

APPENDIX L: MCFARLAND FIRE STATE OF EMERGENCY EXECUTIVE ORDER N-13-21

Adams Pond Restoration Project CEQA Initial Study / Mitigated Negative Declaration

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-13-21

WHEREAS on July 16, 2021, I proclaimed a State of Emergency to exist in Siskiyou County due to the Lava Fire, and in Lassen and Plumas counties due to the Beckwourth Complex Fire; and

WHEREAS on July 23, 2021, I proclaimed a State of Emergency to exist in Plumas County due to the Dixie and Fly Fires; in Butte and Lassen counties due to the Dixie Fire; and in Alpine County due to the Tamarack Fire; and

WHEREAS on August 5, 2021, I proclaimed a State of Emergency to exist in Siskiyou County due to the Antelope Fire, and in Nevada and Placer counties due to the River Fire; and

WHEREAS on August 10, 2021, I proclaimed a State of Emergency to exist in Trinity County due to the McFarland and Monument Fires; in Tehama County due to the McFarland and Dixie Fires; and in Shasta County due to the McFarland Fire; and

WHEREAS on August 17, 2021, I proclaimed a State of Emergency to exist in El Dorado County due to the Caldor Fire; and

WHEREAS these wildfires have collectively destroyed homes and other structures, damaged and destroyed critical infrastructure, burned more than 1 million acres of land, and created a substantial amount of ash, burnt vegetation, and other such debris over large areas of communities; and

WHEREAS the wildfires have resulted in widespread hazardous structural debris, which contains dangerous toxins including heavy metals such as arsenic, cadmium, copper, lead, and asbestos, and which must be cautiously and expeditiously removed and properly disposed of; and

WHEREAS response and recovery will be ongoing and it is imperative that governmental agencies are adequately staffed to help facilitate recovery, and that protections remain in place to ensure communities impacted by these wildfires are able to fully recover; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of the wildfires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, and in particular, Government Code sections 8567, 8571, and 8627 do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. State statutes, rules, regulations, and requirements are hereby suspended to the extent they would prevent, hinder, or delay the following activities:
 - a. Removal, storage, transportation, and disposal of hazardous and non-hazardous solid waste and debris resulting from the wildfires that have burned and continue to burn in areas that are subject to the jurisdiction of departments within the California Environmental Protection Agency and the California Natural Resources Agency; and
 - b. Necessary restoration and rehabilitation of timberland, streams, rivers, and other waterways. Such statutes, rules, regulations, and requirements are hereby suspended only to the extent necessary for expediting the removal and cleanup of debris from the fires, and for implementing any restoration plan. Individuals who desire to conduct activities under this suspension of statutes, rules, regulations, and requirements shall first request that the appropriate Agency Secretary, or the Secretary's designee, make a determination that the proposed activities are eligible to be conducted under this suspension.

The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall use sound discretion in applying this Order to ensure that the suspension serves the purpose of accelerating cleanup and recovery, while at the same time protecting public health and the environment.

This Order shall apply to, but is not necessarily limited to: solid waste facility permits; waste discharge requirements for storage and disposal; emergency timber harvesting; stream environment zones; emergency construction activities; and waste discharge requirements and/or Water Quality Certification for discharges of fill material or pollutants. Boards, departments and offices within the California Environmental Protection Agency and the California Natural Resources Agency shall exercise their administrative discretion and expedite the granting of other authorizations, waivers or permits necessary for the removal, storage, transportation, and disposal of hazardous and non-hazardous debris resulting from the fires, and for other actions necessary for the protection of public health and the environment.

2. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors are suspended. Furthermore, reinstatement, waiting period, and work hour limitations in Government Code sections 21220, 21224(a) and

7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. These waivers shall apply to both state and local government entities, as applicable, to ensure adequate staffing to appropriately respond to the wildfires, but the Director of the California Department of Human Resources must be notified of any individual employed by state government pursuant to these waivers. The Governor's Office of Emergency Services shall use these waivers to ensure adequate state staffing during this emergency. Local governmental agencies shall notify the California Public Employees' Retirement System of any individual employed by its agency pursuant to this Paragraph.

3. The provisions of Penal Code section 396, subdivision (b), (c), (d), (e), and (f), prohibiting price gouging in times of emergency, will remain in effect until October 20, 2021, in Lassen, Plumas, and Siskiyou counties as impacted by fires covered by my July 16, 2021 State of Emergency proclamation; in Alpine, Butte, Lassen, and Plumas counties as impacted by fires covered by my July 23, 2021 State of Emergency proclamation; in Nevada, Placer, and Siskiyou counties for fires covered by my August 5, 2021 State of Emergency proclamation; in Shasta, Tehama, and Trinity counties for fires covered by my August 10, 2021 State of Emergency proclamation; and in El Dorado County as impacted by the Caldor Fire covered by my August 17, 2021 State of Emergency proclamation. The time limitations under those subdivisions are hereby waived.
4. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief as a result of a disaster, are suspended for a period of three months after the due date of the return or payment.
5. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by the wildfires with the extensions for filing, audits, billing, notices, assessments, and relief from subsequent penalties and interest.
6. To allow counties time to reappraise the value of property to account for fire damage, the requirement in Revenue and Taxation Code section 20622 that the homeowner file the claim with the Controller by February 10, 2022, is waived as to homeowners in the affected counties. Claims must instead be filed by June 1, 2022.
7. The provisions of the Government Code section 11033 requiring state employees to obtain prior authorization for out of state travel exceeding five days are hereby suspended as to all state

employees who are required to travel to states bordering California to assist with fire response and recovery efforts.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 20th day of August 2021.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State