



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

**Tree Mortality Task Force
Regulations Working Group Meeting Minutes
June 17, 2016
9:00 to 11:00AM
Conference Call Number (916) 324-6897**

I. Regulations Working Group Agenda Additions

II. Action Item Discussion

• **FAQs-Board of Equalization-Timber Yield Tax:**

Rich Wade will email draft FAQ. Members can send him comments. Can discuss at next meeting.

➤ **Storage Site-Utilization Questions:**

Update on Mariposa County Wood Sorting Area efforts: PG&E is working on contract with Phillips and Jordan, to bring wood to location, sort and sell what is merchantable. Have not yet selected wood sorting area location(s). Caltrans has interest in separate contract with P&J. P&J has interest in replicating in other counties.

For non-merchantable wood, Mariposa County Public Works can use wood chips to mix into the daily cover material for the landfill (would replace soil that County buys to mix with the larger ground talus rock used for the cover).

Banford, a local LTO, is working on wood sorting area on 4 acre private parcel in Mariposa County, and also may be looking at a site in Madera County.

➤ **Guidelines-Response to comments-status:**

Discussion about revising the Guidelines to reflect that the temporary Timber Harvest Plan exemption for trees killed by drought and/or beetles will become a permanent exemption. Glenn to provide the new regulation and information on status of OAL review and effective date.

➤ **Funding-The Group determined the use of state/federal funds to assist private landowners is a question for the funding agency to determine. If the funds support and effort that serves a public purpose rather than a private purpose, it is not prohibited as a gift of public funds.**

CAL FIRE reports that the Resource Allocation Working Group has established a sub-group to specifically look at needs of private landowners, where dead trees threaten structures.



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Some state and federal funds to improve forest health do go to private landowners, but not for removal of trees within legally required defensible space.

Pub. Res. Code 4291 "defensible space": requires removing flammable vegetation within 100 feet around structures. Healthy trees are not considered "flammable vegetation" but dead/dying trees are. Due to bark beetles, removing dead/dying trees even within the defensible space area may be prohibitively expensive.

Air Quality-CDAA-right of entry language (Christa)

- The RWG was evaluating the ability to move hazard trees and debris between sites within Air Districts for treatment in Air Curtin Burners. They are also evaluating issues that may be involved with moving the material across Air District boundaries for treatment

Re Air Curtin Burner permitting: Alan Abbs reports that Air Districts, ARB, and EPA met week of June 6 to discuss hop for a general permit allowing statewide use, which would allow moving them from county to county, regardless of which air district has jurisdiction. Meeting again on June 22.

Christa Darlington notes that after the first 8 week exemption for emergency use of an air curtain burner without an EPA permit, the owner can apply for a 2nd 8 week exemption. Christa and Alan will coordinate on how to request the 2nd 8 week exemption.

- The RWG is working to identify the issues and concerns involved with out-of-state equipment being used to assist with tree removal activities. The interest is to explore developing an ARB exemption that would allow the use of the equipment.

Kristin Peer (CalEPA) will provide PG&E contact for Karen Magliano at ARB so it can request exemption. Kristin can assist, if necessary. Different requirements apply depending on type of equipment. After PG&E resolves this with ARB, they could present outcome to the Working Group, explaining what exemptions are available, what information is needed, and how the process works.

Issues to address:

- ❖ Whether the exemption for equipment used by state and local government, or is also asking ARB to grant the exemption for private parties to use non-compliant equipment.



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

- ❖ Types of equipment proposed for exemption/What would they be exempted from?
- ❖ Regions where the exemptions are proposed, or is this a statewide exemption?
- ❖ Notification either at the local or state level would be important
- ❖ Duration of time-in addition to not creating something that's open-ended.
- ❖ Availability of local/CA resources and potential economic impacts from out of state resources not required to comply with state law.
- ❖ It would be helpful to have someone from ARB: 1) give an overview of the existing laws (e.g., I believe there is a 3 month emergency exemption); 2) discuss whether this is sufficient given demand for crews and equipment; and 3) discuss providing further relief.

New Issue Discussed: Christa has been sharing Tuolumne County model Right of Entry Permit with other County Counsels. This is used for private property owners to allow the County and its agents to enter private property to remove dead trees that threaten public infrastructure.

III. Next working group call: Friday 7/1, 9:00-11:00.