

**Report Title: Wildfires – Partners in Prevention**

**Report Date: June 23, 2003**

**Response by: Bradford R. Beedle**

**Title: President, Board of Directors**

**FINDINGS**

- I (we) agree with the findings numbered: 2, 3, 4, 7
- I (we) disagree wholly or partially with the findings numbered: 1  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

**RECOMMENDATIONS**

- Recommendations numbered 1, 2, 4, 7 have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered 3 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached \_\_\_\_\_

## **RESPONSE TO FINDINGS**

**Finding #1** *Most agencies neither enforce defensible space codes nor cite private property owners who are in violation of the law.*

**Fire District Response:** This statement is false pertaining to the Novato Fire Protection District and lacks factual basis. The NFPD adopts by reference Appendix IIA of the Uniform Fire Code by Ordinance. Applicable provisions of this code are enforced as they pertain to properties within the wildland intermix areas of the District. The District also enforces provisions of Section 4290 and Section 4291 Public Resources Code in all State Responsibility lands within the Fire District boundaries.

Weed and brush hazard complaints are received annually by the District and are followed-up by the Fire Inspector. Since the complaints are generally seasonal, the Fire Inspector allocates a preponderance of time to this function during the months of May through October. The number and time allocated to investigate and follow-up complaints is significant. In 1999, the Division investigated and enforced 91 complaints which were primarily handled by the Deputy Fire Marshal and Fire Marshal because there was no full time Fire Inspector at that time.

In 2000, 321 complaints were investigated and corrected. In 2001, 398 were investigated and corrected. In 2002, 313 complaints were investigated and corrected. In years 2000, through 2002, the investigation and follow-up of weed and brush complaints was handled solely by the Fire Inspector. The work in this functional area was in addition to assignments such as fire cause and origin investigation, assisting engine companies in the R-1 inspection program, and assisting with public education. On the average, 232 hours of time was spent per season conducting and performing inspections and enforcement on weed and brush complaints.

Over the period of time from 1998 through 2002, the enforcement provisions contained within the amendment to the Uniform Fire Code were used as the enforcement tool for abatement of violations at properties. This process provides the District authority to notice the property owner to abate the hazard. If the hazard is not abated within the specified time frame, an abatement warrant would be obtained from the Marin County Courts. The property owner would be served with the warrant and the District would then have the ability to retain a contractor to implement the required mitigation measure necessary to abate the violation. The Fire Marshal has not had to initiate litigation or abatement warrant actions to date because of voluntary compliance on the part of property owners. The District prides itself on this record of notice versus compliance and the need not to initiate litigation or write citations.

In 2001, the Fire District adopted Ordinance 2001-1 which establishes a “Code Enforcement Program” providing District ability to issue Citations and assess civil penalties. Although the abatement warrant language still exists in the recently adopted Fire Code, Ordinance 2002-1, there is greater authority and teeth imposing civil penalties and abatement authority under the Code Enforcement Program Ordinance.

In 2001, the District modified the provisions of current Ordinance to make them more restrictive and apply to areas other than those covered by Appendix IIA UFC within the city and county boundaries of the District that are not in wildland intermix areas.

**Finding #2:** *All Fire Departments interviewed by the Grand Jury are involved in some form of Public Education about wildfire dangers and prevention. Several Departments emphasize these programs.*

**Fire District Response:** The heart of the NFPD’s emphasis and philosophy has been compliance through imparting information and education to the community. Although code enforcement and issuance of citations for UWI compliance is used, it is not the first tool used. This is because optimal compliance can be better achieved through education and programs with far greater participation, funding, and use of resources, in a positive customer friendly atmosphere.

**Finding #3:** *The Marin County Fire Department, the Marin County Open Space District and the Marin Municipal Water District supplement their regular staffs with labor supplied by the Marin Conservation Corps and the state Department of Corrections inmate conservation camp located in the Delta. The additional labor pool provides valuable assistance in vegetation management efforts. Nut the Delta-based group is limited in its usefulness by the constraints caused by long travel time.*

**Fire District Response:** The NFPD does not utilize this labor supplement concept because most of the fire fuel removal projects are too close to residential properties. This close proximity creates a security concern for Department of Corrections personnel and the neighborhood.

**Finding #4:** *Only a few fire agencies currently use limited controlled prescription burns to reduce fire fuel loads on a selective basis.*

**Fire District Response:** The NFPD has conducted 5 controlled pile burns over the past four seasons as a disposal means to remove cut vegetation. This disposal method is allowed under Regulation 5 of the AQMD regulations under the “hazardous material” category. Strict regulations prescribed by the Bay Area

Air Quality Management District, personnel staffing, and smoke nuisance complaints are the primary reason for minimizing this method of fuel removal.

**Finding #7:** *Some jurisdictions have developed, and have in place, exemplary public education programs and vegetation management practices.*

**Fire District Response:** The Novato Fire Protection District was the agency noted in the report with exemplary public education programs. One of several components of the District's HEART program is the UWI module. The HEART program has been extremely effective when it was previously implemented under the direction of the District's former Public Educator. This new spirit of implementation should be rejuvenated with the District's new Fire Prevention Specialist.

The WUI HEART module instructs residents how to evaluate structural risk using the Standards of the National Fire Protection Association Std. 1144 and the National Wildfire Coordination Group *Wildland Home Fire Risk Meter*. The District incorporates fire safe landscape tips, annual fire safe maintenance task list, and fire resistant performance based building construction standards into the program.

Collaboration with neighborhoods and organizations such as Marin Conservation Corps, California Department of Forestry and Fire Protection, and Fire Safe Marin have proven to be a phenomenal success.

Our approach to vegetation management, fire fuel reduction and creating defensible space is primarily through geographical vegetation management projects, chipper programs, informational meetings with homeowners and education via local media.

Local neighborhood programs have been implemented focusing on the five areas identified in the Perry reports: Black point, Green point, Verissemo Valle, Widlhorse Valley, Indian Valley, Marin Country Club, and Pacheco Valley. Most recently, the District implemented an \$80,000 matching grant vegetation management project in the Bahia area. This was a collaborative effort between the Bahia Homeowner association, Marin Conservation Corps and the Fire District.

Other information has been disseminated via public service announcements at the Rowland Plaza Cinema. These are revolving slides that remind residents to create defensible space and are shown just prior to wildland fire season.

The Novato Fire District in conjunction with the Marin Conservation Corps has been awarded two grants from the Bureau of Land Management totaling

\$106,000. These two projects will be implemented in the Indian Valley and Big Rock Ridge areas of the Fire District during the fiscal year 2003-2004.

Vegetation management is only one component of creating a wildland fire safe environment. In 2001, the District developed and adopted *Fire Protection Standard 220- Vegetation Fuels Management Plan* which is required to be submitted prior to building permit being issued for all buildings that border an urban wildland interface are within the District. Using a structural "risk assessment matrix", inspectors and plans examiners are able to determine the vegetation clearance requirements for establishing minimum defensible space distances around a structure. This assessment is based on several criteria taken from the national Fire Protection Association Standard 1144, that are value based. Some of the criteria includes aspect, slope, type of fuel with the 0-30 foot zone, and type of fuel within the 31-100 foot zone.

Prior to 2001 the District had required a fuel management plan to be developed and implemented as a planning condition on new subdivisions. However, the District had no developed standard or criteria for determining what is required for an acceptable plan.

Within the defensible zone, plant and specimen selection is critical. While fire fuels must be thinned to remove laddering of the fire from a ground fire to the tree tops, it is just as important to remove brush and plants that have crown to crown continuity so as to separate and "break-up" the fuel load.

Plant selection lists are available via brochures published by the University of California Extension and the East Bay Municipal Utility District. These brochures are disseminated through and available at the Fire District. Plant selection is critical for environmental survivability because vegetation types propagate based on soil type, moisture content and aspect (the solar exposure). These plant recommendations are consistent with the water conservation requirements of the North Marin water District.

The District has been very involved in writing model performance based building codes for residential construction in the wildland urban interface. The District has been participating at the State level over the past two years developing performance building standards for construction in the UWI areas of California. Currently we are working on a State Advisory committee with the California State Fire Marshal's Office to develop fire resistive building construction standards to be adopted by the California Building Standards Commission and codified in the California Building Code.

## **RECOMMENDATIONS**

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**Recommendation #1.** *All fire agencies should aggressively enforce defensible space codes and cite private landowners who do not comply with the law.*

**Fire District Response:** The Novato Fire Protection District is responsible for the enforcement of two primary set of codes and regulations. The Uniform Fire Code is adopted as the California Fire Code Part 9 Title 24 California Code of Regulations and is updated on a triennial basis. The District also enforces provisions of Section 4290 and Section 4291 Public Resources Code in all State Responsibility lands within the Fire District boundaries.

In the cases of new construction in the UWI areas, property owners and developers are required to provide a Vegetation Management Plan that conforms to Fire Protection District Standard 220 which is the Vegetation/Fuels Management Standard. Residents are required to submit a plan that utilizes the "structural risk assessment" guideline within the standard. The plan also requires irrigated landscape or "green belt" to be provided around the resident for distances outlined by the fire hazard matrix. See Fire Protection Standard 220.

In addition to Standard #220 in areas of state responsibly lands, Public Resources Code Section 4290 is applied to new construction.

Issuing a citation for non-compliance is a method of enforcement that he District will use should the process of compliance not be adhered to by a property owner. This has been and will be the continued practice of the NFPD.

However, two of the largest property owners out of compliance with voluntary abatement is the County of Marin Open Space District and the City of Novato. These agencies actively negotiate open space parcels of land to preserve the rural setting of the community and to mitigate environmental impacts relative to development with in the community. A preponderance of these open space lands present a direct and distinct hazard to many private homeowner properties because the land within the required "cut zone" is in fact open space. Both City and County open space only provide extremely minimal and selective cutting if any at all in these cases. These agencies express belief that it is not their responsibility to provide defensible space when their property in fact creates a hazard to the structure.

**Our question to the Grand Jury is, which government agency has the legal right and responsibility to require the City and Open Space District to cut hazardous vegetation and issue citations if in fact they do not comply?**

The District will implement the following objectives in areas identified as target hazards within the NFPD:

1. The District will inspect each of the homes according to the Districts "Wildland Hazard Inspection Notice".
2. The District will cause to be enforced applicable provisions of Appendix II-A Uniform Fire Code and Public Resources Code 4291, utilizing the Districts Code Enforcement Ordinance 2001-1 and applicable sections within Ordinance 2002-1 adopting the Uniform Fire Code.
3. The District will offer HEART training and in particular the UWI module to homeowners within these neighborhoods.
4. The District will offer matching grants for chipping and debris disposal as the budget permits within these areas.
5. The District will provide education materials particularly the UC Extension Cooperative Fire Resistant Landscape plants list and the East Bay MUD guide.
6. The District will evaluate structural risk using the Standards of the National Fire Protection Association Std. 1144 and the National Wildfire Coordination Group *Wildland Home Fire Risk Meter* and Novato Fire Protection District Standard #220. The District will also incorporate fire safe landscape tips, annual fire safe maintenance task list, and fire resistant performance based building construction standards into the program.
7. The District will issue citations and obtain abatement warrants as necessary to assure compliance in cases where recalcitrant property owners do not meet the compliance schedule.

**Recommendation #2.** *Local Fire Departments should step-up education programs, especially those aimed at wildfire vulnerable neighborhoods and at school aged children youth and teens.*

**Fire District Response:** The NFPD was noted by this report as having an exemplary education and community program. The District will continue these efforts. The heart of the Districts emphasis has been compliance through imparting information and education to the community. Although code enforcement for UWI compliance is used, it is not the first tool used. This is because optimal compliance can be better achieved through education and programs with far greater participation, funding, and use of resources, in a positive customer friendly atmosphere.

The District will implement the following Public Education measures:

1. Annual news letter/brochure to the residents that border WUI zones. This will be mailed to the residents in May.

2. Public Service Clips at the Novato Theater showing before and after defensible Space themes.
3. Information brochures will be disseminated through local business.
4. Demonstration gardens and fire resistance water conserving plants will be promoted through the North Marin Water District and local nurseries.
5. The *Will Your Home Survive?* booklets will be distributed door to door in the identified threat zones.
6. The Districts Wildland HEART module will be offered to all residents and neighborhoods within the District UWI boundaries.

**Recommendation #3.** *The Board of Supervisors should lobby for a state Department of Corrections inmate conservation camp to serve marin and Sonoma Counties.*

**Fire District Response:** The NFPD would support this lobby effort.

**Recommendation #4.** *All local fire agencies should review their policies regarding controlled burns and use limited targeted and carefully controlled burns when appropriate to mitigate fire fuel loads.*

**Fire District Response:** The NFPD currently does review policy and potential liability and weighs the risk benefit component of this practice. These risks and benefits are also weighed against the overtime costs associated with such practices, time of year, and limitations and constraints within the regulations of the Bay Area Air Quality Management District.

**Recommendation #7.** *All fire departments and special districts, the Marin County Open Space District, the Marin Municipal Water District and representatives from Fire Safe Marin should meet frequently to identify and implement the county's and state's fire prevention and protection best practices. Fire Agencies should model their education, enforcement and vegetation management programs around those that are cost-effective and efficient.*

**Fire District Response:** The NFPD has been and will continue to be an active participant in the Fire Safe Marin Organization. However, it is not just agencies and fire departments that need to be involved as suggested by the grand Jury recommendation. Wildland fires are not just a fire department or special district problem. It is a community problem which requires the community to participate

in the risk assessment, planning, and implementation of wildland fire prevention measures in the built and un-built environment. The District will continue efforts to collaborate with all shareholders and stakeholders within our jurisdiction.

August 7, 2003

The Honorable Lynn O'Malley  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913-4988

Re: Wildfires – Partners in Prevention

This is a response to the Grand Jury Report, “Wildfires – Partners in Prevention” dated June 23, 2003

We would like to note that the Marin Emergency Radio System under MERA will be of great benefit during a wildland fire by enhancing communications County-wide. We urge the completion of this critical communication system.

Please contact me at 878-2690 if you have questions or require additional information.

Very truly yours,

Jeffrey A. Meston  
Fire Chief

JAM:nr

August 7, 2003

Foreperson  
Marin County Grand Jury  
3501 Civic Center Drive, Room 303  
San Rafael, CA 94903

Re: Wildfires – Partners in Prevention

This is a response to your report, “Wildfires – Partners in Prevention” dated June 23, 2003. The Novato Fire Protection District appreciates your interest in your recent investigation and would like to thank you for your compliment about Novato Fire’s public education program.

We would like to note that the Marin Emergency Radio System under MERA will be of great benefit during a wildland fire by enhancing communications County-wide. We urge the completion of this critical communication system.

Please contact me at 878-2690 if you have questions or require additional information.

Very truly yours,

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