



## POSSIBLE NEW CDF FIRE PREVENTION FEE CONSIDERED BY STATE LEGISLATURE

The feature article of this month's Bulletin focuses on the responsibilities for fire protection on the West Slope of El Dorado County, and why who furnishes you with fire protection is important in determining who might have to pay a new fire prevention fee being contemplated by the legislature.

The legislation has the potential to increase property taxes in El Dorado county by millions of dollars a year, and who will pay the fee will depend on where you live or where your business is located.

Whether this proposed fire prevention fee, which will be added to some property tax bills, is necessary or whether the proceeds will be well spent is not a question that will be examined by the Bulletin. Our goal is to present the facts as we understand them so that our neighbors and friends can be well informed and make wise decisions.

Keep in mind that the proposed fee is just that, *proposed*, and is not yet law. But it has a great potential for being enacted into law.

### Who Will Probably Pay the Fee

We are all aware that the California Department of Forestry and Fire Protection (CDF) protects lives, property and natural resources from fire; responds to emergencies of all types, and protects and preserves timber-

lands, wildlands, and urban forests. They have the responsibility for protecting over 31 million acres of California's wildlands, and provide emergency services of all kinds through local government agreements within 35 of California's 58 counties, including our own El Dorado County.

A measure (SB 1617) is moving through the state legislature that will supplementally fund CDF by imposing an annual fire protection fee on each structure that is located within the state responsibility areas served by the CDF.

*What does this legislation mean to those who live in El Dorado County? If your home or business is located within the cities of Placerville or South Lake Tahoe, which have their own fire departments, the fee will not apply to you. If you are located in El Dorado Hills, which has its own dedicated fire department, the fee will not apply to you. If you are in an area served by CDF under a contract agreement, such as Cameron Park, whether the fees will apply or not is unclear. If you are located anywhere else in the county, the fee will probably apply to you.*

In order to understand what is being proposed, and why some people will pay the fee and some will not, an explanation of the state's fire responsibility areas and the

wildland urban interface is in order.

### The Fire Responsibility Areas

California is made up of approximately 101 million total acres of all types of lands, of which 79 million is considered wildlands. CDF is responsible for wildland fire protection on approximately 31 million acres of those wildlands that are known as State Responsibility Areas (SLAs). Federal agencies are responsible for wildland fire protection on approximately 48 million acres of federally-owned wildlands (what we know as national forests) in the state which are known as Federal Responsibility Areas (FRAs).

The rest of the lands consist of both developed and relatively rural lands that are called Local Responsibility Areas (LRAs) because they are served by fire agencies that are dedicated to, and funded by, local jurisdictions such as the cities of Placerville and South Lake Tahoe. The El Dorado Hills Fire Department is also a dedicated locally-funded fire agency whose area of responsibility is considered an LRA.

The SRA lands are designated as such by the California Board of Forestry and Fire Protection (BOF) and consist of lands that are covered wholly or in part by timber, brush, or other vegetation that serves a commercial purpose (such as ranching or timber harvesting), or that serves a natural resource value (such as watershed protection). There can be several different types of property owners in SRAs, such as timber operators, ranchers, and owners of individual residences. Although these lands may have structures on them, when housing density reaches more than three units per acre, the BOF generally removes those lands from the SRA. The SRA designations are reviewed every five years.

A map of the various fire responsibility areas in El Dorado County may be found on the Bass Lake Action Committee website if you click here: [http://www.basslakeaction.org/PDF\\_files/El\\_Dorado\\_SRA\\_Map.pdf](http://www.basslakeaction.org/PDF_files/El_Dorado_SRA_Map.pdf).

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**FIRE FEE** *(continued)***Wildland Fires**

The stated mission of CDF is to protect the people of California from fires, respond to emergencies, and protect and enhance forest, range, and watersheds, and most of its efforts go towards putting out the state's wildland fires.

Wildland fires are those fires that occur on lands with natural vegetation such as forest, brush, and grass. While such fires can have a beneficial effect on the natural environment, they also can be costly and destructive.

Wildland fires can risk lives and property, and compromise watersheds, wildlife habitat, recreational opportunities, and local economies. Wildland fires occur in both sparsely populated and developed areas. As development continues to increase in areas with high wildfire risks, California is faced with the challenge of controlling the costs of wildland fires while reducing the losses from such fires.

Fire protection efforts in California's wildlands involve firefighting resources at the federal, state, and local levels. The responsibilities for each level of government are set forth in law and policy directives, and these responsibilities, and the geographic areas of protection, often overlap.

However, in order to reduce the overlap and maximize the use of resources across jurisdictions, firefighting agencies generally rely on a complex series of agreements which result in a multiagency wildland fire protection system. Even under this multiagency approach, responsibilities are not always clear, particularly as they relate to life and structure fire protection in wildland areas.

CDF has a legal responsibility to provide fire protection on all SRA lands, which are classified as such based on land ownership, population density and land use.

For example, CDF does not have responsibility for densely populated areas, agricultural lands, or lands administered by the federal government. Although CDF is responsible for wildland fire protection in

SRAs, its responsibility for life and structure protection in such areas is less definitive. Specifically, it is authorized, but not required, under current law to provide day-to-day emergency services, such as structure protection and medical assistance, in SRAs when resources are available and when it is within its budget.

Structures, including residences, are found on some parts of SRAs. While state law does not require local governments to provide fire protection within SRAs, in practice local governments have generally assumed the responsibility for paying the CDF for structure protection and basic medical assistance in the SRAs.

In fact, about 70 percent of SRAs are covered by some form of CDF services for structure protection and medical response. Payments to CDF for those local services are generally funded from property tax revenues or from special assessments. These arrangements with local governments are consistent with historical practice as well as a BOF policy that *life and structure* fire protection within SRAs is the responsibility of private citizens and local governments.

It appears that the policy of the BOF is that it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the CDF has entered into a cooperative funding agreement with a local agency for furnishing those services.

**Wildland Urban Interface**

The increasing presence of homes in what is referred to as the Wildland Urban Interface (WUI) is expected to result in the continued increase in the CDF's expenditures for wildland fire protection. The location of homes, the level of vegetation clearance, and the type of building materials used all affect the risk homeowners in WUI face from wildfire. The decisions on where and how these homes are built are generally made at the local level.

However, the consequences of these decisions are experienced at both the state and local level. At the state level, for example, in the fast-growing foothill region of the Sierra, CDF reports the number of its life protec-

tion-related emergency responses (such as medical aids) more than doubled between 1993 and 2000—increasing from 10,000 to 25,000 responses.

In addition, when a large wildland fire threatens a development, firefighting resources for structure and life protection beyond those available at the local level are often needed. The cost of those additional resources is generally borne by state taxpayers rather than local residents.

The California Legislative Analyst's Office (LAO), which provides fiscal and policy advice to the Legislature, has recommended that in order to contain CDF's costs associated with development in WUI, the state should encourage local governments to make fire-safe planning decisions in the form of pro-active local decisions that can reduce the risk from wildland fires. These decisions include planning decisions on where to locate development, fuel management plans, and building codes and designs that address the threat of wildland fires.

The LAO also believes that there is an additional opportunity to provide an incentive for fire-safe planning by local governments in WUI areas.

Specifically, the LAO suggests that current law should be clarified to provide explicitly that the state is not fiscally responsible for life and structure protection in SRAs. As discussed earlier, current law does not specifically address whether state or local government is responsible for life and structure fire protection in SRAs. While current law *authorizes* CDF to provide day-to-day life and structure fire protection in SRAs when resources permit, it does not *require* that CDF provide these services. Similarly, current law does not *require* local agencies to provide for life and structure fire protection in SRAs.

The statutory clarification described above could help in a couple of ways to address the increasing state and local fire protection costs associated with the continued development in WUI areas.

First, if local agencies are certain that the state is not fiscally responsible for life and structure protection, this should encourage local land-use decisions that attempt to minimize the risk to structures and people from wildfire.

Second, a clear statement that the state is not responsible for providing life and structure fire protection could encourage local governments to budget an appropriate level of local resources for this purpose. This would reduce the cost pressure on the state

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## THE PRESIDENT'S LETTER



Hello Everyone,

You have probably noticed that this issue has a long article dealing with fire protection and the new fire protection fee that the legislature is considering levying on many of the state's property taxpayers.

While the fee is only proposed, and not yet law, we felt that it was important that everyone was aware of the possibility of it being enacted into law. As Thomas Jefferson said, "An enlightened citizenry is indispensable for the proper functioning of a republic."

On a happier note, Spring this year seems to be a lot cooler than last year, which makes working in the yard that much more pleasant. The plants in our garden are coming up in grand style, with trees and flowers in full leaf and bloom.

Our wine and cheese party that followed the BLAC Board Meeting last week was a great success, if you judge a party by how late some folks went home – just shy of midnight. As an extra treat, everyone got to taste our just-bottled 2007 Zinfandel from our home winery. It really needs to be aged another six months or so, but the general opinion of the young wine was favorable given the wine's tender age.

It's a good thing we bottled last year's wine now, because our vineyard looks like it will yield about twice as many grapes this year over last year, and we needed to free up our bulk wine storage and get it ready for fermenting and aging our 2008 vintage.

The primary election is over, too, and I hope you voted, because we will have to choose between those candidates who survived this contest at the big election in November.

On both the local and national levels, I must say that this election year is one of the most interesting I have ever seen. It looks like we are in for exciting times from now until November!

*John E. Thomson*

President

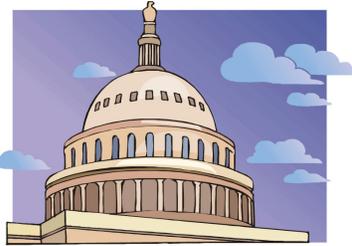
## FIRE FEE *(continued)*

to increase its investment in CDF for this type of fire protection.

There are a couple of policy rationales for the state not being fiscally responsible for life and structure protection in SRAs.

First, since the state does not make the development decisions which determine where and how structures are built in the WUI, it should not be fiscally liable for the firefighting cost impacts of these decisions.

Second, as discussed previously, the provision of life and structure protection is consistent with the traditional role of local government to provide day-to-day fire and police services for the residents under its jurisdiction.



### Pending Legislation

Because the encroachment of development into SLAs has increased the financial burden on CDF, a bill (SB 1617) has been introduced in the legislature that would impose a fee on structures located within the SRAs to mitigate the costs of fire protection by CDF.

The Senate analysis of the bill says that while the total acreage in SRA has remained stable over the last 15 years, the number of housing units in SRA has increased by 15 percent over this period, despite changes in SRA designations which have moved fire protection responsibility for significant numbers of houses from SRAs to local responsibility areas. As development increases in previously undeveloped and often fire-prone areas, fire protection costs increase for several reasons.

First, the presence of more people increases the incidence of wildland fires, as fires from human-caused activities spread to wildland areas. It is reported that people cause over 95 percent of the fires in the SRA.

Second, protecting people and homes often requires greater fire suppression effort than would typically be used on forests or rangelands. Finally, the presence of people and structures can sometimes limit the techniques used for fire prevention or suppression.

For example, the use of prescribed burning

to reduce available fuel loads or the use of aircraft to suppress fires may be limited by the presence of homes in a formerly wildland area. The inability to use these kinds of fire suppression tactics increases the need for more labor-intensive firefighting methods to protect people and homes, according to the analysis.

To offset the additional costs incurred by CDF by fires in the WUI, the bill would establish a fire prevention fee of \$50 to be charged on each structure on each parcel that is subject to property taxes and is within an SRA. The BOF would adjust the amount of the fee annually for inflation.

The bill currently under consideration would require a fire prevention fee to be imposed on all secured property tax bills issued for the 2009-10 fiscal year and for each fiscal year thereafter on each structure in an SLA.

A structure is defined as any building that requires an occupancy permit. That would seem to apply to any structure for which a building permit had been issued, but what the term "structure" means exactly is unclear from the text of the bill and the definitions referred to in the bill.

CDF statistics show that there were 35,370 housing units in El Dorado County SRAs in 1999. At fifty dollars each, that would be \$1,968,500 in additional fees for El Dorado County SRA residents.

If the term "structure" includes outbuildings like barns that require a building permit and a certificate of occupancy, the amount of the fee per parcel could grow. Business buildings would also seem to fall into the definition of a structure, so the number of structures subject to the fee could be higher still.

The status of those structures that are in local fire protection districts that are in SRAs and who are also contracting with CDF to provide fire protection for the structures in the district is unclear.

For example, the Cameron Park Community services District has a "Schedule A" contract agreement with the CDF for fire prevention, suppression, investigation, and emergency medical services for the community of Cameron Park. Would structures in the area served by the contract have to pay the fee? It is unclear.

The counties of Amador, Butte, Calaveras, Del Norte, Glenn, Inyo, Lassen, Mendocino, Plumas, Shasta, Tehama, Trinity and Tulare are on record in opposition to SB 1617 as of June 25, 2008. El Dorado County is not listed as either for or against the bill.

**FIRE FEE** *(continued)*

There is always the chance that the legislation will be amended, die in committee, or be voted down by the full legislature. However, with the state in dire budget straits, the woes of the rural population that live in SRAs may not be important to those state legislators that represent urban areas and are looking for more state revenue.

**County Fire Funding**

From fiscal year 1999 through 2008, the county has provided nearly \$7.3 million in property tax augmentations to eight fire protection districts, including Garden Valley, Georgetown, Latrobe, Mosquito, Pioneer and Rescue on the western slope, and Fallen Leaf and Meeks Bay in the Lake Tahoe area. About \$1.3 million in augmentation funding is proposed for the coming fiscal year.

Supervisor Briggs and county Auditor-Controller Joe Harn are to meet with the fire chiefs of the affected fire districts to discuss possible changes in the augmentation funding agreement and to report to the board before the county's 2008-09 budget is adopted in September.

Whatever happens, the current state and county budget shortfalls are likely to continue. Charging new fees for those services that were formerly paid out of a general fund will be a popular way to off load those costs onto the taxpayers. ~



*"Old Glory"*

**FLAG DAY - JUNE 14TH**

The following resolution was adopted by the Continental Congress on June 14, 1777, following the report of a special committee whose duty it was to suggest the design of their new country's flag:

*"That the flag of the United States shall be of thirteen stripes of alternate red and white, with a union of thirteen stars of white in a blue field, representing the new constellation."*

A flag of this design was first carried into battle on September 11, 1777, in the Battle of the Brandywine. The American flag was

first saluted by foreign naval vessels on February 14, 1778, when the Ranger, bearing the Stars and Stripes and under the command of Captain Paul Jones, arrived in a French port. The flag first flew over a foreign territory in early 1778 at Nassau, Bahamas Islands, where Americans captured a British fort.

The first Flag Day occurred in Hartford, Connecticut, at a celebration held in the summer of 1861. Later, in the late 1800s, schools all over the United States began to hold Flag Day programs to contribute to the Americanization of immigrant children, and the observance caught on with individual communities.

Then on June 14, 1889, Professor George Bolch, principal of a free kindergarten for the poor of New York City, had his school hold patriotic ceremonies to observe the anniversary of the Flag Day resolution. This initiative attracted attention from the State Department of Education, which arranged to have the day observed in all New York public schools thereafter.

Soon the state legislature passed a law making it the responsibility of the state superintendent of public schools to ensure that schools hold observances for Lincoln's Birthday, Washington's Birthday, Memorial Day and Flag Day. In 1897, the governor of New York ordered the displaying of the flag over all public buildings in the state, an observance considered by some to be the first official recognition of the anniversary of the adoption of the flag outside of schools.

In 1893, the Society of Colonial Dames of Pennsylvania had succeeded to have a resolution passed to have the flag displayed on all of Philadelphia's public buildings. However, it was not until May 7, 1937, that Pennsylvania became the first state to establish the June 14 Flag Day as a legal holiday.

Both President Wilson, in 1916, and President Coolidge, in 1927, issued proclamations

encouraging the country to observe June 14 as the National Flag Day. But it wasn't until August 3, 1949, that Congress approved the national observance, and President Harry Truman signed the legislation recognizing June 14 as Flag Day. Although Flag Day is now a observed nationwide, only Pennsylvania recognizes it as a legal holiday.

Be sure to display your flag on Flag Day and continue the tradition. ~

**JULY BASS LAKE ACTION COMMITTEE BOARD MEETING SET**

The July board meeting of The Bass Lake Action Committee will be held on July 7, 2008, at 7:00 PM at the home of Sue and Stuart Colvin, 2401 Summer Drive in Woodridge (530-677-2427).

The board has decided to defer inviting speakers to BLAC meetings until the September 2008 meeting, in recognition of the summer vacation plans of many BLAC members. ~

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