

Calaveras County Civil Grand Jury

Calaveras County Fire and Environment: Everyday is Earth Day

June 19, 2023



SUMMARY

In our effort to identify areas of operational improvement for Calaveras County, the Grand Jury researched issues related to the Calaveras County Environmental Management Agency (EMA), the Calaveras County Office of Emergency Services (OES), the Calaveras County Air Pollution Control District (APCD), and the Fire Agencies within the County. Due to recent events related to wildfires, climate change, waterway pollution, and cannabis agriculture, the Calaveras County Grand Jury (CCGJ) chose to focus our efforts on these agencies. In order to help reduce the risk of wildfires and improve public safety the Grand Jury has identified several areas to improve. Our main area of focus is to increase public safety. This would be accomplished by improving the use of alert systems, identifying opportunities for more effective land use options, and increasing the effectiveness of fire control and prevention measures.

With the limited staff and resources available to the EMA, they are only able to track and monitor individual infractions involving environmental hazards. However, from a systems standpoint; tracking, compiling, and analyzing countywide data from multiple agencies is impractical due to the lack of data for strategic planning purposes.

GLOSSARY

The following acronyms used in this report are identified below:

APCD	Calaveras County Air Pollution Control District
BOS	Calaveras County Board of Supervisors
CCGJ	Calaveras County Grand Jury
CCSO	Calaveras County Sheriff's Office
EH	Calaveras County Environmental Health
EMA	Calaveras County Environmental Management Agency
FSC	Fire Safe Council
OES	Calaveras County Office of Emergency Services
OWW	On-site Wastewater

METHODOLOGY

The CCGJ began the investigation with a review of previous Calaveras County and other California county grand jury reports. A review was made of multiple websites to get a better understanding of Fire and Environment operations. The CCGJ interviewed staff in county and state organizations to get a 360 degree view of the relationships and inner workings of these agencies. Additional documents not readily available to the public and identified during the interviews were requested for review.

The following interviews were conducted:

1. Calaveras County Sheriff's Office staff members
2. Code Compliance staff
3. Current and former Board of Supervisors members
4. Calaveras County Division of Cannabis Control staff
5. Calaveras County Environmental Management Agency staff

6. California Fish and Wildlife Department staff
7. Fire Safe Council Board Member
8. Former Calaveras County Water District board member
9. Calaveras County Office of Emergency Services staff
10. Private timber company staff
11. Registered professional forester
12. Wildfire fuelbreak construction consultant

BACKGROUND

The Fire agencies, EMA, and OES within Calaveras County are all separate entities. Even though they perform similar work, they have different organizational structures, systems, and accountabilities. The fire agencies are made up of nine fire districts and one city fire department.

Calaveras County Fire Districts:

1. Altaville-Melones Fire Protection District
2. Calaveras Consolidated Fire (Jenny Lind & Foothill Fire Protection Districts)
3. Central Calaveras Fire & Rescue Protection District
4. Copperopolis Fire Protection District
5. Ebbetts Pass Fire District
6. Mokelumne Hill Fire Protection District
7. Murphys Fire District
8. San Andreas Fire Protection District
9. West Point Fire Protection District

City Fire Department:

1. City of Angels Fire Department

The nine local fire districts and single department also work with the CAL FIRE Tuolumne-Calaveras Unit. These fire agencies have mutual-aid agreements which greatly expands their firefighting capabilities. According to Calaveras Consolidated Fire's website "It is our mission to protect life, property and the environment through prevention, education, preparedness and emergency response". The County fire districts deploy equipment and personnel to assist with major fires in areas outside of the County. The fire agencies receive reimbursement for these types of assistance. Some residents of County fire districts opt to increase their property taxes to further increase their district funding. This varying degree of per-district funding leads to obvious differences in the levels of service residents receive. For example Copperopolis Fire Protection District, Ebbetts Pass Fire District, and West Point Fire Protection District have received additional funds due to residents voting to increase their property taxes on local ballot measures.

According to the EMA website, they are responsible for Environmental Health, On-site Wastewater, Air Pollution Control, and Agriculture. In its effort to protect the environment, the department has the power to levy citations and fines to members of the public, including business and governmental entities who violate environmental regulations. County enforcement agencies generally promote a "compliance through education" approach whenever possible choosing to use verbal or written warnings in lieu of fines and potential criminal penalties. EMA does use a

tracking system internally to track individual issues; however, there is wide discretion as to which issues make it into the tracking system. Additionally, when issues are referred to Code Compliance or other departments, EMA is no longer able to track the referred issues in their system; any followup must be made manually. The abatement and remediation of environmental problems and hazards to human health are sometimes delayed for extended periods of time or possibly not investigated.

The OES website identifies their area of responsibility as “coordinating the response to large scale emergency incidents.” Multiple systems to alert residents in the event of an emergency are used. A single, unified alerting system would be much less confusing for residents. It would also likely be less expensive and easier for the County to maintain just one system.

Enforcement of environmental issues in the County can be lacking because it is often unclear which agency is responsible for enforcement and citing violations. California Department of Fish and Wildlife (CDFW) has jurisdiction over “waters of the state”, which basically means streams and lakes that can be identified on a map. The EMA and Code Compliance have jurisdiction over all other aspects outside of the “waters of the state”.

The APCD plays a critical role in helping residents prepare for wildfire season by issuing air quality permits for residents with parcels greater than five acres and any business performing burns in the County. Reducing fuels via pile burns or broadcast burning can make significant reductions in wildfire fuels. However, piles smoldering overnight, the burning of residential trash, or low-temperature combustion of leaves can be a public nuisance and create health problems in the community. The effective enforcement of air quality by the APCD is of the utmost importance for reducing wildfire fuels while maintaining healthy air quality in the County.

DISCUSSION

Emergency Alert System

The investigation into possible areas of improvement led the CCGJ to examine the emergency alert systems. The systems are planned for testing on the 3rd of each month, however, this has not been confirmed on any website, nor could we find anyone who had received a test. Messages are sent regularly, especially during the winter, for operational notices. The system tells the OES how many notifications were sent, to what groups, how many notifications were answered, etc. The County has not performed testing under non-emergency conditions so residents are not confident they will be notified via their preferred method in the event of a real emergency. The current Everbridge notification enrollment is only at approximately 35% of residents, leaving approximately 65% not using the system. Enrollment has not increased for the past three years. Greater enrollment would result in improved communication during an emergency. All this data gathering is dependent upon how and if residents and visitors have set up their notifications.

The 2019-2020 CCGJ had two findings and recommendations related to Emergency Alerts.

They were:

1. Finding: “The ability of OES to send emergency notifications to the public is limited by an opt-in system requiring that members of the public request to receive information.”

Recommendation: “...the OES increase public outreach and education about the importance of signing up for notification programs and ensure that citizen contact information is current.”

2. Finding: “Without a system to test the viability/suitability of contact numbers enrolled with Calaveras Alert, members of the public may not feel entirely confident they are enrolled, or that their best contact methods will be used.”

Recommendation: “...that beginning September 1, 2020, the OES send out test messages on a monthly basis to ensure members of the public are confident their best contact information is registered with the system.”

This could be effective if more citizens knew about and participated in these notification systems. Over the years, as a new system has been added or merged, little effort was made to integrate the systems into existing ones. Two of the systems used by the County are Nixle and Everbridge, both proprietary computer subscription services the County has purchased. For example, Nixle was previously used for emergency alerts, crime alerts, and public announcements. After it was acquired by Everbridge, Nixle was only used by the CCSO for crime alerts and public announcements. Once it was acquired by Everbridge, it became the exclusive system for emergency alerts, thus making Nixle irrelevant for emergency alerts. Nixle is still being used by the CCSO for crime alerts and public announcements.

When there is a disaster within the County, OES works with the CCSO. The CCSO issues all evacuation orders. The parameters for evacuations come from Zonehaven, a proprietary computer subscription service purchased by the County. Zonehaven determines who gets notified based on an individual’s account as set up by each registered user. Residents are responsible to update set-up parameters. Everbridge is another computer application used by the County for mass notification. Each person can set up their own custom alerts in Everbridge. About 35% of residents/property owners are currently enrolled according to OES.

Wildfire Fuelbreaks

Calaveras County has experienced several destructive wildfires in recent years, including the 2015 Butte Fire and 2022 Electra Fire. During our interviews, the maintenance of wildfire fuelbreaks was the suggestion we heard the most to reduce the advancement of wildfires. A fuelbreak is a strip of land that selectively removes some vegetation to reduce the intensity of potential wildfires and fire crowning. Fire crowning is the burning through the treetops instead of on the ground. The concept behind fuelbreaks is to break up or fragment continuous fuels by reducing vegetation in key locations. Fuelbreaks are typically long strips of land that can be hundreds of feet wide. The recommended width of a fuelbreak is 300 feet wide, when possible.

When a wildfire burns into a fuelbreak, the flame lengths decrease and the fire’s progress slows, making it safer and easier for firefighters to control. Fuelbreaks also create a corridor that facilitates firefighter movement during a wildfire, i.e. an anchorpoint for firefighters. These corridors can be used as staging areas where certain wildfire suppression techniques are employed, such as backfires. Backfires are fires set intentionally to slow the progress of an approaching fire by creating a burned area in its path. Fuelbreaks that are no longer maintained after five years, are no longer considered fuelbreaks. The development and maintenance of fuelbreaks in strategic locations would help with the control of wildfires within the County.

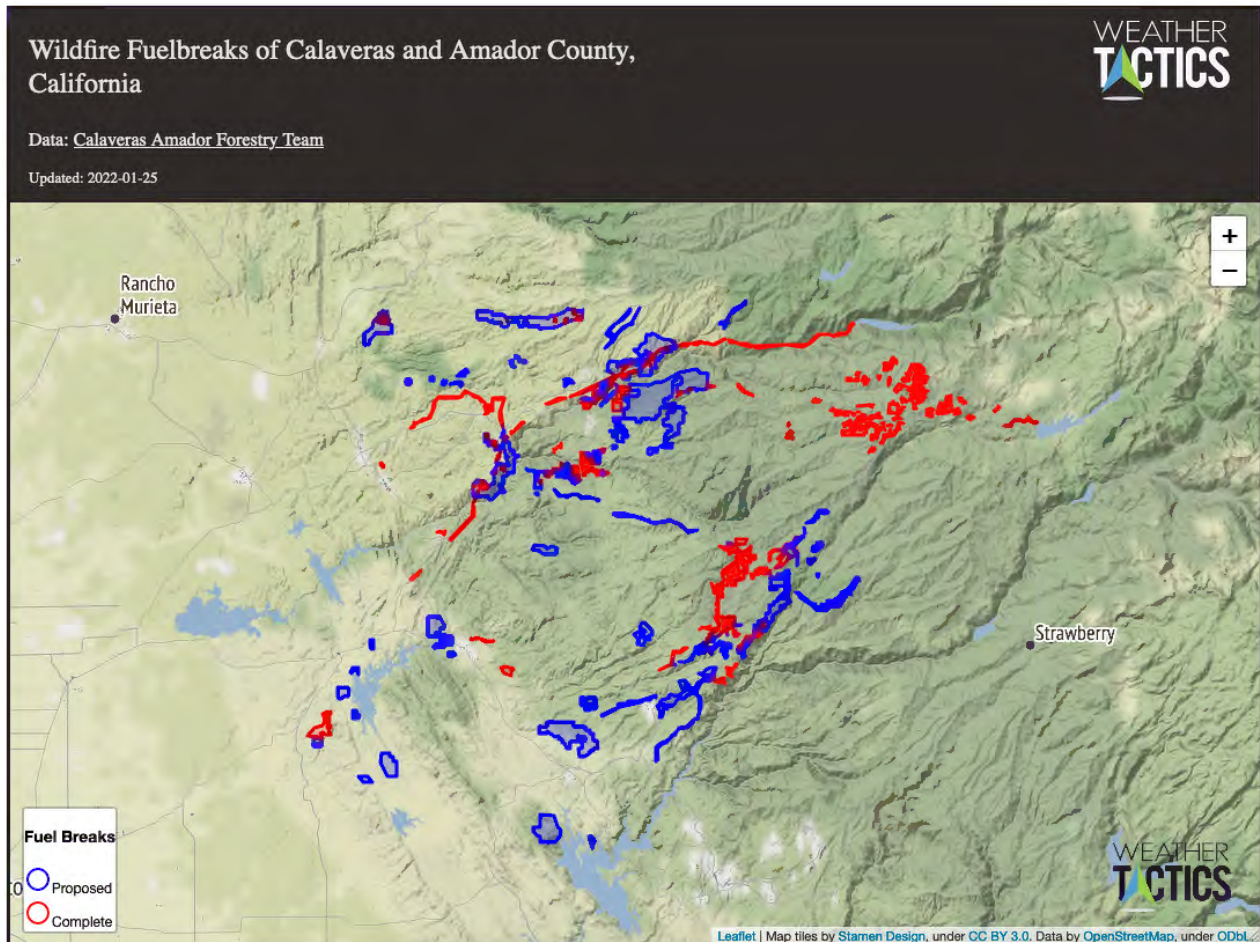


Figure 1: Proposed and complete wildfire fuelbreaks as of January 2022 in Calaveras and Amador counties. Map created by <https://www.weathertactics.io/>

Storm Preparedness

Following wildfires; the next four risks to Calaveras County residents are weather related. After many years of drought, the storms that arrived beginning in the fall of 2022 and going through the spring of 2023 (when this report was written) brought major damage, caused by tornados, flooding, landslides, and road washouts to Calaveras County. For example, the following locations with infrastructure damage were:

- a. Flooding along Grouse Drive, Highway 26 West of St Andrews Drive, Hogan Dam Road south of Highway 26, La Contenta Golf Course, and nearby areas in the Valley Springs area.
- b. Flooding on Copper Cove Drive, between Black Creek Road and Cheyenne Road, causing bridge damage and a road closure in Copperopolis.
- c. Landslide on Barney Way in West Point along the Middle Fork of the Mokelumne River area.
- d. An EF-1 tornado touched down about 6 miles northeast of the town of Milton, near Hogan Dam Road, leaving a 50 yard wide path of destruction.

Some locations have recurring damage every year, and little is done to alleviate the specific issues and it is unclear who is responsible for maintaining or repairing these locations. Other locations are one time issues that can take a long time to resolve since it is unclear who is responsible for either maintenance or repairs.

Issue-Tracking System Simplification

Code compliance and environmental departments in the County use multiple issue tracking systems. These systems do not interact with each other and hinder coordination between departments. The lack of inter-system communication defaults to less coordinated means of communication such as email and phone calls between departments. This can result in misinformation, incomplete information being shared, and other potential errors. This can make it impossible to find all the necessary information about an issue in a single computer-system search. The EMA has essentially issued no fines in the last five years and almost exclusively relies on education as an enforcement mechanism.

APCD Website Brown Act Requirements, Governance, and Enforcement

The mission of the APCD, as stated on their website, is to "...protect public health by managing the County's air quality through educating the public and enforcement of District rules and California Air Resources Control Board - Air Toxic Control Measures that result in the reduction of air pollutants and contaminants." The APCD plays a critical role in protecting the health of Calaveras County citizens.

The Brown Act strives to make essential government functions transparent and accessible for all citizens. Compliance with the Brown Act is the hallmark of a well-functioning organization that supports public participation. Additional requirements for special district websites with respect to the Brown Act went into place in January 2019 with the passage of AB 2257. Special district websites like the APCD are required to list the current board members. Meeting agendas must be posted 72-hours ahead of regular meetings and 24-hours ahead of special meetings. The current APCD website is missing all of the aforementioned items. There can be penalties to the board members for being non compliant with the Brown Act.

Our investigation also uncovered an issue that could leave County residents in the lurch for several days suffering with poor air quality without any recourse. The APCD does not currently have enforcement staff available on weekends. For example if your neighbor starts burning smoldering leaves on Friday evening, you may be forced to suffer from poor air quality for up to

three days until the APCD enforcement staff returns on Monday. CAL FIRE and local fire agencies are unable to enforce air quality violations.

FINDINGS, RECOMMENDATIONS, AND REQUEST FOR RESPONSES

Pursuant to Penal Code §933 and §933.05, the Grand Jury requests responses within 60 days from elected County official(s), and within 90 days from governing bodies. In order to be included and published in the next Grand Jury report, invited responses must be received within 90 days.

After conducting interviews and reviewing reference documents the Grand Jury findings and recommendations are as follows:

F1. Since the emergency notification system does not provide customer feedback to the account holder by way of two-way confirmation of a successful test, residents cannot be sure they are being notified appropriately.

R1. The Calaveras County Grand Jury recommends the Board of Supervisors direct the Office of Emergency Services to develop an annual emergency alert test system offering positive confirmation tests with an 80% confirmation rate by January 1, 2024.

Required Responses

- Board of Supervisors

Invited Responses

- Director of Office of Emergency Services

F2. Residents are unsure of what emergency notification systems are used for what purposes within the County and are unclear how to set up each system to accommodate their personal needs.

R2a. The Calaveras County Grand Jury recommends the Board of Supervisors direct the Office of Emergency Services to develop a communication plan to promote the use of all Emergency Alert Systems by January 1, 2024.

Required Responses

- Board of Supervisors

Invited Responses

- Director of the Environmental Management Agency
- Director of Office of Emergency Services

R2b. The Calaveras County Grand Jury recommends the Board of Supervisors direct the Office of Emergency Services to create user friendly instructions for residents clearly defining which emergency notification systems exist, what each system is

used for, and how residents will be notified in the event of an emergency by January 1, 2024.

Required Responses

- Board of Supervisors

Invited Responses

- Director of the Environmental Management Agency
- Director of Office of Emergency Services

F3. Most wildfire fuelbreaks built in the County are not routinely maintained which reduces the effectiveness of the fuelbreaks over time.

R3a. The Calaveras County Grand Jury recommends the Board of Supervisors direct the appropriate agency to inventory, create, and maintain a publicly available map of the wildfire fuelbreaks in the County by March 29, 2024.

R3b. The Calaveras County Grand Jury recommends the County provide the manpower, equipment, and annual budget necessary to maintain all County created wildfire fuelbreaks in the County by March 29, 2024 .

Required Responses

- Board of Supervisors

Invited Responses

- Director of the Office of Emergency Services
- Director of the Department of Public Works

F4. Recent storms resulting in major infrastructure damage have brought to light the confusion about responsibility for maintenance, preparation, and cleanup.

R4. The Calaveras County Grand Jury recommends the Board of Supervisors determine who is responsible to develop a plan to maintain, prepare for, and reduce damage from future storms and put these plans into place by January 1, 2024.

Required Responses

- Board of Supervisors

Invited Responses

- Director of the Office of Emergency Services
- Director of the Department of Public Works

F5. The Calaveras County Environmental Management Agency does not have robust enforcement practices nor an effective tracking system for environmental violations which results in mitigation delays and further environmental damage.

R5. The Calaveras County Grand Jury recommends the Board of Supervisors direct the Environmental Management Agency and other related departments and agencies to develop and implement a standardized issue tracking system by January 1, 2024.

Required Responses

- Board of Supervisors

Invited Responses

- Director of the Environmental Management Agency

F6. Because the Calaveras County Air Pollution Control District does not list all information required per the Brown Act on their website, County residents are not informed about important air quality issues.

R6. The Calaveras County Grand Jury recommends the Calaveras County Air Pollution Control District Board review and comply with the Brown Act requirements for websites by January 1, 2024.

Required Responses

- Board of Supervisors
- Air Pollution Control District Board

Invited Responses

- Director of the Environmental Management Agency

DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

REFERENCE SOURCES

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