

# MARIPOSA COUNTY

Sheriff's Office • (209) 966-3615



## **RESOLUTION - ACTION REQUESTED 2016-59**

MEETING: February 2, 2016

TO: The Board of Supervisors

**MINUTE ORDER ATTACHED**

FROM: Doug Binnewies, Sheriff-Coroner-Public Administrator

RE: Authorize CAO to Apply for Funds to Provide Emergency Tree Mortality Response

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### **RECOMMENDATION AND JUSTIFICATION:**

Approve the Project Application for the California Disaster Assistance Act (CDAA) Program for Funds to Provide Emergency Tree Mortality Response; and Authorize the County Administrative Officer to Sign the Project Application. The Fire Department / Office of Emergency Services (OES) is recommending authorizing the application for CDAA funding.

Due to the extreme effects of drought in our county the Mariposa County Board of Supervisors proclaimed a Local State of Emergency in February 2014 and has renewed it every 30 days as required by the California Emergency Services Act. In addition to this action the Board of Supervisors proclaimed a Local State of Emergency on September 15, 2015, for the extreme danger posed by Tree Mortality.

On October 8, 2015, a Tree Mortality Committee was formed which is made up of key county public safety officials, other agencies and public representatives. Five meetings have taken place and recommendations and findings will soon be forwarded to the Board of Supervisors.

Governor Brown Proclaimed a State of Emergency posed by the tree mortality on October 30, 2015. This action specified 18 Executive Orders which gave direction for Local and State agencies to pursue immediate mitigation action. Six counties were indicated in this Executive Order and Mariposa County is one of them.

Mariposa County Officials along with CAL FIRE and other partners have identified possible approaches to deal with the immediate crises posed by the dead or dying trees in our area. These approaches will consist of a layered response first focusing on public right-of-ways and threat to public right-of-ways and public infrastructures. Further response will be considered as the County working cooperatively with State agencies and other organizations develop a cohesive plan to bring to the Board for approval and possible implementation.

Three County Officials sit on State Tree Mortality Task Groups ensuring the most current information comes to Mariposa County in addition to conveying the needs of

the County in mitigating the hazards to the community caused by the rapid tree die off.

Applying does not commit the County to spending. A detailed plan will be brought to the Board for approval if the application is authorized.

High Hazard zones for wildfire and falling trees are the focus for mitigation. Those zones are focused on public safety and require identification of communities, power lines, roads and other critical infrastructure in high tree mortality areas. Removal of dead trees in those zones can be paid for by CDAA funding with a 25% match by the County.

The majority of work is anticipated to be supervised and/or conducted by the Mariposa County Public Works Department.

If the Board supports pursuing the CDAA funding today, and the County is successful in an approved CDAA Application, a detailed plan will be brought back to the Board for review, direction and approval prior to any implementation.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The County has pursued CDAA funding in the past for emergency situations. Most recently in dealing with the drought emergency, where the County was able to contract with Self Help Enterprises (SHE) to offer potable water solutions to citizens who qualified for assistance and whose well has gone dry. The CDAA funding program has proven to be quite stable.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Do approve the CDAA Application. The County will be unable to receive reimbursement for any qualifying expenditures related to mitigating the tree mortality emergency.

**FINANCIAL IMPACT:**

**CDAA is a 75% reimbursement program. The County would be responsible for 25% of approved costs.**

**ATTACHMENTS:**

**003-Cal OES126 CDAA Application Tree Mortality (PDF)**  
**Hazard Tree Removal Plan CDAA (v2) (DOCX)**  
**CDAA Tree Mortality Letter OES 2016 (DOCX)**  
**Res 2015-446 (PDF)**

**CAO RECOMMENDATION**

Requested Action Recommended

*Mary Hodson*  
Mary Hodson, CAO 1/27/2016

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**MOVER:** Rosemarie Smallcombe, District I Supervisor

**SECONDER:** Kevin Cann, District IV Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Carrier



# COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



**JOHN CARRIER, CHAIR**  
**MARSHALL LONG, VICE-CHAIR**  
**ROSEMARIE SMALLCOMBE**  
**MERLIN JONES**  
**KEVIN CANN**

**DISTRICT V**  
**DISTRICT III**  
**DISTRICT I**  
**DISTRICT II**  
**DISTRICT IV**

## MARIPOSA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

TO: DOUG BINNEWIES, Sheriff/Coroner/Public Administrator/ Interim Fire Chief  
FROM: TRACY GAUTHIER, Deputy Clerk of the Board *AG*  
SUBJECT: Approve the Project Application for the California Disaster Assistance Act (CDAA) Program for Funds to Provide Emergency Tree Mortality Response; and Authorize the County Administrative Officer to Sign the Project Application

The following direction was given by the Mariposa County Board of Supervisors on **February 2, 2016**:

**CA8. Sheriff's Office RES-2016-59**

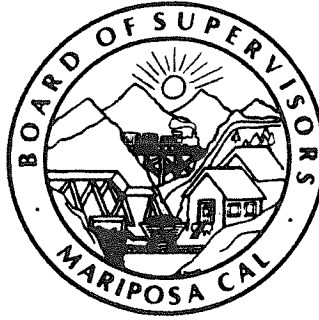
Approve the Project Application for the California Disaster Assistance Act (CDAA) Program for Funds to Provide Emergency Tree Mortality Response; and Authorize the County Administrative Officer to Sign the Project Application

**AMENDMENT: CA8: add "to" in the second sentence of the second paragraph of the letter; and in the second sentence of the last paragraph add: "additionally a local Tree Mortality committee, that includes County, State, and Federal representatives as well as non-Government stake holders will assist in the development of the plan."**

**DIRECTION: Doug Binnewies/Mariposa County Sheriff-Coroner-Public Administrator-Interim Fire Chief to research the definition of "public infrastructure."**

# Mariposa County Board of Supervisors

District 1 ... ROSEMARIE SMALLCOMBE  
District 2 ..... MERLIN JONES  
District 3 ..... MARSHALL LONG  
District 4 ..... KEVIN CANN  
District 5 ..... JOHN CARRIER



MARY HODSON  
County Administrative Officer

RENE LAROCHE  
Clerk of the Board

P. O. Box 784  
Mariposa, CA 95338  
(209) 966-3222  
(800) 736-1252

Fax (209) 966-5147  
[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

February 2, 2016

Mr. David Gillings  
Public Assistance Office  
California Governor's Officer of Emergency Services  
3650 Schriever Avenue  
Mather, California 95655

RE: Application for California Disaster Assistance Act – Tree Mortality

Dear Mr. Gillings:

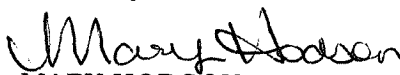
On September 15, 2015, the Mariposa County Board of Supervisors adopted Resolution 2015-446 proclaiming a Local State of Emergency due to pervasive tree mortality. This proclamation has been renewed every 30 days as required by California Emergency Services Act, Article 14. Of primary concern are public safety, damage to public infrastructure, and the disruption of essential services (utilities, communications, roads) due to falling trees. Of equal concern is the threat of a catastrophic wildland fire due to the sheer number of dead and dying trees.

The Governor's October 30, 2015, Executive Order approving the California Disaster Assistance Act (CDAA) offers local governments the opportunity to begin responding to the tree mortality emergency that threatens the safety of Mariposa County citizens. As requested, the original hardcopy of Mariposa County's CDAA application is attached for your records.

The Mariposa County Office of Emergency Services (OES) is in the process of designating a tree mortality response plan, taking into consideration the coordination and partnerships outlined in the Governor's Proclamation. Additionally, a local Tree Mortality Committee that includes county, state, and federal representatives, as well as non-government stakeholders, will assist in the development of the plan.

Please contact me if you have any questions or concerns.

Sincerely,

  
MARY HODSON  
County Administrative Officer

cc: Patti Tran, Cal OES  
Eric Lamoureux, Cal OES



**Cal E·M·A**  
CALIFORNIA EMERGENCY  
MANAGEMENT AGENCY

*For Internal Use Only*

Cal EMA Application #: \_\_\_\_\_  
Disaster No #: \_\_\_\_\_  
DUNS #: \_\_\_\_\_

*(our original)*

**PROJECT APPLICATION**  
**CALIFORNIA DISASTER ASSISTANCE ACT PROGRAM**

**1. APPLICANT'S NAME AND ADDRESS**

APPLICANT: Mariposa County  
ADDRESS: 5100 Bullion Street  
CITY & ZIP: Mariposa, Ca. 95338  
PHONE: 209-966-3222

**2. APPLICANT'S AUTHORIZED AGENT**  
(Attach Resolution of Designation unless an accurate "universal" resolution is on file.)

NAME: Mary Hodson  
TITLE: County Administrative Officer  
ADDRESS: 5100 Bullion Street  
CITY & ZIP: Mariposa, Ca. 95338  
PHONE: 209-966-3222  
FACSIMILE: 209-966-5147  
E-MAIL: mhodson@mariposacounty.org

**3. PROJECT SUMMARY – Attach a List of Projects as defined in Title 19 of the California Code of Regulations, Section 2970(a)(4).**

**ASSURANCES AND AGREEMENTS**

- A. The applicant certifies (to the best of his knowledge and belief) the disaster relief work herein described for which state financial assistance is requested, is eligible in accordance with the criteria contained in the Disaster Assistance Act (Government Code, Section 8680 et seq).
- B. The applicant is the legal entity responsible under law for the performance of the work detailed and accepts such responsibility.
- C. The applicant certifies that the disaster relief work herein described for which state assistance is requested hereunder, does not or will not duplicate benefits received for the same loss from another source.
- D. The applicant certifies that they have undertaken to recover maximum federal participation in funding street and highway project and public facility projects.
- E. The applicant certifies that all information given herein is to the best of its knowledge and belief, true and correct.
- F. The applicant agrees to (1) provide without cost to the state all lands, easements, and rights-of-way necessary for accomplishment of the approved work and  
(2) The applicant agrees to hold and save the State of California, its officers, agents and employees free from damages due to the approved work.
- G. (1) The applicant agrees to comply with Section 3700 of the Labor Code, which requires every employee to be insured against liability for Workmen's Compensation, or to undertake self insurance in accordance with provisions of the code; and will comply with such provisions before commencing the performance of the work.  
(2) The applicant agrees to comply with the Fair Practices Act in connection with the performance of work under this agreement wherein it agrees it will not willfully discriminate against any employee or applicant for employment because of race, color, religion, ancestry, sex, age or national origin; and it agrees to take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, ancestry, sex, age or national origin, and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

**PROJECT APPLICATION**  
**CALIFORNIA DISASTER ASSISTANCE ACT PROGRAM**

(3) If any real property or structure thereon is provided or improved with the aid of the state financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of such property, any transferee for the period during which the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the applicant for the period during which the state financial assistance is extended to it by the agency.

(4) This assurance is given in consideration of, and for the purpose of obtaining any and all state grants, loans, reimbursement, advances, contracts, property, discount, or other state financial assistance extended after the date hereon to the applicant. The applicant recognizes and agrees that such state financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the state shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees and assignees, and a person or persons whose signatures appear on this form, or is authorized to sign this assurance on behalf of the applicant.

- H. The applicant certifies that all financial assistance received under this application will be, or has been, expended in accordance with applicable laws and regulations. The applicant certifies that any work performed by a state agency at their request shall be agreed upon in writing and be subject to the State Contract Act. The applicant certifies that the work performed, or to be performed, is in accordance with the state and local laws governing the performance of such work.
- I. The applicant certifies compliance with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
- J. The applicant certifies that on contracts involving expenditures in excess of \$25,000, it obtained from the contractor a payment bond in accordance with Sections 3247 through 3252 of the Civil Code.
- K. **BY ACCEPTING THESE FUNDS, THE APPLICANT IS NOT FORFEITING ANY RIGHTS WHATSOEVER, INCLUDING THE RIGHT TO A FAIR HEARING.**

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**4. SIGNATURE OF APPLICANT'S AUTHORIZED AGENT**

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by the above named subgrantee to enter into this agreement for and on behalf of the said subgrantee, and by my signature do bind the subgrantee to the terms thereof."

SIGNATURE: Mary Hobson                      DATE: 2-3-16  
TITLE: County Administrative Officer

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**5. Cal EMA APPROVAL**

SIGNATURE: \_\_\_\_\_                      DATE APPROVED: \_\_\_\_\_  
TITLE: \_\_\_\_\_

## **Hazard Tree Removal on County Owned and Maintained Properties**

The County of Mariposa has been in the process of identifying and removing dead and dying trees due to drought and bark beetle infestation. This process continues as the number of hazard trees has greatly increased. Public safety and continuity of essential services (power, water, communications, roads, etc.) are of primary concern. Therefore, County resources will be focused on the following areas:

- Roads
- County facilities
- Major County infrastructure

Mariposa County will assess all County owned and maintained infrastructure for dead and/or dying trees due to drought and bark beetle infestation within 200 feet of infrastructure. Registered Professional Foresters (and/or licensed Arborists) will inspect and designate trees for removal. Visually dead trees (brown from top to bottom) will be marked and pictures taken to document mortality. A GIS mapping system is being developed utilizing GPS locators.

The Public Works Department along with Cal FIRE are assessing all County roads which will be prioritized and categorized as outlined below:

- Priority 1 – Major Collectors
- Priority 2 – Minor Collectors
- Priority 3 – Local Collectors

Only roads in pine belts will be assessed at this time (2,000 -7,000 feet in elevation).

### **Project Area Defined**

Through a collaborative effort with Cal FIRE a defined project map has been created. This map specifies 12 high hazard areas in 12 communities with combined treatment acreage of 42,000 acres and just over 46 thousand dead or dying trees. Only areas within 200 feet of the public right of way and critical community infrastructure, and or the 1,000 feet community buffer will be included for removal. Additional treatment areas will be examined for federal evaluation and mitigation decisions. Maps of each project area are available upon request.



## **Removal and Disposal of Trees, Slash and Wood Products**

Removal and disposal of wood products is one of the most difficult aspects of the hazard tree removal process as resources are very limited. However, there are several tools available locally to assist in the removal of trees and slash.

- Local tree services
- Private mills
- Cal FIRE slash removal equipment (masticators, air curtain burners)
- Cal FIRE Mt Bullion Camp Crews
- Mariposa County Fire Safe Council (chipping)

Currently the County has no facilities to accept wood products.

Per the Governor's October 30, 2015, Executive Order, County staff is working with Cal OES and Cal FIRE to identify equipment that will aid in the disposal of the wood product such as commercial chippers, tub grinders, masticators, and air curtain burners. The County is in the process of developing a request to Cal OES and/or Cal FIRE to purchase an air curtain burner to dispose of slash, small trees, limbs, branches, and pine needles. A location will be designated to bring slash and other wood products in which local inmate crews will maintain the site and feed the wood products into the air curtain burner.

Cal FIRE is working on compiling a list of storage locations for removed trees and CalTrans is assessing their need for woodchips and mulch that can be used locally.

The County is also in the process of developing contracts with local companies who specialize in all aspects of tree removal, inclusive of consulting on process, site management of sites designated to receive wood product, and rental of equipment. Meetings have been scheduled with local tree removal companies and haulers to determine the capacity for potential contracts.

County has notified the Governors Resources Task Group of immediate equipment needs to expedite removal of tree waste.

### **Inmate Crews**

County staff has met with Cal FIRE representatives in an effort to contract for the use of their inmate crews. These crews offer a cost effective manner in which to provide labor for removing small trees, limbing trees that have been felled, bucking up logs, debris clean up, and feeding chippers and air curtain burners.

## **Private Property**

Hazard trees located on private property that threaten public right of way or public infrastructure, will be assessed and removed with landowner approval only (right of entry permit to be developed at a future date). The private property element of this plan is only for future potential mitigation action and is not included in any way with this current plan being forwarded to Cal OES. In the future, if the permit is instituted, landowners will allow access and entry on their property to the State of California, the County of Mariposa, and their agents, officials, employees, and/or volunteers, contractors and subcontractors, for the purpose of inspecting and the removal/disposal of dead and/or dying trees. Property owners will also agree and understand that the County and/or its agents may sell the felled trees and hereby waives any and all right, actions and claims in law or equity as to the value of the said trees in exchange for the services provided pursuant to the Permit. The County may request reimbursement from Cal OES for the removal of trees from private property that potentially threaten the public right of way or public infrastructure.

## **Potential Revenues Generated by Wood Products**

Any revenues generated from the sale of wood products may be used to offset the local match of 25-percent or to offset the claim to Cal OES for California Disaster Assistance Act (CDAA) reimbursement. This revenue could be outlined in the right of entry permit which provides that any and all revenues generated from wood products salvaged from private property would be waived, by the landowners, in exchange for the services provided pursuant to the permit signed by the landowners.

Produced By:  
Don Florence  
Mariposa County OES  
January 22<sup>nd</sup> 2016