

COUNTY OF EL DORADO

Board of Supervisors

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GEORGE TURNBOO
SUPERVISOR, DISTRICT II

Congressman Kevin Kiley

3rd District of California
United States House of Representatives
1032 Longworth House Office Building
Washington, D.C. 20515

6538 Lonetree Blvd, Suite 200
Rocklin, CA 95765

Email: kevin@electkevinkiley.com

Subject: 2021 FEMA Caldor Fire in El Dorado County,
Request for Assistance Due to FEMA Denial
FEMA-46919-DR-CA
Project No. 660675 / Title: Private Property Debris Removal Road Damage

Dear Congressman Kiley,

The Caldor Wildfire caused widespread damage throughout El Dorado County (County) between August 14, 2021, and October 21, 2021 ("incident period"). On September 12, 2021, the President issued a major disaster declaration (FEMA 4619-DR-CA), which authorized the distribution of PA disaster funds for the area impacted by the wildfire.

The California Governor's Office of Emergency Services (Cal OES) served as the coordinating entity for disaster response and recovery for the State of California. After the incident period, Cal OES tasked the State of California Department of Resources, Recycling and Recovery (CalRecycle) with managing and conducting debris removal operations. CalRecycle contracted with a third party to perform debris clean -up work and hazardous tree removal within the county. The County was not a party to the CalRecycle's third-party contract.

The County requested FEMA reimbursement for the repair of 124 road sections (Facilities) located in the vicinity of Grizzly Flats and maintained by the County, plus additional sites along the Private Property Debris Removal (PPDFR) debris haul routes in El Dorado County, for a total of approximately 956,439 square feet (SF) of roads. However, FEMA denied the County for two primary reasons. One, the County did not have a role in carrying out PPDR operations because the claimed road damage occurred during Cal Recycle's performance of emergency work; essentially, FEMA claims the County should have billed CalRecycle for damages and not

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claimed them. And two, FEMA said the County did not provide documentation to support a finding that the work to repair the roads was a direct result of the disaster or of the emergency work that followed, and that the County overstated the damages (\$3,347,537).

The County responded to FEMA's denial that it had provided documentation of the pre- and post-debris removal conditions of the roads and provided cost estimates to FEMA, and that FEMA had performed two site inspections to assess the roads and document the damages in the field (PAPPG at 63-65), and that the County asserts that the damages were incurred as a result of eligible emergency work, incident-related, unavoidable, and was not due to improper or excessive use. The response also included pre- and post-PPDR video footage of claimed road damages and stated that the County had a legal responsibility for disaster-related restoration of the facility. It had a copy of the letter received from CalRecycle stating that "damage to roads or repair of damage to roads resulting from overall disaster response and recovery operations is not the responsibility of CalRecycle," which backs up the County's steps in filing a claim with FEMA. Furthermore, case law was cited in the response that would support the County's argument that it is eligible for reimbursement.

Finally, the County did concede that a "fair-share" contribution was reasonable and respectfully reduced the amount of reimbursement requested (\$ 1 ,562, 184).

The intent of this letter is to pursue support from your office to encourage FEMA to assist El Dorado County in recovering eligible expenses related to the Caldor Fire disaster.

If you have any questions, or need any further details, please contact our Director of Transportation, Rafael Martinez, at 530-621-7533, or Rafael.Martinez@edcgov.us. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Turnboo', with a stylized flourish at the end.

George Turnboo
District 2 Supervisor
County of El Dorado