

Commission on Catastrophic Wildfire Cost and Recovery

Request for Comment

(Responses in Red)

#1 Wildfire Liability Regime

A. Main issue is “Fault is irrelevant” feature. This does not provide for equitable distribution of wildfire costs when several concurrent causes are present.

B. Prudent Manager standard applied for through CPUC.

C. Apply an “Equitable Fault” feature versus a “Fault is irrelevant” feature which would provide for an equitable distribution of the wildfire costs amongst the actual concurrent causal factors and responsible entities.

#2 Insurance

A. Equitable Fault may lower costs for affordable insurance for utilities since they would not be bearing the majority of the recovery costs.

B. FEMA and CAL OES approved LHMP (Local Hazard Mitigation Plan) so State and Federal disaster funding is available. To improve availability, develop a CAL FIRE standard that if a homeowner or commercial property meet or exceed, the insurance company will keep insurance available and potentially reduce rates for compliance.

#3 Financing Mechanisms

A. Pre-fire hazardous fuels reduction

B. Limit the “attorney fee” portion of inverse condemnation doctrine to the same fee structure as seen in “normal” legal actions based on a percentage of the settlement reached versus “reasonable attorney fees”.

#4 Community and Wildfire Victim Impacts

A. Affordable and adequate insurance coverage. If Californians choose to live in a WUI, and take responsible and appropriate mitigation efforts (CAL FIRE standards), their insurance should not be dropped or drastically higher than the average.

B. Funding should be aimed at mitigation at every point. It is a proven fact that monies spent on pre-fire mitigation efforts are substantially less than monies spent on post wildfire disaster efforts.

#5 Miscellaneous

A. Dramatically increase funding and support the local efforts of the Sierra Fire Safe Councils. Nearly all of the people involved are subject matter experts and have the local knowledge of what needs to be done to make our communities fire safe/fire survivable.

B. Equitable Fault for wildfire costs and liabilities and limit attorney fees to those as seen in "normal" legal actions based on the settlement reached versus "reasonable attorney fees" as seen in inverse condemnation doctrine.

Respectfully Submitted,

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