

February 25, 2019

Commission on Catastrophic  
Wildfire Cost and Recovery  
Sacramento, CA

Via email attachment to: [evan.johnson@opr.ca.gov](mailto:evan.johnson@opr.ca.gov), [wildfirecommission@opr.ca.gov](mailto:wildfirecommission@opr.ca.gov)

Dear members of the Commission:

Please accept my letter below for inclusion in the record of public comments on the Commission's February 25, 2019 meeting.

Though the following letter is addressed to the Assembly Committees on Natural Resources and Local Government for its hearing today on wildfire prevention, it is pertinent to the Commission's meeting today, for agenda items 7, 8, and 9.

Thank you for your concern on how to address the wildfire problem in California.

I believe my comment letter can help inform the Commission's work.

Respectfully Submitted,



Michael Caplin  
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2-25-2019

Honorable Laura Friedman  
Chair, Assembly Committee on Natural Resources  
Honorable Cecilia M. Aguiar-Curry  
Chair, Assembly Committee on Local Government  
P.O. Box 942849  
Sacramento, CA 94249

Via email attachment to: Michael.Jared@asm.ca.gov, Sue.Fischback@asm.ca.gov,  
Debbie.Michel@asm.ca.gov

**Re: Comment for the Record of the Joint Committee Hearing on Improving Fire Prevention in California, February 25, 2019**

Dear Chair Friedman, Chair Aguiar-Curry, and members of the Natural Resources and Local Government Committees,

I am writing because it appears in attempting to address the wildfire problem the Legislature is poised to make bad decisions and enact counterproductive laws, which would make the wildfire problem worse rather than help solve it.

As summed up by statements made by CAL FIRE's then-Director Ken Pimlott in a recent NBC News report, it appears the legislature intends to address the wildfire problem, at least in part, with planning laws designed to reduce the number of people living in rural areas subject to wildfires. [www.tinyurl.com/StoryOnBaningRuralHomes](http://www.tinyurl.com/StoryOnBaningRuralHomes)

That approach is the opposite of what is needed. It would make the wildfire problem harder to solve, and would contribute to a national security problem I am told is "off the radar" of the national security community.

Reducing the number of people in California's rural areas would mean reducing the number of people in the very place people are needed to help solve the wildfire problem.

Solving the wildfire problem requires reducing vast amounts of hazardous and unnatural accumulations of wildfire fuels that have built up in California during the more than 100 years since the policy to suppress wildfires as quickly as possible was put in place, after the Big Burn of 1910.

Rural residents can be a workforce of millions of people to help solve the wildfire fuel accumulation problem, at little to no cost to government.

However, for them to be effective, layers of local, state, and federal environmental laws that currently act to discourage and block that work need to be comprehensively amended

to instead clearly allow and facilitate both public and private landowners reducing hazardous accumulations of wildfire fuels to safe more natural levels.

Most of those environmental laws were enacted in the 1970s, before the wildfire fuel accumulation problem was recognized, and currently fail to include exemptions for wildfire fuel reduction work intended to help protect lives, property, or resources from wildfires.

Attachment A to this letter contains quotes from and links to decades of reports by state and federal fire officials and others on the wildfire fuel accumulation problem, the need for a collaborative effort at all levels of government by both public and private landowners to reduce wildfire fuels to safe more natural levels, and the need to amend environmental laws to clearly allow and facilitate that work.

Attachment B to this letter is a map prepared for the national Wildland Fire Leadership Council. Council participants are federal departments of Agriculture, Interior, Defense, and Homeland Security, and government representatives from local, state, and tribal levels.

The map shows the priority of need for wildfire fuel reduction work in counties across the nation, including in California.

Looking at the map about half of California's counties are rated at the highest priority of need for wildfire fuel reduction work, and most of California's other counties are rated at moderate priority of need, with few at low or very low priority.

That map is part of the Wildland Fire Leadership Council's National Cohesive Wildland Fire Management Strategy, which intends to solve the wildfire problem with collaborative government and private efforts to reduce wildfire fuels to safe more natural levels. The National Strategy is here, [www.forestsandrangelands.gov/strategy/thestrategy.shtml](http://www.forestsandrangelands.gov/strategy/thestrategy.shtml)

Despite the decades of increasingly alarming reports on the need to address the wildfire fuel accumulation problem and statements by fire professionals on the need to amend environmental laws that act to hinder and block that work from being done, California's legislature, and Congress, have left those regulatory roadblocks in place, and done relatively little to address the problem on the approximately 50 million acres in California where the problem exists.

Attachment C to this letter is CAL FIRE's FRAP team's map showing wildfire threat in California, which rates about half of California (some 50 million acres) at Extreme, Very High, or High threat from wildfire.

Due to insufficient action on the ground in the real world, the wildfire fuel accumulation problem is literally growing worse each year, and will continue to grow worse until accumulations of wildfire fuels are being reduced faster than they are accumulating.

Attachment D to this letter are examples of some of the local, state and federal environmental laws that act to hinder and block wildfire fuel reduction work from being performed by both public and private landowners, by adding costs, delays, threat of litigation, threat of fines and even jail time, when public or private landowners seek to reduce hazardous accumulations of wildfire fuels to safe more natural levels.

I am on the board of a fire safe council that receives and administers grant funds used to pay contractors to perform wildfire fuel reduction work. In our county, while amounts vary, wildfire fuel reduction work often costs in the range of \$1,000 to \$3,000 per acre.

My understanding is that in Deschutes County, Oregon, a successful program called Project Wildfire accomplishes wildfire fuel reduction work for about \$100 to \$200 per acre.

That ten-fold plus cost difference per acre is significant given California's approximately 50-million-acres of hazardously overgrown land that would benefit from treatment.

The cost difference is due to factors that should inform California's legislature on how to successfully address the wildfire problem.

For example, I am told that Oregon does not have a law comparable to the California Environmental Quality Act (CEQA). CEQA is infamous for adding costs and delays to projects of all kinds, including wildfire fuel reduction projects. Attachment D provides an example of such a lawsuit in its discussion on CEQA.

Project Wildfire focuses on helping landowners perform the work. Landowners cut vegetation and Project Wildfire will chip the material and haul it away at no cost. That requires that there be rural landowners on the land to do the work.

Planning people out of rural areas and funding conservation easements to make rural land unusable for people to live on would be counterproductive to a solution like Project Wildfire.

Project Wildfire then sells the chipped material to biomass generation plants, recouping some of the costs involved with chipping and transporting the material. That requires that there be biomass generation plants or other means of monetizing biomass in the area.

We had a biomass generation plant in our 2.4-million-acre county, and it shut down, apparently due to citations for violating air quality laws. Now there are none.

When I hear statements saying that the wildfire problem is caused by climate change, I believe those statements are also counterproductive. Though climate change exacerbates both the wildfire fuel accumulation problem and wildfires it is not the root cause.

Anyone who has built a campfire can tell you that without sufficient kindling, and without sufficient amount of wood in a dense enough pile, it is not possible to start a campfire

regardless how hot and dry it is. The same is true on a larger scale with wildfires.

We know how to reduce wildfire fuels to safe levels with existing technology.

We do not yet have a certain solution to climate change, and it appears that the vast amounts of climate changing carbon released by wildfires will make it harder to address climate change, until we get a handle on the wildfire problem.

Counter intuitively, as I have witnessed after the 2016 Soberanes Fire, the problem is not solved by a wildfire burning through an area, as trees and brush killed but not consumed by the fire are left behind and begin drying, underbrush grows aggressively due to burned off leaf mulch that had prevented seeds from sprouting before the fire, fertilizer in the form of ashes, and more sunlight due to leaves gone from dead trees. Less than three years later, the Soberanes Fire burn area is ready to burn again.

I understand that comprehensively amending environmental laws that interfere with wildfire fuel reduction work is a sensitive subject politically.

I believe the root cause of that is that currently 95 percent of Californians live in urban areas on about 5.3 percent of California's land, and as a result, the perception of most Californians is based on what they see in their daily life, which is largely concrete and asphalt, not vast overgrown woodlands, forests, and rangelands.

You can see statistics on California's urban verses rural land area and populations in the Census Bureau's report, "California: 2010, Population and Housing Unit Counts, 2010 Census of Population and Housing," Table 2 on page 2, found at [www.census.gov/prod/cen2010/cph-2-6.pdf](http://www.census.gov/prod/cen2010/cph-2-6.pdf).

Which brings us to the national security threat that would be made worse should California work to reduce the number of Californians in rural areas subject to wildfires with planning and with conservation easements.

Using numbers from the 2010 Census, California's population of 37,253,956 people is 12% of the US population of 308,745,538 people.

The 2010 Census also reports that 95% of California's population lives in urban areas, which, again, make up only 5.3% of California's land area.

That means about 11.5% of the US population, 35,391,258 people, live on only 5.3% of the land of one state, California.

Given that we live in a world with weapons of mass destruction and people who intend to use them once they obtain them, and given that weapons of mass destruction are highly effective killing masses of people in densely populated areas and much less effective killing people in sparsely populated areas, working to lower the number of Californians in

sparsely populated rural areas, which will increase the percentage of Californians in more densely populated urban areas, is pure folly.

Attachment E to this letter includes quotes from and links to statements by Presidents Obama and Bush on the fact that terrorists have been working for many years to obtain weapons of mass destruction and are expected to use them to attack the United States once they obtain them.

The strategic policy of mutually assured destruction, which has deterred use of weapons of mass destruction by nation states for decades, will not deter terrorists from using them, as they believe they will be rewarded for dying while killing others who do not believe as they do. Their belief system is apocalyptic.

When a national security professor at the Naval Postgraduate School in Monterey quit her job to run for Congress, I took the opportunity to tell her the Census Bureau's statistics on concentration of California's population into small urban land areas, and asked if the national security community is aware of the issue. She said that to her knowledge the issue is "off the radar" of the national security community.

I realize the Natural Resources and Local Government Committees may see national security issues as outside their areas of interest.

However, in the real world issues are not separated into boxes but are interconnected. If decisions made in the context of the wildfire problem eventually lead to death of millions of Californians because the legislature made California a more attractive target for use of weapons of mass destruction by concentrating people into urban areas on a small fraction of California's land, those people will be just as dead, and in hindsight the decisions will be seen as a terrible mistake.

Rather than using planning, and conservation easements, to reduce the opportunity for Californians to live at relatively low density in rural areas, we should use planning to make more rural land available for Californians to live on at relatively low density, and encourage people to live there and help in the effort to reduce wildfire fuels to safe levels.

Currently, it appears that little of California's land area that is non-farmland and outside urban areas is available for Californians to own and live on. While it is difficult to find hard numbers, I estimate the amount of that land to be about 10% of California's land area, possibly substantially less.

About half of California's approximately 100 million acres is owned by government, most of which is owned by the federal government. That land is not available for Californians to own and live on.

In the 1800s Congress promised railroad companies about 20% of California's land as an incentive to build railroads. Some of that land was not claimed and some was receded to

the federal government, however it appears about 11.6% of California's land area was ultimately granted to railroads, with an unknown but likely significant amount of land owned by railroads today.

About 30% of California's land area is farmland, which is being used to help feed the nation and the world.

Lumber companies, public utilities, and other corporations own substantial amounts of California's land, which they use for their corporate purposes, which is not available for Californians to own and live on.

For decades, the Planning and Conservation League has been organizing bond initiatives, some passed by voters, to provide billions of dollars for various purposes, much of which has been money for public agencies to acquire rural private land or conservation easements. Private rural land acquired by public agencies with those billions of dollars is no longer available for Californians to own and live on outside urban areas.

Another national security issue made worse by our failure to meaningfully reduce accumulations of wildfire fuels to safe levels, is that terrorist organizations are encouraging would be terrorists in the United States to use wildfires to attack our nation, naming California as an ideal target. That threat is described in this Department of Homeland Security paper [www.info.publicintelligence.net/DHS-TerroristFireWeapon.pdf](http://www.info.publicintelligence.net/DHS-TerroristFireWeapon.pdf).

In 2017 a 22-year old was arrested as a supporter of ISIS and a would be terrorist. He told an undercover FBI agent he planned to start wildfires in the Berkeley Hills, [www.berkeleyside.com/2017/07/27/fbi-alleges-berkeley-high-isis-sympathizer-planned-set-fire-hills-plant-bombs](http://www.berkeleyside.com/2017/07/27/fbi-alleges-berkeley-high-isis-sympathizer-planned-set-fire-hills-plant-bombs).

By failing to meaningfully address the wildfire fuel accumulation problem, and leaving laws in place that interfere with doing that, we are literally aiding terrorists who may choose to use wildfires to attack the United States.

The wildfire problem is caused by the well known and long-reported problem of unnatural and hazardous accumulations of wildfire fuels that have been building up for over 100 years, since the policy to quickly suppress wildfires as quickly as possible was established in 1910 after the Big Burn.

Though climate change adds to the problem, the problem can only be solved by reducing wildfire fuels to safe levels over large areas of California at a rate faster than it is growing.

Reducing the number of Californians in rural areas that are subject to wildfires will not solve the problem, but will make it worse by reducing the number of people who could work to solve the problem on the ground in the real world by reducing wildfire fuels to safe levels.

Using planning, and conservation easements, to reduce the number of Californians in rural areas would contribute to the national security problem of Californians being concentrated at even more than the current 95% into California's relatively small urban land areas that encompass only 5.3% of California's land, making California a more attractive target for use of weapons of mass destruction.

Local, state, and federal environmental laws that are counterproductive and act to hinder wildfire fuel reduction work by public agencies and private individuals need to be comprehensively amended to instead clearly exempt from their application wildfire fuel reduction work intended to help protect lives, property, or resources from wildfires.

We are to the point these laws are acting to threaten human lives, property, and resources, including threatening resources they were intended to protect.

As stated in the 2004 California Blue Ribbon Fire Commission Report written after the Southern California Fire Siege of 2003 killed 23 people and destroyed over 3,500 homes (<http://firescope.caloes.ca.gov/blue-ribbon/BlueRibbonRept.pdf>, ellipsis indicates text and paragraph break omitted, underline added),

In recent decades, the threat of fire to forests and adjacent communities has been exacerbated by inadequate forest and wildland fuel management. Forest management and other agencies, as well as private landowners, face numerous restrictions that impede their ability to manage their responsible areas in an effective and timely manner, such as overly bureaucratic regulations, the threat of litigation, and excessive environmental review... Conflicting federal, state and local environmental and land management laws, regulations and policies must be resolved, or efforts to prevent future conflagrations will be doomed to failure.

They had that right. It is time for California's Legislature to comprehensively fix the problems with California's laws, and to tell the federal government California will not help it enforce federal laws that act to threaten the lives and homes of Californians.

The first words in California's Constitution acknowledge that all people have the inalienable right to defend life, protect property, and seek and obtain safety. It is time for California to stop infringing those rights with outdated environmental laws that act to increase the threat of wildfires to lives and property.

Respectfully Submitted,



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## Attachment A

The wildfire fuel accumulation problem and the need to reduce accumulations of wildfire fuels has been acknowledged in reports by fire professionals and others at the federal level since at least 1995 and at the state level since at least 2003.

Below are some quotes from and links to reports that discuss the problem; the need to address the problem; the need for local, state, and federal cooperation to solve the problem; and the need to amend local, state, and federal environmental laws that act to hinder and block addressing the problem.

Despite these decades of alarming reports, the problem continues to literally grow worse each year, in part due to regulations that interfere with wildfire fuel reduction work.

A **1995** joint US Department of Agriculture and Department of Interior report, *Federal Wildland Fire Management Policy and Program Review Report*, states,

Catastrophic wildfire now threatens millions of wildland acres, particularly where vegetation patterns have been altered by past land-use practices and a century of fire suppression. Serious and potentially permanent ecological deterioration is possible where fuel loads exceed historical conditions. Enormous public and private values are at high risk, and our nation's capability to respond to this threat is becoming overextended.

That report is here, [www.tinyurl.com/1995Report](http://www.tinyurl.com/1995Report), and here, [www.forestsandrangelands.gov/documents/strategy/foundational/1995\\_fed\\_wildland\\_fire\\_policy\\_program\\_report.pdf](http://www.forestsandrangelands.gov/documents/strategy/foundational/1995_fed_wildland_fire_policy_program_report.pdf)

A **1999** United States General Accounting Office report, *Western National Forests A Cohesive Strategy is Needed to Address Catastrophic Wildfire Threats*, states,

The most extensive and serious problem is the overaccumulation of vegetation, which has caused an increasing number of large, intense, uncontrollable, and catastrophically destructive wildfires.

That report is here, [www.gao.gov/archive/1999/rc99065.pdf](http://www.gao.gov/archive/1999/rc99065.pdf)

A **2000** report to President Clinton from his secretaries of Agriculture and Interior, *Managing the Impact of Wildfires on Communities and the Environment* (also known as the National Fire Plan), which states,

The intensity of this year's fires is the result of [multiple factors including] the long-term effects of more than a century of aggressively suppressing all wildfires, which has led to an unnatural buildup of brush and small trees in our forests and rangelands.

Also stating,

This Administration has sought to increase efforts to reduce risks associated with the buildup of fuels in forests and rangelands through a variety of approaches, including controlled burns, the physical removal of undergrowth and other unnatural concentrations of fuel, and the prevention and eradication of invasive plants. Implicit in the Administrations policy is the understanding that reversing the effects of a century of aggressive fire suppression will be an evolutionary process, and not one that can be completed in a few short years.

That report is here, [www.tinyurl.com/NationalFirePlan](http://www.tinyurl.com/NationalFirePlan), and here, [www.forestsandrangelands.gov/documents/resources/reports/2001/8-20-en.pdf](http://www.forestsandrangelands.gov/documents/resources/reports/2001/8-20-en.pdf).

The **2000** Congressional Conference Report, *Making Appropriations for the Department of the Interior and Related Agencies for the Fiscal Year Ending September 30, 2001, and for Other Purposes*, states at pages 193 2<sup>nd</sup> par. from bottom through 194 top par., states,

The Secretaries should also work with the Governors on a long-term strategy to deal with the wildland fire and hazardous fuels situation, as well as needs for habitat restoration and rehabilitation in the Nation. The managers expect that a collaborative structure, with the States and local governments as full partners, will be the most efficient and effective way of implementing a long-term program.

The managers are very concerned that the agencies need to work closely with the affected States, including Governors, county officials, and other citizens. Successful implementation of this program will require close collaboration among citizens and governments at all levels. The managers direct the Secretaries to engage Governors in a collaborative structure to cooperatively develop a coordinated, National ten-year comprehensive strategy with the States as full partners in the planning, decision-making,

and implementation of the plan. Key decisions should be made at local levels.

That report is here, [www.tinyurl.com/2000ConferenceReport](http://www.tinyurl.com/2000ConferenceReport), or [www.govinfo.gov/content/pkg/CRPT-106hrpt914/pdf/CRPT-106hrpt914.pdf](http://www.govinfo.gov/content/pkg/CRPT-106hrpt914/pdf/CRPT-106hrpt914.pdf)

A **2001** report, *Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, 10-Year Comprehensive Strategy*, states,

[The 10-Year Comprehensive Strategy] outlines a comprehensive approach to the management of wildland fire, hazardous fuels, and ecosystem restoration and rehabilitation on Federal and adjacent State, tribal, and private forest and range lands....

That report is here, [www.tinyurl.com/2001Strategy](http://www.tinyurl.com/2001Strategy) and here [www.doi.gov/sites/doi.gov/files/migrated/pmb/owf/upload/10-year-strategy-final.pdf](http://www.doi.gov/sites/doi.gov/files/migrated/pmb/owf/upload/10-year-strategy-final.pdf)

A **2002** report, *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Comprehensive Strategy Implementation Plan*, states,

The endorsers of this Implementation Plan recognize that a problem a century in the making will not be solved overnight. With progress in achieving objectives in the collaborative manner envisioned, the risks to our communities and environment posed by wildland fire will be significantly diminished over time.

That report is here, [www.tinyurl.com/2002Report](http://www.tinyurl.com/2002Report), and here, [www.forestsandrangelands.gov/resources/plan/documents/11-23-en.pdf](http://www.forestsandrangelands.gov/resources/plan/documents/11-23-en.pdf)

**2003** federal legislation, the *Healthy Forests Restoration Act of 2003* (16 U.S. Code § 6501 – Purposes)

The purposes of this chapter are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects; ...

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape

That HFRA section is here, [www.law.cornell.edu/uscode/text/16/6501](http://www.law.cornell.edu/uscode/text/16/6501).

A **2004** report, *Blue Ribbon Fire Commission Report* (a state report written after the Southern California Fire Siege of 2003, [which burned alive 23 people](#) and destroyed over 3,500 homes), states,

In recent decades, the threat of fire to forests and adjacent communities has been exacerbated by inadequate forest and wildland fuel management. Forest management and other agencies, as well as private landowners, face numerous restrictions that impede their ability to manage their responsible areas in an effective and timely manner, such as overly bureaucratic regulations, the threat of litigation, and excessive environmental review.

...

Conflicting federal, state and local environmental and land management laws, regulations and policies must be resolved, or efforts to prevent future conflagrations will be doomed to failure.

That report is here, [www.firescope.caloes.ca.gov/blue-ribbon/BlueRibbonRept.pdf](http://www.firescope.caloes.ca.gov/blue-ribbon/BlueRibbonRept.pdf)

A **2006** report, *Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment 10-Year Strategy Implementation Plan (2006)*

The primary goals of the 10-Year Comprehensive Strategy are:

1. Improve Prevention and Suppression
2. Reduce Hazardous Fuels
3. Restore Fire Adapted Ecosystems
4. Promote Community Assistance

That report is here, [www.tinyurl.com/2006Strategy](http://www.tinyurl.com/2006Strategy), and here, [www.forestsandrangelands.gov/documents/resources/plan/10-yearstrategyfinal\\_dec2006.pdf](http://www.forestsandrangelands.gov/documents/resources/plan/10-yearstrategyfinal_dec2006.pdf).

A **2009** paper, *A Call To Action*, which states,

Business as usual is not working! ...

To the U.S. citizen 'The nation's fire service is about to lose its ability to put out unwanted wildfires and help you protect yourself and your properties.'

That call to action is here, [www.tinyurl.com/2009CallToAction](http://www.tinyurl.com/2009CallToAction), and here, [https://www.forestsandrangelands.gov/documents/strategy/foundational/call\\_to\\_action2010.pdf](https://www.forestsandrangelands.gov/documents/strategy/foundational/call_to_action2010.pdf)

A **2012** report, *The National Cohesive Wildland Fire Management Strategy: Phase III Western Regional Science-Based Risk Analysis Report*, states,

The Cohesive Strategy takes an 'all lands' view of wildland fire management. Fire knows no political or social boundaries -- not ownership boundaries, not state boundaries. ...

Examine legislative related barriers that are impeding implementation of collaboratively developed landscape health related projects and pursue reform of the existing process to increase our effectiveness in active forest and rangeland management. (e.g., Endangered Species Act, Equal Access to Justice Act, National Environmental Policy Act (NEPA)).

That report is here, [www.tinyurl.com/WesternRegionReport](http://www.tinyurl.com/WesternRegionReport), and here, [www.westgov.org/images/editor/RiskAnalysis-WesternRegion\\_10.pdf](http://www.westgov.org/images/editor/RiskAnalysis-WesternRegion_10.pdf)

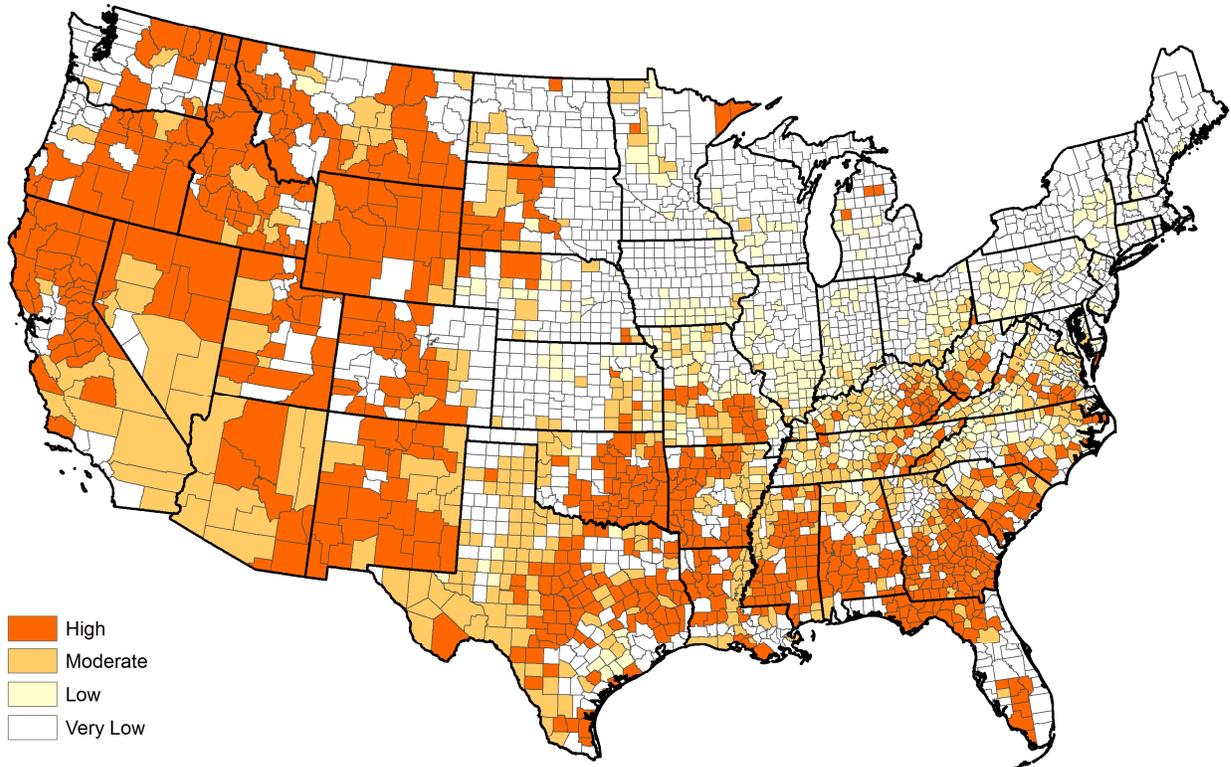
A **2014** report, *The National Strategy: The Final Phase of the Development of the National Cohesive Wildland Fire Management Strategy*, which states,

By establishing national priorities and ensuring alignment of programs, policies, regulations, and actions to national direction, meaningful reductions in risk are possible through concerted, collaborative implementation.

That report is here, [www.tinyurl.com/2014NationalStrategy](http://www.tinyurl.com/2014NationalStrategy), and here, [www.forestsandrangelands.gov/documents/strategy/strategy/CSPPhaseIIINationalStrategyApr2014.pdf](http://www.forestsandrangelands.gov/documents/strategy/strategy/CSPPhaseIIINationalStrategyApr2014.pdf)

## Attachment B

### Map 1. National Priorities for Broad Scale Fuels Management



National prioritization of areas for broad-scale fuels management (as distinct from hazard reduction in proximity to structures) suggests a primary emphasis in the West and Southeast (see above). These included counties with the highest level of wildfire, fire-adapted native vegetation, and communities concentrated within a broader wildland landscape. Each location would use the mix of options most suitable for local conditions.

From: <https://www.forestsandrangelands.gov/strategy/nationalpriorities.shtml#map1>

# Attachment C



From: [http://frap.fire.ca.gov/data/frapgis/maps/pdfs/fthreat\\_map.pdf](http://frap.fire.ca.gov/data/frapgis/maps/pdfs/fthreat_map.pdf)

Public Comment of Michael Caplin  
Hearing on Improving Fire Prevention in California  
February 25, 2019

## Attachment D

Examples of just a few of the many local, state, and federal laws that act to add costs, delays, threats of litigation, and threats of fines and jail time when public and private landowners try to reduce wildfire fuels help protect lives, property, or resources from threat of wildfires. Also included are recommendations on new laws.

### California Environmental Quality Act (CEQA)

The legislature has provided statutory exemptions from CEQA for a number of activities. Crystal clear language should be added to CEQA to exempt wildfire fuel reduction work intended to help protect lives, property, or resources from wildfire, and to exempt participating in writing and signing a Community Wildfire Protection Plan.

In 2003 in San Diego County a hunter was lost in the Cleveland National Forest and decided to light a signal fire when it was getting dark. The fire escaped. A wind came up. That was the start of the Cedar Fire that became part of the Southern California Fire Siege of 2003, in which twenty-three lives were lost and 3,710 homes destroyed in a matter of several days. You can read about the fires and the lives of those who died in this paper <http://nsjfire.org/wp-content/uploads/2014/04/Faces-20031.pdf>.

In 2007 San Diego County suffered from more devastating wildfires that killed more people and destroyed thousands more structures.

In 2009, San Diego County received a federal grant of \$7 million dollars to perform wildfire fuel reduction work. Due to the recent death and destruction from wildfires and urgent need to address the problem, the County used CEQA's exemption for emergencies to move the work forward in a timely manner.

A small organization that advocates for chaparral, comprised primarily of one individual, filed a CEQA lawsuit to block the fuel reduction work.

The court held that the threat of wildfire was not sufficiently immanent to be an emergency, and that CEQA had not been complied with, and the work was halted. You can read the Court's decision at <https://goo.gl/z4UJBT>.

You can read San Diego County Board of Supervisor's minutes from 2012 that review the grant, the lawsuit, and ongoing attempts to comply with CEQA, starting on page 4 of the minutes, here <http://goo.gl/zZVfQU>.

Even without a lawsuit, CEQA causes delays and adds costs that hamper doing wildfire fuel reduction work.

CEQA regulations contain an exemption for fuel management activities within thirty feet to one hundred feet of structures at Title 14 California Code of Regulations section 15304(i) (<https://goo.gl/1ZJiRm>). However, exceptions to the exemption make the

exemption illusory, as they leave the landowner in the position of hiring a biologist and entailing other costs to show that the exemption applies.

Moreover, without extra authorization, the exemption only applies to the first thirty feet from structures. PRC 4291 (<http://goo.gl/SaooHn>) requires a minimum of 100 feet of defensible space, and the definition of defensible space in the Board of Forestry's General Guidelines for Creating Defensible Space ([http://bofdata.fire.ca.gov/PDF/Copyof4291finalguidelines9\\_29\\_06.pdf](http://bofdata.fire.ca.gov/PDF/Copyof4291finalguidelines9_29_06.pdf)) puts no limit on the distance for defensible space, acknowledging that depending upon topography and type and density of fuel, additional defensible space may be needed beyond the minimum one hundred feet required by law to ensure it will be adequate to protect lives and property in the event of wildfire.

As you will see below, the California Native Plant Protection Act (CNPP) and California Endangered Species Act (CESA) have been interpreted to allow destruction of California listed threatened or endangered plants for management or fire control purposes.

However, the CEQA regulation appears to prohibit such a take, making the rules of the exemption more restrictive than the CNPP and CESA statutes in the context of creating defensible space.

In cases where a California listed threatened or endangered plant is present, the CEQA exemption in 15304(i) can be interpreted to make it harder to create defensible space, not easier.

Also needed is a clear statutory exemption from CEQA for state and local government when participating in writing and when agreeing to a community wildfire protection plan (CWPP).

The federal Healthy Forests Restoration Act of 2003 (HFRA) provides an exemption from the National Environmental Policy Act (the federal statute comparable to CEQA) to federal agencies when they participate in developing a CWPP or a recommendation in a CWPP. See 16 USC § 6513(c)(1) ([www.law.cornell.edu/uscode/text/16/6513#c](http://www.law.cornell.edu/uscode/text/16/6513#c)). HFRA also contains other reductions of NEPA for the Forest Service and Bureau of Land Management to encourage wildfire fuel reduction work.

Exemption from CEQA should not be needed, as CWPPs, a creation of federal law ([www.law.cornell.edu/uscode/text/16/6511#3](http://www.law.cornell.edu/uscode/text/16/6511#3)), merely make recommendations. Nevertheless, when Monterey County was considering signing the Monterey County CWPP it was threatened with a CEQA lawsuit if it did so.

### **California Coastal Act**

The Coastal Act's definition for environmentally sensitive habitat (ESHA) is exceedingly broad (actually, absurdly broad), and its restrictions on what can happen in ESHA are exceedingly narrow (actually, dangerously narrow in the context of the need for wildfire fuel reduction work). The ESHA definition is at Public Resources Code (PRC) section

30107.5 (<http://goo.gl/PKTDR0>) and the restrictions are at PRC 30240(a) (<http://goo.gl/8iKBAB>).

A current controversy in Ventura County is that the County proposes to update the Local Coastal Plan to require a \$100,000 "mitigation fee" from landowners if they want to extend defensible space from 100 feet to 200 feet to help protect their lives and property from wildfires.

The 100 foot distance for defensible space required by Public Resources Code section 4291 is not a maximum distance, it is a statewide minimum requirement, and the Board of Forestry's General Guidelines For Creating Defensible Space do not limit defensible space to 100 feet, and encourage community-wide defensible space.

Insurance companies, including California's Fair Plan, the insurer of last resort, often require much more defensible space, demonstrating that 100 feet is not sufficient defensible space to protect lives and property in steep terrain with dense vegetation. For example, the book *The Economics of Forest Disturbances: Wildfires, Storms, and Invasive Species* states on pages 287-288 ([www.tinyurl.com/BookCiteOnIns](http://www.tinyurl.com/BookCiteOnIns)),

Defensible space requirements to obtain insurance coverage can be quite stringent in some high fire hazard areas of California. For example, in Glendale, the state insurance program, the Fair Plan can require up to 400 feet of fuels treatment around structures. In addition, if brush exposure is down-slope from structures and over 30 degrees, only half of the cleared distance is counted. Under the Fair Plan, the clearance distance requirement applies to vegetation that extends beyond the property boundary.

Ventura County's proposed \$100,000 mitigation fee is based on language in the Ventura County Coastal Land Use Plan to protect brush designated as ESHA. Here is a link to the Ventura County Star newspaper report [www.tinyurl.com/StarStoryOn100kFee](http://www.tinyurl.com/StarStoryOn100kFee).

Once ESHA is declared, it is not clear that even a \$100,000 mitigation fee would allow creation of defensible space in ESHA without well documented extraordinary reasons.

Courts have held that due to inflexibility of PRC section 30240, even Coastal Land Use Plans and the Coastal Commission cannot allow development in ESHA, even with mitigation, without documented exceptional reasons, such as avoiding violation of Constitutional rights or the need to accommodate conflicting policies in the Coastal Act.

For example, in *Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App. 4th 493 (1999), a coastal land use plan allowed development in ESHA (an area with non-native eucalyptus

trees used by raptors as nesting sites), with mitigation by providing better raptor nesting sites nearby. Environmental groups sued, and the court agreed with them that even mitigating with superior nesting sites could not avoid PRC section 30240's prohibition of development in ESHA.

In *McAllister v. California Coastal Com.* 169 Cal. App. 4th 912 (2008), Monterey County granted a coastal development permit to build a house in ESHA and on appeal by a neighbor the Coastal Commission also approved it. The neighbor sued and the court agreed that the Coastal Commission did not have authority to grant a permit for development in ESHA unless it had documented that failure to issue the permit would result in an unconstitutional taking of land without just compensation, which the Commission had failed to do.

I could go on for many more pages on how the Coastal Commission, its staff, and courts, have interpreted the Coastal Act in ways that act to threaten lives and property in the event of wildfires.

### **California Endangered Species Act**

As touched on above, according to California Attorney General Opinion No. 98105 (<https://oag.ca.gov/system/files/opinions/pdfs/98-105.pdf>), the California Native Plant Protection Act (NPPA) and California Endangered Species Act (CESA) allow destruction of plants listed as threatened or endangered under the CESA for management or fire control purposes.

A problem is that the allowance of a take lacks clarity to the point that government agencies may fail to recognize the ability to destroy California listed species for fear of litigation for consenting to it.

In the past, the California Department of Fish and Game (now Fish and Wildlife (DFW)), was authorized to enter into memorandums of understanding (MOU) to allow a take of species listed as threatened or endangered under the CESA for such purposes as creating defensible space. Here is a link to an MOU from 1997 ([www.sandiegocounty.gov/dplu/docs/MemoofUnder.pdf](http://www.sandiegocounty.gov/dplu/docs/MemoofUnder.pdf)), which remains in effect in San Diego County.

However, the Fish and Game Code (F&GC) was amended effective January 1998 to preclude such MOUs from having effect if entered into after April 10, 1997. See F&GC section 2081.1(a) (<http://goo.gl/AT7E2B>).

To the extent CESA hinders or blocks wildfire fuel reduction projects it not only threatens human lives and property but is also counterproductive to protecting species, including listed species, in the event of wildfire.

CESA should be amended to clearly allow a take of California listed species incidental to performance of wildfire fuel reduction work that is intended to help protect lives, property, or resources from wildfires.

In the end, this will better protect all wildlife than discouraging such work, leaving unnatural hazardous accumulations of wildfire fuels in place.

## **California Wilderness Act**

After the Basin Complex Fire in 2008, which crossed over the historic firebreak around the Los Padres National Forest in Monterey County in a location that threatened our home and the homes of hundreds of our neighbors, I investigated why that happened. I learned that in 2001, the US Forest Service had started the National Environmental Quality Act (NEPA) scoping process on 10 fuelbreak projects along the location of the historic firebreak around the Los Padres National Forest in Monterey County. I also learned that 8 of the 10 projects were abandoned after the Big Sur Wilderness and Conservation Act of 2002 moved federal wilderness over 8 of the project areas.

As a result, the Forest Service only completed NEPA on 2 of the 10 fuelbreak projects, abandoning the rest.

The organization that advocated for the 2002 federal wilderness additions was the Ventana Wilderness Alliance (VWA).

When recommendations were being worked on in a draft of the Monterey County Community Wildfire Protection Plan that the Forest Service maintain the historic fuelbreak, VWA convinced then Assemblyman Monning to introduce legislation to create state wilderness where it would also cross over the historic fuelbreak.

Assemblymember Monning withdrew his bill when he learned it would act to block maintaining the historic fuelbreak with motorized equipment, which is prohibited in wilderness.

I call these wilderness additions malevolent wilderness, which acted to block the Forest Service from maintaining the historic fuelbreak around the Los Padres National Forest in Monterey County.

Now, eight years after the Monterey County Community Wildfire Protection Plan was signed, the Forest Service has yet to start work to maintain the historic fuelbreak, and expects to be sued when it tries to do that, based on wilderness laws.

VWA has also been involved in other locations where it successfully advocated for other state wilderness additions. It is unknown if these other state wilderness additions were also malevolent wilderness, intended to block use of historic firebreaks.

All ridgelines that may be suitable for firebreaks and fuelbreaks should be removed from state wilderness (and federal wilderness), for a at least the distance that computer modeling shows will enable a fuelbreak to be effective to stop the spread of fire and safe for firefighters to work in the area.

## **California General Plan Law**

Amend General Plan law, sections 65100 – 65107 of the Government Code (<http://goo.gl/4xhpgE>), to require that city and county and city-and-county general plans and ordinances shall provide that no permit will be required for wildfire fuel reduction

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work intended to protect lives, property, or resources, that does not reduce vegetation density to lower than as described in the General Guidelines for Creating Defensible Space, with the exception of use of prescribed fire, which shall continue to be governed by sections 4461 – 4471 of the Public Resources Code.

### **California Prescribed Fire Law**

Amend sections 4461 – 4471 of the Public Resources Code (<http://goo.gl/QdR32Q>) to allow use of burn piles up to twenty-five feet in diameter, and larger where approved by the fire authority having jurisdiction, to dispose of material generated by wildfire fuel reduction work. Provide that no fee shall be charged for any permit that may be required for pile burning, and that should a permit be required, ensure it may be easily and quickly obtained, including by filling out a form on the Internet as well as by use of paper forms. Where burning piles would be an undue threat to the health of others, such as adjacent to a hospital, provide allowances for appropriately limiting them.

Large burn piles tend to burn with less smoke than small piles. Some jurisdictions require that burn piles (other than agricultural burn piles) must be no larger than four feet in diameter, which readily makes piling and burning impractical. In many areas piling and burning is the only practical way to economically dispose of large quantities of material generated from fuel reduction work. Piling and burning should be encouraged during burn season, not discouraged.

### **California Air Quality Law**

To the extent needed to avoid state or local air quality laws or regulations from discouraging or blocking landowners from piling and burning material resulting from wildfire fuel reduction projects intended to help protect lives, property, or resources from wildfires, amend California law to exclude the law's application to such wildfire fuel reduction projects. Include an exception for locations where smoke would be likely to be unsafe for nearby developments, for example, adjacent to hospitals.

### **California Water Quality Law**

One of the lessons learned recorded in the Tahoe Fire Commission Report (<https://goo.gl/sV16oo>) is that overregulation of fuel reduction work near streams ultimately resulted in riparian areas acting like fuses during the Angora Fire, carrying the fire from one area to another and increasing crown fires. Another lesson learned is that because fuel levels in riparian areas were higher, the result post fire was more silt coming off the land in these areas. For example, from page 58 of the report,

SEZs [Stream Environment Zones] in the Lake Tahoe Basin pose both extreme fire risks and extraordinary environmental challenges. In times of fire, such as both the November 2002 Pioneer Fire and the Angora Fire, the fires quickly changed from surface fires to crown fires because untreated SEZs allowed fire to quickly move through overstocked and insect diseased forested areas. Commentators have referred to the SEZs in these areas as

operating like "candle wicks" during times of fire, advancing the severity of crown fires. SEZs are also pathways through which sediment travels into the Lake, thereby directly affecting Lake clarity.

In the area where I live, after receiving a grant from PG&E for wildfire fuel reduction work alongside an evacuation route near a creek, the contractor had to be told to leave hundreds of sudden oak death killed tanoaks untouched because they were in the riparian area and obtaining permission to do work in the area would have taken longer than the term of the grant.

When the Soberanes Fire burned through the area the following year, those dead tanoaks were kindling for redwood trees in the area, and contributed to making the road a "no go road" for firefighters due to unsafe conditions. The following winter, unfathomable amounts of silt flowed into the creek due to high heat intensity wildfire fueled in part by the dead tanoaks, which made ground hydrophobic, contributing to siltation and debris flows.

Here is a link to a California Association of Resource Conservation Districts paper explaining current requirements to work in riparian areas, which discourages wildfire fuel reduction work in riparian areas <https://ucanr.edu/sites/csnce/files/57548.pdf>.

All California laws, state and local, that could increase costs, cause delays, or otherwise discourage wildfire fuel reduction work in riparian areas should be amended to not apply to such work.

### **California Private Attorney General Statute**

Amend the Private Attorney General Statute, Code of Civil Procedure section 1021.5, (<http://goo.gl/jbCNS>) to preclude its application to wildfire fuel reduction work intended to help protect human life, property, or resources.

This is comparable to the recommendation in The National Cohesive Wildland Fire Management Strategy to reform the federal Equal Access to Justice Act to avoid litigation blocking wildfire fuel reduction projects. (<http://goo.gl/h8hbWv>), page 6 first bullet).

**California Conservation Easement Statutes** (Civil Code sections 815 through 816, <http://goo.gl/bWYw87>.)

Amend these statutes to require that all conservation easements shall include an exception/proviso that allows wildfire fuel reduction work to reduce and/or maintain vegetation at the levels of density provided in the General Guidelines For Creating Defensible Space, without limitation on the distance for areas beyond 30 feet from structures (that is, for distances over 30 feet from structures, or where there is no structure, the vegetation density in the Guidelines for areas beyond 30 feet from structures applies).

Be clear that no structure is needed for this exception to conservation easements to be required by this statute.

Authorize amendments to existing conservation easements for this purpose, including those in perpetuity (assuming that is possible with state law).

Cross reference to a new statute that provides that landowners with conservation easements who do not maintain their land alongside roads in conformance with the vegetation density levels in the General Guidelines For Creating Defensible Space, which road has potential to be needed by others to evacuate in the event of wildfire, or that may be needed for emergency access in event of wildfire, and who do not allow others to perform such fuel reduction work at no cost to the landowner if they do not perform the work themselves, may be held liable by others for injury or loss of life, and for damage to or loss of property, caused by the lack of maintenance (for not less than 100 feet from the edge of the road).

Provide that if the holder of the conservation easement does not agree to the fuel work along roads, then they shall be liable for any harm caused by the lack of fuel reduction work, not the owner of the property.

This is needed to prevent conservation easements from becoming a threat to lives, property or resources, including to others who own surrounding land or have an easement for use of a road over the property with the conservation easement.

The former Chief of the North County Fire Protection District has said that while attempting to enforce PRC 4291 he has been told by landowners that a conservation easement prohibits them from doing the work.

**Amend the Z'berg-Nejedly Forest Practice Act of 1973, as amended, to not apply to fuel reduction projects for compliance with PRC 4291, or to a greater distance than required by PRC 4291 if topography, vegetation or other conditions indicate a greater distance to ensure protection to structures, or to community fuelbreak projects, or to roadside fire safety fuel reduction projects, or to projects to reduce accumulations of wildfire fuels to more natural levels, or to fuelwood or biofuels that are the byproduct of such projects.**

California law should allow wildfire fuel reduction work to be commercialized to help pay for the work to be performed, without onerous rules and regulations that discourage the work. For example, allow the selling of wildfire fuel reduction work byproducts as fuelwood/firewood or biofuel, to help pay for this needed work to actually be done in the

**Amend Statutes that apply to management of land owned by state agencies and local and regional government to allow defensible space to help protect structures on land of adjacent private landowners.**

Amend such statutes to provide that state, local and regional government landowners will either perform defensible space fuel reduction work to help protect structures on adjacent private land, or, will allow the private landowner to do the work at no cost to the government agency and without charge to the private landowner.

**Amend State Park law to allow and facilitate wildfire fuel reduction work on land owned by the California Department of Parks and Recreation.**

People in the Carmel Highlands area, which is surrounded by hazardously overgrown state park lands, had asked DPR for years to perform wildfire fuel reduction work on state park land and include language supporting that in the general plan for parks in the area.

DPR responded that doing such work to help protect communities near state parks is not in its mission and it could not do that.

In 2016 the Soberanes Fire was started on nearby state park land by an illegal campfire, which cost the life of a bulldozer operator, destroyed 57 homes, burned 132,127 acres, and cost \$260 million to suppress.

State Park laws should be amended to require state parks to maintain state park land in wildfire safe condition, and failing that, to allow people in communities near state parks to enter and perform wildfire fuel reduction work to help protect their lives and homes.

**Amend the California Emergency Services Act to provide Workers' Compensation insurance coverage to project managers and volunteers doing wildfire fuel reduction work.**

Provide Workers' Compensation insurance coverage and protection from liability to project managers on wildfire fuel reduction projects, and for volunteer workers doing wildfire fuel reduction work, similar to how Workers' Compensation coverage is provided to volunteers working to clean up oil spills by Government Code § 8574.3 (<https://goo.gl/rHTnKJ>), and how Workers' Compensation coverage is provided to "disaster service workers" through the Office of Emergency Services by GC § 8580 (<https://goo.gl/rgBhIZ>) and how coverage is provided to workers helping implement an emergency plan by GC § 8609 (<https://goo.gl/iDQbgg>). This should apply to any group of people who decide to work together to perform wildfire fuel reduction work. Registration for the coverage should be no cost, fast, and simple; for example Internet based, and/or through the fire authority having jurisdiction.

I have witnessed large groups of volunteers self organize to perform wildfire fuel reduction work along evacuation routes. Nobody was hurt, however, it would be easier to organize groups of volunteers, and easier to obtain landowner permission for work by volunteers on their land (for example along roads that pass through multiple ownerships), and entail far less risk for volunteers and landowners in the event someone is injured, if Workers' Compensation insurance coverage were provided for workers, and if workers and landowners had protection from liability.

Also needed is insurance for project managers for grant funded fuel reduction projects. The fire safe council on which I volunteer has tried to find a source of insurance for project managers that oversee grant-funded wildfire fuel reduction projects, and has been told that the insurance industry does not offer such a product.

It is wrong that project managers who are working to help solve this nationally recognized problem that threatens lives, property and resources, have to do so at their own personal risk without insurance or protection from liability.

**Amend all state laws that have potential to discourage or hinder construction or placement of wildfire shelters, including but not limited to the California Coastal Act and building codes, to allow and facilitate construction of wildfire shelters without regulatory cost or other hindrance.**

Though fire agencies, including CAL FIRE, typically recommend that people evacuate when wildfire approaches, all agencies acknowledge that conditions may be such that evacuation is simply not possible. Permits and costs to build and place wildfire shelters should be eliminated, as to the extent they discourage or block someone from installing a shelter of last resort, they put lives at risk, and infringe upon the right of Californians to defend life and seek and obtain safety in the event of wildfires. A reasonable size limit to fit within the exemption should avoid abuse of the shelters being built for other purposes (e.g., allowing a minimum 8' x 8' x 8' interior, which when sealed should shelter a family of four for 12 hours without supplemental air supply, according to Australian bushfire shelter standards).

**New statute providing that no employee, officer or agent of the State of California, or of any subdivision thereof, shall assist any federal employee, officer, or agent of the federal government in the application or enforcement of any federal law, regulation or treaty that would have the potential of hindering or blocking any wildfire fuel reduction work intended to help protect human lives, property, or resources.**

This is needed because it is not possible for the California Legislature to amend federal laws, and because just as there are many state and local laws that currently act to hinder or block work intended to protect life, property, or resources, many existing federal laws do so as well.

Without such a statute California's employees and agents may be put in a position of assisting federal agents in violating the inalienable rights of the people of California to defend life, protect property, and seek and obtain safety acknowledged in Article 1, Section 1 of the California Constitution, by hindering or blocking Californians from preparing for wildfires.

Such a statute may result in comprehensive changes to federal law similar to the changes proposed to California law here.

**Provide a private cause of action to any person that was hindered or blocked from performing wildfire fuel reduction work by a government official, if the lack of work resulted in injury, loss of life, or damage to or destruction of property during a wildfire.**

The intent is to motivate government agencies to allow this important work and to not infringe on the rights of Californians to protect life, defend property, and to seek and

obtain safety. Such actions as government agencies interpreting laws in ways that act to block this important work should not be tolerated without potential for consequences.

## Attachment E

Presidents from both political parties have stated that terrorist groups are working to obtain weapons of mass destruction and are expected to use them once they do. For example, from Democratic President Barack Obama,

“Hi, everybody. This week, I’m speaking to you from our Nuclear Security Summit. I welcomed more than 50 leaders from around the world to make sure we’re working together to meet one of the greatest threats to global security—terrorists getting their hands on a weapon of mass destruction, like a nuclear weapon.

“Fortunately, because of our efforts so far, no terrorist group has yet succeeded in obtaining a nuclear device or producing a dirty bomb using radioactive materials. But we know that al Qaeda has tried. ISIL has already used chemical weapons in Syria and Iraq. And if they ever got hold of a nuclear weapon or nuclear material, we have no doubt they’d use it.”

(President Barack Obama, “Weekly Address: Securing the World from Nuclear Terrorism,” April 2, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/04/02/weekly-address-securing-world-nuclear-terrorism> or <https://goo.gl/w8rR9Z> .)

Another example, from Republican President George W. Bush,

“America's next priority to prevent mass terror is to protect against the proliferation of weapons of mass destruction and the means to deliver them. I wish I could report to the American people that this threat does not exist, that our enemy is content with car bombs and box cutters, but I cannot.

“One former Al Qaida member has testified in court that he was involved in an effort 10 years ago to obtain nuclear materials. And the leader of Al Qaida calls that effort a religious duty. Abandoned Al Qaida houses in Kabul contained diagrams for crude weapons of mass destruction.”

(President George W. Bush: "Remarks at the Citadel in Charleston, South Carolina," December 11, 2001. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <https://www.presidency.ucsb.edu/documents/remarks-the-citadel-charleston-south-carolina-1> or <https://tinyurl.com/yxmfqwby>.)

The above presidential quotes indicate that terrorists have now been working on obtaining weapons of mass destruction for at least 26 years and are expected to use them when they succeed.