

State of California
DEPARTMENT of FORESTRY and FIRE PROTECTION
Humboldt—Del Norte Unit
118 South Fortuna Boulevard
Fortuna, California 95540
(707) 725-4413

The Resources Agency

Date: January 1, 2004

**PROJECT REVIEW INPUT
BASIC TO ALL DEVELOPMENT PROJECTS
AS REQUIRED BY THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
AND
CALIFORNIA FIRE SAFE REGULATION**

INTENT

A fundamental intent of the California Environmental Quality Act (CEQA) is to provide project applicants with agency input at the earliest time possible. This allows intelligent planning by incorporating Fire Safe mitigation early into the project plan, avoiding many costly delays and revisions. Applicants are also advised of potential resource management issues.

The California Department of Forestry and Fire Protection, Humboldt – Del Norte Unit (CDF) provides this document to outline this agency's standard comments for development projects. CDF also requests that this document be provided to each applicant at the earliest contact possible. The statements given here should cover most of CDF's contributing agency CEQA and Fire Safe input for project reviews and applications for any new development. The remainder of this document is separated into Fire Safe and Resource Management sections.

FIRE SAFE

General

CDF has responsibility for enforcement of Fire Safe Standards as required by Public Resources Code 4290 (PRC 4290). However CDF is not the lead agency in planning development and project permitting. Each county's Board of Supervisors retains lead agency status and usually delegates this function to their planning departments. CDF cannot provide individual project map reviews and redesign orders as done by county planning department's staff professionals. By state law, only the county planning departments may provide professional planning services and charge fees for this function. CDF may not. CDF provides input as a contributing agency, generally limited to plan review, and is not the approving agency for these projects.

Local Responsibility Areas

CDF has no fire safe input on projects wholly contained upon Local Responsibility Lands (LRA). However, CDF is concerned with LRA land adjacent to State Responsibility Area (SRA) land, where an uncontrolled fire may threaten SRA lands. In those areas, CDF recommends that local standards are enforced equal to, or more restrictive than, those CDF makes for SRA lands.

State Responsibility Areas

The following six statements are presented as CDF's Fire Safe input and recommendation for any and all development in State Responsibility Areas. They are presented as minimum input.

The development and enforcement of more restrictive local ordinances and standards is encouraged by CDF.

1. In Humboldt County, developments must meet minimum fire safe standards by constructing the project in conformance with County Fire Safe Ordinance 1952, which the California Board of Forestry and Fire Protection has accepted as functionally equivalent to PRC 4290.
2. All new roofing must be fire resistant and conform to Section 13108.5 of the Health and Safety Code. Use of Class A roof assemblies is encouraged.
3. All development, especially commercial or industrial development, should be designed to more strict standards contained in the most current versions of the following standards:
 - a) Uniform Fire Code (UFC) — for overall design standards
 - b) Public Utilities Commission (PUC) General Order 103 —for water systems design
 - c) National Fire Protection Association Standards (NFPA) for fire flow minimums and other design questions not specifically covered by UFC and PUC
 - d) Housing and Community Development Codes and Standards —for mobile home parks and recreational camps
4. For Department of Real Estate reporting purposes, fire protection coverage in SRA is generally described as follows:

During the declared fire season (usually June through October) CDF responds to all types of fires and emergencies in SRA.

During the remainder- of the year (winter period), CDF responds to emergency requests with the closest available fire engine and operator. This assistance is not provided on a planned 24 hour, 7-day schedule. During normal working hours, Monday through Friday, a fire engine with operator is usually available somewhere in the Unit. If the request occurs during nighttime, weekends, or holidays, an immediate attempt will be made to call an operator if a response can reasonably be expected to arrive in time to be effective.

There are many hazards confronting fire protection agencies in most subdivisions on SRA lands. Steep terrain and heavy wildland fuels contribute to fire intensity and spread. The distances from fire stations and road grades encountered usually create an excessive response time for effective structure fire suppression purposes.

Subdividing increases fire risks from additional people and increase probable dollar losses in the event of fire due to added structures and improvements. These hazards and risks can be mitigated by awareness of the problems, and by conforming to Fire Safe recommendations and appropriate local ordinances.

5. If the densities allowed by a proposed rezone will open a path for a major subdivision, the impacts on all infrastructures should be mitigated. Local government more appropriately provides the responsibility for high-density area protection and services. Annexation or inclusion into Local Responsibility Area should be studied as well.
6. CDF does not endorse development in areas where there is no local agency fire service for structure fires and emergency medical response. Fire services should be extended into service gap areas as a condition of development. New development can adversely impact existing fire services. Careful consideration must be given where development may overload the local fire service's ability to respond.

RESOURCE MANAGEMENT

CDF has enforcement responsibility for requirements of the Z'berg—Nejedly Forest Practice Act of 1973. CDF is also the lead agency for those parts of projects involving the scope of the Forest Practice Act. Each project sent for review will have a specific review with additional input sent at a later date, if needed. The following basic input will cover the majority of projects. The applicant should contact the closest CDF Area Forester for any permitting, conversion, or harvest planning questions (see last page).

The following thirteen comments reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CDF on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. By policy, the Board of Forestry and Fire Protection, and CDF, cannot support any project that will reduce the timberland base of California. Public Resources Code (PRC) Section 4526, defines what timberland is. It is the Department's responsibility to maintain, protect and enhance long-term timber production and the associated preservation of the timberland base. However, CDF recognizes that if current zoning and the intended use are consistent with the county's general plan; and if after review, no land other than timberland can be identified to site the project; then, CDF may choose not to oppose the project.
2. If any timber operations (as defined by PRC Section 4527) are involved with a project, they must be approved by CDF prior to undertaking operations. A Timber Harvesting Plan (THP) may be required. A Timberland Conversion Permit may also be required.
3. If a subdivision has previously been approved by the local agency and all required documentation is complete, an application may be made to CDF for an "Exemption for Conversion for Subdivision" as prescribed under California Code of Regulations (CCR) Section 1104.2. After the Exemption for Conversion is approved, a THP may then be submitted if timber operations are planned. No timber operations may occur until the appropriate plans and permits are approved.
4. If land zoned Timberland Production Zone (TPZ) is divided into parcels of less than 160 acres, a Joint Timber Management Plan may be required, per Government Code Section 51119.5.
5. If the "Ten Year Phase Out" rezoning option is used to rezone Timberland Production Zone land, a Timberland Conversion Permit is not required.

6. If timberland is in the viewshed of a project, the current and future owners should be overtly notified that changes would occur to their views due to timber management activities. The growing and harvesting of timber involves many management activities that alter viewsheds. Owners must understand that timberland is for the growing and harvesting of timber.
7. If a proposed project will result in the conversion of less than three acres of timberland to non-timber use, a one-time "Exempt Conversion" may be applied for as prescribed by California Code of Regulations (CCR) 1104.1(a). Application may be made through CDF by submission of an Exemption form. Government Code Section 51134 then applies to immediate rezoning from Timberland Production Zone. The lead agency (the appropriate county board of supervisors or city council) must address the required findings in Sections 51134 (1) through 51134 (4) (e).
8. If a proposed project will result in the conversion of greater than three acres of timberland to non-timber use, a Timberland Conversion Permit (TCP) is required prior to undertaking any conversion operations. However, neither the Board of Forestry and Fire Protection nor CDF can support any project that will erode the timberland base of California, by policy. Provision and procedures for filing an application for a TCP are found in Article 9, Division 4, Chapter 8 of the Public Resources Code. The criteria for approval of a TCP include:
 - A. The Board of Forestry and Fire Protection will approve a TCP only if the following written findings can be made:
 1. Conversion would be in the public interest; and
 2. Conversion would not have substantial and unmitigated adverse effect upon the continued timber growing use or open space use of other land zoned for timber production within one mile of the exterior boundary of the land upon which immediate rezoning is proposed; and
 3. Soils, slopes and watershed conditions would be suitable for the uses proposed if the conversion were approved.
 - B. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for conditionally approving an application for conversion. Conversion shall be considered only if there is no proximate and suitable land that is not zoned for timberland purposes.
 - C. The uneconomic character of the existing use shall not be sufficient reason for the conditional approval of conversion. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put.
 - D. The Board of Forestry and Fire Protection has established a fee schedule to be paid by the landowner for the cost of processing the application and recording the necessary documentation. The fees are approximately \$600 - \$700 (as of 2003).
 - E. Approval of an application for a TCP shall be conditioned upon the granting of the necessary rezoning.

- F. Any timber harvesting necessary for the development shall not occur until the TCP has been approved and a subsequent Timber Harvesting Plan has been submitted and approved.
9. No project should be allowed to negatively affect access to timberland for timber management purposes; neither on the project parcel (s) nor any other timberland parcels.
 10. If post-harvest restocking obligations have not been met on a parcel, future owners should be overtly notified. The owner of a parcel is responsible for the restocking requirements when due; whether or not they were involved in the actual harvest plan.
 11. Cancellations of Williamson Act contracts can have serious environmental effects. Any cancellations are (intended) not to result in a discontinuous pattern of urban development. Most areas currently involved are of a rural development pattern. Cancellations would only further the advancement of urban development, thus canceling out the timber and grazing lands that the act was designed to protect.
 12. If commercial timber operations will occur in connection with a project to subdivide non-TPZ timberland into ownerships of less than 3 acres, this project is a conversion of timberland, per CCR Section 1100(g). No timber operations may be conducted until a Timberland Conversion Permit or Exemption for Conversion for Subdivision is obtained, per CCR Section 1104.2. A Timber Harvesting Plan or Exemption from THP will also be required prior to harvest operations.
 13. A landowner may implement a Fire Hazard Exemption as long as “only trees within one-hundred-fifty feet from any point of an approved and legally permitted structure that complies with the California Building Code” are harvested, per CCR Section 1038 (c)(1).

PHONE NUMBERS AND ADDRESS FOR ASSISTANCE FROM CDF

Written inquiries or inputs should be addressed to “Environmental Coordinator” at the address given at the top of page one. For Fire Safe questions, call Fire Prevention at 725-4413.

For Resource Management questions, call the closest Area Forester office listed below.

Crescent City	464-4969	Trinidad	677-0761
Willow Creek	530-629-3242	Fortuna	725-1261
Bridgeville	777-3220	Weott	946-2260
Garberville	923-3446		

Thomas Osipowich
Unit Chief, Humboldt – Del Norte Unit