



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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June 9, 2015

(emailed: [board@albionfire.com](mailto:board@albionfire.com))

Chris Skyhawk, President  
Board of Directors  
Albion Little River Fire Protection District  
P.O. Box 634  
Albion, CA 95410

Re: Ordinances related to forest management practices

It is my understanding that your Fire Protection District is considering ordinances related to certain forest management practices. I am writing to clarify the jurisdiction of your Fire Protection District and to suggest that the ordinances that you are considering will not be applicable to commercial, timbered forest lands within the State Responsibility Area.

Section 13811 of the Health & Safety Code provides that "...[t]erritory which has been classified as a state responsibility area may be included in a [fire protection] district, *except for commercial forest lands which are timbered lands declared to be in a state responsibility area.*" (Emphasis added.) Given this limitation on the jurisdiction of fire protection districts, it appears that the ordinances that you are considering would not apply to commercial, timbered forest lands, which by statute are not included within the jurisdiction of your district.

Under California Environmental Quality Act (CEQA), the Forest Practice Act and the Forest Practice Rules, CAL FIRE currently evaluates potential impacts from timber operations conducted under a Timber Harvesting Plan (THP) as required. These potential impacts include an evaluation of whether or not the project will expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. Recent THPs have included mitigation to address these potential impacts. These mitigation measures include the establishment of fuel breaks within units that adjoin neighboring properties. The fuel breaks established under these mitigation measures include the treatment of hardwoods. Each THP will be evaluated in accordance with the applicable regulations and laws to ensure all potential impacts are addressed.

These potential issues fall under the Practice of Forestry as described in PRC 750 et.seq. Such issues are the purview of Registered Professional Foresters.

*"Forestry," as used in this article, refers to the science and practice of managing forested landscapes and the treatment of the forest cover in general, and includes, among other things, the application of scientific knowledge and forestry principles in the fields of fuels management and forest protection, timber growing and utilization, forest inventories, forest economics, forest valuation and finance, and the evaluation and mitigation of impacts from forestry activities on watershed and scenic values, to achieve the purposes of this article."*

These laws exist to protect the public by assuring that qualified professionals are making the determinations. Foresters must determine not only the issue of safety, but also environmental and biological responses in making their determinations.

In your letter of March 20 of this year to the Mendocino County Board of Supervisors, you urge the reading of a recent report by Valachovic, et. al., (2011). In your letter, you find a similarity between stands killed by pathogen and herbicide, and note that other studies have indicated that pathogen killed stands result in significant hazard. I agree the study should be reviewed, as much of the report points out the significant differences between stands dying due to pathogen verses herbicide treatment.

The study discusses how they differ in terms of temporary verses long term conditions:

*"If any area of agreement between these studies exists (and earlier studies involving spruce budworm also bear this out), it is that the effects of the epidemics on fuels play out over long time scales, as killed trees fall, leading to continuous inputs of coarse fuels and decreasing the vegetative sheltering that moderates local winds (Stocks, 1987; Page and Jenkins, 2007; Klutsch et al., 2009; Simard et al., in press)."*

The study also notes that herbicide treated stands tend to recover quickly as conifers will rapidly resume their dominance, resulting in a different, and one would expect, less volatile fire behavior.

The study concludes:

*"While herbicide treatments temporarily elevate surface fuels, these treatments are limited in area on the landscape, are generally associated with other forest management activities, and, provided that roads remain accessible, **generally facilitate rapid firefighter response**. Furthermore, decomposition will reduce these single-pulse-driven surface fuels over time. This is in contrast to *P. ramorum*, which will continue to contribute fuels over the long term, serving as a chronic wider-scale forest health hazard that will likely predispose these stands to future wildfire or other cascading ecological issues (Rizzo et al., 2005)."*

Sincerely,



DUANE SHINTAKU  
Deputy Director  
Resource Management

cc: Ken Pimlott  
George Gentry – BOF  
Dennis Hall