



Fact Sheet



California Disaster Assistance Act Funding for Tree Mortality Event

On October 30, 2015, Governor Brown proclaimed a State of Emergency and included provisions to expedite the removal and disposal of dead and dying hazardous trees. As a result, costs related to identification, removal, and disposal of dead and dying trees caused from drought conditions may be eligible for California Disaster Assistance Act (CDAA) reimbursement.

This sheet is to provide local jurisdictions with guidance related to the State declared event for the removal of dead and dying trees.

1. *Who are eligible applicants for CDAA?*

Only those jurisdictions (counties, cities, and special districts) with the authority to identify, remove, store, and dispose of dead and dying trees constituting a threat of falling on public rights-of-way and public infrastructure are eligible for CDAA funding under this proclamation.

2. *Can businesses, schools, or daycare or eldercare centers apply for CDAA?*

See answer to number 1.

3. *Can Private Nonprofit Organizations (PNP) be used for these activities?*

No, PNPs can only be reimbursed for providing essential services including but not limited to food, water, and shelter.

4. *Can tribal governments within California apply for CDAA?*

Tribal governments within California are not eligible for CDAA funding; however, should a tribal government need assistance with identifying, removing, storing or disposing of dead and dying trees in response to a threat to the public right-of-way and public infrastructure, and the assistance is requested from an eligible applicant (i.e., county, city), that applicant may seek reimbursement for eligible activities performed on behalf of the tribe.

5. *What is the application process for this CDAA event?*

If tree mortality within a local jurisdiction proves to be beyond the capabilities of the jurisdiction to respond to and recover from, and all other federal, state, and local funding sources have been exhausted, an application for CDAA funding can be submitted. Please contact David Gillings, Public Assistance Officer, at 916-845-8224 or david.gillings@caloes.ca.gov for application information.

6. *Due to the slow buildup of costs being incurred, how will applicant eligibility be influenced by California Government Code, Section 8685.4?*

Pursuant to California Government Code Section 8685.4, a local agency has 60 days after the date of the proclamation of a local emergency to apply for state financial assistance. However, the Director of Cal OES may extend the time for filing an application for state financial assistance under CDAA. Time extensions will be considered on a case-by-case basis.

7. *Is a tree removal plan required to receive CDAA funding?*

Yes. In order for the local jurisdiction to be reimbursed for eligible costs under CDAA for this declared event, the local jurisdiction must first identify to Cal OES the local needs and a plan for the successful implementation and completion of that plan.

8. *What is the CDAA cost-share for the tree mortality event?*

Pursuant to California Government Code Section 8585.9, the state share shall not exceed 75% of the total eligible costs. Therefore, the local jurisdictions will be responsible for a cost-share of 25%.

9. *Can you give an example of eligible and non-eligible costs under CDAA for the tree mortality event?*

The Proclamation is specific to providing reimbursement for identification, removal and disposal of dead and dying trees. CDAA may provide up to 75 percent reimbursement for eligible costs for emergency work, (Category A and B) only.

Examples of eligible costs may include:

- Evaluation and identification of dead or dying trees threatening the public rights-of-way and public infrastructure by a certified arborist;
- Removal of trees threatening public rights-of-way and public infrastructure, which may include trees on private property;
- Contracted tree removal, transportation, holding site fees, and disposal; and
- Reasonable Force Account Labor overtime and equipment costs.

Examples of non-eligible costs include:

- Removal of trees from private property that do not pose a threat to public right-of-way or public infrastructure;
- Straight-time Force Account labor;
- Income, fees, revenues, wages, lost or voluntarily waived by a local agency;
- Activities or costs associated with permanent work such the construction of a biomass facility; and
- Deferred Maintenance.

10. *Whereas local government agencies are taking responsibility to identify, remove, and dispose of dead and dying trees, will the local government agencies be held harmless administratively, programmatically, financially and for liability on private property?*

Before a local government, its contractors or any other agent of the local government can enter private property to perform measures to complete arborist tree evaluations, and hazardous tree removal for public safety purposes, the local government must obtain a signed Right-of-Entry form from the property owner. The Right-of-Entry form must stipulate the property owner shall indemnify and hold harmless the local government, the State of California, Cal OES and any of their officers, agencies, agents, contractors, subcontractors, employees and volunteers, against any and all claims, liabilities, etc. An example of hold harmless and Right-of-Entry forms can be found at:

<http://www.caloes.ca.gov/RecoverySite/Documents/Right%20Of%20Entry%20Form%20sample.pdf>

11. *Will the local jurisdictions be provided an administrative allowance under CDAA?*

Local governments will receive a 10% administrative allowance, applied as a percentage against the total approved state share, to cover reasonable indirect costs and the necessary costs of requesting, obtaining, auditing and administering state disaster assistance funds.

12. *Will there be CDAA briefings for the tree mortality declaration?*

Due to the nature of the event, Cal OES will provide applicants' briefings to operational areas as needed. For applicants' briefing information, please refer to the Cal OES website at:

<http://www.caloes.ca.gov/cal-oes-divisions/recovery/public-assistance/applicants-briefings>

13. *Will the local jurisdictions be given adequate notice prior to the termination of the State of Emergency proclamation?*

Pursuant to California Government Code Section 8567, the Governor may terminate the proclamation at any time. Cal OES will make every attempt to inform local governments in advance.

For additional information relating to the tree mortality disaster event, please contact David Gillings, Public Assistance Officer, at 916-845-8224 or david.gillings@caloes.ca.gov.