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Title: County Counsel and the Chief Administrative Office are recommending that the Board:
1) Approve the format of the Right of Entry Permit and attachment documents for the tree mortality operations in El Dorado County; and
2) Authorize the Chief Administrative Officer, or designee, to sign the Right of Entry Permits on behalf of the County once the signed Right of Entry Permits are received from the homeowners affected by tree mortality.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Blue Route for Right of Entry - Tree Mortality 12-13-16, 2. B - Tree Mortality Right of Entry Permit 12-13-16, 3. C - Right of Entry Attachment - Letter to the Public that Goes with Right of Entry 12-13-16, 4. D - Tree Removal FAQ BOS 12-13-16

Date	Ver.	Action By	Action	Result
12/13/2016	1	Board of Supervisors	Approved	Pass

County Counsel and the Chief Administrative Office are recommending that the Board:
1) Approve the format of the Right of Entry Permit and attachment documents for the tree mortality operations in El Dorado County; and
2) Authorize the Chief Administrative Officer, or designee, to sign the Right of Entry Permits on behalf of the County once the signed Right of Entry Permits are received from the homeowners affected by tree mortality.

DEPARTMENT RECOMMENDATION

County Counsel and the Chief Administrative Office recommend that the Board approve the format of the Right of Entry Permit and attachment documents and authorize the Chief Administrative Officer to sign the Right of Entry Permits on behalf of the County once the signed Right of Entry Permits are received from the homeowners affected by tree mortality.

DISCUSSION / BACKGROUND

On October 30, 2015, Governor Brown proclaimed a State of Emergency due to unprecedented tree mortality caused by conditions of extreme drought and drought-related bark beetle infestations. The Governor's Emergency Proclamation contains 18 distinct actions that direct state agencies, utilities and local governments to remove dead or dying trees in high hazard areas across the entire State of California.

On March 28, 2016, the El Dorado County Board of Supervisors declared a state of emergency due to pervasive tree mortality in El Dorado County.

Data collected by State and federal agencies demonstrates that drought conditions and bark beetle infestation have killed over 102 million trees in the State of California, and that tens of millions more

are likely to die over the next five to six years. Surveys conducted by the U.S. Forest Service in May estimate that new tree mortality (between October 2015 and May 2016) in El Dorado County has affected an estimated 177,000 conifer trees. Many of these trees are located in the Eldorado National Forest or on private land. However, some of these trees endanger County infrastructure (e.g., County roads and County buildings). In comparison, counties to the south of El Dorado County have had the following estimated number of dead conifer trees (between October 2015 and May 2016):

Tulare County - 8,100,000
Madera County - 3,800,000
Mariposa County - 3,200,000
Tuolumne County - 2,500,000
Kern County - 2,200,000

Acting alone, El Dorado County lacks the capacity and resources to address this expanding emergency that threatens County infrastructure. The Board's adoption of Resolution 053-2016 on March 28, 2016 enabled the County to start the process to seek State and possibly Federal funding and demonstrated the County's intent to partner with State, Federal, and local agencies and with private partners in order to immediately and effectively address tree mortality throughout the County.

On May 17, 2016, the Board of Supervisors approved the County's Tree Mortality Hazard Tree Removal Plan and allowed for the process of assessing the amount of dead trees that are threatening County maintained road infrastructure by transferring funds to the Community Development Agency to complete the count. The Facilities Division completed a dead tree count on County property that threatens County infrastructure.

Through the tree count, at the time, the County estimated that it had approximately 3,100 trees to remove that threaten county infrastructure (e.g., County roads or County buildings). Of the 3,100 trees that need removal, approximately 2,800 are threatening County roads and 300 are threatening County buildings and other infrastructure. These numbers are just estimates of the number of dead and diseased trees to be removed due to the threat to County-owned infrastructure. The number of dead and diseased trees has increased over the summer and fall and new tree count numbers will be available soon. It is important to note that trees marked for actual removal under California Disaster Assistance Act (CDAA) funding must be verified by Registered Professional Foresters (RPFs) or Certified Arborists.

On August 2, 2016 (agenda item 33), the Board of Supervisors authorized the Chair to sign the CDAA application and authorized the submittal of the application for funding related to the State's declared Tree Mortality emergency.

On September 2, 2016, the El Dorado County Sheriff's Department was notified by the Governor's Office of Emergency Services that the County was approved for CDAA funding.

On, September 8, 2016, the Procurement and Contracts Division, on behalf of the Chief Administrative Office, released Request for Proposal (RFP) No. 17-918-009, soliciting responses for tree mortality coordination services. Three responses were received which met the requirements of the RFP. The three responses were reviewed by a panel of four evaluators. Members of the panel represented the Health and Human Services Agency, Community Development Agency, Chief Administrative Office, and the Office of District Four Supervisor Michael Ranalli. A consensus meeting was convened which identified Black Fox Timber Management Group Inc. as the highest

scoring proposal, scoring 397 out of a possible 448 points. The proposals not selected scored 297, and 332 out of a possible 448.

On November 15, 2016, the Board of Supervisors approved a contract for tree mortality project coordinator services with Black Fox Timber Management Group. Black Fox staff is working with County staff to begin the public outreach process. Part of the process is getting members of the public to sign a Right of Entry Permit so Black Fox Timber Management Group and County staff can enter on private property to confirm which trees are dead or dying. Without a signed Right of Entry Permit, Black Fox Timber Management and County staff cannot enter on private property that contains dead and dying trees that endanger County infrastructure.

ALTERNATIVES

Should the Board decline to approve the Right of Entry Permit then Black Fox Timber Management and County staff cannot enter on private property that contains dead and dying trees that endanger County infrastructure.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Community Development Agency

CAO RECOMMENDATION

It is recommended that the Board approve this item.

FINANCIAL IMPACT

There is no Net County Cost associated with this Agenda item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

- 1) Public Safety
- 2) Infrastructure
- 3) Health Communities

CONTACT

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