



Memorandum

Date: August 20, 2026
To: Board of Directors
From: Kellyx Nelson
Re: Declaration of Emergency and Authorization for Noncompetitive Procurement for Wildfire Risk Reduction Activities

Purpose

This memorandum documents the Executive Director's declaration of an emergency in concurrence with the Governor Newsome's March 1, 2025 proclamation declaring a state of emergency due to the risk of wildfire that is being experienced statewide. The full text of the Governor's proclamation is attached as Exhibit A.

This declaration authorizes the use of noncompetitive procurement in accordance with the RCD's procurement policy (Exhibit B), Reference 1, which allows non-competitive procurement to occur when immediate action is necessary to address the wildfire risk emergency and the delay associated with a competitive solicitation would materially interfere with the RCD's ability to protect life, property, evacuation routes, infrastructure, watersheds, and natural resources.

This memorandum is an internal emergency procurement declaration under the RCD's policy. It is not a proclamation of a local emergency under the California Emergency Services Act.

Background

On March 1, 2025, Governor Gavin Newsom proclaimed a statewide state of emergency due to catastrophic wildfire risks created by hazardous forest conditions and accumulated vegetation. The Governor found that these conditions create extreme peril to people and property, exceed the resources available to individual local governments, and require immediate action to reduce wildfire risk.

The proclamation identifies critical wildfire risk reduction activities that include:

- removal of hazardous, dead, and dying trees;
- vegetation management associated with strategically located fuel breaks identified in approved fire prevention plans;
- community defensible-space treatments;
- Roadside vegetation management to improve ingress and egress and reduce roadside ignitions;

- cultural burning and prescribed fire treatments; and
- maintenance of previously established fuel breaks and vegetation management projects.

The proclamation also recognizes that procurement delays can interfere with the timely response to the wildfire emergency and directs state agencies to expedite contracts for necessary materials, goods, and services.

The Governor's proclamation does not independently suspend the RCD's procurement requirements. The RCD relies on the emergency exception established in its procurement policy as the authority for this declaration.

RCD Procurement Authority

Reference 1 of the Procurement Policy delegates authority to the Executive Director to:

1. declare an emergency;
2. award contracts without a competitive procurement process when the emergency will not permit the delay caused by a competitive solicitation;
3. authorize a designee to secure services, supplies, materials, or labor in the open market when an immediate purchase is required, regardless of the amount of the expenditure; and
4. report the status of the emergency to the Board of Directors at the next regularly scheduled meeting and at each regularly scheduled meeting thereafter until the emergency is resolved.

Findings

I find that:

1. The catastrophic wildfire risks identified in the Governor's March 1, 2025 proclamation affect the communities, landscapes, infrastructure, evacuation routes, watersheds, and natural resources served by the RCD.
2. Effective wildfire risk reduction depends on timely access to qualified contractors, consultants, equipment, materials, environmental support, and specialized services.
3. Many wildfire risk reduction activities must occur within limited seasonal, biological, operational, access, permitting, funding, or weather-dependent work windows.
4. Contractor and equipment availability may be constrained by regional demand, active wildfire response, prescribed-fire schedules, environmental work windows, grant deadlines, and other time-sensitive conditions.
5. Requiring a formal competitive solicitation for each emergency procurement may delay or prevent the RCD from completing necessary wildfire risk reduction work during available implementation windows.
6. These delays may increase costs, jeopardize grant funds, postpone critical treatments, reduce the availability of qualified contractors and equipment, or leave communities and public assets exposed to avoidable wildfire risks.

7. Immediate action is therefore necessary for qualifying procurements, and the emergency will not permit the delay associated with a competitive solicitation when the project-specific circumstances described in this memorandum and the associated procurement record apply.

Declaration and Authorization

Pursuant to the Governor's emergency declaration, I am exercising the RCD's Procurement Policy for purposes of procuring services, supplies, materials, equipment, and labor necessary to plan, permit, administer, or implement urgent wildfire risk reduction activities and notifying the Board of Directors thereof.

I authorize the RCD to use noncompetitive procurement for a specific contract or purchase when staff document that:

1. The procurement directly supports an urgent wildfire risk reduction activity;
2. Immediate action is necessary to address the emergency;
3. A competitive solicitation would cause a delay that would materially interfere with the RCD's ability to complete the work within the applicable implementation window or otherwise respond effectively to the emergency;
4. The selected contractor, consultant, supplier, or vendor has the qualifications, capacity, availability, equipment, licenses, and experience necessary to perform the work safely and effectively;
5. The price is fair and reasonable under the circumstances; and
6. The procurement complies with all applicable requirements that have not been expressly waived.

The Executive Director may authorize a designee to secure necessary services, supplies, materials, equipment, or labor in the open market when immediate action is required.

It is expected that vegetation management contractors will be procured using a non-competitive process for all or a portion of the following projects:

- Pedro Point Headlands Wildfire Resilience and Evacuation Route Improvement Projects
- Highway 92 Fuel Reduction Project
- Pescadero Creek County Park Forest Health Project
- Kings Mountain Strategic Fuel Reduction Project
- Rancho Corral de Tierra Vegetation Management

All of these projects involve management of vegetative fuels that pose wildfire risks to critical infrastructure, homes, and/or evacuation routes and require immediate action to mitigate those risks. The Executive Director will keep the board apprised of procurements that are made responsive to this emergency declaration and pursuant with the exceptions set for the in the RCD's procurement policy.

Required Procurement Documentation

For each procurement made under this declaration, the project file shall include a brief written determination identifying the basis for determining that the selected entity is qualified and available, and the basis for determining that the cost is fair and reasonable.

Staff shall obtain and document competitive cost information when reasonably practicable, even when formal competitive solicitation is not required. Available methods of evaluation may include reviewing prior contract rates, published equipment rates, independent cost estimates, informal quotes, comparable procurements, or negotiated labor and equipment schedules.

Limitations

This declaration:

1. does not waive applicable environmental review, permitting, biological-resource protection, cultural-resource protection, Coastal Act, or other regulatory requirements;
2. does not establish that a project qualifies for the statutory suspensions described in the Governor's proclamation;
3. does not waive grantor or funding-source procurement requirements;
4. does not waive prevailing-wage, contractor-licensing, insurance, indemnification, conflict-of-interest, fiscal-control, or contract-execution requirements;
5. shall not be used to extend unrelated scopes of work or otherwise avoid competition where emergency circumstances do not justify the exception.

Where a grant agreement, federal award, state award, or other applicable authority imposes stricter procurement requirements, the stricter requirements shall control unless the funding entity provides a written waiver or other authorization.

Board Reporting

The Executive Director shall report on the status of this emergency declaration to the Board of Directors at its next regularly scheduled meeting on August 20, 2026.

At that meeting, and at each regularly scheduled meeting thereafter until the emergency is resolved, the Executive Director shall report:

- the current status of the emergency;
- contracts and purchases made under this declaration;
- the purpose and amount of each procurement;
- the basis for using the emergency exception; and
- whether continued emergency procurement authority remains necessary.

Effective Period and Termination

This declaration takes effect on August 20, 2026 and shall remain in effect until the Executive Director determines that the emergency conditions no longer require expedited procurement.

The Executive Director shall terminate this declaration in writing at the earliest practicable date when competitive procurement can proceed without materially interfering with the RCD's wildfire risk reduction activities.

Approved:

Kellyx Nelson
Executive Director

Date:

Reported to the Board of Directors on: August 20, 2026

Appendix A

Executive Department, State of California:
Proclamation of a State of Emergency

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS in October 2015, Governor Brown proclaimed a State of Emergency to exist in California due to a vast tree die-off throughout the state, which increased the risk of wildfires; and

WHEREAS this tree die-off has continued to worsen forest conditions, creating extremely dangerous fire risk; and

WHEREAS in March 2019, I proclaimed a State of Emergency to exist in California due to catastrophic wildfire risks created by forest conditions, facilitating the completion of high-priority forest management projects through suspensions of various permitting and environmental review provisions; and

WHEREAS wildfires in California have grown in size, duration, and destructiveness because increasing whiplash between periods of extreme rain and extreme drought has caused accumulation of fuels in the State's forests, the majority of which are owned and managed by the federal government; and

WHEREAS several of the most costly fires have occurred in the Wildland Urban Interface, including most recently the January 2025 firestorms in Los Angeles County; and

WHEREAS there are millions of housing units in the Wildland Urban Interface, and the majority of these structures reside in high or very high fire hazard severity zones, and immediate action is needed to prevent similar wildfires in the imminent future; and

WHEREAS because of these conditions, the Board of Forestry and Fire Protection developed the California Vegetation Treatment Program (CalVTP) in 2019, to streamline environmental review of vegetation management projects through reliance on a programmatic environmental impact report covering 20 million acres of the State; and

WHEREAS 106 projects have been approved to date under CalVTP, including prescribed burns, mechanical treatment, manual treatment, herbicide application, and prescribed herbivory projects; and

WHEREAS even with the success of CalVTP, more is needed to expedite critical fuels reduction projects in more areas of the State, including those not yet covered by CalVTP, to protect the lives and property of Californians; and

WHEREAS certain statutory, regulatory, and administrative requirements, including, but not limited to, studies, publication periods, and season-specific surveys, significantly impede State and local agencies' ability to immediately permit and implement necessary projects to protect the lives and property of Californians; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the circumstances of the catastrophic wildfire risks created by forest

conditions across the state, by reason of their magnitude, are beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist within the State of California due to these conditions; and

WHEREAS under the provision of Government Code section 8625, I find that local authorities lack the resources needed to cope with the emergency; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the catastrophic wildfire risks created by forest conditions across the state.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist within the State of California due to these conditions.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. State statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency and the California Natural Resources Agency are hereby suspended to the extent necessary for expediting critical fuels reduction projects, as defined in Paragraph 4, are initiated this calendar year, and that the suspension is approved by the appropriate Agency secretary as provided in Paragraph 3, and subject to Paragraph 5. Laws suspended by this paragraph include, but are not limited to, the California Environmental Quality Act (Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division) and the California Coastal Act (Division 20 of the Public Resources Code, commencing with section 30000, and regulations adopted pursuant to that Division).
3. Individuals or entities who desire to conduct activities under the suspension of statutes, rules, regulations, and requirements specified in Paragraph 2 shall first request that the appropriate Agency Secretary, or the Secretary's designee, make a determination that the proposed activities are eligible to be conducted under the suspension. The Secretary of the California Environmental Protection Agency and the Secretary of the California Natural Resources Agency shall use sound discretion in applying this authority to ensure that the suspension serves

the purpose of accelerating critical fuels reduction projects, while at the same time protecting public health and the environment. Each Agency shall maintain on its website a list of all suspensions approved under this Paragraph.

4. Critical fuels reduction projects eligible for suspension of statutes, rules, regulations, and requirements specified in Paragraph 2, shall include as a primary objective at least one of the following activities:
 - a. Removal of hazardous, dead, and/or dying trees;
 - b. Removal of vegetation for the creation of strategic fuel breaks as identified by approved fire prevention plans, including without limitation CAL FIRE Unit Fire Plans or Community Wildfire Preparedness Plans;
 - c. Removal of vegetation for community defensible space;
 - d. Removal of vegetation along roadways, highways, and freeways for the creation of safer ingress and egress routes for the public and responders and to reduce roadside ignitions;
 - e. Removal of vegetation using cultural traditional ecological knowledge for cultural burning and/or prescribed fire treatments for fuels reduction; or
 - f. Maintenance of previously-established fuel breaks or fuels modification projects.
5. Any activities performed under the suspension of statutes, rules, regulations, and requirements specified in Paragraph 2 shall be in accordance with the State Environmental Protection Plan, or a comparable plan describing how such actions will balance expeditious fuels reduction and environmental protection.
6. The Board of Forestry and Fire Protection shall take immediate steps to update the California Vegetation Treatment Program Environmental Impact Report (CalVTP EIR), in consultation with the California Natural Resources Agency and others as appropriate, to increase CalVTP's efficiency and utilization, in order to continue promoting rapid environmental review for large wildfire risk reduction treatments. In addition to accessing expertise from all appropriate state agencies, this process should also include public workshops with practitioners to solicit feedback on experiences during implementation in the first five years of the CalVTP and suggested improvements.
7. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services, including housing for hand crews and required pre-work environmental surveys, to quickly assist with the response to this emergency and to achieve the purposes of this Proclamation. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent

necessary to address the effects of this emergency and to carry out the purposes of this Proclamation.

8. The Secretary of the California Environmental Protection Agency and the Secretary of the California Natural Resources Agency shall confer with subject matter experts, including those within their respective Agencies, and provide to me, within 60 days, their consolidated recommendations for increasing the pace and scale of beneficial fire in California. These may include recommendations to ensure more consistency among local air pollution control districts and increasing allowable burn days.
9. The restrictions set forth in Penal Code section 396, which are automatically triggered upon proclamation of a state of emergency, are suspended, and no such restrictions are imposed, with respect to this State of Emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of March 2025.



GAVIN NEWSOM
Governor of California



ATTEST:



SHIRLEY N. WEBER, PH. D
Secretary of State