

## **Brush management regulations** (subject to change)

1. All brush management shall be done in accordance with Section 142.0412 of the San Diego Municipal Code (<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.shtml>) and San Diego Fire-Rescue Department FBP Policy B-08-1 (Attachment B) and to the *City of San Diego Fire Safety and Brush Management Guide* [“Guide”] (Attachment C). The total area of brush management shall not extend beyond 100 feet from structure located at the above address.
2. All brush management on City Open Space property shall conform to the requirements for Zone 2, and consist of 50% thinning only as described in the attached Guide. Non-native invasive plants should be pruned or thinned when possible before native plants. City staff should be consulted prior to commencement of brush management to review appropriate thinning techniques and to verify the location of native vs. non-native plants. **No grubbing (removal of plants root systems) or grading is allowed under this permit.**
4. Vegetation thinned on City property shall not be left on City property, but must be disposed of within one week of the completion of brush thinning in a manner acceptable to the City of San Diego Park and Recreation Department, Open Space Division and the Fire-Rescue Department, Fire Prevention Section. This may include hauling to the City landfill to the Greens Recycling area; chipping on-site to haul off for use on an approved site; or, in some cases, as approved by the Open Space Division Brush Management Program Manager and the Fire Chief, chipping and spreading of mulch on-site to a depth not to exceed 6 inches.
5. Permittee agrees to defend, indemnify, protect and hold the City, its agents, officers and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any persons or property, including injury to Permittee’s employees, agents, or officers which arise from or are connected with or are caused or claimed to be caused by the acts or omission of Permittee and its agents, officers, or employees in performing the work or services herein and all expenses of investigating and defending against same; provided that Permittee’s duty to indemnify and hold harmless shall not include any claims or liability arising from established active negligence, sole negligence, or sole willful misconduct of the City, its agents, officers, or employees.
6. Permittee shall be responsible for the repair or replacement of any improvements damaged during the course of brush management. This shall include, but not be limited to paving, fencing, irrigation systems, structures and electrical systems.
7. All risks in connection with Permittee’s use of City Property shall be borne in full by the Permittee.
8. If Permittee is using a contractor to perform brush management, Permittee shall provide Open Space Brush Management Program Manager with the name, address, email, fax and telephone number of the contractor. All contractors must be licensed in the State of California. Prior to contractors conducting brush management on City property, Permittee shall deliver to Open Space Brush Management Program Manager a current certificate of insurance providing

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coverage for bodily injury, including death, personal injury and property damage with limits of at least One Million Dollars (\$1,000,000) per occurrence, subject to an annual aggregate of Two Million Dollars (\$2,000,000). Said insurance policy shall be primary and non contributory. "The City of San Diego, its elected officials, officers, employees, representatives and agents" shall be named as additional insureds in all policies. This section shall not apply if contractor performing work is the State of California.

9. This permit is not considered to be in effect until a signed copy is received by the City of San Diego Park and Recreation Department Open Space Division.

10. All work shall be completed within a timeframe of 120 calendar days from the date the signed permit is received by the City of San Diego Park and Recreation Department Open Space Division. **After 120 days, this permit will expire and a new permit will be required for future brush management. This permit may be extended once for an additional 60 days under special circumstances if requested before the expiration date. Call the Brush Management Program Manager to discuss a 60 day extension only if necessary.**

11. Goats may be used for brush management in all areas except for the Coastal Overlay Zone. Goats must be managed in compliance with *City of San Diego Brush Management Regulations Bulletin #2: Use of Goats for Brush Management* (Attachment D). In addition to this Permit, Permittee must submit to Park and Recreation Open Space an *Application for Use of Goats for Brush Management Permit* (Attachment E).

12. Brush management is not allowed in coastal sage scrub, maritime succulent scrub, and coastal sage-chaparral scrub habitats during the California gnatcatcher nesting season, March 1 through August 15. This small bird only lives in these habitats and is listed as a threatened species by the federal government. Any harm to this bird could result in fines and penalties.

13. Any exceptions to the conditions listed herein must be approved in writing by City of San Diego Park and Recreation Department Open Space Brush Management Program and the City of San Diego Fire Chief.

14. When brush management is completed, Permittee shall notify City Brush Management Grounds Maintenance Manager for sign-off at (619) 525-8607.

15. This permit is revocable at any time by the City of San Diego. It is mutually agreed that the City of San Diego shall not be obligated for any loss, financial or otherwise, which may be incurred by Permittee as a result of termination of this permit, and further, that Permittee expressly waives any claim for expense or loss which Permittee might incur as a result of termination of this permit.

16. Permittee shall, at its sole cost and expense, comply with the requirements of all municipal, state and federal authorities now in effect or which may hereafter be in effect, which pertain City of San Diego Open Space and the activities contemplated by this permit.

**17. Any violations of the conditions of this permit, including but not limited to grubbing, grading, excessive thinning of brush or cutting down of trees, may subject Permittee to any**

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**and all remedies available under the San Diego Municipal Code, including but not limited to fines, mitigation, and/or penalties in an amount reasonably required to replenish plants or restore habitat.**

18. “This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15304 (i), which allows for fuel management activities to reduce the volume of flammable vegetation near residential structures.”