

DRAFT Explanation of Directives within the Executive Order

Proclamation of a State of Emergency  
Executive Order 10-30-2015

1. The Department of Forestry and Fire Protection, the California Natural Resources Agency, the California Department of Transportation, and the California Energy Commission shall immediately identify areas of the State that represent high hazard zones for wildfire and falling trees using best available science and geospatial data.

*Directs state agencies to designate certain areas of the state as High Hazard Zones due to dead and dying trees and the hazards this tree mortality presents. These zones will be created by overlaying data on where high tree mortality is occurring with high wildfire threat areas and critical infrastructure locations. These High Hazard Zones will be prioritized for initial state response, and can point local land use planners, land managers and stakeholders to areas where more refined evaluation, project planning and collaboration can be exercised.*

2. State agencies, utilities, and local governments to the extent required by their existing responsibilities to protect the public health and safety, shall undertake efforts to remove dead or dying trees in these high hazard zones that threaten power lines, roads and other evacuation corridors, critical community infrastructure, and other existing structures. Incidental vegetation such as shrubs that restrict access for safe and efficient removal of the dead and dying trees also may be removed. The Department of Forestry and Fire Protection shall issue emergency guidelines setting forth the relevant criteria, and the California Conservation Corps shall assist government entities in implementing this directive to the extent feasible.

*Directs that available resources be used to help remove dead and dying trees that pose threats to life safety and critical infrastructure. Also directs California Conservation Corps crews to aid this effort where possible and directs CAL FIRE to issue emergency guidelines to guide how trees can be removed.*

3. The Department of Forestry and Fire Protection shall identify potential storage locations for removed trees across impacted areas in partnership with federal agencies and local jurisdictions.

*Directs CAL FIRE, in coordination with other state and local entities, to identify areas where trees removed from High Hazard Zones can be temporarily stored in environmentally safe locations. These locations will also be selected according to their ability to facilitate removal of these logs for other uses, such as biomass material and landscape mulching.*

4. The California Department of Transportation shall formally request immediate assistance through the Federal Highway Administration's Emergency Relief Program, Title 23, United States Code section 125, in order to obtain federal assistance for removal of dead and dying trees that are adjacent to highways.

*Directs Caltrans to seek emergency federal funding to clear hazard trees that threaten state highways and roads. If granted, this funding mechanism will be further explained and reflected on the funding matrix that is being developed by the Task Force.*

5. The Department of General Services will identify state facilities, and the California Department of Transportation shall identify highway and road corridors, where woodchips produced from dead trees can be used as mulch.

*Directs state agencies to identify locations where woodchips can be used, in order to facilitate the removal and reuse of dead trees and to conserve water.. The Task Force will explore the possibility of situating temporary log storage decks nearby areas where chips and mulch are produced for use by state agencies.*

6. The Governor's Office of Emergency Services and the Department of Forestry and Fire Protection shall work with the impacted counties to distribute portable equipment across the high hazard zones so that isolated communities can remove and process wood waste locally where appropriate.

*Directs state agencies to make available portable equipment such as large volume masticators, chippers and portable saw mills in High Hazard Zones to aid local entities in tree removal efforts.*

7. The California Air Resources Board and the California Department of Forestry and Fire Protection shall work together and with federal land managers and the United States Environmental Protection Agency to expand the practice of prescribed burns, which reduce fire risk and avoid significant pollution from major wildfires, and increase the number of allowable days on a temporary basis to burn tree waste that has been removed in high hazard areas.

*Directs state agencies to expand efforts in the utilized controlled, beneficial fires on forested landscapes in order to reduce overstocked vegetation increases the risk of large fires and their catastrophic emissions. Also directs state agencies to expand efforts to increase the number of available "burn days" that allow local entities and property owners to dispose of dead trees. The Task Force will engage federal agencies in this effort, which is necessary since current limits on prescribed burns are in part due to federal regulations. The Task Force will also engage CalEPA, Air Resources Board, Air Districts, and other stakeholders with the intended purpose of expanding the use of prescribed fire.*

8. The California Public Utilities Commission shall utilize its authority to extend contracts on existing forest bioenergy facilities receiving feedstock from high hazard zones.

*Directs the CPUC to work to extend contracts between utilities and individual facilities that can accept wood from dead trees removed in High Hazard Zones. The State recognizes that several bioenergy facilities are at risk of closure in the near term due to expiring contracts, and that these facilities play an important role of utilizing the vast woody materials removed from High Hazard Zones.*

9. The California Public Utilities Commission shall take expedited action to ensure that contracts for new forest bioenergy facilities that receive feedstock from high hazard zones can be executed within six months, including initiation of a targeted renewable auction mechanism and consideration of adjustments to the BioMat Program defined pursuant to Public Utilities Code section 399.20. No later than six months after the BioMat program begins, the California Public Utilities Commission shall evaluate the need for revisions to the program to facilitate contracts for forest bioenergy facilities.

*Directs the CPUC to expeditiously increase capacity for forest biomass generation by expediting actions for qualifying facilities in two of its biomass-oriented programs, BioMat and ReMat.*

10. California Public Utilities Commission shall prioritize facilitation of interconnection agreements for forest bioenergy facilities in high hazard zones, and shall order the use of expedited mediation or other alternative dispute resolution processes when conflicts delay development of projects.

*Directs the CPUC to reduce delays between utilities and facilities in reaching agreement on interconnection terms for new and expanded biomass energy facilities.*

11. The California Energy Commission shall prioritize grant funding from the Electric Program Investment Charge for woody biomass-to-energy technology development and deployment, consistent with direction from the California Public Utilities Commission.

*Directs the CEC to prioritize funding for woody biomass-to-energy projects within the state's EPIC grant program, which provides funds for renewable energy technology development and deployment.*

12. The California Department of Forestry and Fire Protection, the California Energy Commission, and other appropriate agencies shall work with land managers to estimate biomass feedstock availability, storage locations, and volumes that may be available for use as bioenergy feedstock at existing and new facilities.

*Directs state agencies to develop and publicly release estimates of the amount of dead trees and other forest materials that can be used to create energy at biomass facilities. Also directs state agencies to identify storage locations for these materials that can facilitate their use at bioenergy facilities.*

13. The California Department of Forestry and Fire Protection and the California Energy Commission shall work with bioenergy facilities that accept forest biomass from high hazard zones to identify potential funds to help offset higher feedstock costs.

*Directs CAL FIRE and CEC to identify potential funding and revenue sources that can help offset the costs of using forest materials at bioenergy facilities. Use of these materials for energy production often costs more than other forms of renewable energy production due to the costs of transporting the feedstock to bioenergy facilities.*

14. The California Department of Resources Recycling and Recovery and the California Department of Forestry and Fire Protection will work with affected counties and existing wood product markets to determine the feasibility for expanded wood products markets in California.

*Directs state agencies to reach out to private business leaders, entrepreneurs, and other stakeholders to explore the potential for short and mid-term wood-based manufacturing in California, including those research and development projects currently being tested by USDA and the US Forest Service.*

15. For purposes of carrying out directives 1, 2, and 5 through 8, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits of approvals required to complete these actions.

*Directs that full environmental review under the California Environmental Quality Act (CEQA) does not need to take place: in the identification of High Hazard Zones; the removal of dead trees as explained in Directive 2; the identification of state facilities for use of woodchips and mulch; the provision of portable equipment for processing dead trees; efforts to expand prescribed burning to improve forest health; and efforts to extend existing bioenergy contracts. It's important to note the suspension of CEQA does not absolve the state agencies listed in those items from other laws designed to protect the environment (e.g. Forest Practice Act, Water Code, Endangered Species Act, Air Quality restrictions).*

16. In order to ensure that equipment and services necessary for emergency response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended as necessary to carry out this Proclamation. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

*Directs expediting the contracting to procure of equipment and services to achieve this Executive Order.*

17. For purposes of this Proclamation, Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code is suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

*State agencies do not need to comply with the requirements of the Administrative Procedures Act (rulemaking process) when developing regulations or guidelines to implement the provisions of the Proclamation, but must hold a public meeting on the regulations and guidelines before they are adopted.*

18. The Office of Emergency Services shall provide local government assistance as appropriate under the authority of the California Disaster Assistance Act, California Government Code section 8680 et. seq. and California Code of Regulations, title 19, section 2900 et seq.

*Costs related to the identification, removal and disposal of dead and dying trees caused by drought conditions may be eligible for California Disaster Assistance Act (CDAA) reimbursement. [CDAA Fact Sheet](#)*

19. State agencies shall actively monitor tree removal efforts directed by this Proclamation to assess their effectiveness in protecting forest health and strengthening forest resilience.

*Directs state agencies to evaluate the severity and spread of tree mortality throughout California and the impact of actions to limit the spread of tree mortality and remove hazardous dead and dying trees. These efforts will utilize , existing data sources that can be shared between agencies, departments and stakeholders.*