sent:** Friday, September 30, 2005 3:46 PM  
**To:** Hoffman, Tom  
**Subject:** FW: 100 foot defensible space regs out for public notice

Information only, no action required.

Thought you might be interested in the first comment from the field regarding the proposed regulation and guidelines. Suspect we will see more of the same from the troops in the trenches who will be doing the actual work / inspections.

**Larry German**

*Deputy Chief, Fire Prevention & Law Enforcement  
Regions III & IV  
559-243-4117, work  
559-779-8692, mobile*

-----Original Message-----

**From:** Hollett, Steven  
**Sent:** Thursday, September 29, 2005 4:22 PM  
**To:** German, Larry  
**Cc:** Hoffman, Tom; TCU Chiefs; TCU Battalion Chiefs  
**Subject:** FW: 100 foot defensible space regs out for public notice

Larry,

I have a few comments regarding the 4291 regulations. I'm sure you have heard them but just in case...

The guidelines rely heavily on slope. The average homeowner, VIP, and possibly firefighters might have some trouble determining slope. CDF Fire Prevention Specialists, CDF foresters, and other similar staff may have to provide technical assistance to a landowner to calculate slope and corresponding vegetation spacing on their land. This process will take a long time to bring our communities into compliance. This will lead to shaky consistency and indefensible court action. It appears the BOF has treated this law like a forest practice rule (an example would be the WLPZ widths). This works well for the professional community but may be problematic in the layperson world. I recommend the slope factor be removed from the guidelines. I believe the regulation portion of this rule allows the inspector some flexibility to alter vegetation spacing for an individual property (page 1, c).

} 27-1  
} 27-2

Measuring the spacing between brush or trees would also be difficult and time consuming for the VIP or CDF inspector, especially vertical spacing. Tape measurements might be required evidence for a cite. ] 27-3

Standing on the street or in front of the house and determining horizontal/vertical spacing in a backyard would be tough. Could an inspector actually see a potential violation that far to go into the back yard to investigate further? I heard of a comment from one of our current VIP's stating that there is no way for him to properly assess a lot using the new rules, standing on the street. He just wouldn't be able to assess the tree spacing from the road. ] 27-4

Many of our mountain county landowners are elderly and on a fixed income. They will not have the funds or physical ability to treat an extra 1/2 acre of land, especially the tree spacing. In time, the 30-100 foot area might be brought up to code but it would take these people several years. Also the maintenance would be problematic to these folks. A judge might not support any citation that we write to these people. ] 27-5

Our VIP's are frustrated as they do not understand how the wheels of government turn. As a result we are losing a VIP's and are working extra hard to sooth the troubled minds of those that remained. I think the best way for our unit to handle this new rule would be to enforce the 30 foot as before and phase the new regulations in over the next 3-4 years so people will have time meet the new standards. ] 27-6

My wish list to make this current rule work as it is written would be to have increased PY in TCU to hire a BC or FC to run the program with 10 FPS's under their supervision. I know I'm dreaming...

It would be great for a BOF member or two to meet with a few of our VIP's and CDF field staff to visit a few properties to work on the practicality of this new regulation.

Steve Hollett

-----Original Message-----

**From:** German, Larry  
**Sent:** Monday, September 26, 2005 12:21 PM  
**To:** Townsend, Dennis; Banducci, Phyllis; Cole, Mike; Davidson, Mike; Imlach, Richard; Itson, Curt; Lannon, Doug; Moore, Rick; Neill, Mike; Parker, Ben; Scott, Ben; Semple, Joel  
**Cc:** Tolmie, Craig; Bullock, Scott  
**Subject:** FW: 100 foot defensible space regs out for public notice

Information.....  
If you have comments, please forward to me.

As you can see, this has been a very long and arduous process.

**Larry German**  
*Deputy Chief, Fire Prevention & Law Enforcement*  
*Regions III & IV*  
*559-243-4117, work*  
*559-779-8692, mobile*

-----Original Message-----

**From:** Hoffman, Tom

L 28

**From:** Warren Alford [warren@sierracampaign.org]  
**Sent:** Friday, November 04, 2005 10:08 AM  
**To:** Zimny, Chris  
**Subject:** RE: PRC 4291 Regulation  
Hi Chris,

Thanks for thinking of me on this... I've been trying to actively avoid Board issues- a bit ostrich-like- and really do need to participate a bit more.

As you know, we are very supportive of efforts to get homeowners to do their defensible space requirements and want to help communicate why it is in their best interests to do so. Making sure that the regulation is reasonable and logical is the key to getting folks to comply and is what will allow groups like ours to defend and promote the regs, so we really do need to understand the proposal and provide comments.

Z8-1

I don't see this item in any of the committees this month- do I have that right and does that mean that the only other opportunity to comment is going to be when this comes before the full board in December?

Appreciate the feedback. Regards,

Warren Alford, Fire and Fuels Policy Coordinator  
Sierra Nevada Forest Protection Campaign  
(209) 795-2672

Visit our homepage: [www.sierracampaign.org](http://www.sierracampaign.org)

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**From:** Zimny, Chris [mailto:Chris.Zimny@fire.ca.gov]  
**Sent:** Friday, November 04, 2005 9:43 AM  
**To:** warren@sierracampaign.org  
**Subject:** PRC 4291 Regulation

Hi Warren---I noticed you were not on the mail list for public notification of a proposed regulation hearing for the defensible space clearing regulations pursuant to changes last year to PRC 4291(b). The info is on the BOF web site under the topic heading "Defensible Space 2005:  
[http://www.bof.fire.ca.gov/board/board\\_proposed\\_rule\\_packages.aspx](http://www.bof.fire.ca.gov/board/board_proposed_rule_packages.aspx)

I'll add you to the list for future mailings on this topic.

--thanks-cz

Christopher Zimny  
Board of Forestry Regulation and Policy Coordinator  
California Department of Forestry and Fire Protection  
1416 9th Street  
P.O. Box 944246  
Sacramento, CA 94244-2460  
(916) 653-9418  
Fax (916) 653-0989  
[chris.zimny@fire.ca.gov](mailto:chris.zimny@fire.ca.gov)

L 29



**Region**  
**Council**

**Frank Stewart**  
**Director, Sierra Nevada**

**California Fire Safe**

**18 Premier Court**  
**Chico, CA 95928**  
**530-345-3876**  
**rpf235@digitalpath.net**

Mr. Christopher Zimny  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

September 27, 2005

Dear Mr. Zimny:

Thank you for the opportunity to comment on the Defensible Space Regulations – 1299 and the General Guidelines to Implement Performance Based Defensible Space Regulations under PRC 4291. Please accept these comments in support of the board's efforts to develop and implement Performance Based standards that can be implemented throughout the state.

Although I support the concept of performance based guidelines to educate citizens on their fuel reduction responsibilities around their home and property, I am concerned that the adoption of General Guideline 4b is misleading and sends the public a message of false security relative to protecting their families and property during a high wind driven fire event. Ample evidence exists that clearly demonstrates the importance of reducing surface, ladder and canopy fuels in order to stop catastrophic crown fires that burn into the reduced fire zone from the adjoining property.

29-1

The assumption that the removal of surface fuels greater than 4 inches in height and the pruning of trees will protect a home from an oncoming crown fire in a closed canopy situation in incorrect. Scientific studies from both the Cerro Grande and Blacks Mountain forest fires have proven that in extreme windy conditions surface fuels have less influence on fire behavior and intensity than canopy fuels. In other words, under the right conditions, crown fires can be carried through closed canopy stands in the 70 feet Reduced Fuel Zone irregardless if the surface fuels have been treated or not.

29-2

29-3

As such, I suggest that the horizontal and vertical clearance requirements of 4a be the only standards (rule of thumb) for all regions of the state. I also suggest that you modify the definitions to include Ladder Fuels that grown in between surface and aerial fuels. The interpretation of high, medium and low brush, shrubs and trees is a bit confusing.

29-4

Thank you for the opportunity to comment.

Cordially,



Region  
Council

**Frank Stewart**  
**Director, Sierra Nevada**

**California Fire Safe**

**18 Premier Court**  
**Chico, CA 95928**  
**530-345-3876**  
**rpf235@digitalpath.net**

Mr. Christopher Zimny  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

November 14, 2005

Dear Mr. Zimny:

Although I appreciate the opportunity to comment on the October 28<sup>th</sup> version of the Defensible Space Regulations – 1299 and supportive General Guidelines to Implement Performance Based Defensible Space Regulations under PRC 4291, it is obvious that my September 27<sup>th</sup> comments fell on deaf ears. I fully support the board’s efforts to develop user-friendly performance based guidelines that require the minimum removal of conifer trees and other vegetation within the Reduced Fuel Zone.

As stated in my earlier comments I am concerned that the General Guideline 4b – Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy is sending the wrong message to the homeowner. Although these guidelines may prevent a surface fire from initiating into a crown fire in the reduced fuel zone, they will do little to stop a crown fire that is burning into the reduced fuel zone from adjoining properties.

} 30-1

Although treating surface and ladder fuels are important to prevent “initiation” of crown fires within the reduced fuel zone, they are only window dressing if the crown fuels are not reduced to the spacing standards shown in rule 4a. Erik Martinson and Philip Omni in their Performance of Fuel Treatments Subjected to Wildfire clearly demonstrate that the safest project is one that treats the total fuel profile zone (surface, ladder and canopy fuels) in its entirety and that under extreme wind conditions the treatment of only surface and ladder fuels have less influence on fire behavior and intensity than canopy fuels.

} 30-2  
} 30-3

To enhance the utilization of the guide, I encourage you to make the following corrections:

- Include a definition for “ladder fuels” because you use the term at the top of page 7.

} 30-4

- What are the “certain exceptions” referenced on page 4 under General Guideline 1.

} 30-5

- Horizontal clearance differences need to be clarified between the text in the schematics at the bottom of page 5 and the distances shown in the Plant Spacing Guidelines at the bottom of page 6. The schematics show a minimum distance between tree crowns of 4 feet and the guidelines table shows 10 feet on slopes under 20%. The same conflict exists for the maximum distances, 40 feet in the schematics and 30 feet in the guideline tables on slopes greater than 40%.

} 30-6

- The picture in the center of page 6 is from the Hungry Defensible Fuel Profile Zone project on the Plumas National Forest and the caption should be changed to read “Effective Vertical and Horizontal Separation between Fuels”.

} 30-7

- You need to include a sample picture in the South Coast Chaparral section on page 7. Remember, we are all visual learners and that is the intent of this guide.

} 30-8

I appreciate the boards efforts to move forward with this type of regulation because we are not “out of the woods” yet relative to catastrophic forest fires threatening homes and communities in forested regions of the state. Although the 2005 fire season was considered mild in California, the national acres burned were at 99% of the 2000 fire season and that was the worst fire season in the previous fifty years.

Again, thank you for the opportunity to provide comments on this important issue.

Cordially,

Frank Stewart

4291. A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to the building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to the building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line or at a greater distance if required by state law, or local ordinance, rule, or regulation. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging a building free of dead or dying wood.

(e) Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to a fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

(g) Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in such an area, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(h) Except as provided in Section 18930 of the Health and Safety Code, the director may adopt regulations exempting structures with

BLUE = ON OTHER SPECIAL LIST (10/21/05) LIST

SB 1369 permanent mail list 10/21/05

FName	Lname	Company	Address	City	State
		Allstate Insurance Company	2775 Sanders Road	Northbrook	Illinois 60062
		American Society of Landscape Architect Association of Contract Counties	636 Eye St	NW	Washington D.C. 20001
		CA State Office Bureau Land Management	440 First St	NW	Washington D.C. 20001
		California Association of Nurserymen	2800 Cottage Way, RM W-183	Sacramento	California 95825
		California Association of Realtors	980 Ninth St #1430	Sacramento	California 95814
		California Association and Conservation Districts			
Robert	Rivinius	California Building of Industry Association	1215 K St. Suite 1200	Sacramento	California 95814
		California Cattleman's Association	1221 H. St	Sacramento	California 95814
		Firefighters Association			
		California Fire Chiefs Association	1330 Huntoon St	Oroville	California 95965
		California Forest Products Commission	Lincoln Way Suite 208	Auburn	California 95603
		California Intergrated Waste Management Board	1001 I St. P.O. Box 4025	Sacramento	California 95812
		California Landscape Contractors Association	1491 River Park Dr. Suite 100	Sacramento	California 95815
		California State Association of Counties	1100 K St Suite 101	Sacramento	California 95814
		California State Fire Marshal's Office	1131 S St	Sacramento	California 95814
Lynn	Hall-Shannon	California State Firefighters Association	2701 K St Suite 201	Sacramento	California 95814
		California Urban Forests Council	P.O. Box 230932	Encinitas	California 92023
		Chubb Insurance	15 Mountain View Road	Warren	New Jersey 07059
		Committee of Firesafe Dwellings	P.O. Box 40337	Eugene	Oregon 97404
		Farmers Insurance Group of Companies	4680 Wilshire Blvd	Los Angeles	California 90010
		Federal Emergency Management Agency			
		Fire Districts Association of California	1112 I St Suite 200	Sacramento	California 95814
		Firewise: What can you do to protect your home	1 Battery March Park	Quincy	Massachusetts 01906
		Fireman's Fund Insurance	777 Marin Dr	Novato	California 94948
		Governor's Office of Emergency Services	3650 Shriever Avenue	Mather	California 95655
		Insurance Information Network of California	900 Wilshire Blvd Ste. 1414	Los Angeles	California 90017
Candace	Miller	League of California Cities Fire Chiefs	1400 K St Suite 400	Sacramento	California 95814
		Los Padres Forest Association	6755 Hollister Ave Suite 150	Goleta	California 93117
		The Nature Conservancy	4245 North Fairfax Dr Suite 10	Arlington	Virginia 22203
		National Fire Protection Association	1 Battery March Park	Quincy	Massachusetts 02269
		Orange County Fire Authority	P.O. Box 57115	Irvine	California 92619
		Pacific Gas & Electric	5555 Florin-Perkins Road	Sacramento	California 95826
		Planning and Conservation League			

Debbie Bird	Safeco Insurance	306 23rd Ave South, Suite 200	Seattle	Washington	98144
	Southcoast Air Quality Management District	21865 Copley Drive	Diamond Bar	California	91765
	Southern California Edison	P.O. Box 800	Rosemead	California	91770
	State Farm Insurance Company	One State Farm Plaza	Bloomington	Illinois	61710
	Twentieth Century Insurance	6301 Owensmouth Ave	Woodland Hills	California	91367
	USAA Property and Casualties Insurance	P.O. BOX 659464	San Antonio	Texas	78265
	USDA Forest Service				

SB 1369 permanent mail list 10/21/05

FName	LName	Company	Address	City	State	Postal Code
Jerry	Abney	Alta Fire Safe Council	PO Box 847	Alta	CA	93701
Michael	Albrecht	Sierra Resource Management, Inc.	14914 Carnage Ave.	Sonora	CA	95370
Andy	Anderson	Plumas County Fire Safe Council	PO Box 846	Quincy,	CA	95971
Ed	Applegate	San Luis Obispo County Community FireSa	635 North Santa Rosa Street	San Luis Obispo,	CA	93405
Jennifer	Arrowsmith	Tahoe Basin Fire Safe Council	870 Emerald Bay Rd., Suite 108	South Lake Tahoe	CA	96150
Amber	Bash	Diablo Fire Safe Council	1404 Franklin St., Suite 300	Oakland	CA	94612-3210
Maria	Bates		27501 Blue Lake Road	Willits	CA	95490
Millie	Beranek	Yosemite Foothills Fire Safe Council	PO Box 563	Groveland	CA	95321
Ken	Blonski	California Fire Safe Council	17930 Lake Chabot Rd	Castro Valley	CA	94546-1950
Greg	Boll	Big Bear Valley Fire Safe Council	P.O. Box 2860	Big Bear Lake	CA	92315
Bill	Bostic	Modoc Fire Safe Council	P.O. Box B	Cedarville	CA	96104
Lloyd	Bradshaw	Hearst Corporation	P.O.Box 30	McCloud,	CA	96057
Oscar	Braun	Half Moon Bay Coastside Foundation	1589 Higgins Canyon Road	Half Moon Bay	CA	94019
Roger, W	Briggs	Central Coast Regional Water Quality Contr	895 Aerovista Place, Suite 101	San Luis Obispo	CA	93401
Erica	Brish	California Fire Safe Council	P.O Box 2160	Glendora	CA	91740
Ryan	Brodrick	California Department of Fish and Game	1416 Ninth Street	Sacramento	CA	95814
Bob	Buckles	Eastern Madera Fire Safe Council	57839 Road 225	North Fork	CA	93643
Greg	Bulanti	Sierra County Fire Safe and Watershed Cot	P.O. Box 22	Downieville	CA	95936
Barbara	Camacho	Shasta County Fire Safe Council	6270 Parallel Rd.	Anderson	CA	96007
Willi	Castagna	Ojai Fire Safe Council	1330 Foothill Rd.	Ojai	CA	93023
Karen	Chaney	Highway 168 Fire Safe Council	P.O. Box 639	Prather,	CA	93651
Norm	Cione	Angelus Oaks Fire Safe Council	P.O. Box 116	Angelus Oaks	CA	92305
Bert	Coffman	Cohasset Community Association	10202 Cohasset Road	Chico,	CA	95973
Kevin	Collins	Lompico Watershed Conservancy	PO Box 99	Felton	CA	95018
Partick	Congdon	Santa Clara County Fire Safe Council	6830 Via Del Oro, Suite 200	San Jose	CA	95119
Jessie	Cox	Trinity County Fire Safe Council	PO Box 332	Lewiston	CA	96052
John	Crites	Tionesta Basin Advisory Group	697-345 Highway 36	Susanville,	CA	96130
Jerry	Davis	California Fire Safe Council	980 9th Street Suite 2030	Sacramento	CA	95814
Scott	Dawson	California Department of Fish and Game	3602 Inland Empire Blvd., Ste C22C	Ontario	CA	91764
Michael	De Lasaux	UC Cooperative Extension	208 Fairgrounds Road	Quincy	CA	95971
Pat	Deasy-Spinetta	Mt. Laguna Fire Safe Council	6402 Elmcrest Drive	San Diego,	CA	92119
Dennis, A	Dickerson	Los Angeles Regional Water Quality Contro	320 West 4th Street Suite 200	Los Angeles	CA	90013
Dodi	Dickson	Lake Shastina Fire Safe Council	16309 Everhart Drive	Weed,	CA	96094
Bill	Donaldson	Aspendell Fire Safe Council (INYO)	145 Columbine Dr	Bishop	CA	93514

Luana Dowling	Iowa Hill Fire Safe Council	PO Box 176	Iowa Hill	CA	95713
Dave Drum	Tulare County Fire Safe Council (TCFSC)	1988 Lovers Lane	Visalia,	CA	92292-5650
Roy Dugger	Santa Barbara County Fire Safe Council	2707 State Street	Santa Barbara,	CA	93105
E.B. Duggin	Willow Creek Fire Safe Council	P.O. Box 762	Willow Creek	CA	95573
Marion Dunn	Benton Fire Safe Council (MONO)	58489 Hwy 120	Benton	CA	93512
Steve Duran	Janesville Fire Safe Council	PO Box 40	Janesville,	CA	96137
Laura Dyberg	Mountain Rim Fire Safe Council (MRFSC)	PO Box 303	Rim Forest,	CA	92378
Peggy Engle	Shingletown Community Fire Safe	PO Box 38	Shingletown	CA	96088
Tim English	McCloud Fire Safe Council	PO Box 687	McCloud,	CA	96057
Tom Esgate	Lassen County Fire Safe Council, Inc.	PO Box 816	Susanville,	CA	96130
Eric Evans	Greater Auburn Area Fire Safe Council	229 Duranta St.	Roseville	CA	95678
Stewart Feldman	Placer County Fire Safe Alliance	251 Auburn Ravine Rd., #107	Auburn,	CA	95603
Dan Fisher	Fruit Growers Supply Company	1216 Fruit Growers Rd.	Hilt	CA	96044
Michelle Diaz	CA Forestry Assn.	1215 K Street #1830	Sacramento	CA	95814
Tom Gauthier	Lassen County Fire Safe Council	PO Box 362	Janesville,	CA	96114
Richard Geinger		P.O. Box 283	Whitethorn	CA	95589
Micki Geyer	Angeles Forest Valleys & Lakes Fire Safe C	15444 Spunky Canyon Rd.	Green Valley	CA	91390
Glenn Gottschall	Forestland Consulting	21731 Hyde Street	Sonora	CA	95370
Charles Greenlaw	Greenlaw Bros Forestland & FLC	4208 B Street	Sacramento	CA	95819
Phil Gruenberg	Colorado River Basin Regional Water Quali	73-720 Fred Waring Drive Suite 10	(Palm Desert	CA	92260
Wally Hall	Carbon Canyon Fire Safe Council	2005 Grand Avenue	Chino Hills,	CA	91709
Jan Hamilton	Mariposa County Fire Safe Council	PO Box 1182	Mariposa	CA	95338
John Hardin	Highway 108 Fire Safe Council	PO Box 1234	Pincrest	CA	95364
Will Harling	Orleans/Somes Bar Fire Safe Council	Box 766	Somes Bar	CA	95568
Stan Harris	Oak Glen Fire Safe Council	PO Box 820	Oak Glen	CA	92399
Dave Henderson	South Lake Fire Safe Council	PO Box 1773	Middletown	CA	95461
Jack Henz	Southwest Riverside County Fire Safe Cour	27740 Jefferson Avenue Ste 100	Temecula,	CA	92590
John Hofmann	Regional Council of Rural Counties	801 12th Street Suite 600	Sacramento	CA	95814
David Horne	Greater Laguna Coast Fire Safe Council	565 Emerald Bay	Laguna Beach,	CA	92651
Grace Huelsmann	Sierra Highway 4 Fire Safe Council	PO Box 812	Murphys	CA	95247
William Hultgren	Roseburg Resource Company	P.O. Box 680	Weed	CA	96094
Jerry Hurley	Plumas County Fire Safe Council	PO Box 846	Quincy,	CA	95971
Herb Jewell	Devonshire Canyon Fire Safe Committee	600 Elm Street	San Carlos	CA	94070
Kent Julian	Fire Safe Marin	650 Las Gallinas Avenue	San Rafael	CA	94903
Tracy Katelman	California Fire Safe Council	P.O Box 9068	Eureka	CA	95502
Pat Kidder	California Fire Safe Council	3237 Peace Keeper Way	McClellan	CA	95652
Dele Knutsen	Almanor Basin Fire Safe Council	361 Osprey Loop	Chester	CA	96020

Honorable St Kuehl	Senate Natural Resources & Wildlife Comm State Capitol, Room 07	Sacramento	CA	95814
Larry Kueneman	Mountain Communities Fire Safe Council PO Box 1609	Idyllwild	CA	92549
Catherine, F Kuhlman	Northern Coast Regional Water Quality Con 5550 Skyline Blvd, Suite A	Santa Rosa	CA	95403
Honorable Dr LaMalfa	Vice-Chair Assembly Natural Resources Co State Capitol, Room 5160	Sacramento	CA	94249
Don Leavitt	South Fork Bishop Creek Fire Safe Council 76 Canyon Dr	Bishop	CA	93514
Donald Leavitt	Eastern Sierra Regional Fire Safe Council 76 Canyon Drive	Bishop,	CA	93514
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Sharol Leavitt	Del Norte Fire Safe Council P.O. Box 1564	Crescent City,	CA	95531
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Don Morris		Willits	CA	95490-1551
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Thomas, R Pinkos	Central Valley Regional Water Quality Conti 1685 E Street	Fresno	CA	93706
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Chris Quimbach	Ca Licensed Foresters Association PO Box 1516	Pioneer	CA	95666
Terry Raley	Ventura County Fire Safe Council 165 Durlley Ave	Camarillo	CA	93010
Burt Rashby	Topanga Citizen's Firesafe Committee 913 Fernwood Pacific Dr	Topanga,	CA	90290

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Doug Rischbieter		Box 94	Annold	CA	95223
Bill Roberson	Mount Veeder Fire Safe Council	5900 Dry Creek Road	Napa	CA	94558
John Robertus	San Diego Regional Water Quality Control E	9174 Sky Park Court Suite 100	San Diego	CA	92123-4340
Julie Rogers	Mendocino County Fire Safe Council	P.O. Box 1488	Ukiah,	CA	95482
Joan Rowan	South Yreka Fire Safe Council	4317 Pineview	Yreka	CA	96097
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Steven Sayre		6802 Rexdale Lane	Paradise	CA	95969
Dale Schmidt	Wheeler Crest Fire Safe Council	129 Willow Road	Swall Meadows	CA	93514
Chuck Schoendienst	Tehama County Fire Safe Council	604 Antelope Blvd.	Red Bluff	CA	96080
Mary Schreiber	Inter Canyon Fire Safe Council	18611 Yorba Linda Blvd.	Yorba Linda,	CA	92886
Mary Schroeder	Western Shasta Resource Conservation Distr	6270 Parallel Road	Anderson	CA	96007
Kevin Shaffer	California Department Fish and Game	830 S Street	Sacramento	CA	95814-7023
Harold Singer	CA Regional Water Quality Control Board	2501 Lake tahoe Blvd.	South Lake Tahoe	CA	96150
Harold Singer	Lahontan Regional Water Quality Control B	15428 Civic Drive Suite 100	Victorville	CA	92392
John Smith	Monterey County Fire Safe Council	8455 Carmel Valley Road	Carmel,	CA	93923
Susan Snoke	Arnador Fire Safe Council	P.O. Box 1055	Pine Grove	CA	95665
Herman Spannaus	Copco Lake/Bogus Fire Safe Council	27805 Copco Road	Montague	CA	96064
Ellen Stewart	Lytle Creek Fire Safe Council, Inc.	P.O. Box 94	Lytle Creek	CA	92358
Frank Stewart	Sierra Nevada Region, CA Fire Safe Couns	18 Premier Court	Chico	CA	95928
Rich Strazzo	Tuolumne Calaveras Ranger Unit	Star Route 1	San Andreas,	CA	95249
Doug Striplin	Lower Scott River Fire Safe Council	607 Indian Scotty Road	Ft. Jones	CA	95665
Jim Stuller	Yuba Watershed Protection and Fire Safe C	11485 Loma Rica Rd	Marysville,	CA	95901
Viewa Swearingen	Cottonwood Creek Watershed Fire Safe Co	PO Box 1198	Cottonwood,	CA	96022
Gerald Thibeault	Santa Ana Regional Quality Control Board	3737 Main Street Suite 500	Riverside	CA	92501-3339
Craig Thomas	Sierra Nevada Forest Protection Campaign	6221 Shoo Fly Road	Kelsey	CA	95667
Bruce Tuthill	FireSafe Council of Greater Julian	PO Box 1514	Julian	CA	92036
Mark Valle	Calaveras Foothills Fire Safe Council	2705 Avenida de Anita Suite 29	Carlsbad,	CA	92008
Pete Wilson	Orinda Fire Safe Committee	33 Orinda Way	Orinda	CA	94563
Bruce, H Wolfe	San Francisco Bay Regional Water Quality C	1515 Clay Street Suite 1400	Oakland	CA	94612
Vicki Yorty	El Dorado Fire Safe Council	3056 Hazel St.	Pollock Pines	CA	95726
Derek Young	Monrovia Fire Safe Council	141 East Lemon Avenue	Monrovia	CA	91016
	California State Association of Counties	1100 K Street, Suite 101	Sacramento	CA	95814
	League of California Cities	1400 K Street 4th Floor	Sacramento	CA	95814