



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 of Meeting
July 29, 2016
9:00 to 11:00AM**

- **FAQs - Board of Equalization-Timber Yield Tax-Submitted to TF**
 - Final revisions are complete and document has been provided to Tree Mortality Task Force for posting on the website. As of 7/22/16 has not yet been posted.

- **Insurance**
 - RWG continues to discuss issues surrounding complaints that FAIR Plan is too expensive. Fair Plan costs are supposed to be comparable to other insurance, but coverage is limited to fire. A “Difference in Coverage” plan for theft, personal liability, etc. may add to a homeowner’s insurance costs.
 - Fair Plan was designed for urban areas, not mountain communities. The group discussed the need to develop statute that could provide better direction for rural areas. Christy will provide Sandy with legislative documentation to help start the review and analysis.
 - The “Fireline” model used to determine risk under the Fair Plan does not adequately account for proximity of CAL FIRE stations, volunteer fire departments, or Forest Service facilities. The RWG will contact Fair Plan brokers listed online for the relevant counties and try to learn more by 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?
 - 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?



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- **Storage Site-List update/ interest to map existing sites**
 - Viable storage sites are identified in Madera and Tuolumne counties. North Fork wood sorting site in Madera may open this month. Caltrans is using Jamestown storage site in Tuolumne Co.
 - List of potential sites was prepared using local knowledge about private property that might be appropriate, but these property owners were not notified. The list is not confidential, but is not being widely circulated, and is only provided as a guide for counties.
 - The list was recirculated for inclusion of active sites, thus far only Tuolumne County has provided updates.

- **Air Quality**
 - Alan has prepared a draft letter for submittal to the Governor's Office. The letter if signed by the Governor would request that EPA (Region 9) exempt ACIs from title 5 requirements. The draft is currently under review.

- **Right of Entry Permit**
 - Discussed requirement in Tuolumne's Right of Entry Permit that property owner waive all liability claims against state, county and their agents (i.e., contractors) and agree to indemnify them. CalOES requires this agreement from owners when counties use state disaster funds for hazard tree removal on private property.
 - Caltrans Right of Entry agreement does not require such a waiver.
 - There is a "county counsel sub-group" that has quarterly check-in calls, and on the recent call several county counsels said they are investigating whether they can modify the Right of Entry Permit language (presumably so owner does not waive right to collect damages from contractor) but have it still be consistent with state laws and regulations, and they will be discussing this with CalOES.

- **Other**

Next working group call: Friday 8/12, 9:00-11:00.