

DRAFT letter to E-Board on debris contracting and removal pathways

October X, 2020

Members of the Legislative Emergency Board
900 Court St., NE
Salem, OR 97301

Members of the Legislative Emergency Board:

Thank you for your consideration of urgent legislation to address debris management issues associated with Oregon's 2020 wildfires. We greatly appreciate the state partnering with Clackamas County in this work, which will require all levels of government to successfully see it through. As part of this, we strongly support the Emergency Board's approval of state funding to cover the 25% cost share.

Like so many other communities in Oregon, the recent wildfires have devastated Clackamas County. Approximately 450 Clackamas properties have been damaged or destroyed, including 62 homes, totaling an estimated \$6.8 million in cleanup costs. In addition, 4,000 burned trees must be removed at a cost of \$4 million. Managing the associated debris will take months, if not years.

As conveyed recently to the Governor's Regional Solutions committee and to the state agency leads of the state's debris task force, Clackamas County is interested in a state-led approach for debris removal and cleanup that expedites cleanup and conforms to FEMA guidance. As we explore whether this is ultimately the best approach for our community, we look forward to clarifying roles, responsibilities, funding, and establishing confidence that we are collectively eligible for reimbursement. We are asking these questions out of a desire to be thorough.

We appreciate the State's task force proposal to cover the 25% cost share for local governments and potentially cover up-front costs. It is our understanding that state support for debris removal is fairly common, but typically looks different than the current proposal for wildfire cleanup. Some states allow local governments to choose the debris contracting approach that works best for them (whether the U.S. Army Corps, activating a pre-existing state contract, or pursuing their own contract), while offering cost-share match across all of those options. The current proposal from the state debris task force appears to limit the cost-share offer to counties that opt into a state contract.

While Clackamas County may opt into full participation with the state for debris monitoring and removal, we are interested in a commitment from the State to provide cost-sharing more flexibly. For example, providing state cost-share if a county uses an already-existing debris monitoring contract, or if a county opts to use state contractors for *private property* debris but finds the best value in using its own contractors for removal of hazardous trees in the *right of way*.

We believe it is important that state action to support wildfire cleanup have the effect of encouraging, not undermining, the long-standing messaging from both state and federal levels, that local governments should continue to invest in preparedness for disasters. Extending state support for cost-share flexibly across all debris contracting options and operations (Corps assignment, state-managed, and locally managed) would help.

Clackamas County has a debris plan, and early this year, we competed and awarded a Debris Monitoring and Management contract. This contract was procured in strict accordance with the FEMA Public Assistance program and associated policy guidance, using full and open competition. We activated our contractor for this wildfire event to assist with damage assessments of recent fire damaged properties. Continued use of the contractor for monitoring debris removal and disposal activities is believed to be in the County's interest and will promote an efficient, well-documented and FEMA-compliant recovery outcome even for use of the state-led debris removal approach. Doing so will help convey that, in alignment with FEMA and state guidance, it is worth local governments' time to be prepared for disasters such as these.

Time is of the essence. The possibility of state funding for all up-front costs and the 25% local cost-share is very generous, but has also had the effect of pausing our debris activation and contracting process, pending a state level process. The County's debris plan was written to align with the State's most current debris plan, which indicated that cost-share would not be available. The exploration of cost-share options and related State contracting during the wildfire response is delaying clean-up efforts and creating confusion among impacted residents. Because the mid-recovery contract development process includes these challenges, authorizing state cost-share for either locally-led removal or Corps-assigned removal may have the optimal result of both supporting economic recovery and expediting cleanup.

Finally, we encourage the State to include local governments in the contracting process that is proposed on our behalf. We offer to appoint a staff person, at the State's request, to provide assistance to and participate in the state's contracting process, in support.

Thank you once again for your attention to this important matter.

Respectfully,

Jim Bernard, Chair
On behalf of the Clackamas County Board of Commissioners

CC:
Governor Kate Brown
Clackamas County Legislative Delegation