

Today's date

The Honorable Dianne Feinstein or appropriate name and title
United States Senate or United States House of Representatives
Washington, DC 20510 (for the house use 20515)

Dear Senator Feinstein or Congressman X or Congresswoman or Representative...,

As owner of a seasonal recreation cabin that burned in the Caldor fire, I am writing to you today to seek both federal resources for hazardous waste cleanup via either FEMA or the Forest Service and a legislative clarification of government authorities or new authority of these agencies to accomplish the cleanup this spring and summer for the 177 burned Forest Service cabins in the Caldor fire on the Eldorado National Forest.

As I am sure you know well, in the late summer and early fall of 2021, the Caldor fire burned 221,775 acres in the Sierra Nevada mountains much of which was on the Eldorado National Forest. The fire burned 782 structures including 177 permitted rustic Forest Service recreation cabins. The scale of cabin loss was unprecedented for the Eldorado National Forest and indeed the entire Forest Service.

Forest Service recreation cabins are owned by individuals on Forest Service land whose presence is allowed and regulated by official USFS permit. Congress established the recreational cabin program in 1915 to facilitate family recreation experiences on the nations National Forests. The program has been a great success with multiple generations of Americans enjoying nature with their families on National Forest Lands and becoming knowledgeable and caring stewards of the forests.

The owners of burned recreation cabins now find themselves in a bureaucratic "catch 22" between agencies that claim to lack either funding or authority to assist or direct cleanup because of our status as private property owners on federal land. While FEMA and Cal OES have provided cleanup assistance including assessment and debris removal to private property owners on private lands in the Caldor Fire, no assistance has been provided to cabin owners on federal land. El Dorado County and Cal OES assert they do not have authority to direct cleanup on federal lands. FEMA asserts that the Forest service is responsible for cleanup of the federal lands they administer. The Forest Service asserts that cleanup is the responsibility of cabin owners. The estimated cost of cabin cleanup up is between \$30,000 to \$70,000 per cabin. (This translates to a cost of between 5 and 12 million dollars for the 177 cabins. The Forest Service says that they cannot assume cleanup of cabins as it would be a misappropriation of funds given their authorities under law even if they had funding.

According to a recent survey, sixty percent of the burned cabins have no insurance for debris removal. The on-the-ground reality is a significant number of cabin owners will not be able to afford cleanup. If these rubble and ash piles are not cleaned up, the Forest Service lands will

remain “contaminated by debris piles, many of them adjacent to streams, rivers and lakes and the Forest Service will find itself with a significant environmental liability and a potentially toxic, unsightly legacy. The Forest Service does not appear to have a plan B. Systematic corrective action is needed this spring and summer to enable complete and careful cleanup of all burned cabins.

To explain the perceived lack of authority for such cleanup assistance the following is illustrative. In a letter from CAL OES Director Mark Ghilarducci to Randy Moore Regional Forester, Region 5 dated June 30, 2021, the OES stated: *“The State is unable to include the debris removal under its program due to its lack of legal responsibility. As reference, the mom form FEMA field Counsel, Mr. Robert Ayres dated November 10, 2020, reiterated that Neither the State nor local counties have legal authority or responsibility to conduct debris removal on Federal lands. FEMA can only reimburse applicants if they are legally responsible for the work performed. See 44 CFR 223 (a)(3)*. Additionally, the memo states, FEMA generally cannot reimburse other federal agencies for work which falls under their own statutory authorities.” See 44 CFR 206.8 (b) and 44 CFR 206.208(c)(2).”*

*Note CFR 223(a)(3) should be 206.223(a)(3)

What’s needed from Congress:

1. The Forest Service and/or FEMA or both need the **clear authority** and funding to oversee and support a systematic assessment and cleanup of privately owned burned structures on federal forest lands to protect environmental quality of the forest. The scale of the catastrophe requires this.
2. Cabin owners or some supervisory agency need supplemental resources to fund the proper assessment and removal of hazardous waste, ash piles and other debris of all 177 cabins. Where insurance exists for debris removal the cleanup process can be reimbursed by that insurance to the degree it exists, just as is done for private property owners and the Cal OES process. Likely it will require total funding in the amount between **5 and 12 Million dollars** to remove the existing cabin debris for all 177 cabins. A recent survey of the owners of burned cabins (by CCORP, (a recently created association of burned cabin owners) found insured resources for debris cleanup total only about 1 million dollars. While cabin owners are generally willing stewards, they find themselves under insured or even uninsurable on Forest Service properties.

Sincerely,

Your Name

Your Address (Use cabin address for Rep McClintock)

Your City, State, zip

NOTE: If sending email with this as an attachment, convert it to a pdf (otherwise someone could change your words.)