



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 Minutes

August 12, 2016

9:00 to 11:00AM

I. Regulations Working Group Update/Agenda Additions

The group briefly discussed the recent TMTF meeting. Reischman indicated the monthly meeting scheduled for the first Wednesday of each month has been cancelled. The group will continue their bi-monthly calls, every other Friday.

II. Action Item Discussion

• Dead and Dying Tree Definition-Ca Forest Practice Rules

Sandy referenced a comment on the draft Guidelines to expand the definition of dead or dying tree to include trees that might not currently meet the criteria, but are likely to be killed by beetles in the near future. The interest is to allow for the removal of trees that may not show signs of beetle infection but will likely become a fire hazard in the future. This will also avoid the additional time and expense of multiple entries for tree removal.

Reischman and Wade explained the Ca Forest Practice Rules currently allow for this adjacent tree removal under 14 CCR §§ 1038(k) and 1052.2(b)(2). The rules indicate an emergency is presumed to exist with evidence of a current beetle attack. Under these conditions, beetle killed trees as well as trees within 100 feet of multiple killed trees can be removed. Such trees are required to be marked by a Registered Professional Forester or the supervised designee before felling. Sandy is working on the guideline response to comments.

• Insurance

- **Fair Plan Meeting**-Christy is working with Fair Plan to set up a meeting to discuss the various concerns being brought to the TMTF. The meeting will likely occur in early September and may be a teleconference. Once the agenda is finalized it will be circulated to the group.
- **Fair Plan Broker Inventory**-Michelle (CAL FIRE) is conducting an inventory of various Fair Plan Brokers in the TMTF counties. She is asking the following questions:
 - Have they had homeowners whose policies were canceled or not renewed because of dead/dying trees from bark beetles and/or drought?
 - Have they referred these homeowners to the Fair Plan?
 - Have they encountered homeowners who the Fair Plan would not insure?
 - Are Fair Plan premiums generally higher? Is it significantly higher?



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- Have they suggested higher deductible as a way to reduce the Fair Plan premium? Is this helpful?
- Does the Fair Plan usually send an inspector to the property?
- Have the Fair Plan ever required brush clearance or removal of dead trees before issuing a policy? Is this common?
- Does Fair Plan consider PRC 4291 (defensible space clearance) into evaluation for coverage?

Upon completing the inventory we will compile and summarize the data for the group to review. Reischman will provide Christy with statewide CAL FIRE stations information for review by Dept. of Insurance. The station information may be considered for inclusion into the Fireline risk modeling. Often homeowners that are required to use Fair Plan must also seek other types of coverage not provided through Fair Plan. This results in additional costs that may need to be determined should the group seek regulatory changes.

- **Storage Site-List update with active sites**

Reischman explained the interest to update the list of storage sites. Tulare and Amador are currently working on updates and will provide them once completed. The counties most recently added to the TMTF (Calaveras, El Dorado and Placer) have not responded with active or potential site information. Updates or new site information can be provided to Matthew and Michelle.

- **Air Quality – draft Governor's ACI Letter of Exemption**

Sandy and Alan explained the draft letter that was developed and under review. The group had a discussion regarding the time frames for the exemption. Alan recommended for consistency with the emergency proclamation not having an end date or allowing EPA to establish an end date.

- **Right of Entry Permit**

Reischman explained the CDAA right of entry update that Cal OES provided at the last TMTF meeting. CDAA funding requires that a property owner waive all liability claims against state, county and their agents (i.e., contractors) and agree to indemnify them. The group discussed the issues and identified that other funding sources do not have this requirement. As additional funds become available, there may be circumstances where discrepancies exist between contracts. The group agreed to discuss the circumstances further with legal representatives to further clarify the issues.

Next working group call: Friday 8/26, 9:00-11:00.