

Memorandum

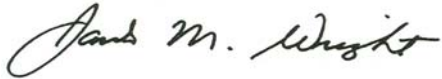
To: Region Chiefs
Assistant Region Chiefs
Unit Chiefs

Date: November 2, 2004

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From: James M. Wright, Deputy Director, Chief of Fire Protection
Department of Forestry and Fire Protection

Subject: Senate Bill (SB) 1369; Changes to Public Resource Code (PRC) 4291 and Government Code (GC) 51182

Governor Arnold Schwarzenegger on September 23, 2004 signed into law Senate Bill 1369. This bill will become effective January 1, 2005.

Senate Bill (SB) 1369 amended both Public Resources Code (PRC) 4291 **and** Government Code (GC) 51182 in the following manner:

- Increases minimum clearance requirement from 30' to 100'.
- Provides for state law, or local ordinance, rule, or regulation to specify distances greater than 100'.
- Allows insurance companies to require home/building owners to maintain firebreaks greater than 100'.

GC 51182 essentially applies to LRA with Very High Fire Hazard Severity Zones and only to occupied dwellings/structures; PRC 4291 applies to buildings/structures in, upon, and adjacent to mountainous areas, forest-covered lands, brush-covered lands, grass-covered lands, or any land covered with flammable material.

Additionally, Senate Bill 1369 amended PRC 4291 as follows:

- In areas where PRC 4291 applies, owners proposing to build or rebuild, must obtain certification from the local building official that the proposed dwelling/structure complies with all applicable state and local building standards, including those described in subdivision (b) of GC 51189. This is the current rulemaking underway at the SFM that will "recommend building standards that provide for comprehensive space and structure defensibility to protect structures from fires spreading from adjacent structures or vegetation and vegetation from fires spreading from adjacent structures." These regulations are scheduled to be completed by January 1, 2005 (A.B. 1216).
- Owners must provide upon request, a copy of the certification to their insurance company.

- After construction, the owner must obtain from the local building official, a copy of the final inspection report that demonstrates the dwelling/structure was constructed in compliance with standards mentioned above.
- Owners must provide upon request, a copy of the final inspection report to their insurance company.
- Authorizes the Director to remove vegetation not consistent with PRC 4291 and make the expense a lien upon the property. Sacramento Fire Protection is currently working on policy and procedures for this.
- Defines "Person" as, "a private individual, organization, partnership, limited liability company, or corporation."

On the attached document, note that in paragraph (a) there is a provision for, "... maintaining single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover." Such provision does not apply in paragraph (b) which requires, "...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 ..." (emphasis added).

Sacramento fire protection will be discussing with the Board of Forestry and Fire Protection the possibility of rule making to describe exactly what constitutes brush, flammable vegetation, or combustible growth. In the mean time use professional judgment and common sense when advising homeowners of what vegetation needs to be removed and what can be retained in the 30 to 100 foot zone, the same way we have been advising them on PRC 4291 clearance for years. In general, the vertical and horizontal continuity of the fuel needs to be broken up. For mature trees the lowest limb should be at least 6 to 10 feet from the ground. Individual plants and brush should be well spaced, a minimum of 10 feet, and crowns of trees should be spaced 10 to 30 feet apart depending on the size of the tree. All dead vegetative material should be removed.

Some of you have had calls from the media. Below are some talking points you might consider covering with the media to get the word out.

- The new law increases the clearing requirement for defensible space from 30 to 100 feet from the structure.
- Experience has shown that 30' just was not enough, and in some cases 100 feet still may not be enough, especially on steep slopes with dense brush.
- Proper clearance dramatically increases the chance of your house surviving a wildfire.
- Proper clearance provides for firefighter safety during a firestorm.

- The important thing is to break up vertical and horizontal continuity of the fuel. For mature trees the lowest limb should be at least 6' to 10 feet from the ground. Trees should be well spaced apart.
- A Registered Professional Forester should be consulted if a landowner wants to thin trees that have commercial value. Exemptions from preparing a timber harvesting plan to thin trees for the purposes of reducing fire danger can be used.
- If a homeowner is unsure about what vegetation to cut, contact your local CDF office or local fire department for assistance. Information is also available at www.fire.ca.gov and www.firewise.org.
- Find a Fire Safe Council www.firesafecouncil.org near you for help and assistance.
- Think about how you will dispose of brush and vegetation. Some areas have chipping services for little or no fee. If you intend to burn, do all your cutting and burning before next fire season. Check with your local fire protection agency and air quality/pollution district for permit requirements before burning. Plan ahead.

For your convenience ~~Strikeout~~ and underscore text showing the changes to PRC 4291 and GC 51182 is attached to this memo. The attached document will assist you in determining the exact changes made to the law.

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cc: Director
State Fire Marshall
Assistant Deputy Director FRAP
Assistant Deputy Director – Fire Protection
Assistant Deputy Director – Management Services
Region Fire Prevention Program Managers
CDF Legislative Office