August 9th, 2016

Ms. Sarah Williams
Planning Director
Mariposa County Planning Department
5100 Bullion Street
PO Box 2039
Mariposa, California 95338

Dear Recipient:

Golder Associates, Inc. (Golder) has prepared this request on behalf of Phillips and Jordan. Phillips and Jordan has been contracted by Pacific Gas and Electric (PG&E) for the removal of dead or dying trees from High Hazard Zone (HHZ) areas. Phillips and Jordan propose establishing a Temporary Debris Sorting and Reduction (TDSR) operation at approximately 3269 East Westfall Road within Mariposa County, California. The planned TDSR will operate approximately 18 months to 24 months. The land proposed for this operation includes Assessor’s Parcel Number 015-030-0110 near the intersection of Triangle Road and East Westfall Road. Phillips and Jordan are leasing this property from the landowner, Chris Stookey, to enable the TDSR operation as shown on the attached Figure 1. Mr. Stookey has provided documentation of his expressed consent for the proposed operation presented in Attachment 1.

Phillips and Jordan is requesting local agency approval for this operation pursuant to Governor Brown’s October 30, 2015 Emergency Proclamation for dead and dying tree removal.

1.0 INTRODUCTION

The TDSR will be an emergency transfer processing operation for wood debris from the removal of dead and dying trees from HHZ areas. This processing operation is necessary for the implementation of Governor Brown’s October 30, 2015 Emergency Proclamation for dead and dying tree removal (EP). The HHZ trees have been or will be felled within Pacific Gas and Electric (PG&E) rights of way consistent with approvals of the Department of Forestry and Fire Protection. As an emergency action and consistent with the Governor’s proclamation, we suggest that compliance with the California Environmental Quality Act (CEQA) can be accomplished through the use of a CEQA emergency exemption(s) and we are providing studies that verify the project would not have a significant effect on the environment. The EP and additional State regulatory guidance for implementing the EP and the suspension of CEQA are described in Section 4.0 below. Sections 2.0 and 3.0 below include descriptions of the TDSR process and planned site operations.

2.0 PROCESS DESCRIPTION

Wood debris removed from the PG&E rights of way within HHZ areas will arrive at the TDSR in self-loading grapple trucks or end dumps at the entrance from East Westfall Road as shown on the attached Figure 1. The estimated daily throughput of raw wood is 540 to 720 tons per day. Once onsite, the trucks will be directed to the scales where loads will be weighed. The trucks will then be directed to the raw wood storage area for unloading. After unloading, the trucks will exit the site through the same entrance road to East Westfall Road.

Raw wood and debris will be temporarily staged before sorting and chipping or hauling out whole logs (Figure 1). The amount of time that material will be stored on site will be limited to 48 hours or 7 days with approval of the Local Enforcement Agency (see section 4.3 below). The raw wood stockpile will most likely
be, at maximum, 100 yards long, 20 feet wide, 10 feet high, and in two parallel rows. Raw wood will be managed and moved using an 844 JD loader (or equivalent). The loader will transport selected whole logs to transport trucks and all other raw wood will be reduced using a Bandit model 3590 chipper (or equivalent). The chipper will be a drum masticator suited for high volume biomass producers and capable of processing a wide variety of feed material from logs up to 36 inches in diameter to brush and small feed stock. Chipper operation will be periodic as raw wood stockpile volumes fluctuate.

The loader will transport the chipped wood to the chip storage area. The chip stockpile will most likely be, at maximum, 150 feet in diameter and 20 feet high. The stockpile area will include provisions to control stormwater runoff consistent with a stormwater pollution prevention plan (SWPPP) to be prepared for the project (see Section 5.1). The loader will load chips onto hauling trucks with 100 cubic yard trailers that will transport the chips to a final reuse/disposal location. Chip hauling trucks will enter the site from East Westfall Road, be loaded at the chip stockpile area, directed to the scales for weighing and then exit through the same access road to East Westfall Road. Trackout controls will be implemented consistent with the SWPPP.

When not in use, equipment will be stored at the south end of the site as shown on Figure 1. Equipment will be serviced using a service truck that will hold bulk fuel and oil. Servicing will occur at the equipment storage area. Maintenance materials will be stored in a bulk tank and enclosed lube trailer also at the south end of the site. Although a Spill Prevention, Control, and Countermeasure (SPCC) plan is not required when aggregate oil storage is less than 1,320 gallons, spill prevention and control measures will be implemented (See Section 5.1). These measures will include storing oil in appropriate containers equipped with sufficient double containment, maintaining suitable spill kits near the oil storage area, and training personnel authorized to handle oil.

A water truck for dust control and fire suppression will be stationed centrally on the site. Water will be supplied through an onsite well shown in Figure 1.

The operation will include 4 to 6 onsite employees and the operating hours will be 8:00 AM to 5:00 PM Monday through Saturday. Due to the nature of the operation no activities will be conducted past dusk and therefore lighting will not be necessary.

3.0 ZONING AND SURROUNDING LAND USE

The property is located southeast of the intersection of Triangle Road and East Westfall Road. The proposed project site is approximately 10 acres of the 216-acre parcel (APN 015-030-011). The subject parcel is currently zoned as Mountain Home (MHZ), as shown on the Mariposa County’s Accessor’s Map book 15, page 30. The surrounding properties are of the same zoning. The proposed project site and surrounding areas are unimproved.

4.0 EMERGENCY PROCLAMATION

On October 30, 2015 Governor Jerry Brown issued an Emergency Proclamation (EP) to address the unprecedented tree mortality in many regions of California. The record drought conditions over the last four years has made trees susceptible to epidemic infestations of native bark beetles which are constrained under normal circumstances by the defense mechanisms of healthy trees. This die-off is of such scale that it worsens wildfire risk across large regions of the State, presents life safety risks from falling trees to Californians living in impacted rural, forested communities, and worsens the threat of erosion across watersheds.

As stated in the EP, the Governor finds that strict compliance with various statutes and regulations would prevent, hinder, or delay the mitigation of the effects of the die-off. The EP includes many directives to facilitate timely response to the state of emergency.
Directive 1 required the Department of forestry and Fire Protection (CALFIRE), The California Department of Transportation, and the California Energy Commission to identify areas of the State that represent HHZ for wildfire and falling trees. The resulting mapping identifies large HHZ in Mariposa County. (The map viewer can be accessed at: http://egis.fire.ca.gov/TreeMortalityViewer/)

Directive 2 provided CAL FIRE the authority to issue emergency guidelines that establish relevant criteria for removal of dead and dying trees from HHZs:

State agencies, utilities, and local governments to the extent required by their existing responsibilities to protect the public health and safety, shall undertake efforts to remove dead or dying trees in these high hazard zones that threaten power lines, roads and other evacuation corridors, critical community infrastructure, and other existing structures. Incidental vegetation such as shrubs that restrict access for safe and efficient removal of the dead and dying trees also may be removed. The Department of Forestry and Fire Protection shall issue emergency guidelines setting forth the relevant criteria, and the California Conservation Corps shall assist government entities in implementing this directive to the extent feasible.

A description of the applicable CAL FIRE guidelines are included in the following section.

**4.1 CALFIRE**

The Tree Mortality Task Force is comprised of state and federal agencies, local governments, utilities, and various stakeholders that will coordinate emergency protective actions, and monitor ongoing conditions to address the vast tree mortality resulting from four years of unprecedented drought and the resulting bark beetle infestations across large regions of the State. The Task Force is led by the Governor’s office, CALFIRE, and the Governor’s Office of Emergency Services (CAL OES). Member agencies include state and local entities that regulate activities associated with the response to the Governors EP or are impacted by the tree mortality. The members include Mariposa County. On March 1, 2016, The Tree Mortality Task Force issued Draft Guidelines for High Hazard Zone Tree Removal (guidelines). Accessible at: http://www.fire.ca.gov/treetaskforce/downloads/Draft_Tree_Removal_Guidelines_3-1-16.pdf

The guidelines describe the suspension of CEQA for purposes of carrying out Directives of the EP including Directive 2. As stated in Item 2 in Section D of the guidelines, CAL FIRE establishes that Directive 2 of the EP includes all actions associated with tree removal from HHZs:

D.2 For purposes of this guidance, Directive 2 of the EP includes all “actions” necessary to carry out dead or dying tree removal projects that seek to remove dead or dying trees within a HHZ as designated by CALFIRE, or as may be designated by CALFIRE in the future pursuant to the EP, that threaten structures, power lines, roads, other evacuation corridors, and/or critical community infrastructure, and therefore pose a risk to public health and safety.

Items D.3.b and D.4 of the guidelines state the following and extend CEQA suspension to private property:

3 Pursuant to Directive 15 of the EP, CEQA is suspended for:

b. actions taken by local government, including issuance of permits or approvals, to carry out Directives 1, 2 and 5-8 of the EP, where the state agency with primary responsibility for implementing the directive concurs that local action is required. (See streamlining provisions for this concurrence in # 8 and 9 below).

4. The actions referred to in 3.a and b may occur on state, local or private property.

Item D.7 of the Guidelines includes processing facilities like the TDSR in the “actions” referred to in Directive 2 of the EP:
For purposes of Directive 2 of the EP, removal of dead or dying trees from HHZs includes treatment, processing and/or transportation of trees that have fallen or were cut, as well as slash generated from those trees, and incidental vegetation (as defined in Directive 2) (collectively "trees"). Treatment or processing includes but is not limited to, lopping, piling and/or burning.

Actions to carry out Directive 2 also include use of state or local government property, and/or permits or approvals to use private property, as a storage and/or processing site for trees removed from HHZs, where it is intended that at least 50% of trees brought to the location will be from HHZs.

The streamlining provisions in D.8 of the Guidance (mentioned in D.3.b above) state that, “local governments may rely on this blanket concurrence to utilize the CEQA suspension in the EP if it determines that the action is consistent with the Tree Mortality Guidelines, and the local government is not required to contact CAL FIRE for its concurrence.”

Item D.9 specifically addresses TDSR sites:

For the purposes of Directive 2 of the EP, CAL FIRE concurs that the establishment and maintenance of storage and/or processing sites undertaken, permitted or approved by local government is required, provided that the local fire official approves use of the site. Local government may rely on this blanket concurrence to utilize the CEQA suspension in the EP if the local fire official approves use of the site, and the local government is not required to contact CAL FIRE for its concurrence.

Section F of the Guidelines discusses the approval of log storage sites which are defined as approved locations where tree, logs, slash and/or incidental vegetation are collected, stored, treated and/or processed. The guidelines refer to State Fire Marshal Bulletin 16-003 (available at: http://osfm.fire.ca.gov/informationbulletin/pdf/2016/IB_16-003_Guidelines_for_Log_Storage.pdf). During the duration of the Tree Mortality Emergency, the local fire authority (also referred to as Authority Having Jurisdiction or AHJ) may approve log storage sites pursuant to the authority in Bulletin 16-003.

This bulletin aids local fire authorities in expediting the evaluation and approval of log storage sites. The evaluation of these sites includes factors that should be considered when the ability to meet the regulations is not practical. These factors include balancing the overall hazard to the public by the site and operation, local fire response capabilities (including water supply), potential for uncontained wildfire in the area, and site operational considerations relative to fire risk. As described above, the operation will acquire water supply from a well onsite.

CEQA

In Directive 15, the Governor’s EP suspends Division 13 (commencing with section 21000) of the Public Resources Code and Regulations adopted pursuant to that Division for the purposes of implementing Directive 2 (and others). As stated above, Directive 2 includes establishment of TDSR on private property as approved by the local agency having jurisdiction. Regulations in Title 14, Chapter 3, Article 18, Section 15269 include an exemption from CEQA for (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare and (c) specific actions necessary to prevent or mitigate an emergency.

CalRecycle

CalRecycle has posted an Emergency Transfer Processing Operations and Emergency Waivers for Solid Waste Facilities guidance document at http://www.calrecycle.ca.gov/LEA/EmergencyWvr.pdf (accessed July 21, 2016). This waiver facilitates the processing of tree related debris at locally approved temporary sites to accept, store and process additional wood waste related to the tree mortality during the recovery
phase of the state of emergency. The local enforcement agency (EA) for the proposed project site is Mariposa County Department of Environmental Health. The LEA can facilitate an Emergency Waiver or Emergency Transfer Processing Operation.

Procedures for approval of the TDSR are given in Title 14, Division 7, Chapter 3, Article 6, Section 17403.5. Emergency transfer/processing operations need to comply with the Enforcement Agency Notification requirements in Title 14, Division 7, Chapter 5.0, Article 3.0 of the California Code of Regulations (commencing with section 18100). These operations shall be inspected by the EA as necessary to verify compliance with minimum standards, but in no case shall the frequency be less than monthly. The operator shall specify the operation’s boundary area in the operating record. In addition, the emergency transfer/processing operations shall meet the following requirements:

1. The land owner has certified his/her knowledge of the proposed activity and agrees to ensure proper termination, and;
2. The operation shall not exist for a period of time greater than 120 days from the date that the Enforcement Agency Notification is received by the EA. Upon receipt of the reports required by section 17210.5, the operation may continue for an additional period as specified by the EA to assist in the recovery and clean-up as necessary from a state or local emergency.

The reports required in section 17210.5 must be submitted every 90 days during additional operation time approved by the EA until there is no discernible disaster related waste being processed or stored at the facility. The reporting required by Title 14 section 17210.5 include the following:

1. The daily amount of disaster debris received, diverted, and disposed at the facility;
2. The jurisdiction of origin for the disaster debris received at the facility;
3. The increase in tonnage or volume of waste received per day during the effective period of the activated waiver; and
4. The facilities used to process the disaster debris.

5.0 OTHER REGULATORY CONSIDERATIONS

Other regulatory considerations include local and state regulations and permits required for the TDSR operation.

5.1 Water Quality

5.1.1 Industrial General Permit

Stormwater discharges from the operation will be permitted under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Discharges (IGP) NPDES No. CAS000001 adopted by the State Water Resources Control Board (SWRCB) on April 1, 2014. Consistent with the IGP, the TDSR will prepare a Stormwater Pollution Prevention Plan (SWPPP) and apply for coverage under the IGP by submitting permit registration documents online through the Storm Water Multiple Application and Report Tracking System (SMARTS). The SWPPP has three major objectives:

- To identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of stormwater discharges and authorized non-stormwater discharges (NSWDs) from the Facility
To identify and describe minimum and site-specific advanced best management practices (BMPs) implemented to reduce or prevent pollutants in stormwater discharges associated with industrial activities and in authorized NSWDs in a manner that reflects best industry practice, considering technological availability and economic practicability and achievability.

To identify and describe conditions or circumstances that may require future revisions to the SWPPP.

Stormwater at the facility generally sheet flows across the site towards De Long Creek to the east. Best Management Practices consistent with the Minimum BMPs outlined in the IGP and Advanced BMPs will be implemented at the facility as applicable. The BMPs will be fully described in the facility’s SWPPP. A stormwater monitoring program will also be in place, as described in the facility’s SWPPP.

Although a Spill Prevention, Control, and Countermeasure (SPCC) plan is not required when aggregate oil storage is less than 1,320 gallons, spill prevention and control measures will be implemented. These measures will include storing oil in appropriate containers equipped with sufficient double containment, maintaining suitable spill kits near the oil storage area, and training personnel authorized to handle oil in the implementation of these measures.

5.1.2 Construction General Permit

Stormwater discharges associated with construction projects are regulated under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP) NPDES No. CAS0000002. The proposed project will include some minor grading of the site, likely limited to less than five acres. Dischargers with construction activities totaling between one and five acres are eligible for applying for an Erosivity Waiver through SMARTS. If the total construction activities of the proposed project exceed the five acre threshold, the facility will prepare a Construction SWPPP pursuant to the requirements in the CGP.

5.2 Air Quality

The chipper used in the TDSR operation will be a Tier IV Final compliant engine registered under the Statewide Portable Equipment Registration Program (PERP). Additional air quality requirements are associated with the potential for the TDSR to generate fugitive dust or other particulate emissions.

Mariposa County Air Pollution Control District Rule 202 addresses visible emissions and Rule 205 addresses nuisance. Rule 202 prohibits the discharge of any emission for more than 3 minutes in 1 hour that is as dark or darker in shade as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines. Rule 205 prohibit the discharge from any sources such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons, or to the public, or which endanger the comfort, repose, health or safety of any such persons, or the public, or which cause to have a natural tendency to cause injury or damage to business or property. The TDSR operation will control fugitive dust by applying water with a water truck stationed at the site.

5.3 Hazardous Materials and Wastes

The TDSR operation will store hazardous materials necessary for the operation and maintenance of the operating equipment. The operating equipment will include a loader and the chipper. Hazardous materials may include diesel fuel, motor oil, used oil, hydraulic fluid, and antifreeze. Diesel fuel may be stored in an aboveground storage tank or in small (<110 gallon) storage tanks in the backs of pickup trucks. The other materials will be stored in 55 gallon drums or 5 gallon drums. The materials will be handled consistent with SPCC procedures as described in Section 5.1 above. The TDSR will also file a Hazardous Materials Business Plan (HMMP) with the Mariposa Certified Uniform Program Agency (CUPA) via the California Environmental Reporting System (CERS).

Oil changes will be performed by an equipment servicing vendor that will collect the used oil and immediately transport the used oil from the site to be disposed at an appropriately permitted recycler.
used oil is stored onsite, it will be stored in an appropriate container upon secondary containment and transported within regulatory storage time limits by a licensed hauler to an appropriately permitted recycling facility.

Solid waste will be contained in a lidded dumpster or tote. Solid waste collection will be performed regularly through the franchise hauler or regularly transported by TDSR personnel for proper disposal at an appropriately permitted facility. State law requires all businesses that generate 4 or more cubic yards of waste weekly to recycle. The TDSR will segregate and collect recyclables even though the weekly generation of solid waste will likely be below 4 cubic yards.

5.4 Encroachment Permit

The proposed project site is accessed off of East Westfall Road, which is maintained by the county. Therefore, the facility will go through the encroachment permitting process if this site is approved.

5.5 Streambed Alteration Agreement

The California Department of Fish and Wildlife (CDFW) requires an entity to notify CDFW prior to starting any activity which may do one or more of the following, per Fish and Game Code Section 1602:

- Substantially divert or obstruct the natural flow of any river, stream, or lake
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake
- Deposit debris, waste, or other materials that could pass into any river, stream, or lake

The proposed project site in Mariposa County is bordered by De Long Creek to the east. The creek is outside of the project site boundary; therefore, the natural flow of the creek will not be altered, diverted, or obstructed by the proposed project. Truck traffic will be routed away from the creek. Furthermore, construction fencing or similar physical barrier will be in place to prevent onsite equipment from disturbing the creek bed or banks. No material from the bed, channel, or bank of the creek will be used during site activities or construction. In order to protect against debris or other materials are not deposited into the creek, the operator proposes to install a silt fence, litter fence, wind screen, or similar physical barrier to prevent wind-blown debris from entering the creek. Therefore, this project will not require a Streambed Alteration Agreement.

5.6 Building Permit

The TDSR operations will not involve the construction or modification to existing structures on the property and therefore a building permit is considered unnecessary.

5.7 Grading Permit

We have contacted the county inspector and are awaiting further direction/information.

6.0 OTHER LAND USE CONSIDERATIONS

The following section consider impacts the TDSR operation may have on the site location and surroundings.

6.1 Noise

This operation will require the use of heavy equipment and a chipper. Operation hours will be 8:00 AM to 5:00 PM Monday through Saturday. The chipper will be the loudest piece of machinery and will likely be a Bandit Model 3590. This unit will likely be used/rotated through other sites, so chipper operation will be periodic and as needed. This model is approved for operation in California. The chipper will be 80 decibels at 50 feet from all sides.
6.2 Biology

A biological survey was conducted on July 27th, 2016 for evidence of threatened or endangered flora and fauna by Graham Hanson (Golder – Associate Wildlife Biologist). The site was recently used as a logging deck for unrelated tree mortality activities and is already graded appropriately for project needs. The majority of the site is xeric upland habitat with exposed mineral soil and sparse native and introduced grasses, forbs, shrubs, and scattered trees. Some sign of fauna was observed, including: deer, turkey, and various common songbirds. In conclusion, no species of concern were observed and no risk of potential negative impacts exist.

6.3 Cultural and Archeological Resources

No apparent cultural or archeological resources were identified during a pedestrian survey on July 27th, 2016. Additionally, review of use history, permitting, aerial photos, and other resources also revealed no apparent cultural or archeological resources. In conclusion, no resources of concern were observed and no risk of potential negative impacts exist. However, if operations reveal evidence of a significant cultural or archeological resource the site impact will be minimized and the proper authorities will be contacted.

6.4 Traffic

The TDSR operation will increase the amount of commercial vehicle traffic in the area. The subcontractor is estimating using 10 trucks for hauling dead/dying trees to the site and making 3 to 4 rounds per day (30-40 truck trips). The incoming truck route will be from Highway 49 to Triangle Road to East Westfall Road. Chip and log trucks will use the same route to haul sorted logs or processed chips from the site to final disposition. Therefore, the estimated increase in commercial vehicle traffic will be 30-50 truck trips per day.

6.5 Visual

The site will operate multiple pieces of large equipment as well as trucks bringing and removing product. Wood piles may reach 20 feet above ground surface for sustained periods of time and equipment may reach 30 feet above ground surface for short periods of time. However the surrounding landscape and large, mature trees will inhibit any direct view of operations. Therefore, operations will not negatively impact the aesthetic quality of the landscape or surrounding inhabitants.

6.6 Site Reclamation Activities

Baseline environmental sampling and photography documentation will be conducted prior to any operations commencing. When operations cease the site will be restored to previous conditions or improved through planting beneficial vegetation to protect water quality and quantity, soil health, air quality, and wildlife habitat.

Thank you for your time and consideration of this application. Please call Graham Hanson at (678) 617-7343 or Mark Naugle at (916) 257-3670 to discuss this planned TDSR.

GOLDER ASSOCIATES INC.

Graham Hanson, RF, AWB®
Staff Ecologist

Mark H. Naugle, PE
Associate, Senior Consultant

cc:
Attachments or Enclosures:
Figure 1 TDSR Layout
Attachment 1 Landowner Letter of Consent

MN/GH
FIGURE 1
TDSR Layout
ATTACHMENT 1

Landowner Letter of Consent
8 August 2016

Mariposa County Board of Supervisors
5100 Bullion St.
Mariposa, CA 95338

Dear Mariposa County Board of Supervisors,

My name is Chris Stookey. My wife and I own a 225-acre piece of largely undeveloped land (parcel numbers 015-030-0110, 015-100-003, and 015-140-021) in Mariposa, located at the corner of Triangle and E. Westfall Roads.

As you are well aware, the recent drought has resulted in the death of a great many pine trees in the area. It has come to my attention that the specialty contractor, Phillips & Jordan (P&J), is looking to participate in operations in Mariposa County to remove many of these dead trees. I have been in touch with P&J, and they would like to lease approximately 10-acres of our land in order to set up a proposed “reduction yard.” This yard would be used to store large logs prior to shipment to ports in the Bay Area, and it would also be used as an area to "chip" smaller logs and branches into mulch.

This letter is to let you know that I support efforts to remove dead trees from the area. In addition to being unsightly, these trees are a significant fire hazard. I am happy to help out in the tree removal effort in any way I can, and I have no objection to leasing part of our land as a reduction yard to P&J. I have talked with P&J several times, and I fully understand what their use of our property would involve.

If you have any questions or wish to contact me further on this matter, my contact information is below. I have asked Philip Jennings of P&J to pass this letter on to you.

Sincerely,

Chris Stookey

Electronically signed: Chris Stookey

Chris Stookey
3269 E. Westfall Rd.
Mariposa, CA 95338

Ph. 949-464-9868
Email: pogoshome@gmail.com