



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 3
File #: 21-339

Board Meeting Date: 5/4/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Supervisor Don Horsley, District 3
Subject: Extension of CZU Lightning Complex Fire Remediation Efforts on Timberland

RECOMMENDATION:

Direct the President of the Board to revise a previous request to the California Board of Forestry and Fire Protection to enter into emergency rulemaking to provide temporary relief from Special County Rules regarding weekend timber operations and hauling of forest products within the CZU Lightning Complex fire area.

BACKGROUND:

During its April 20, 2021 meeting, the Board unanimously approved a request from Supervisor Horsley to direct the President to write a letter to the Board of Forestry ("BOF") seeking emergency rulemaking that would support ongoing clean-up and recovery efforts in the footprint of the CZU Lightning Complex fire by allowing weekend work.

CAL FIRE and County Public Works have endorsed a request by timber operators for the County to seek a temporary suspension of the prohibition on weekend operations in the fire footprint until the removal of fire-killed and damaged trees was completed. In an effort to limit the suspension of the Special County Rules prohibiting weekend work, the Board letter established a firm November 15, 2021 end date.

However, since the Board approval of this item, BOF staff expressed concern with the November 15, 2021 end date. BOF staff identified that, based on rulemaking procedures, the request for implementation of such a prescriptive regulatory end date may result in unintended issues with future modification of the regulations or accommodation of any extension for wildfire relief purposes, should such future activity be desired by the County for timber operators to reach completion and thereby reduce fire and debris flow risks.

In order to provide the County with as much flexibility as possible while also maintaining a functional regulatory scheme, BOF staff recommends replacement of the prescriptive end date of November 15, 2021 with a commitment from the BOF to consult with the County prior to the expiration of any emergency regulations pursuant to Government Code Section 11346.1(e) or any re-adoption of such

emergency regulations pursuant to Government Code Section 11346.1(h).

DISCUSSION:

Special County Rules currently in effect limit weekend timber operations and hauling of forest products. Allowing timber operations and log hauling on weekends in the CZU fire footprint would enable better utilization of limited available personnel and infrastructure, and reduce delays and expense incurred by conforming to the Special County Rules. Two additional days per each work week in the CZU Lightning Complex fire impact area would result in an overall shorter timeline for post-fire remediation that can be accomplished by our regionally limited pool of operators.

The April 20, 2021 Board letter stated the Board's support for limiting the suspension of the weekend work rules to November 15, 2021, the beginning of the Winter Operations Period. For the reasons described in the Background section, the Board now wishes to defer to the time limits and process imposed on emergency rulemaking pursuant to State law. The Board letter also requested that weekend operations be restricted to the hours of 8 a.m. to 6 p.m. on weekend days and federal holidays. Eliminating the November 15, 2021 end date will not alter the restrictions on hours during which the weekend work can occur.

FISCAL IMPACT:

None