



## CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

<b>Short Name/Subject</b> Declaration of Local State of Emergency	<b>Board Meeting Date</b> August 14, 2018	<b>Agenda Number</b> <b>17</b>
<b>Dept:</b> Administrative Office <b>Contact:</b> Tim Lutz <b>Phone:</b> 209/754-6025	<b>Supervisory District Number</b> District 2	Consent Agenda
<b>Published Notice Required?</b> No <b>Public Hearing Required?</b> No		<b>Estimated Time:</b> 0
<b>Type of Document?</b> Resolution <b>PowerPoint Presentation Included?</b> No <b>Budget Transfer Included (Must be signed by Auditor)?</b> No <b>Complete Agreement Required?</b> No <b>Position Allocation Change?</b> No		

**RECOMMENDATION:**

Adopt a Resolution continuing a Local State of Emergency for the removal of hazardous trees caused by the Butte Fire with the imminent threat of severe winter weather.

**DISCUSSION/SUMMARY:**

The Butte Fire started on September 9, 2015, and burned over 70,000 acres in Amador and Calaveras County before being fully contained on October 1, 2015. As a result, the fire killed or mortally injured over 8,800 trees along or adjacent to the County owned and maintained roads. In a Special Meeting held on September 10, 2015, the Board of Supervisors approved Resolution No. 1694 declaring a local state of emergency to allow an expeditious response to the fire. This Resolution has continued to be reviewed and approved by the Board of Supervisors every 14 days as prescribed by State law.

The County roads in the burn area consist of narrow roadways in step terrain making it unfeasible for multiple recovery operations to safely occupy the roads simultaneously in the immediate aftermath of the fire. The order of priority was to provide for the utility restoration to the burn area and debris removal from burned structures to be completed before the hazardous tree removal could begin. This allowed for a safer and more efficient operation for these recovery elements, however it caused considerable delay to the hazardous tree removal operation. The structure debris removal operations were completed in June of 2016, and the utility restoration and debris removal along utility corridors was completed in the spring of 2016.

The California Office of Emergency Services (Cal-OES) administers the Federal Emergency Management Agency (FEMA) Public Assistance program which provides funding to remove and mitigate the dead or dying hazardous trees along the County roads. The County has applied for funding assistance and has been working with the Cal-OES and FEMA to meet the program requirements to allow the removal of the hazardous trees.

On June 14, 2016, the County entered into an Agreement with Tetra Tech Inc. to provide arboricultural, debris monitoring, and insurance recovery services relating to the hazardous tree removal program. Since contract award Tetra Tech, has identified and marked nearly 2100 hazardous trees on the County road Rights-of-way and over 6,300 hazardous trees on private property along the Rights-of-way. It is estimated that there are another 400 trees on private parcels that have not provided the County with a signed Right-of-Entry to allow the evaluation of

trees burned by the Butte Fire. It is estimated that the number of hazard trees killed by this event on or adjacent to the County roads is over 8,800 trees.

On August 2, 2016, the County entered into an Agreement with Philips & Jordan Inc. to remove and mitigate the hazardous trees. On July 20, 2016, the County completed a CEQA Categorical Exemption for hazardous tree removal. To date, the hazardous tree removal project has not commenced due to the lack of a National Environmental Policy Act (NEPA) determination.

Since early July of 2016, County staff has been working with Cal-OES and FEMA to assist FEMA with the preparation of the NEPA determination. This resulted in information being submitted by FEMA to the resource agencies in late August 2016. The County was unaware that there were inaccuracies with respect to the number of hazardous trees used in the consultation request in the initial submittal by FEMA. FEMA determined that a correction would require the project to move from the informal to a formal consultation, which requires 90 days to complete. Tree removal could not begin until late January to early February of 2017.

The hazardous trees resulting from the Butte Fire have created the following emergency conditions:

1. Standing dead and dying trees are located adjacent to County maintained roadways.
2. The stability of dead and dying trees is compromised by the project delays.
3. The stability of dead and dying trees may be further compromised by weather conditions including: wind, rain and saturated soils.

On October 18, 2016, November 8, 2016, November 22, 2016, December 13, 2016, December 27, 2016, January 10, 2017, January 24, 2017, February 14, 2017, February 28, 2017, March 14, 2017, March 28, 2017, April 11, 2017, April 25, 2017, May 9, 2017, May 23, 2017, May 30, 2017, June 13, 2017, June 27, 2017, July 11, 2017, July 25, 2017, August 8, 2017, August 22, 2017, August 29, 2017, September 12, 2017, September 26, 2017, October 10, 2017, October 24, 2017, November 14, 2017, December 5, 2017, December 19, 2017, January 9, 2018, January 23, 2018, February 13, 2018, February 27, 2018, March 13, 2018, March 27, 2018, April 10, 2018, April 24, 2018, May 8, 2018, May 22, 2018, June 12, 2018, June 26, 2018, July 10, 2018 and July 24, 2018, the Board of Supervisors adopted the State of Emergency for Calaveras County for the removal of hazardous trees caused by the Butte Fire with the imminent threat of severe winter weather.

**FINANCING:**

None

**ALTERNATIVES:**

The Board could chose not to declare that the hazardous trees pose a danger to the public. This is not recommended as this would create a significant delay to the hazardous tree removal program and additional expense to the affected property owners.

The County may then be responsible for removing hazardous trees on the County Road Rights-of-way and private property owners would be responsible to remove trees that pose a hazard to the traveling public at their expense.

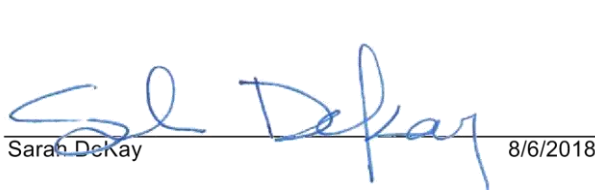
The estimated cost for identification and removal:

- County Rights-of-way – 2278 trees @ \$1400/tree = \$3,360,000
- Private Property – 6550 trees @ \$1400/tree = \$9,170,000

**APPROVED BY:**

  
Christa Vol Latta, Deputy CAO 8/6/2018

  
Tim Lutz, County Administrative Officer 8/6/2018

  
Sarah DeKay 8/6/2018

  
Diane Beverud, Deputy Clerk of the Board of Supervisors 8/6/2018

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS  
STATE OF CALIFORNIA  
August 14, 2018

Resolution  
No. (ID # 3872)

**RESOLUTION DECLARING A LOCAL STATE OF  
EMERGENCY FOR THE REMOVAL OF HAZARDOUS TREES  
CAUSED BY THE BUTTE FIRE WITH THE IMMINENT  
THREAT OF SEVERE WINTER WEATHER**

**WHEREAS**, on September 10, 2015, the County of Calaveras found that, due to the Butte Fire, a condition of extreme peril to life and property does currently exist in Calaveras County during the period beginning on September 9, 2015; and,

**WHEREAS**, the Butte Fire killed or mortally injured trees that are located within or adjacent to the County owned and maintained Rights-of-Way; and,

**WHEREAS**, delays to the hazardous tree removal program that are beyond the control of the County have occurred, thus subjecting the traveling public to an imminent threat from falling trees or limbs due to severe weather during the upcoming winter weather season; and,

**WHEREAS**, section 2.72.060 of the Calaveras County Code empowers the Board of Supervisors to proclaim the existence or threatened existence of a local emergency when said County is affected or likely to be affected by a public calamity; and,

**WHEREAS**, pursuant to section 2.72.010 et. seq. of the Calaveras County Code, the Director of Emergency Services has proclaimed a Local State of Emergency throughout Calaveras County; and,

**WHEREAS**, the Chair of the Board of Supervisors is the Director of Emergency Services in Calaveras County; and,

**WHEREAS**, the Calaveras County Director of Emergency Services does believe that these conditions are and will be present, the Board of Supervisors does desire to ratify the proclamation of the existence of a Local Emergency.

**WHEREAS**, on October 18, 2016, November 8, 2016, November 22, 2016, December 13, 2016, December 27, 2016, January 10, 2017, January 24, 2017, February 14, 2017, February 28, 2017, March 14, 2017, March 28, 2017, April 11, 2017, April 25, 2017, May 9, 2017, May 23, 2017, May 30, 2017, June 13, 2017, June 27, 2017, July 11, 2017, July 25, 2017, August 8, 2017, August 22, 2017, August 29, 2017, September 12, 2017, September 26, 2017, October 10, 2017, October 24, 2017, November 14, 2017, December 5, 2017, December 19, 2017, January 9, 2018, January 23, 2018, February 13, 2018, March 13, 2018, March 27, 2018, April 10, 2018, April 24, 2018, May 8, 2018, May 22, 2018, June 12, 2018, June 26, 2018, July 10, 2018 and July 24, 2018, the Board of Supervisors established the State of Emergency for the removal of hazardous trees caused by the Butte Fire with the imminent threat of severe winter weather.

**THEREFORE BE IT RESOLVED** that the Calaveras County Board of Supervisors does hereby continue the State of Emergency for the removal of hazardous trees caused by the Butte Fire with the imminent threat of severe winter weather.

**BE IT FURTHER ORDERED** that a copy of this Resolution be forwarded to the State Director of the Office of Emergency Services.

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Chair

**ATTEST**

Rebecca Turner, Ex-Officio Clerk  
of the Board of Supervisors, County of Calaveras

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Deputy Clerk