



**Cal OES**  
GOVERNOR'S OFFICE  
OF EMERGENCY SERVICES

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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## **Tree Mortality Task Force Regulations Working Group Action/Progress Update**

March 11, 2016

**TF Storage Sites:** the RWG continues to support development of log storage sites. Glenn is working to identify a county contact person for each county that will assist in ultimately establishing the sites. The RWG decided to establish a sub-group to specifically focus on the regulations and establishment of storage sites. Several members agreed to participate in the sub-group and additional members will be solicited from the RWG.

**Storage sites on NFS Lands in the 6 County areas:** Updates provided by Scott Tangenberg, USFS  
For the Sierra National Forest, they are looking at 50%-75% of the conifers on their forest between 3500 and 6000 ft. elevations as being either dead or dying. This amounts to almost 600,000 acres of affected land. With this scale of mortality, they are doing everything they can to provide for public safety, and have their staff focused on abating hazards. That being said, they also are continuing to survey both Districts on the Forests for potential storage sites, and are confident that some will be identified, as part of the overall state/federal/private/county solution to this issue. The Sierra is committed to working with all key stakeholders to identify solutions to find locations to store the enormous amount of material from the Sierra National Forest, and elsewhere. These sites may be limited in size or in feasibility, but the Forest staff is willing to work with local partners to explore solutions to specific situations.

On the Sequoia National Forest, much of the landscape where they are experiencing high mortality is within the Giant Sequoia National Monument (GSNM). Management actions, including those responding to Hazard Tree situations, are significantly restricted there, and are costly and time-consuming to accomplish. The priority treatments are currently focused on mitigating hazard tree danger to recreational facilities, powerlines, roads, trails and the urban interface. Additionally, they are designing several new projects, including projects around the communities of Sequoia Crest (Wishon Project), and the Eshom area. These projects involve abating the hazard and treating the fuels. However, given specific limitations on removing trees from the GSNM, they are unable to locate any log storage sites within the GSNM. Outside of the National Monument, they are developing a project around the community of Alta Sierra (Summit CE Project). This project will treat along roads and property boundaries. They have identified five sites outside of the Giant Sequoia National Monument where log storage MAY be an option (previously forwarded), though these areas would still have to go through NEPA processes to be authorized for such a use.

For the Stanislaus, Tuolumne County has its own Tree Mortality Task Force, and I have been in frequent communication with its leader Mike Albrecht. For the most part, wood material is being



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transported to the mill and the local biomass energy plant. There are other, private land sites that MAY be suitable for temporary log storage, but those haven't been pulled into service yet. Locations on the Stanislaus National Forest are generally uphill and further away from locations that might be able to use the wood, and therefore aren't suitable as temporary storage locations. The one place where a public land storage site may be useful in the future is along the HWY 108 corridor, somewhere between the communities of Sierra Village and Cold Springs. There isn't a great site along that stretch, and we aren't currently analyzing any particular site for potential use. Rather, we too are focused on removal of dead and dying hazard trees along roads, powerlines, private property boundaries, and in recreation/administrative sites.

### **Contacts List:**

The list continues to be developed CalTrans additions were added this week with information for tree crew supervisors that Caltrans has on their Intranet page. We have also included a link to our Maintenance Service Request form which allows the public to inform us of maintenance related repairs that need to be done, including tree removals. Darold (CalTrans Rep) is working on a Caltrans Tree Mortality link on their Department's internet page that will include this information as well. Once updated the contact list will be provided to the TF for posting on the website and will be further updated as necessary. The intent is to develop a list the counties can use to help implement projects and get regulatory answers.

### **Air Quality**

Air Curtain Burners (ACB): The discussions are ongoing and US EPA has agreed that it can give a waiver to authorize operations for 8 weeks, and then the operator must apply for a Title V permit within one year from the date operation began. There is interest for ARB to develop a general statewide permit that would authorize ACB use across air district boundaries when the equipment is moved. Alan will provide an update at the full Task Force meeting on 3/14/16.

### **Federal/FEMA Reimbursement:**

Update provided by Heather Baugh (CNRA Rep.): Since FEMA has not yet been brought in and there is no federal proclamation, it's hard to advise exactly how it would proceed to reimburse under these conditions. That being said, OES's experience lends them to believe that time and material contracts are highly disfavored by FEMA, and bidding using your local processes is a better way to ensure reimbursement. A flat rate for service is unlikely to be reimbursable, especially where you have not used the cost codes based on the size of tree, or its risk. If you do choose to go with a time and material process you need to consider the cost codes (Attached) and not simply allow a flat hourly rate. You also should consider capping the contracts, and you would need significant monitoring of each project and documentation of all projects awarded—which may be more work than just going through normal procurement routes and using these cost codes. In short, it seems best to follow normal procurement bidding if you can, though we understand how challenging this all is right now.



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Note: this advice is only relevant relative to the ability to fell and remove those trees threatening public property or public rights of ways. FEMA is unlikely to reimburse, as is OES, for activities to remove trees outside of an infrastructure zone, and if a tree has already fallen, it is not included in this advice either, unless it is blocking a public right of way, in which case it can be moved to the side, but reimbursement by OES for its total removal is not authorized for funding—this is likely to be the same in a FEMA context. While we understand certain trees pose a fire risk even where there is no immediate threat to infrastructure, since there is no “imminent” emergency (per Federal standards), this sort of removal work is not contemplated in existing regulations and policies for tree removal. We may need to consider this relative to the emergence of expanding HHZs.

The RWG expressed an interest to have an update on the federal declaration status prior to the Task Force meeting on 3/14/16. Reischman will enquire with the TF.

**Insurance and Hazard tree Removal:** A Senate hearing on property insurance and fire hazard/tree hazard issues was held on 3/9/16. A report prepared by the Senate Insurance Committee was circulated to the Regulations Working Group. Christy Carol (Dept. of Insurance Rep.) is developing an insurance Facts Sheet for Homeowners that will provide Dept. of Insurance contacts for homeowners experiencing cancellations or non-renewals, Fair Plan information and other pertinent homeowner insurance information.