

Auth ID: SLD102015
Contact ID: County of Santa Barbara
Expiration Date: 12/31/2039
Use Code: 753

FS-2700-4c (02/17)
OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

**PRIVATE ROAD SPECIAL USE PERMIT
AUTHORITY:**

FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

COUNTY OF SANTA BARBARA, 4568 Calle Real, Building C, Santa Barbara, CA 93110 (hereafter called the Holder) is hereby authorized to use National Forest lands for the construction, reconstruction, maintenance, and use of a road within the LOS PADRES NATIONAL FOREST for the following purposes:

Tepusquet Peak Communication Site access road, spur road off Ruiz Canyon Road, accessing the north peak. The lands covered by this permit are located in the County of Santa Barbara, State of California and are described as follows:

Sec. 30, T. 10 N., R. 31 W., San Bernardino Meridian

This permit covers a right-of-way **0.62 miles (3274 feet) in length, 20 feet in width, containing approximately 1.5 acres**, and is located upon the ground according to the survey line, figures, measurements, widths, and other references shown on the map or plat attached hereto as Exhibit A and made a part hereof. Also attached are Exhibit B – Road Maintenance Specifications and Exhibit C – Fire Plan, and are made a part hereof.

This permit is made subject to the following terms, provisions, and conditions:

1. This permit is subject to all existing easements and valid rights existing on this date.
2. The Holder in exercising the privileges granted by this permit shall comply with all applicable State and Federal laws, Executive Orders, and Federal rules and regulations, and shall comply with all State standards for public health and safety, environmental protection, and siting construction, operation, maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.
3. The Holder shall cut no timber except as authorized by construction stipulations or maintenance agreements.
4. The Holder shall provide maintenance so that no damage occurs on adjacent National Forest land. The Holder shall construct and maintain lead-off drainage and water barriers as necessary to prevent erosion.
5. Holder shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with Federal and State laws.
6. Holder shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Holder's use or occupancy under this permit.

7. Holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use authorized by this permit. The initial payment is set at \$ N/A for the remainder of the calendar year. Payments for each subsequent calendar year shall be the amount of \$ N/A adjusted using the Implicit Price Deflator-Gross National Product index (IPD-GNP), or other factor selected by the Forest Service, to reflect more nearly the current fair market value of the use. At intervals to be determined by certain changes in the indexes used to establish the linear rights-of-way fee schedule, the fee shall be reviewed and adjusted as necessary to assure that it is commensurate with the value of the rights and privileges authorized. Failure of the Holder to pay the annual payment, late charges, or other fees or charges shall cause the permit to terminate.

8. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.

In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

Liquidate any security or collateral provided by the authorization.

If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

Administrative offset of payments due the holder from the Forest Service.

Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.)

9. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Service prior to beginning such construction or reconstruction.

10. The Holder shall repair fully all damage to National Forest roads and trails caused by the exercise of the privileges granted by this permit.

11. The United States may use the roads without cost for all purposes deemed necessary or desirable in connection with the protection and administration of the lands or resources of the United States, provided that it will use the road for commercial hauling purposes, other than the removal of timber cut in construction or maintenance of the road or other occasional incidental use, only after arranging to pay or perform its pro rata share of road maintenance.

12. The Forest Service alone may extend rights and privileges for use of the road constructed on the premises to other non-Federal users provided that such users shall pay a fair share of the current replacement cost less depreciation of the road to the holder and reconstruct the road as necessary to accommodate their use.

13. The Forest Service retains the right to occupy and use the right-of-way and to issue or grant rights-of-way for land uses, for other than road purposes, upon, over, under, and through the permit area provided that the occupancy and use do not interfere unreasonably with the rights granted herein.

14. The Forest Service shall have the right to cross and re-cross the premises and road at any place by any reasonable means and for any purpose in such manner as does not interfere unreasonably with use of the road.

15. The Holder shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

16. Unless sooner terminated, or revoked by the Regional Forester, this permit shall expire and terminate on 12/31/2039. At that time, if the holder still needs the road for the purposes for which this permit is granted, the permit will be reissued for a period of 10 years (or the estimated remaining life of the project, whichever is less). At the time of reissuance, the terms and conditions may be modified, and new conditions or stipulations added at the discretion of the Forest Service.

17. This permit may be terminated or suspended upon breach of any of the conditions herein or revoked at the discretion of the Issuing Officer.

18. Upon termination or revocation of this special-use authorization, the Holder shall remove within a reasonable time the structures and improvements and shall restore the site to a condition satisfactory to the authorized officer, unless otherwise waived in writing or in the authorization. If the Holder fails to remove the structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States, but this does not relieve the Holder from liability for the removal and site restoration costs.

19. Nonexclusive Use and Public Access. Unless expressly provided for in additional terms, use of the permit area is not exclusive. The Forest Service reserves the right to use or allow others to use any part of

the permit area, including roads, for any purpose, provided, such use does not materially interfere with the holder's authorized use. A final determination of conflicting uses is reserved to the Forest Service.

20. Forest Service Right of Entry and Inspection. The Forest Service has the right of unrestricted access of the permitted area or facility to ensure compliance with laws, regulations, and ordinances and the terms and conditions of this permit.

21. Liability. For purposes of this section, "holder" includes the holder's heirs, assigns, agents, employees, and contractors.

A. The holder assumes all risk of loss to the authorized improvements.

B. The holder shall indemnify, defend, and hold the United States harmless for any violations incurred under any such laws and regulations or for judgments, claims, or demands assessed against the United States in connection with the holder's use or occupancy of the property. The holder's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property in connection with the occupancy or use of the property during the term of this permit. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. This paragraph shall survive the termination or revocation of this authorization, regardless of cause.

C. The holder has an affirmative duty to protect from damage the land, property, and interests of the United States.

D. In the event of any breach of the conditions of this authorization by the holder, the Authorized Officer may, on reasonable notice, cure the breach for the account at the expense of the holder. If the Forest Service at any time pays any sum of money or does any act which will require payment of money, or incurs any expense, including reasonable attorney's fees, in instituting, prosecuting, and/or defending any action or proceeding to enforce the United States rights hereunder, the sum or sums so paid by the United States, with all interests, costs and damages shall, at the election of the Forest Service, be deemed to be additional fees hereunder and shall be due from the holder to the Forest Service on the first day of the month following such election.

E. With respect to roads, the holder shall be proportionally liable for damages to all roads and trails of the United States open to public use caused by the holder's use to the same extent as provided above, except that liability shall not include reasonable and ordinary wear and tear.

F. The Forest Service has no duty to inspect the permit area or to warn of hazards and, if the Forest Service does inspect the permit area, it shall incur no additional duty nor liability for identified or non-identified hazards. This covenant may be enforced by the United States in a court of competent jurisdiction.

22. Members of Congress. No Member of or Delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except when the authorized use provides a general benefit to a corporation.

23. Appeals and Remedies. Any discretionary decisions or determinations by the authorized officer are subject to the appeal regulations at 36 CFR 214 as amended.

24. Assignability. This authorization is not assignable or transferable. If Holder, through death, voluntary transfer, enforcement of contract, foreclosure, or other valid legal proceeding shall cease to be owner of the above-described real property accessed by the authorized road, this authorization will terminate.

25. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provision thereof, the preceding printed clauses shall control.

26. Operating Plan. The holder shall prepare and annually revise by March 1st or other schedule as set by the Authorized Officer an operating plan. The operating plan shall be prepared in consultation with the Authorized Officer or the Authorized Officer's designated representative and shall cover all operations authorized by this permit. The operating plan shall outline steps the holder will take to protect public health and safety and the environment and shall include sufficient detail and standards to enable the Forest Service to monitor the holder's operations for compliance with the terms and conditions of this permit. The operating plan shall identify and schedule any inspections that the holder is required to conduct at the holder's expense. The operating plan shall be submitted by the holder and approved by the Authorized Officer or the Authorized Officer's designated representative prior to commencement of operations and shall be attached to this permit as an appendix. The Authorized Officer may require an annual meeting with the holder to discuss the terms and conditions of the permit or operating plan, provide annual use reports, determine need for performance bond for construction projects and amount of bond, or other concerns either party may have.

27. Noxious Weed and Exotic Plant Prevention and Control. The holder shall be responsible for the prevention and control of noxious weeds and exotic plants arising from the authorized use. For purposes of this clause, noxious weeds and exotic plants include those species recognized as such by the Forest Service, State of California, or Santa Barbara County. The holder shall follow prevention and control measures required by the Forest Service, State of California, or Santa Barbara County. When determined to be necessary by the Authorized Officer, the holder shall develop a plan for noxious weed and exotic plant prevention and control. These plans must have prior written approval from the Authorized Officer and, upon approval, shall be attached to this permit as an appendix.

28. Herbicide and Pesticide Use. Herbicides and pesticides may not be used outside of buildings to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, or fish without the prior written approval of the Authorized Officer. A request for approval of planned uses of pesticides shall be submitted annually by the holder on the due date established by the Authorized Officer. The report shall cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted. Only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned shall be authorized for use on National Forest System lands. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers.

29. Protection of Endangered, Threatened, and Sensitive Species. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 531 *et seq.*, as amended, or as sensitive by the Regional Forester under Forest Service Manual (FSM) 2670, pursuant to consultation conducted under section 7 of the ESA, may be identified on the ground or shown on a separate map. The map shall be attached to this permit as an appendix. The holder shall take any protective and mitigative measures

specified by the Authorized Officer. If protective and mitigative measures prove inadequate, if other sites within the permit area containing threatened, endangered, or sensitive species are discovered, or if new species are listed as threatened or endangered under the ESA or as sensitive by the Regional Forester under the FSM, the Authorized Officer may specify additional protective and mitigative measures. Discovery of these areas by the holder or the Forest Service shall be promptly reported to the other party.

30. Archaeological-Paleontological Discoveries. The holder shall immediately notify the Authorized Officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall leave these discoveries intact and in place until directed otherwise by the Authorized Officer. Protective and mitigative measures specified by the Authorized Officer shall be the responsibility of the holder.

31. Native American Graves Protection and Repatriation. In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall immediately notify the authorized officer by telephone of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the authorized officer certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

32. Superseded Authorization. This authorization supersedes an authorization designated SLD102005, County of Santa Barbara, issued 6/2/1967.

In Witness Whereof, the parties hereto have caused this authorization to be duly executed on this _____ day of _____, 20____.

“COUNTY”

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

GREGG HART, CHAIR
BOARD OF SUPERVISORS

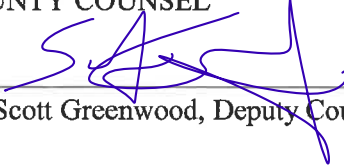
Dated: _____

By: _____
Deputy Clerk

RECOMMENDED FOR APPROVAL:
JANETTE D. PELL, DIRECTOR
GENERAL SERVICES DEPARTMENT

By:  _____
DocuSigned by:
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APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Scott Greenwood, Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
BETSY M. SCHAFFER, CPA, CPFO
AUDITOR-CONTROLLER

By: _____
Deputy

APPROVED:

Ray Aromatorio, Date: 2020.09.29
By: Risk Manager 19:01:22 -04'00'
Ray Aromatorio, ARM, AIC
Risk Manager

APPROVED:

By: Carlo Achdjian
Carlo Achdjian, Manager
Real Property Division

USDA - Forest Service

By: _____
KEVIN B. ELLIOTT, Forest Supervisor Date
Los Padres National Forest

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The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

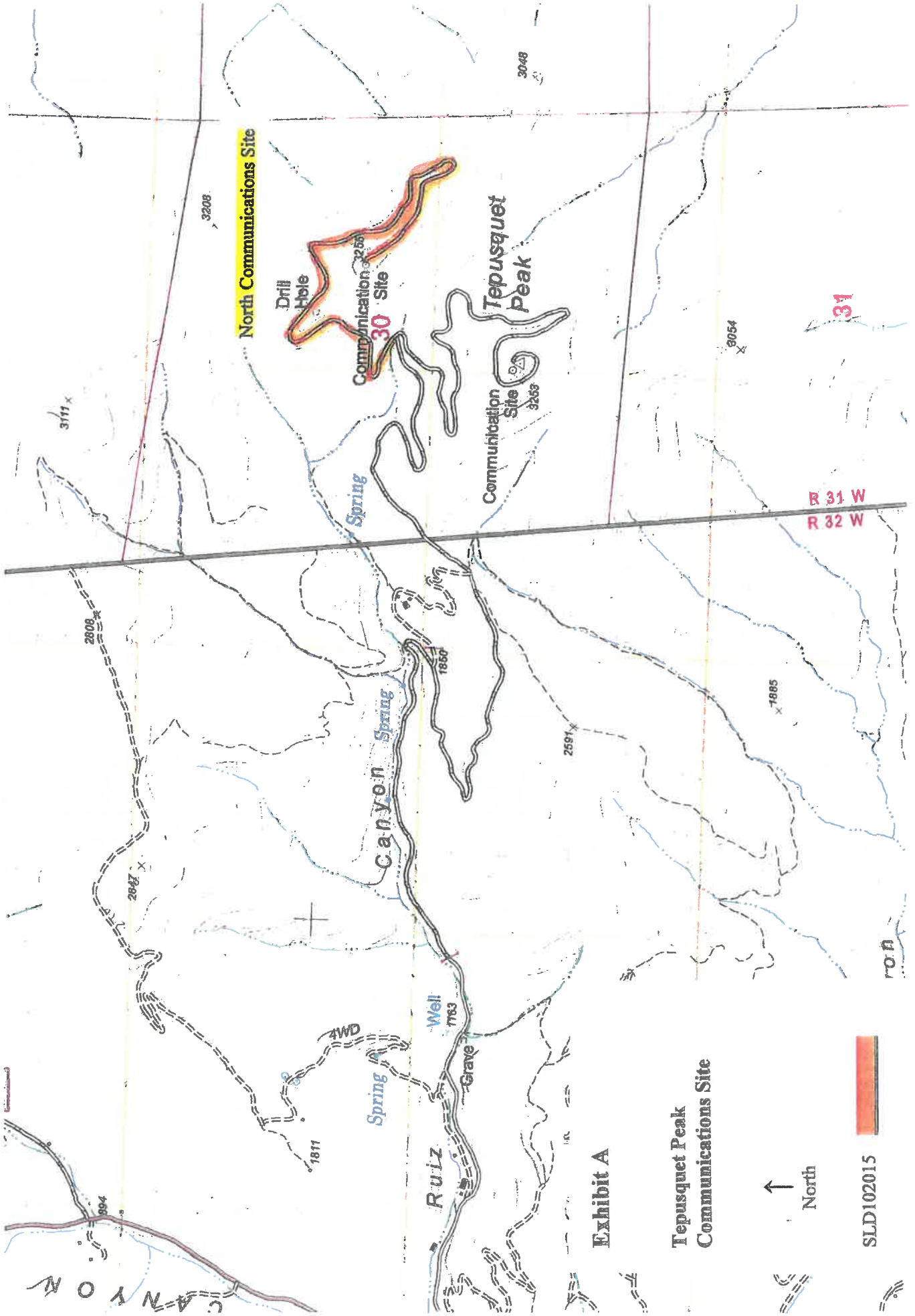


Exhibit A

Tepusquet Peak
Communications Site



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EXHIBIT B – ROAD MAINTENANCE SPECIFICATIONS

To prevent soil erosion and resource damage, the permit holder shall maintain the road to the standard constructed according to the following maintenance specifications:

Any changes or expansion to current contour of road requires authorization from District Ranger

1. **OBSTRUCTIONS:** Remove slides, fallen timber, vegetation, and other obstructions that prevent proper surface drainage. Material from slides or other sources will be disposed of by end hauling to an approved waste area. The Forest Service shall approve waste areas in advance.
2. **DRAINAGE:** Maintain leadoff ditches, berm drains, drainage dips, and culverts as needed to insure proper functioning as intended. Where erosion is occurring due to road drainage, riprap or other such energy dissipaters, shall be constructed to remedy the problem. Repair fills and sunken grades as needed to maintain proper drainage. Repair or replace culverts and other drainage facilities that have been damaged or are otherwise not functioning properly and are creating resource damage to soils, water and vegetation.
3. **BLADING:** Blade and shape the surface and shoulders of the road to maintain the original cross section required for surface drainage control. Do not push material over the side of the road or into creeks. Maintain berms along in-sloped section of road. Remove berms along out-sloped sections of road. Roads steeper than a 4% grade shall be in-sloped 3% minimum. Blading shall not undercut banks.
4. **VISIBILITY:** Brush will be cleared or pruned as needed for safe visibility within the road corridor specified by this permit. Height clearance for the passage of emergency vehicles within wooded areas shall be pruned at a height of 14 feet above the ground level. Limbs and trimmings may be chipped or hauled off. If a chipper is used, it must have an approved spark arrestor and chips spread along the shoulders of the travel-way may not exceed 3 inches in depth.
5. **TIMING:** The holder shall notify the District Ranger, in writing, prior to beginning work to allow the Forest Service to review the proposal and possibly provide input to minimize resource damage from the project.
6. **COMPLIANCE:** This road maintenance plan does not exempt the permit holder from obtaining any required federal, state, and local permits from other agencies.
7. **EQUIPMENT:**
 - A. No equipment servicing such as adding fuel, oil, coolant, or any other such activity or gas and oil storage will occur on National Forest System land. All road maintenance equipment shall be checked to ensure that it is free of fluid leaks prior to use.
 - B. To prevent the spread of noxious weeds into the area, wash off any maintenance equipment before it is brought onto National Forest System lands.

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EXHIBIT C - FIRE PLAN

1. SCOPE

The provisions set forth below outline the channels of responsibility for fire prevention and suppression activities and establish an attack procedure for fires within the special use site. A map in the permit/lease delineates the authorized area. The provisions set forth below also specify conditions under which activities under authorization will be curtailed or shut down. See Section 5, Reporting All Wild Fires below, should a fire occur.

2. RESPONSIBILITIES

A. Holder

- (1) Shall abide by the requirements of this Fire Plan.
- (2) Shall take all steps necessary to prevent his/her employees, subcontractors and their employees from setting fires, and shall be responsible for *preventing* the escape of fires, and shall make every attempt to extinguish all such fires which may escape.

B. Forest Service

- (1) Will monitor for Holder's compliance with this Plan.

3. TOOLS AND EQUIPMENT

The Holder shall comply with the following requirements:

- A. Shall equip all diesel and/or gasoline-operated engines, both stationary and mobile, with spark arresters that meet Forest Service standards set forth in the National Coordinating Group publication for Multi-position Small Engines, #430-4, or General Purpose and Locomotive, #430-2. Spark arresters are not required on equipment powered by exhaust-driven turbocharged engines or motor vehicles equipped with a maintained muffler as defined in California Public Resources Code (CPRC), Section 4442 and 4443.
- B. Shall furnish and have available during maintenance hand tools and/or equipment as follows (CPRC 4427 and 4431) for emergency use:
 - (1) One shovel, one axe (or Pulaski) and a fully charged fire extinguisher U.L. rated at 4 B:C or more
 - (2) One shovel and one chemical pressurized fire extinguisher (fully charged) for each gasoline-powered tool, including but not restricted to chain saws, soil augers, weed whips, etc. Fire extinguishers shall be of the type and size set forth in the California Public Resources Code Section 4431.
- C. All tools and equipment required in A. and B. above shall be in good workable condition prior to each June, fire extinguisher(s) shall be inspected and refilled, if

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necessary. Shovels shall be size "O" or larger and be not less than 46 inches in overall length.

4. GENERAL

- A. State Law. The Holder shall comply with all applicable laws of the State of California. In particular, see California Public Resource Codes 4291, 4423, 4427, 4431 (attached).

County Law. The Holder must abide by county laws concerning hazard reduction around buildings and all other improvements.

- B. Permits Required. The Holder must secure a special written permit from the District Ranger or Designated Representative before engaging in any of the activities listed below.

(1) Burning Permits. (Issued by the Forest Service)

(2) Welding and Cutting. (Issued by Forest Service)

(3) Construction. (Issued by Forest Service and/or County)

- C. Smoking and Fire Rules. Smoking shall not be permitted except in a barren area, in an area cleared to mineral soil at least three feet in diameter (CPRC 4423.4) or within vehicles or buildings, especially during fire season. Holder shall post signs regarding smoking and fire rules in conspicuous places for all employees to see. Holder shall require compliance with these rules. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and woodlands.

- D. Building, Storage and Parking Areas. Equipment service areas, parking areas, and building areas shall be cleared of all inflammable material for a radius of at least 30 feet. Oil and gas (e.g., propane) storage structures will be cleared of all inflammable material for a radius of at least 10 feet. Small mobile or stationary engine (e.g. generator, air compressor, etc.) sites shall be cleared of inflammable material for a radius of at least 15 feet from such engine. The roof of all structures shall be kept reasonably clear of leaves, twigs, and other debris at all times. Identified threatened, endangered, or sensitive plant species must remain within the minimum clearance areas.

Explosive or flammable materials shall be stored in conformance with requirements of local fire regulations. Flammables will be placed in closed containers and stored away from sources of ignition and combustible materials. If explosives or flammables are stored within a building, the facility will be locked, properly signed and well ventilated. The Authorized Officer must approve areas of the type described above in writing.

- E. Welding. Holder shall confine welding activity to cleared areas having a minimum radius of ten feet measured from place of welding. All terms of the welding permit must be met.

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- F. Oil Filter and Glass Jugs. Holder shall remove from National Forest lands all oily rags and used oil filters. Holder shall prohibit use of glass bottles and jugs at the site during all operations.
- G. Communications. When Holder, or any of its contractors, is working at the site, they shall furnish a serviceable telephone, radio-telephone, or radio system-connecting site with Holder's headquarters. When such headquarters is at a location that makes communication to it clearly impractical, the Forest Service will accept a reasonable alternative location. The communication system shall provide prompt and reliable communications between Holder's headquarters (or above stated alternative) and Forest Service via commercial telephone or radio system.

All fire protection standards must be accomplished by the beginning of fire season unless otherwise agreed to, and then maintained through out the fire season.

5. REPORT ALL WILD FIRES

Holder and/or his/her employees shall report all fires to 911 OR the Los Padres National Forest central dispatch (805)938-9142 OR the Mt Pinos Ranger District Office (661)245-3731.

6. CALIFORNIA PUBLIC RESOURCE CODES

- A. PRC 4291 as amended and approved by the Governor on September 23, 2004, states: A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall at all times do all of the following:
 - (1) Maintain around and adjacent to the building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants that are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
 - (2) Maintain around and adjacent to the building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line or at a greater distance if required by state law, or local ordinance, rule, or regulation. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

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- (3) Remove that portion of any tree that extends within 10 feet of the outlet of a chimney or stovepipe.
 - (4) Maintain any tree adjacent to or overhanging a building free of dead or dying wood.
 - (5) Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.
 - (6) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to a fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.
- B. PRC 4423 states: A person shall not burn any brush, stumps, logs, fallen timber, fallows, slash, grass-covered land, brush-covered land, forest-covered land, or other flammable material, in any state responsibility area, area receiving fire protection by the department by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless the person has a written permit from the department or its duly authorized representative or the authorized federal officer on federal lands administered by the United States Department of Agriculture or of the Interior and in strict accordance with the terms of the permit:
- (1) At any time in Zone B between May 1st and the date the director declares, by proclamation that the hazardous fire conditions have abated for that year, or at any other time in Zone B during any year when the Director has declared, by proclamation, that unusual fire hazard conditions exist in the area.
 - (2) Zone A requires a permit year round and includes Mono, Inyo, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties.
- C. PRC 4427 states: During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tar pots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:
- (1) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.
 - (2) Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

This section does not apply to portable power saws and other portable tools powered by a gasoline-fueled internal combustion engine. (See Sec. 4431 re: power saws).

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County of Santa Barbara
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- D. PRC 4431 states: During any time of the year when burning permits are required in an area pursuant to this article, no person shall use or operate or cause to be operated in the area any portable saw, auger, drill, tamper or other portable tool powered by a gasoline-fueled internal combustion engine on or near any forest-covered land, within 25 feet of any flammable material, without providing and maintaining at the immediate locations of use or operation of the saw or tool, for firefighting purposes one serviceable round point shovel, with an overall length of not less than 46 inches, or one serviceable fire extinguisher. The Director of Forestry shall by administrative regulation, specify the type and size of fire extinguisher necessary to provide at least minimum assurance of controlling fire caused by use of portable power tools under various climatic and fuel conditions. The required fire tools shall at no time be farther from the point of operation of the power saw or tool than 25 feet with unrestricted access for the operator from the point of operation.
- E. PRC 4446 states: Every person shall exercise reasonable care in the disposal of flammable material so that the material does not cause the inception of or spread of uncontrolled fire. A person shall not burn any flammable material in any incinerator within any state responsibility area, area receiving fire protection by the State Forester by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless the following minimum requirements are complied with:
- (1) The area within 10 feet of the exterior of the incinerator is maintained free and clear of all flammable material and vegetation.
 - (2) A screen constructed of a nonflammable material, with no greater than ¼ inch mesh, or metal doors, close or cover each opening in the exterior of an incinerator to prevent the escape of flames, sparks, ashes or other burning material which might cause an uncontrolled fire.
 - (3) A permit is obtained prior to burning for the use of the incinerator pursuant to Section 1123 and all other applicable provisions of law.

For new construction, the Forest Service will provide the Holder with a separate Construction Fire Plan.

