



FIRE SAFE COUNCIL OF SISKIYOU COUNTY

206 Shasta Avenue • Mt. Shasta, California 96067 • (530) 926-2089 • Fax (530) 926-5071

Letter of Intent - Dunsmuir Fuels Mitigation Project

Dear Residents and Landowners,

February 6, 2023

As part of CAL FIRE's Local Wildfire Prevention Grant Program, the Fire Safe Council of Siskiyou County has received funding to help Dunsmuir and its residents prepare against the devastating impacts of wildfires and reduce hazardous fuels in the Dunsmuir wildland-urban interface. The project will create safer escape routes in case of evacuation, more defensible environments for firefighters and other emergency personnel and help protect surrounding residential areas and natural resources.

The Dunsmuir Fuels Mitigation Project will be executed in two parts: 1) CEQA (California Environmental Quality Act) environmental analysis and compliance on approximately 690 acres and 2) Fuel reduction treatments on approximately 183 acres.

- 1) **CEQA:** The environmental work is basically a site analysis required by California. The project will seek to obtain CEQA compliance and landowner access agreements on approximately 690 acres in the project area. About 510 acres will be CEQA ONLY and will NOT receive on-the-ground treatments through this grant but will be in a much better position to seek funding for treatments in the future. This may require our archeologist/forestry contractor to come and preview your property to collect needed information. **See orange shaded area on attached project map.**
- 2) **Fuel reduction:** Approximately 183 acres will receive on-the-ground fuel reduction treatments in the south-east portion of Dunsmuir. This is vitally needed roadside fuel reduction adjacent to the evacuation routes going south (including but not limited to River, Butterfly, Hilltop area and South 1st to Loma Vista). This includes establishing shaded fuelbreaks on both sides of the identified roads. Defensible space fuel reduction *may* be provided to private property owners in the designated area which includes cutting and thinning ground fuels such as over-stocked brush and dead, dying, diseased, or crowded small trees, plus trimming up lower limbs on remaining trees for fire safe purposes. This material will be chipped and spread back onto the forest floors or remain in place for your use and/or dispersion. **See yellow shaded area on project map.**

We will be most effective if you participate! It will help you, your neighbors and our community become safer and more resilient to wildfires. While everyone won't be able to receive fuel reduction at this time, your participation in the CEQA will be key to future fuel reduction opportunities.

This project is a collaborative effort of the City of Dunsmuir's Disaster Planning Advisory Committee (DPAC) and its Fire Safe Committee, the Fire Safe Council of Siskiyou County, CAL FIRE, the Dunsmuir-Castella Fire Department, and YOU, the participating residents in the project area.

To participate, please:

1. Fill in and sign the attached Landowner Agreement (LOA) on pages 1, 4 and 5. Thank you for filling out as much information as possible.
2. Please return pages 1-5 of the LOA **AS SOON AS POSSIBLE**. A return envelope has been provided.

Dunsmuir Fuels Mitigation Project
PO Box 42
Dunsmuir, CA 96025

Community meetings will be scheduled soon to keep the public informed. The Dunsmuir Fuels Mitigation Project can be found on the City of Dunsmuir's Fire Department web page at <https://www.ci.dunsmuir.ca.us/fire-department>.

For more information, assistance with locating your property or help with these forms please contact:

Dan Padilla, (530) 235-4822 ext 106, dpadilla@ci.dunsmuir.ca.us
Lynda Scheben, (530) 351-5362, lscheben@gmail.com
Giselle Nova, (530) 926-2089, novavita@sbcglobal.net

THIS IS A TIME- SENSITIVE PROJECT. WEATHER AND PROJECT DEADLINES ARE NARROW.

Thanks for your help and participation!



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FIRE SAFE COUNCIL OF SISKIYOU COUNTY, INC.
In cooperation with the Dunsmuir DPAC/Fire Safe Committee
Dunsmuir Fuels Mitigation Project

LANDOWNER AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, by and between _____, hereinafter called “the **Owner(s)**,” for themselves, executors, successors, and assigns; and Fire Safe Council of Siskiyou County, a California non-profit corporation, hereinafter called “the **Council**” for the following Assessor’s parcel number(s) _____.

WHEREAS Owner(s) and Council wish to join as participants to protect life, property, and the surrounding environment by reducing fuel on private properties along key roadways designated by the **Dunsmuir Fuels Mitigation Project**. *In order to facilitate fuels mitigation an environmental study (CEQA) shall be performed and approve by the State of California.*

IN CONSIDERATION of the above, the parties agree as follows:

I. PURPOSE OF AGREEMENT.

This Agreement is to facilitate cooperation between the parties in **the facilitation and completion of CEQA requisite to fuel break/shaded fuel break project in the Dunsmuir, California area who are affected by the Dunsmuir Fuels Mitigation Project**. One specific fuel treatment shall consist of: removal of small diameter trees (less than 8 inches diameter-at-breast-height) and shrubs to provide fire safe spacing; creating shaded fuel breaks (See definition of Shaded Fuel break in attachment B) that leave a partial mature tree canopy; performing limb-ups of mature trees to approximately 6 to 10 feet above the forest floors, small trees with a 30% crown-to-stem ratio (CTSR); and hand piling, pile burning, chipping, and grinding. (See “Attachment A Worksheet” for treatment details).

The reduction of these fuels will decrease the risk of future catastrophic fires that could destroy the remaining trees and adjacent areas. It must be understood that a Shaded Fuel break will not stop a fire but will give suppression forces and landowners extra time for safely fighting the fire and accessing or evacuating the fire area. Trimming of the branches approximately 6 to 10 feet up the stem from the soil line of the remaining mature trees will reduce a future fire’s ability to climb the “fuel ladder” and burn crowns of remaining trees, possibly spreading wildfire very quickly from a rapid-running crown fire. This will reduce forest damage and future fire risk.

II. TERM OF AGREEMENT.

The term of this Agreement will begin on **February 1, 2023** and end on **March 15, 2026**. In the event of an act of nature that results in the inability to complete the project, neither the Owner(s) and/or Councils will be held responsible for completion of the project. Acts of nature include, but are not limited to: floods, fires, earthquakes, volcanic eruptions, slides, or windstorms.

III SPECIFIC OBLIGATIONS OF THE PARTIES

A. The Owner(s) shall:

1. Manage their own property as desired, consistent with the intent of this fire prevention project (minimize activities that increase fuel loading in project area).
2. Grant permission for access to property for the Councils to implement the project and to monitor project effectiveness following completion of the project.
3. Guarantee ownership of the project area and warrant that there are no outstanding rights which may interfere with the terms of the Agreement.
4. Notify the Council of planned or pending changes in ownership.
5. Landowners are released of all liability regarding any and all work performed on this fuel reduction project by the Council, their members, agents, cooperators, and/or contractors.

B. The Council shall:

1. Obtain all applicable Federal, State, and local permits for the project, as required.
2. Implement the project and work to meet objectives specified in this Agreement or assist the Owner(s) in doing so. The Council may contract out any and/or all fuel reduction work to qualified and insured (PL/PD and Workers' Compensation Insurance coverages) contractor(s) approved by Council. Contractor(s) will not work on Landowner(s) property without acceptance, acknowledged by landowners' signature(s) on "Approval of Contractor(s)" form (following).
3. Periodically review the project area with the Owner(s), or a designated agent, for purposes of monitoring the effectiveness of the project upon completion for a period of five years following the project location and photographs. Owner(s) grant(s) Councils' permission to use the data collected during monitoring for purposes consistent with this Agreement.

IV. MODIFICATIONS.

The Owner(s) and Councils may agree in writing to other terms, conditions, and obligations which will require modification of this Agreement. The Agreement may be modified in writing at any time by mutual consent.

Any act of nature, outside the control of all parties, that substantively affects the ability to complete the project may be cause for modification of this Agreement.

V. TERMINATION.

This Agreement may be terminated in writing, signed by parties, upon 30 days advance written notice, delivered by certified mail or in person to all parties.

Any act of nature, outside the control of all parties that substantively affects the completion of the project may be cause for termination of this agreement.

VI. RELEASE OF LIABILITY.

It is mutually agreed that Owner(s) and Council will hold each other harmless against all liability, loss, cost, damages, fees of attorneys, and other expenses that Owner(s) and Council may sustain by reason or in consequence of the performance of the shaded fuel break project, including, but not limited to sums paid or liabilities incurred in settlement of, and expenses paid or incurred in connection with claims, suits, or judgments with respect to performance of the project and future fires. The parties hereby acknowledge that this release is a general release and further expressly waive all rights under Section 1542 of the Civil Code of California.

Section 1542 reads as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

VII. MEDIATION.

The parties agree to mediate any dispute or claim arising between them out of this Agreement, or any resulting transaction, before resorting to arbitration. Any party may commence mediation by providing to the other party a request for mediation setting forth the subject of the dispute and the relief requested. Once mediation has been requested, each party will provide the other party three names of three proposed mediators in Siskiyou County in order of preference within ten days of the demand for mediation and the mediation shall be scheduled within 30 days of the request to the extent reasonably possible. The first matching name on each party's list shall be the mediator. If the parties have no matching names and cannot agree on a mediator, then any party may seek appointment of a mediator through a petition to the Siskiyou County Superior Court. Each party shall participate in the mediation in good faith. Mediation fees, if any, shall be divided equally among the parties involved. If, for any dispute or claim to which this paragraph applies, any party commences an action without first attempting to resolve the matter through mediation, or refuses to timely mediate after a request has been made, then that party shall not be entitled to recover attorney's fees, even if they would otherwise be available to that party in any such action. All offers, promises, conduct and statements, whether oral or written, made in the course of mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator and/or the mediator's employees, are confidential, privileged and inadmissible for any purpose, including impeachment, and any arbitration or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.

IN WITNESS THEREOF, the parties have executed this Agreement on the day, month, and year last indicated:

Owner(s) Signatures:

By:
Title:

By:
Title:

By: Fire Safe Council of Siskiyou County
Title: Project Manager(s)
Giselle and/or Dale Nova

ATTACHMENT A: WORKSHEET

Contact Information from Landowner(s)/Representative

Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

Project Details

Slash Treatment: Grind in place X Pile and burn X Chip X

Burn permit acquired? Siskiyou County Air Quality X CALFIRE X

Removal of firewood: Landowner will remove or give away _____ Contractor to remove _____

Lengths to cut logs: Standard appx. 4 to 6 feet X

Special Treatment Dates: _____

Additional Notes: _____

Signature

Date

ATTACHMENT B: Definitions

Shaded Fuel Break:

A well-designed fuel break will alter the behavior of wildland fire entering the fuel-altered zone. Both surface and crown fire behavior may be reduced. Shaded fuel breaks must be created in the context of the landscape within which they are placed. No absolute standards for fuel break width or fuel reduction are possible, although recent proposals for forested fuel breaks suggest 400 m. wide bands where surface fuels are reduced and crown fuels are thinned. Landscape-level treatments such as prescribed fire can use shaded fuel breaks as anchor points and extend the zone of altered fire behavior to large portions of the landscape. Coupling fuel breaks with area-wide fuel treatments can reduce the size, intensity, and effects of wildland fires. (From Ask.com)



(Before Fuel Reduction)



(After Fuel Reduction)

PRC (Public Resource Code) 4291

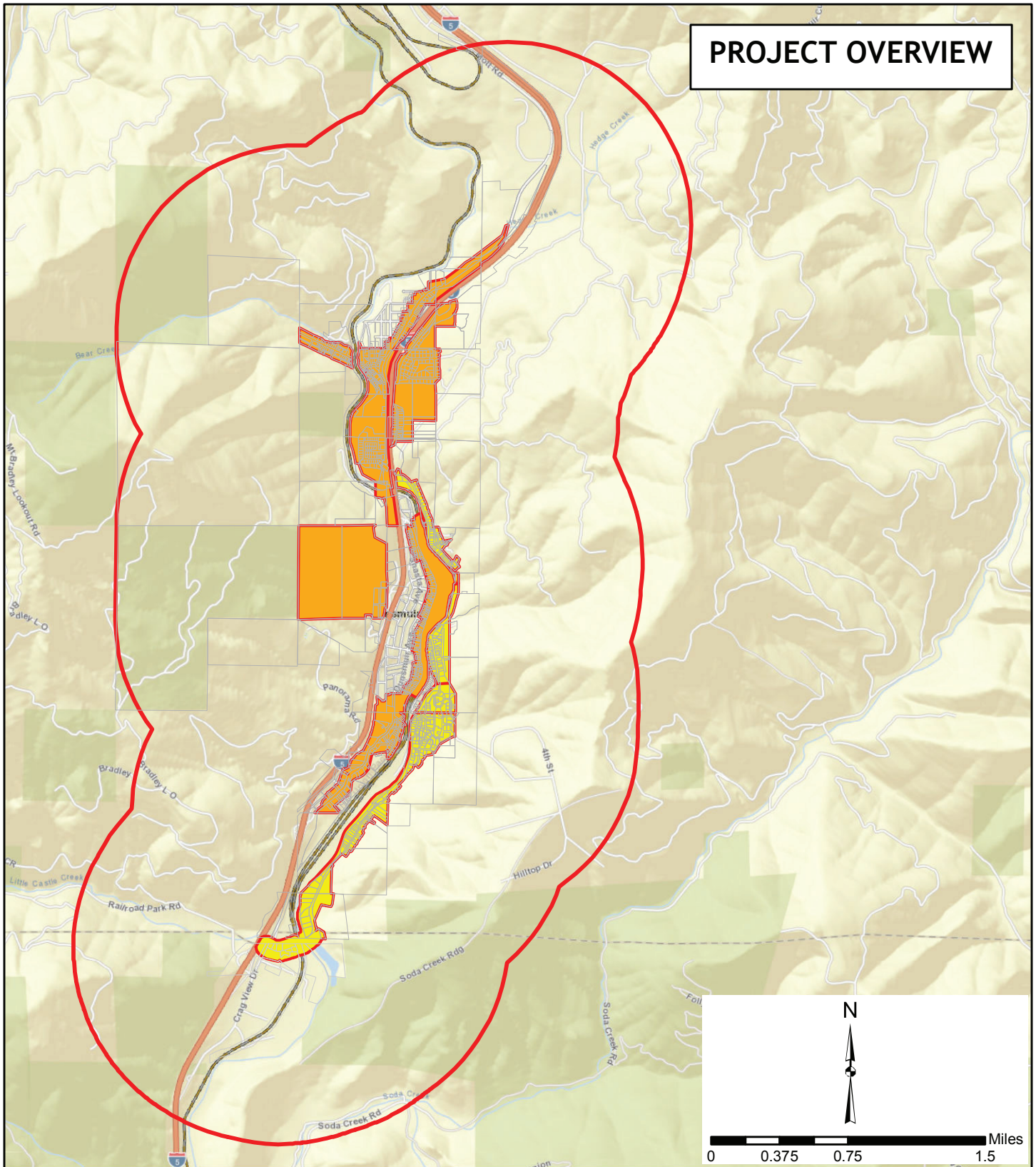
(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in paragraph (2). The amount of fuel modification necessary shall take into account the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This paragraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, the most intense being within the first 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this paragraph, “fuel” means any combustible material, including petroleum-based products and wildland fuels.





(2) A greater distance than that required under paragraph (1) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

- (3) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under paragraph (1) if a fire expert, designated by the director, provides findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.
- (4) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- (5) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.
- (6) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.
- (7) Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.
- (b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.
- (c) (1) Except as provided in Section 18930 of the Health and Safety Code, the director may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.
- (2) An exemption or variance under paragraph (1) shall not apply unless and until the occupant of the structure, or if there is not an occupant, the owner of the structure, files with the department, in a form as the director shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.
- (d) The director may authorize the removal of vegetation that is not consistent with the standards of this section. The director may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.
- (e) The department shall develop, periodically update, and post on its Internet Web site a guidance document on fuels management pursuant to this chapter. Guidance shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.
- (f) As used in this section, "person" means a private individual, organization, partnership, limited liability company, or corporation.

(Amended by Stats. 2018, Ch. 641, Sec. 7. (AB 2911) Effective January 1, 2019.)



PROJECT NAME: DUNSMUIR FUELS MITIGATION PROJECT
PROJECT TRACKING NUMBER: 21-FP-SKU-0181
PROJECT PROPONENT: FIRE SAFE COUNCIL OF SISKIYOU COUNTY

- | | | | |
|--|------------------------|---|--|
|  | Parcel Boundary |  | Treatment Influence Zone |
|  | Project Influence Zone |  | CEQA Compliance Area |
| | | | CEQA Compliance and Fuel Reduction Treatments Area |