

# CalFire to bill Nutting for putting out fires

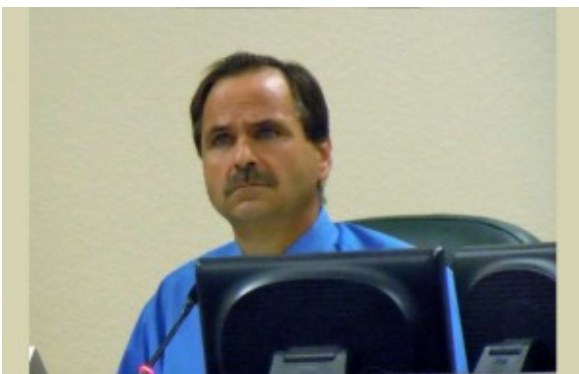
By Peter Hecht, Sacramento Bee

Ray Nutting, the embattled El Dorado County supervisor who collected state money to clear brush from his family ranch, is going to get a bill for causing a wildfire while performing the work.

Nutting, 53, faces four felony charges for failing to properly disclose about \$70,000 in income received under two state contracts for clearing his own property for fire prevention. Through his attorney, he has denied any wrongdoing in the case announced Tuesday.

Now, CalFire says it is going to seek restitution from Nutting for unspecified costs of a Jan. 21 fire that erupted from an unattended burn pile on Nutting's 340-acre timber ranch.

The fire burned 5 acres and required 65 firefighters and inmate crew members to put out. It occurred as Nutting was performing work on his ranch under a third state contract due to pay him another \$49,348 once that job is done.



El Dorado County Supervisor Ray Nutting's problems are escalating. Photo/LTN file

State investigative reports and email correspondence, received by the Bee under a public records request, indicated the fire was the fourth that state crews had responded to on Nutting's property on Happy Valley Road in Somerset since 2001.

At least three of the fires occurred while Nutting was performing work under California Forest Improvement Program grants given to private property owners to clear vegetation and other fire hazards. On three occasions, he was said to have been burning on "no burn" days set by local air quality officials.

Internal CalFire emails suggest a level of exasperation by agency officials over calls for assistance on Nutting's property and dealings with the four-term supervisor.

"Yesterday, a fire occurred at the Nutting Ranch," CalFire Battalion Chief Mark Brunton wrote his superior a day after the Jan. 21 blaze. He added: "Seems like an annual event and somehow I always end up there."

A separate fire investigator's report on the incident said Nutting had been burning brush on multiple days during a Jan. 15-22 burning ban set by the El Dorado Air Quality Management District.

The report from fire prevention Battalion Chief Christopher Anthony said hot embers from one of Nutting's burn piles set off a blaze that jumped a road and burned up a mountainside. Anthony said Nutting told responders he walked off to have some lunch, then returned and "looked up and went, 'Uh-oh.'"

No one was injured and no structures were damaged in the fire, which required 20 firefighters, 45 inmate hand crew members, five engines, two water tenders and two bulldozers to extinguish.

In his email, Brunton said he told Nutting that day that he would be held responsible. Brunton also wrote that, "During

fire suppression activities, Ray Nutting was, to put it bluntly a pain in the rear” by barking orders to firefighters.

“I eventually got face to face with him and had a discussion on responsibilities of the landowner and the fire suppression personnel,” Brunton wrote CalFire’s El Dorado-Amador County unit chief, Mark Kaslin. “This was no different than past experiences with him.”

CalFire spokesman Daniel Berlant said last week the agency will file a claim against Nutting for the firefighting costs – still to be calculated.

“The decision has been made that we’re going to seek civil cost recovery for that fire,” said Berlant, who said investigators concluded that Nutting was negligent.

In emails to CalFire officials, Nutting expressed contrition after the incident – as well as concerns that he could be financially ruined if forced to pick up the firefighting costs.

“I have lost a lot of sleep over this fire that escaped on my ranch,” Nutting wrote in a Jan. 24 email. “As you know, I am being punished with the costs of putting out the fire.”

The supervisor, a longtime timber harvester, wrote that his property had become a “money pit” and he hadn’t sold any timber in 10 years. He said being held liable for the fire would “put my family’s financial stability at risk.”

According to records from the El Dorado County Air Quality Management District, Nutting was ordered to pay a \$150 fine for burning on an unauthorized day. He was directed to complete an online safe-burning course.

Even if he ends up paying for the fire itself, Nutting is due for payment if he finishes work under a 2012 forest improvement grant. Under the contract, he is to receive the

\$49,348 for clearing brush, pruning and thinning out trees and removing flammable bark and wood debris on 277 acres of his ranch.

Nutting was paid \$47,425 for brush-clearing and tree-planting work completed on his property in 2003 and \$22,423 for work finished in 2009.

The state program is intended to reimburse private property owners to clear brush and remove hazards that can cause wildfires and damage watersheds.

While the grants are routinely awarded whether property owners hire contractors or do their work themselves, Nutting has come under political fire in El Dorado County in recent months for taking taxpayer funds for personal use.

On Tuesday, El Dorado County District Attorney Vern Piersen announced charges against Nutting alleging he broke the law by failing to disclose the state income on statements of economic interest required for public officials.

The charges also alleged that Nutting violated conflict-of-interest laws by failing to recuse himself on votes on county contracts with conservation districts that distribute funds for fire prevention.

Nutting attorney David Weiner called the charges "horse pockey." He said the supervisor, whom he advised not to comment, made innocent paperwork errors but committed no crime.

Yet while taking state money for fire prevention, Nutting has drawn heat for causing fires.

In 2009, CalFire crews responded to his ranch to put out a 2-acre fire resulting from burning debris on a no-burn day. In 2002, crews extinguished a blaze that started during brush-clearing, a year after they put down a 2001 fire from an

unattended burn pile on the Nutting property.

In a 2002 email to a CalFire superior, a state fire investigator noted that Nutting had a bulldozer and water tender on site but lacked sufficient water or easily reached fire hoses for safe on-site burning.

“This is a carbon copy of a problem we had with Ray last year at this time,” the investigator wrote. He said he told Nutting “that we could not continue to drive out there every time an old burn pile went active.”