



## Legislation Text

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**File #:** 2023-0490, **Version:** 1

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**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

**Department or Agency Name(s):** Agricultural Preservation and Open Space District

**Staff Name and Phone Number:** Monica Delmartini, 565-7260

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

Professional Services Agreement with Firestorm Fire Suppression Inc. for Prescribed Burn Boss Services on Ag + Open Space Fee Lands

**Recommended Action:**

Authorize the General Manager of the Sonoma County Agricultural Preservation and Open Space District to execute a professional services agreement with Firestorm Fire Suppression Inc., in a form approved by County Counsel, for Burn Boss services for prescribed burning not to exceed \$200,000, effective for three years with an option to extend the agreement for two additional years.

**Executive Summary:**

The Sonoma County Agricultural Preservation and Open Space District currently owns the 960-acre Saddle Mountain Open Space Preserve northeast of Rincon Valley. The Preserve property experienced a long period of exclusion of both fire and active forest management that resulted in heavy fuel buildup, crowded forest understory conditions, and heavy thatch buildup in grasslands. The Preserve burned in the 2020 Glass Fire at varying and patchy intensity, with areas of low and moderate-severity fire effects retaining much of the pre-Glass Fire fuel load. These areas are currently being thinned of dead material through a State Coastal Conservancy Forest Health and Wildfire Resilience Program Grant, and would benefit, along with the Preserve's grasslands, from carefully planned prescribed and/or cultural burning to improve ecosystem health and resilience and further reduce hazard fuels.

Private burn bosses do not typically assume full liability for burn operations, and therefore Ag + Open Space, as the property owner, will remain responsible for many of the potential risks from the proposed burns, including damages resulting from an escaped fire. Recent state legislation (SB-332) provides a limited immunity which only applies to fire suppression, rescue or emergency medical services, fire investigation, and other related costs - and would not extend to property damage or personal injury from escaped fire. Staff will work with County Counsel and Risk Management to mitigate risk through contract language, safety protocols, liability waivers, and insurance. Despite these measures, using prescribed fire carries certain risks that cannot be mitigated

The General Manager requests authorization to execute a not to exceed \$200,000 three-year agreement with Firestorm Fire Suppression Inc., with an option to extend for up to 2 additional years, in a form approved by County Counsel, to provide Burn Boss and other site preparation and operational services in support of planned prescribed fire activities on the Preserve and other properties owned by Ag & Open Space.

**Discussion:**

The Saddle Mountain Open Space Preserve (“Preserve”) was acquired by the Sonoma County Agricultural Preservation and Open Space District (“Ag + Open Space”) in 2006 to protect its open space and natural resource values, which include habitat for at least nine documented special-status plant species and potential habitat for numerous special-status wildlife species. Like most of our region, the Preserve has experienced significant changes in fuel loads, forest stand structure, and vegetation community composition due to more than 100 years of fire exclusion, cessation of Indigenous burning, and cessation or alteration in grazing and forest stewardship practices. These major alterations to the typical disturbance regime of this property have created widespread ladder fuel buildup and threaten the biodiversity of what has historically been a highly diverse mosaic of native vegetation communities and rare species habitat.

While the 2020 Glass Fire provided a “re-set” of conditions across some portions of the Preserve, many areas saw lower-intensity fire that resulted in fire-killed but unburned ladder fuels in the understory of otherwise healthy, unburned forest. Additionally, invasive species remain a concern across portions of the Preserve. Reintroducing carefully planned, intentional burning to appropriate parts of the Preserve would have numerous benefits in terms of maintaining reduced fuel loads, improving ecosystem health, protecting and enhancing biodiversity, improving landscape resilience to extreme events, potentially protecting public and firefighter safety, and creating opportunities to restore Indigenous stewardship of the Preserve.

On April 19, 2022, the Board of Directors authorized the General Manager to execute two agreements to provide mechanisms for conducting prescribed burning on the Preserve. One of these is an RM-75 cooperative burning agreement with Cal Fire, currently being finalized. The other is a Professional Services Agreement with Audubon Canyon Ranch, a non-profit organization (“ACR”), in order to make use of ACR’s “Fire Forward” program resources and fireline-qualified volunteer workforce when Cal Fire resources are unavailable or otherwise not the best fit for a project. Prescribed burning may be contemplated in the future on other Ag + Open Space fee lands, and this contract may be used to support these projects as well.

Ag + Open Space previously indicated that we would explore options for contracting for the services of a professional Burn Boss with a “Type 1” certification from the National Wildfire Coordinating Group, the highest level of Burn Boss qualification in the country. Having such a Burn Boss under contract would give Ag + Open Space additional capability for more complex burns in coordination with ACR. Firestorm Fire Suppression Services, Inc., a private contract wildland fire company with extensive experience supporting prescribed burning on public agency conservation lands (“Firestorm”), is able to provide a highly experienced Type 1 Burn Boss to support prescribed fire projects Ag + Open Space undertakes with ACR. Additionally, Firestorm is able to provide burn unit prep and operational support during prescribed burns (e.g., engines, personnel).

In 2021, Ag + Open Space partnered with Sonoma County Regional Parks to release a Request for Proposals for prescribed burn services, in the hope of being able to execute one or more open-scope professional services agreements with qualified Burn Bosses. No proposals were received; because of this, Ag + Open Space staff reached out directly to Firestorm to discuss a services agreement given the organization’s unique qualifications for prescribed burn services.

The General Manager requests authorization to negotiate and execute a three-year agreement with Firestorm

for prescribed fire services on Ag + Open Space-owned property, with an option to extend the agreement for an additional two years at the election of General Manager, in an amount not to exceed \$200,000 over the entire term of the agreement. Private burn bosses do not typically assume full liability for burn operations, and therefore Ag + Open Space, as the property owner, would remain responsible for many of the potential risks from the proposed burns, including damages resulting from an escaped fire. Recent state legislation (SB-332) provides a limited immunity to Ag + Open Space for damages caused by negligent prescribed burns - but the legislation only applies to fire suppression, rescue or emergency medical services, fire investigation, and other related costs - and would not extend to property damage or personal injury from escaped fire. Ag + Open Space staff will work with County Counsel and Risk Management to mitigate risk through contract language, safety protocols, liability waivers, and insurance. Despite these measures, using prescribed fire carries certain risks that cannot be mitigated, although the benefits of prescribed fire may outweigh these risks.

Prescribed burning on the Preserve is included in 2019 Saddle Mountain Open Space Preserve Management Plan and is covered by the associated Initial Study and Mitigated Negative Declaration, which was approved and adopted by the Board of Directors in 2019. All currently identified potential prescribed fire projects, including ten grassland burn units and twenty timber/woodland burn units, have been analyzed by CEQA consultants to Ag + Open Space and determined to fall within the scope of the existing CEQA document.

Exact timing for implementation of any of these prescribed burns is yet to be determined, with post-Glass-Fire vegetation response, drought stress, pre-burn site prep and thinning, invasive species considerations, appropriate weather and fuel moisture conditions, and consultation with Tribal representatives to be factored into this determination. Approximately 120 acres of high-priority oak woodland and mixed hardwood forest, most of this acreage being within identified burn units, is currently being thinned of dead, small-diameter ladder fuel material under a grant from the State Coastal Conservancy. Ag + Open Space plans to conduct robust public outreach prior to undertaking any burning on the Preserve, and intends to continue to lead fire ecology-related educational outings on the Preserve in coordination with our contracted outings providers, in order to provide an opportunity for interested members of the public to observe both “before” and “after” conditions within both burn units and wildfire-affected areas and have the opportunity to learn about fire’s role and effects in our local ecosystems.

**Prior Board Actions:**

- 4/19/22: Cal Fire Cooperative Burning Agreement and Professional Services Agreement with Audubon Canyon Ranch for Prescribed Burns
- 21-0317: Delegation of Authority for Grant Assistance Provided by the State Coastal Conservancy Forest Health & Wildfire Resilience Program
- 19-0406: Adoption of Management Plan, Initial Study & Mitigated Negative Declaration
- 06-0041: Fee Title Acquisition of the Saddle Mountain Property

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY 23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses	\$50,000	\$75,000	\$75,000
Additional Appropriation Requested			

<b>Total Expenditures</b>	<b>\$50,000</b>	<b>\$75,000</b>	<b>\$75,000</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$50,000	\$75,000	\$75,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$50,000</b>	<b>\$75,000</b>	<b>\$75,000</b>

**Narrative Explanation of Fiscal Impacts:**

The costs associated with this contract will be paid from Ag+ Open Space's Measure F sales tax revenue. First year costs total \$50,000, there are adequate appropriations in the Fiscal Year 22-23 budget and appropriations will be made in future years for anticipated expenditures.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

1. Saddle Mountain OSP Property Map
2. Saddle Mountain OSP Prescribed Burn Units Map

**Related Items "On File" with the Clerk of the Board:**

None