

Notice of Exemption

21-2024-094

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk County of: Marin
Marin Civic Center
3501 Civic Center Dr., Suite 234,
San Rafael, CA 94903

From (Public Agency):
1600 Los Gamos Dr., Suite 345
San Rafael, CA 94903

FILED

MAY 21 2024

SHELLY SCOTT
MARIN COUNTY CLERK
BY: **J. CRUZ**, Deputy

Project Title: JPA-wide Direct Assistance Program

Project Applicant: Marin Wildfire Prevention Authority

Project Location – Specific: Residential defensible space treatments on private properties throughout the Marin Wildfire JPA boundary in Marin County.

Project Location – City:
Multiple in Marin County

Project Location – County:
Marin County

Description of Nature, Purpose and Beneficiaries of Project:

The purpose of the proposed project is to provide direct assistance to property owners in the JPA boundary in need of vegetation management to improve defensible space to meet state (PRC §§ 4290 and 4291) and local fire safety regulations. The Direct Assistance Program would involve removal of hazardous fuels around structures in accordance with findings from defensible space inspections to reduce structural ignitability and overall community fire risk. Improving defensible space around structures would also provide better access for first responders and emergency vehicles, and safer evacuation for residents in the event of a wildfire.

Name of Public Agency Approving Project: Marin Wildfire Prevention Authority

Name of Person or Agency Carrying Out Project: Marin Wildfire Prevention Authority

Ex Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Common Sense Exemption (Sec. 15061(b)(3));

Categorical Exemption. State type and section number: 15321, Class 21

Enforcement Actions by Regulatory Agencies

Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Marin Wildfire Prevention Authority (Marin Wildfire) as the lead agency has determined that the JPA-wide Direct Assistance Program (proposed project) is exempt ministerially (Cal. Code Regs. tit. 14 § 15268). Alternatively, the proposed project is categorically exempt under the California Environmental Quality Act (CEQA) Guidelines Section 15321, Class 21 Enforcement Actions by Regulatory Agencies. The proposed direct assistance to homeowners by funding

crew directly to conduct treatment activities within up to 100 feet from structures would occur in accordance with findings from defensible space inspections conducted to meet state (Public Resource Code [PRC] §§ 4290 and 4291) and local fire safety regulations. The proposed project is ministerially exempt as the Marin Wildfire and the member agencies would not make discretionary decisions under the proposed project to permit implementation of defensible space treatments around residential structures. Approval of the proposed project would result in allocation of funding to the Direct Assistance Program and does not constitute a discretionary decision on whether, where, or how treatment activities would occur to meet state and local regulations.


Even if the proposed project were not ministerially exempt, it still qualifies for a categorical exemption from CEQA. A Class 21-exempt project consists of actions by regulatory agencies to enforce laws and regulations administered or adopted by the regulatory agency. The Marin Wildfire is not a regulatory agency. The fire agencies that comprise the Marin Wildfire member agencies have the authority to inspect for conformance and enforce state and local fire safety standards (e.g., Marin County Municipal Code 16.16.020, 16.16.0050; San Rafael Municipal Code 4.12.050). Direct assistance to homeowners through implementation of vegetation treatment activities to meet state and local fire safety requirements is an aspect of enforcement to achieve compliance and is consistent with enforcement actions by the fire agencies. The potential physical changes to the environment associated with vegetation treatment activities carried out to meet defensible space requirements as identified by defensible space inspectors are assessed in this support document. There are no facts or circumstances specific to this project that would support an exception to the categorical exemption. No exceptions listed under Section 15300.2 apply.

Lead Agency Contact Person:
Mark Brown

Area Code/Telephone/Extension:
415-246-0280

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
Yes No

Signature:  Date: 5/17/2024 Title: Executive Officer

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code. _____

Figure 1 JPA Operational Boundaries: Five Geographic Zones

