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April 21, 2009

County Supervisor Greg Cox  
County Supervisor Dianne Jacob  
County Supervisor Pam Slater-Price  
County Supervisor Ron Roberts  
County Supervisor Bill Horn  
County Administration Center  
1600 Pacific Highway  
San Diego, CA 92101

Dear Supervisors Cox, Jacob, Slater-Price, Roberts, and Horn,

This letter provides comments on the Board of Supervisors (Board) action item, "Authorization to accept \$7 million in Federal grants for hazardous fuels reduction activities," that will be considered on April 22, 2009. San Diego County is indeed that Federal funds have been appropriated to assist with increasing community fire safety.

It is my recommendation that the Board direct County staff to meet four conditions before the funded projects are initiated:

- Comply with CEQA environmental documentation
- Limit vegetation reduction projects to within 100 feet of structures (defensible space), not 500 feet
- Meet State and Federal requirements for green (live) tree removal
- Increase public education about property risk reduction in project areas

My comments are based on extensive experience in Federal land management (including Forest Supervisor of the Cleveland National Forest from 1991 to 2004), application of environmental guidelines to Federal projects, professional training as a forester, expertise in wildfire science and property risk reduction, and attendance at monthly meetings of the Forest Area Safety Taskforce (FAST) since 2004 (which provided coordination for that program and will continue that same role for the Federal grants addressed in this Board action).

**Exception from CEQA for shrub/brush reduction projects is unsupported.**

The recommendations for Board action include:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) as specified under Section 15269(c) of the State CEQA Guidelines, for the

reasons detailed in the Notice of Exemption form dated March 16, 2009 on file with the Department of Planning and Land Use. (posted at [http://www.sdcounty.ca.gov/bos/supporting\\_docs/042209ag04w.pdf](http://www.sdcounty.ca.gov/bos/supporting_docs/042209ag04w.pdf) ) .

Section 15269 states:

(c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term. (posted [http://ceres.ca.gov/ceqa/guidelines/15260-15285\\_web.pdf](http://ceres.ca.gov/ceqa/guidelines/15260-15285_web.pdf) )

The exemption from CEQA would apply to the removal of vegetation within 100 feet of structures (defensible space) and a reasonable distance (up to 200 feet) within evacuation corridors, as this is a short-term one-time project that immediately and directly reduces risks of loss of life and property. It is my understanding that this exemption was applied to the Fire Safety and Fuels Reduction program in 2005-2007, for removal of dead, dying, and diseased trees within 100 feet of habitable structures and 200 feet of evacuation corridors.

The exemption is not supported for vegetation removal outside of defensible space (100 feet from structures), for community fuelbreaks, or for any open space areas that are “treated to minimize the fire threat to communities.” Such projects are “long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.” Wildfire occurrences in that project area would be unlikely in the short term, even though they have a high probability of occurrence there in the long term. Fuel reduction plans need to be written for establishing and maintaining such vegetation removal projects, and then CEQA documentation completed before the projects are initiated.

The Notice of Exemption, dated March 18, applies to “removing dead trees caused by drought and bark beetle infestation and to utilize residual dead and damaged woody biomass as economic resources.” It refers to two state proclamations, which cover the removal of trees, not other vegetation such as chaparral and shrubs. The State of Emergency Proclamation declared by Governor Schwarzenegger on March 7, 2003 states, “The proclamation suspends both the requirements for the prior notification for emergency timber removal, and the limitation on the amount of dead, dying or diseased trees that can be removed.” The State of Emergency Proclamation declared by Governor Schwarzenegger on May 9, 2007 orders CalFire to “support all local and regional responses to the bark beetle affected tree eradication and community emergency planning efforts.”

The Board action taken on March 25, to accept the County of San Diego Vegetation Management Report, directed the staff to “conduct appropriate CEQA review for any new proposed projects which will implement actions identified in the Vegetation Management Report.” That clearly applies to the current Board action under consideration, which can be partially but not fully totally covered by the CEQA exemption claimed. As requirements for the 15269(c) exemption do not appear to have been met, non dead-tree-removal projects would be subject to full CEQA review.

**Projects should be limited to 100 feet from structures. Removal of hazardous fuel to 500 feet is damaging, unnecessary, costly, and may increase wildfire property risks.**

The background information for the Board action on April 22 includes the following (page 3):

“These funds will be used to reduce hazardous fuels by removing dead, dying and diseased trees and other selected hazardous brush within a maximum of 500 feet from evacuation corridors and habitable structures. Some open space areas will be treated to minimize the fire threat to communities.”

The extension of defensible space to 500 feet is totally unsupported by research, damage assessments following wildfires, expert opinion, or current state law. Defensible space of 100 feet is sufficient to reduce structure ignition from radiation and convection, not from embers. Reduction from conduction (embers) is achieved at the structure and within defensible space, not by extending “clearing” of vegetation beyond 100 feet. Furthermore, removal of vegetation up to 500 feet from structures has a high likelihood of highly flammable annual weeds growing, with a high annual cost of cutting these weeds down. Such excessive removal means the fire risk will be increased rather than decreased.

Reducing (or clearing) vegetation 500 feet around a single home (assuming a circle) would yield about 780,000 square feet or almost 18 acres of altered vegetation and loss of habitat, whereas reducing vegetation 100 feet around a rural home is about 31,000 square feet or about 0.75 acres. The costs would be 30 times more, and also 30 times more native habitat would be removed or reduced. For the same Federal fuel reduction dollars, assuming that the cost per acre is approximately the same, there would be far greater benefit from establishing defensible space within 100 feet of 100 structures, instead of 500 feet within a few structures. Such extensive vegetation removal increases soil erosion and dramatically reduces native habitats, local wildlife, and in some areas, threatened and endangered species.

Current California law imposes strict requirements for fuel reduction beyond 100 feet. Senate Bill No. 1595, signed on September 27, 2008, amends section 4291 of the Public Resources Code with the following:

4291. (a) (1) Maintain defensible space no greater than 100 feet from each side of the structure, but not beyond the property line unless allowed by state law, local ordinance, or regulation and as provided in paragraph (2)....

(2) A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that such a clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure.

Some treatment of open space areas may be necessary, to provide fuelbreaks around communities. Those projects are “long-term projects” as they are intended to be maintained over decades. They are undertaken to reduce property losses in wildfires, which have a “low probability of occurrence in the short-term” (even though they have a high probability of

occurrence in the long term). Thus they would require CEQA documentation, and would not be not subject to CEQA exemption under 15269(c) above.

**Any green tree removal must follow site-specific silvicultural prescriptions.**

State and Federal forestry practices require that silvicultural prescriptions be written for green tree removal and treatments in all forested areas. These need to be developed before any trees are removed, that are not dead, dying or diseased. (Silviculture is the practice of managing the establishment, growth, composition, health, and quality of forest stands to meet landowner objectives. Silvicultural prescriptions are operational plans that describe the management objectives, logging or other field activities, and reforestation so that forest quality is sustained.)

**Public education to reduce wildfire property insufficient.**

In addition, public information should be increased in areas where fuel reduction projects are planned, so property owners will maintain and retrofit their structures to reduce ignition risks. Otherwise, the value of these Federal expenditures and county-administered projects are greatly reduced. It is counter-productive to treat vegetation, when homeowners do not eliminate combustible materials that embers can land on and ignite, replace wood roofs, retrofit vents, modify wood decks, move woodpiles and combustible ancillary structures away from the house, maintain their landscaping with "fire wise" practices, or remove debris around the house.

Thank you for this opportunity to review and provide comments on this Board action.

Sincerely,



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Botany Research Associate, San Diego Natural History Museum  
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cc: C. Waller, J. Murphy, R.Steinhoff, K.Miller  
County of San Diego Planning Commissioners