

From: [Gentry, George@BOF](mailto:Gentry_George@BOF)
To: [Shintaku, Duane@CALFIRE](mailto:Shintaku_Duane@CALFIRE); [Hall, Dennis@CALFIRE](mailto:Hall_Dennis@CALFIRE)
Cc: [Mike Jani \(Mjani@mendoco.com\)](mailto:Mike_Jani_(Mjani@mendoco.com)); [Dan Tomascheski](mailto:Dan_Tomascheski); [David Bischel](mailto:David_Bischel); [Pimlott, Ken@CALFIRE](mailto:Pimlott_Ken@CALFIRE); [McCartt, Toby@CALFIRE](mailto:McCartt_Toby@CALFIRE)
Subject: RE: Letter to Albion Fire District
Date: Monday, June 08, 2015 2:49:25 PM

So maybe we need two letters Duane: One from the Board addressing policy and authorities, and one from the Department addressing implementation issues?

From: Shintaku, Duane@CALFIRE
Sent: Monday, June 08, 2015 9:16 AM
To: Hall, Dennis@CALFIRE; Gentry, George@BOF
Cc: Mike Jani (Mjani@mendoco.com); Dan Tomascheski; David Bischel; Pimlott, Ken@CALFIRE; McCartt, Toby@CALFIRE
Subject: RE: Letter to Albion Fire District

Dennis,

I still want a letter to go out explaining our position on the fire risk and herbicide issue. Ok?

Duane

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Hall, Dennis@CALFIRE"
Date: 06/07/2015 8:02 PM (GMT-08:00)
To: "Gentry, George@BOF"
Cc: "Mike Jani (Mjani@mendoco.com)", Dan Tomascheski, David Bischel, "Pimlott, Ken@CALFIRE", "McCartt, Toby@CALFIRE", "Shintaku, Duane@CALFIRE"
Subject: RE: Letter to Albion Fire District

YG,

As I indicated in our recent meeting and later to you in a follow-up conversation, I do not agree that herbicide treatment meets the definition of timber operations under the Act. As I understand the current treatments of tanoak, the frill treatments occur either prior to or following timber harvesting under a THP and do not involve the cutting or removal of the tanoak for commercial purposes. While the potential impacts of the treatment need to be considered and addressed under a THP, the actual treatment (application of herbicides) is regulated by the Department of Pesticide Regulation (CAL EPA). I do not believe we should be requiring a THP for frill treatment of tanoak or any other herbicide treatment unless trees are being cut and removed for commercial purposes.

Additionally, your draft letter focuses on statutes relevant to the authority of a county to regulate timber operations. Again, I do not believe the treatment in question is timber operations, but more importantly, the statutes you reference are specific to the regulation of timber operations by a county. The Albion Fire Protection District is not a 'county' and has separate authorities to pass ordinances within their district.

I believe we can address the issues raised by the Albion Fire Protection District without trying to expand the definition of timber operations nor raise the issues of special county rules. With the assistance of our legal counsel, I have drafted a response using much of the information you provided in your draft letter, but focusing on relevant Health and Safety Code sections that clearly limit the Fire Protection

District's authority. I am attaching my draft letter and your previous draft letter with my comments embedded. Please review my draft letter and comments and we can discuss our options tomorrow.

Dennis

From: Gentry, George@BOF
Sent: Wednesday, June 03, 2015 1:43 PM
To: Shintaku, Duane@CALFIRE
Cc: Mike Jani (Mjani@mendoco.com); Dan Tomascheski; David Bischel; Hall, Dennis@CALFIRE; Pimlott, Ken@CALFIRE
Subject: RE: Letter to Albion Fire District

This is a real quick draft of a letter. It needs examples, as we discussed.

From: Shintaku, Duane@CALFIRE
Sent: Wednesday, June 03, 2015 8:14 AM
To: Gentry, George@BOF
Cc: Mike Jani (Mjani@mendoco.com); Dan Tomascheski; David Bischel; Hall, Dennis@CALFIRE; Pimlott, Ken@CALFIRE
Subject: Letter to Albion Fire District

YG,

I'm thinking that we need to get your draft letter by Friday in order for us to provide any additional input? I'm sure Dennis will be able to provide THP specific examples of how we mitigated the fire threat, and combined with the points you raised, I think the letter will be very compelling. Please let us know if this works for you.

Thanks,
Duane