



Meeks Bay Fire Protection District

John Pang, CHIEF

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November 10, 2010

Chair Humphreys
EL DORADO COUNTY LAFCO

Dear Chair Humphreys:

This letter is to address the Commission's concerns about the fiscal liability of annexing federal and state lands into the Meeks Bay Fire District, especially as it pertains to paying for large fire suppression expenses in the event of a catastrophic wildfire.

First of all, I appreciate the Commission's concerns about our fiscal health and potential liabilities. That said, in the State of California, in simplistic general terms, the responsibility for wildland fire suppression falls upon the "authority having jurisdiction" of the land. For federal lands ("FRA" or "Federal Response Area"), this falls upon the USFS, BLM, National Parks, etc. For State lands ("SRA" or "State Response Area"), the responsibility lies with the State (CAL FIRE or their agent, etc.). For incorporated cities, the land is considered "LRA" or "Local Response Area," and the cities are responsible for the wildland fire suppression in their area.

Health and Safety Code 13810 states:

Any territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, may be included in a district.

Health and Safety Code 13811 states:

Territory which has been classified as a state responsibility area may be included in a district, except for commercial forest lands which are timbered lands declared to be in a state responsibility area. The executive officer of the local agency formation commission shall give mailed notice of the state responsibility area in a district, whether by annexation or formation, to the Director of Forestry and Fire Protection. The commission may approve the proposal. Upon inclusion of a state responsibility area in a district, whether by formation or annexation, the state shall retain its responsibility for fire suppression and prevention on timbered, brush, and grass covered lands. The district shall be responsible for fire suppression and prevention for structures in the area and may provide the same services in the state responsibility area as it provides in other areas of the district.

In reality, due to a "balance of efforts" agreement between the USFS and CAL FIRE, the USFS is the authority having jurisdiction (and responsibility) for wildland fire suppression in the Tahoe Basin. They cover the SRA on the California side, since CAL FIRE does not have a permanent presence here



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for fire suppression. In a nutshell, if a vegetation fire were to occur in the Emerald Bay tract (or anywhere on the California side of the basin with exception of the City of South Lake Tahoe), the USFS would be responsible for the suppression costs.

Unfortunately, the USFS, by policy, is not allowed to go into a burning structure for suppression purposes, hence the local fire agencies are tasked with the responsibility of structural firefighting. CAL FIRE resources, however, are trained and allowed to fight structure fires, however, since they are not here for much of the year, the majority of the structure firefighting responsibility falls back on the locals out of default.

When a small single family residential structure fire grows into a conflagration, California fire districts have the ability to contact other agencies for assistance via mutual aid plans. Additionally, we can apply for federal financial assistance through FEMA if the event becomes large and threatens structures (the "FMAG" process). If we annex the Emerald Bay Tract of houses, we will be responsible for the fire suppression and prevention for the structures only. As said previously, the USFS has had the responsibility for all vegetation fires in our District and will continue to do so. That said, we will always be there assisting the USFS if a wildfire fire poses a threat to lives, property or the environment.

The District has a long history of fighting fires and responding to emergency calls on public lands within, or adjacent to, the District. We also respond to numerous EMS calls in this area. For decades, we have responded to the Emerald Bay Tract for fire suppression, EMS calls, and fire prevention duties, including recent assistance from our chipping program. By annexing this land, we are merely formalizing our response to an area that we have covered out of default since the beginning of the District decades ago. Yes, there is a slightly higher level of responsibility and accountability, however, we have "covered" this area and wouldn't consider not responding to their tract if there was an emergency. We are the closest response agency, and there are times during the winter when the area is completely cut off from the south shore fire agencies due to road closures.

In terms of the question about collecting our special tax and benefit assessment charges from USFS leased land, we have been told by your staff that precedence has shown this to be allowed.

If you have any further questions, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "John Pang".

John Pang
Fire Chief