



MARIPOSA COUNTY

Fire • (209) 966-4330



RESOLUTION - ACTION REQUESTED 2013-26

MEETING: January 22, 2013

TO: The Board of Supervisors

FROM: Jim Wilson, County Fire Chief

RE: Resolution Adopting the Local Hazard Mitigation Plan

RECOMMENDATION AND JUSTIFICATION: PUBLIC HEARING to Consider the June 2011, Mariposa Local Hazard Mitigation Plan and Adopt a Resolution Approving the June 2011 Mariposa Local Hazard Mitigation Plan (LHMP).

Per the Federal Disaster Mitigation Act of 2000 in order for a local government agency to qualify for full Federal and State disaster response and mitigation funding, that agency must have an approved Local Hazard Mitigation Plan (LHMP) in place. In addition, an adopted LHMP enables local government to apply and compete for available State and Federal funding to complete identified disaster prevention projects. The 2010/11 Emergency Management Performance Grant (EMPG) provided funding to hire an Emergency Planner. The Board authorized the County Fire department to accept the EMPG funding with direction to develop a LHMP. The final draft LHMP was completed and forwarded to Cal Emergency Management Agency (EMA) for initial review. The draft plan quickly passed through the Cal EMA review process and was forwarded to Federal Emergency Management Agency (FEMA) Region IX for review. FEMA completed review and issued an "eligible for final approval" letter on February 22, 2012. That letter is good for one year and expires on February 22, 2013. To complete the adoption process FEMA recommends a 30-day public comment period prior to the Board adopting the LHMP by Resolution. The formal Public Comment period ended January 18, 2013. Staff will provide a summary of all public comments received and note any changes made as a result of public comments received during the hearing process. A copy of the Resolution must then be forwarded to FEMA to complete the adoption process.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Do not adopt a LHMP. This will result in the possibility of not qualifying for Federal or State Disaster funding. Not adopting the LHMP would also preclude Mariposa County from competing for available disaster prevention funding.

FINANCIAL IMPACT:

There is no financial impact associated with plan adoption.

ATTACHMENTS:

Final-LHMP Combined 11-26B. (PDF)

130122 LHMP NOE (DOC)

Staff Report-LHMP(DOC)

CAO RECOMMENDATION

Requested Action Recommended


Rick Benson, County Administrative Officer

RESULT: ADOPTED [UNANIMOUS]

MOVER: John Carrier, District V Supervisor

SECONDER: Kevin Cann, District IV Supervisor

AYES: Stetson, Bibby, Cann, Carrier, Jones

MARIPOSA COUNTY RESOLUTION NO. 2013-26

**A RESOLUTION APPROVING THE MARIPOSA COUNTY
LOCAL HAZARD MITIGATION PLAN; MARIPOSA COUNTY FIRE
DEPARTMENT, PROPONENT. APPLIES COUNTY-WIDE.**

WHEREAS, by seeking Federal Emergency Management Agency (FEMA) approval of a hazard mitigation plan Mariposa County recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS the United States Congress passed the Disaster Mitigation Act of 2000 (“Disaster Mitigation Act”) emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS the Disaster Mitigation Act made available hazard mitigation grants to State and local governments; and

WHEREAS an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS Mariposa County fully participated in the FEMA-prescribed mitigation planning process to prepare this local hazard mitigation plan; and

WHEREAS the California Office of Emergency Services and FEMA, Region IX officials have reviewed the Mariposa County Local Hazard Mitigation Plan and approved it contingent upon this official adoption by the participating governing body; and

WHEREAS Mariposa County desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Mariposa County Local Hazard Mitigation Plan; and

WHEREAS adoption by the governing body for Mariposa County, demonstrates the jurisdiction’s intent to fulfill the mitigation goals and objectives outlined in this Local Hazard Mitigation Plan; and

WHEREAS adoption of this Resolution legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan; and

WHEREAS a duly noticed Board of Supervisors Public Hearing was scheduled for the 22nd day of January 2013; and

WHEREAS the Board of Supervisors did hold a Public Hearing on the noticed date and

considered all of the information in the public record, including the Board packet, testimony presented by the public, and previous comments and recommendations from past public meetings on the Local Hazard Mitigation Plan.

NOW, THEREFORE BE IT RESOLVED, that the Mariposa County Board of Supervisors, a political subdivision of the State of California does hereby adopt the June 2011, Mariposa County Local Hazard Mitigation Plan, as an official plan and directs staff to file a Notice of Exemption for the project pursuant to the California Environmental Quality Act (CEQA), Title 14, California Code of Regulations.

BE IT FURTHER RESOLVED that the Mariposa County Board of Supervisors adopts the Mariposa County Local Hazard Mitigation Plan by reference into the safety element of their General Plan in accordance with the requirements of AB 2140, and it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment and is therefore exempt from the provisions of CEQA, General Rule - Section 15061(b)(3). There is no potential for substantial adverse changes in the physical conditions of the environment which will result from adoption of the Local Hazard Mitigation Plan. A formal General Plan text amendment will be processed to formally incorporate reference to the adopted plan following adoption.

BE IT FURTHER RESOLVED that the project approval action is based on the findings shown in Exhibit 1, which are supported by substantial evidence in the public record.

BE IT FURTHER RESOLVED that Mariposa County will submit this adopted resolution to the California Office of Emergency Services and FEMA Region IX officials to enable the Plan's final approval in accordance with the requirements of the Disaster Mitigation Act of 2000 and to establish conformance with the requirements of AB 2140.

ON MOTION BY Supervisor Carrier, seconded by Supervisor Cann, this resolution is duly passed and adopted this 22nd day of January 2013, by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER
NOES: NONE
ABSTAINED: NONE
EXCUSED: NONE



LEE STETSON, Chair
Mariposa County Board of Supervisors

ATTEST:



Rene LaRoche, Clerk of the Board

APPROVED AS TO FORM:



Steven W. Dahlem, County Counsel

Exhibit 1-Findings for Approval

Project Findings for Local Hazard Mitigation Plan

1. **FINDING:** This Plan is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

EVIDENCE: The information and projects listed in this plan are informational only and hold no declaration of or declared expense. All information contained within this plan, whether originated from other supportive documents or formulated from original Office of Emergency Services material, holds public health, safety, peace, and welfare as the highest priority.

2. **FINDING:** This Plan is desirable for the purpose of reducing or eliminating long-term risk to people and property from natural hazards throughout Mariposa County.

EVIDENCE: Through careful analysis of all mitigation actions with emphasis on historically proven events, the planning group has outlined mitigation goals and potential mitigation action for the short term of five years and long term of twenty years. Implementation of the mitigation actions within this plan will reduce or eliminate long term risk to people and property in Mariposa County from natural hazards.

3. **FINDING:** This amendment conforms to the requirements of Disaster Mitigation Act of 2000, Stafford Act, and State law.

EVIDENCE: Local hazard mitigation planning has been driven by a federal law, known as the Disaster Mitigation Act of 2000 (DMA 2000). On October 30, 2000, Congress passed the DMA 2000 (Public Law 106-390), which amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Stafford Act) (Title 42 of the United States Code [USC]Section 5121 et seq.) by repealing the act's previous mitigation planning section (409) and replacing it with a new mitigation planning section (322). This new section emphasized the need for state, tribal, and local entities to closely coordinate mitigation planning and implementation efforts. This new section also provided the legal basis for the Federal Emergency Management Agency's (FEMA's) mitigation plan requirements for mitigation grant assistance. To implement these planning requirements, FEMA published an Interim Final Rule in the Federal Register on February 26, 2002 (FEMA 2002) (44 CFR Part 201). The tribal planning requirements were updated in 44 CFR Part 201.7 in 2009. The local mitigation planning requirements are identified in their appropriate sections throughout this hazard mitigation plan State law governing the adoption of general plans requires that the adopted plan include provisions for amendments. Those provisions are included in the adopted Mariposa County General Plan and the Mariposa County Zoning Code. This plan has been developed and processed in accordance with all requirements of Federal and State laws and local ordinances. The project is exempt from environmental review because it can be seen with certainty that there is no possibility that the activity in question, the adoption of a local hazard mitigation plan for Mariposa County, may have a significant impact on the environment.

The adoption of a local hazard mitigation plan for Mariposa County is therefore exempt from the provisions of CEQA by the General Rule exemption, Section 15061(b)(3), CEQA Guidelines.

4. **FINDING:** This Plan is consistent with other guiding policies, goals, policies and standards of applicable federal, state and local laws and policies.

EVIDENCE: The Local Hazard Mitigation Plan has demonstrated to both California Office of Emergency Services and to FEMA Region 9 that all policies, goals, and standards are in compliance with federal, state, and local policies. References to and compliance with the Mariposa County General Plan can be seen throughout this plan.



MARIPOSA COUNTY FIRE DEPT.

COUNTY OF MARIPOSA

5082 BULLION STREET • POST OFFICE BOX 162

MARIPOSA, CALIFORNIA 95338

209 . 742 . 1306 • FAX 209 . 966 . 0252

December 11, 2012

Jim Wilson, Fire Chief

jwilson@mariposacounty.org

Jim Middleton, Deputy Fire Chief

jmiddleton@mariposacounty.org

Don Florence, Emergency Planner

dflorence@mariposacounty.org

NOTICE OF AVAILABILITY & BOARD OF SUPERVISORS PUBLIC HEARING

Project: Local Hazard Mitigation Plan

Proponent's name: County of Mariposa

Title: Final Review and Adoption of County Local Hazard Mitigation Plan

Amendment Area: All of Mariposa County

Project Description:

The purpose of the plan is to reduce or eliminate long-term risk to people and property from natural hazards. The plan has been prepared to meet the Disaster Mitigation Act of 2000 (DMA 2000) requirements in order to maintain Mariposa County's eligibility for FEMA Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Programs (HMGP). The plan is based on a hazard identification and risk assessment of all potential natural hazards that could impact Mariposa County. The plan also includes a review of the County's current capabilities with regards to reducing hazard impacts. The plan includes recommended additional action items for the County and its jurisdictions to reduce their vulnerability to potential disasters. The plan had input from the Hazard Mitigation Planning Committee (HMPC) comprised of key County and stakeholder representatives. The planning process examined the recorded history of losses resulting in natural hazards, and analyzed the future risks posed to the County by these hazards. The greatest risk and vulnerability to the County are associated with wildfires and winter storms. The HMPC puts forth several mitigation goals and objectives that are based on the results of the risk management. The plan also puts forth specific recommendations for actions that can mitigate future disaster losses.

Notice of Availability: The public is invited to review and comment on the Mariposa County Local Hazard Mitigation Plan during the formal 30-day public review period which starts on Thursday December 13, 2012 and ends at 5:00 p.m. on Friday January 11, 2013. Copies of the Mariposa County Local Hazard Mitigation Plan can be obtained from the Mariposa County Fire Department located at 5082 Bullion Street in Mariposa or you can view the document online at www.mariposacounty.org/fire. All plan comments need to be formally submitted to the Mariposa County Fire Department, P.O. Box 162, Mariposa, CA 95338 by 5:00 p.m. on Friday January 11, 2013 in order to be included in the staff report packet for the Board of Supervisor's public hearing. Public comments submitted to County Fire or directly to the Board of Supervisors after this date and up to the public input portion of the public hearing will still be considered by the Board of Supervisors. Letters or written comments submitted

The mission of Mariposa County Fire Department is: The preservation of human life, the protection of real and personal property, to provide basic life support, advanced First Aid, and patient care in emergency medical situations, to respond to calls for public service, to provide assistance in time of need. Everyone Goes Home.

after the public input time of the public hearing will become part of the file documents, but will not become part of the record unless the public input time is reopened. You may submit written comments to the Mariposa County Fire Department at P.O. Box 162, Mariposa, CA 95338. Comments may also be submitted by e-mail to dflorence@mariposacounty.org or sent via FAX to (209) 966-0252.

If you have any questions about the Local Hazard Mitigation Plan or the public hearing, please contact the Mariposa County Fire Department, (209) 966-4330. E-mail may be sent to **Don Florence, Emergency Planner** at dflorence@mariposacounty.org. You may also drop by the County Fire Department offices at 5082 Bullion Street, Mariposa to review available information, discuss the project or submit comments.

Board of Supervisors Hearing: Listed below are the specifics of the Board hearing on this matter:

Hearing Date: **Tuesday January 22, 2012.** At the hearing, the Board will consider adoption of a resolution with findings approving the Mariposa County Local Hazard Mitigation Plan (June 2011 version), finding the project is exempt from environmental review.

Hearing Time: 9:00 a.m. or as soon thereafter as possible.

Hearing Location: Mariposa County Government Center (upper floor)
5100 Bullion Street, Mariposa California

It is anticipated that the Board will take final testimony on the County Local Hazard Mitigation Plan. Please be advised that any concerns or issues relating to the project must be raised during the public review process described in this notice if those issues are to be used for the basis of a future court challenge. If you challenge the final action of the Board of Supervisors on the June 2011 version of the Local Hazard Mitigation Plan in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. A staff report will be available for review approximately 10 days prior to scheduled public hearing date. The Staff Report will be available from the Fire Department, or on-line at:

www.mariposacounty.org/fire

Posting Locations:	Mariposa County Clerk's Office Mariposa County Courthouse Mariposa County Planning Department Mariposa Post Office Yosemite Valley Post Office Midpines Post Office Catheys Valley Post Office Fish Camp Post Office Hornitos Post Office	El Portal Post Office Wawona Post Office Greeley Hill Market Woodland Gas Food and Liquor Bootjack Store Lushmeadows Store Lake Don Pedro Market Yosemite Scenic Wonders www.mariposacounty.org/fire
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Posting Date: December 12, 2012 (mailed out December 11, 2012)
Leave Posted Until: 5:00 p.m. January 23, 2013



MARIPOSA COUNTY FIRE DEPARTMENT

JIM WILSON, FIRE CHIEF

JIM MIDDLETON, DEPUTY FIRE CHIEF

5082 BULLION STREET • POST OFFICE BOX 162 • MARIPOSA, CALIFORNIA 95338

(209) 966-4330 • FAX (209) 966-0252

www.mariposacounty.org/fire

NOTICE OF AVAILABILITY & BOARD OF SUPERVISORS PUBLIC HEARING

**Tuesday, January 22, 2013 – BEGINNING AT 9:00 A.M. OR
SOON THEREAFTER**

Public Hearing to Consider the Mariposa County Local Hazard Mitigation Plan, County of Mariposa proponent. The Mariposa County Board of Supervisors will conduct a final review of the Mariposa County Local Hazard Mitigation Plan (Public Draft Plan June 2011) final draft. The Board will consider a Notice of Exemption for the project. The purpose of the plan is to reduce or eliminate long term risk to people and property from natural hazards. The plan has been prepared to meet the Disaster Mitigation Act of 2000 (DMA 2000) requirements in order to maintain Mariposa County's eligibility for FEMA Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Programs (HMGP). The plan is based on a hazard identification and risk assessment of all potential natural hazards that could impact Mariposa County. The plan also includes a review of the County's current capabilities with regards to reducing hazard impacts. The plan includes recommended additional action items for the County and its jurisdictions to reduce their vulnerability to potential disasters. The plan had input from the Hazard Mitigation Planning Committee (HMPC) comprised of key County and stakeholder representatives. The planning process examined the recorded history of losses resulting in natural hazards, and analyzed future risks posed to the County by these hazards. The greatest risk and vulnerability to the County is associated with wildfires and winter storms. The HMPC puts forth several mitigation goals and objectives that are based on the results of the risk management. The plan also puts forth specific recommendations for actions that can mitigate future disaster losses. At the hearing, the Board will consider adoption of a resolution with findings approving the Mariposa County Local Hazard Mitigation Plan (June 2011 version), finding the project is exempt from environmental review.

Notice of Availability: The public is invited to review and comment on the Mariposa County Local Hazard Mitigation Plan during the formal 30-day public review period which starts on Thursday, December 13, 2012 and ends at 5:00 p.m. on Friday, January 11, 2013. Copies of the Mariposa County Local Hazard Mitigation Plan can be obtained from the Mariposa County Fire Department located at 5082 Bullion Street in Mariposa or you can view the document online at www.mariposacounty.org/fire. Public comments need to be formally submitted to the Mariposa County Fire Department, P.O. Box 162, Mariposa, CA 95338 by 5:00 p.m. on Friday, January 11, 2013 in order to be included in the staff report packet for the Board of Supervisor's public hearing. Public comments submitted to County Fire Department directly to the Board of Supervisors after this date and up to the public input portion of the public hearing will still be considered by the Board of Supervisors. For more information regarding the public hearing please contact **Don Florence, Emergency Planner**, by telephone at (209) 742-1306, via e-mail at dflorence@mariposacounty.org or by visiting the Mariposa County Fire Department located at 5082 Bullion Street in Mariposa.

For the applications above, unless otherwise noted, the Board of Supervisors will consider an environmental determination (mitigated negative declaration, negative declaration, or exemption) & project approval, conditional approval or denial.

IMPORTANT INFORMATION ABOUT PUBLIC HEARINGS: All interested persons are invited to attend public hearings & provide input on projects. Written comments may be made & submitted any time during the public review period up to, & including, the public input portion of the public hearing time. Letters or written comments submitted after the public input time of the public hearing become part of the file documents, but will not become part of the record unless the public input time is reopened. If you challenge the planning related actions described in this notice in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Mariposa County Fire Department at, or prior to, the public hearing. Unless otherwise noted, public hearings are conducted in the Mariposa County Government Center, Board Chambers, 5100 Bullion Street, Mariposa, CA. If special arrangements are needed for your participation in a meeting or if you are hearing or visually impaired, please call us 48 hours before a meeting to make arrangements to accommodate you. Copies of all public documents are available for review during office hours.

Mariposa County Fire Mission Statement

The mission of Mariposa County Fire Department is: The preservation of human life, the protection of real and personal property, to provide basic life support, advanced First Aid, and patient care in emergency medical situations, to respond to calls for public service, to provide assistance in time of need. Everyone Goes Home.

**MARIPOSA COUNTY
NOTICE OF EXEMPTION**

**TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338**

**FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338**

Project Title: Mariposa County Local Hazard Mitigation Plan

Project Location: Countywide

Description

of Project: The Mariposa County Local Hazard Mitigation Plan (Public Draft Plan June 2011/final draft) will reduce or eliminate long-term risk to people and property from natural hazards. The plan has been prepared to meet the Disaster Mitigation Act of 2000 (DMA 2000) requirements in order to maintain Mariposa County's eligibility for FEMA Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Programs (HMGP). The plan is based on a hazard identification and risk assessment of all potential natural hazards that could impact Mariposa County. The plan also includes a review of the County's current capabilities with regards to reducing hazard impacts. The plan includes recommended additional action items for the County and its jurisdictions to reduce their vulnerability to potential disasters. Development of the plan was based on input from the Hazard Mitigation Planning Committee (HMPC) comprised of key County and stakeholder representatives. The planning process examined the recorded history of losses resulting in natural hazards, and analyzed the future risks posed to the County by these hazards. The greatest risk and vulnerability to the County are associated with wildfires and winter storms. The HMPC recommended several mitigation goals and objectives that were included in the plan that is based on the results of the risk management. The plan also includes recommended actions that can mitigate future disaster losses.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person (Applicant) Carrying Out Project: Mariposa County

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. Type and section number:
- Statutory Exemption. Type and section number:
- General Rule Exemption; Section 15061 (b) (3), CEQA Guidelines

Reason Why Project Is Exempt

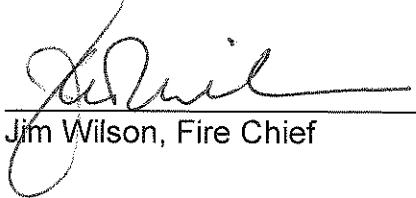
Adoption of a Local Hazard Mitigation Plan is not an action that is subject to environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, because it can be seen with certainty that there is no possibility that the adoption of the plan may have a significant impact on the environment. The Local Hazard Mitigation Plan, in and of itself, has no potential to cause significant impact to the environment because it is a planning study that does not authorize, implement or fund any specific projects. Any specific mitigation projects will be subject to independent environmental review prior to their implementation.

Lead Agency Contact Person:

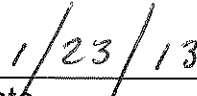
Don Florence, Emergency Planner

Phone Number:

(209) 742-1306



Jim Wilson, Fire Chief



Date