



Yosemite West  
Property &  
Homeowners, Inc.  
[www.yosemitewest.org](http://www.yosemitewest.org)

# In the West

Newsletter  
August 2013

## In This Issue

- Minutes from YWPHI Board Meetings p.2
- *In the West* Publication p.3
- YWPHI Board Member Composition p.3
- Board Terms Expiring p.3
- Meet Your Newest Board Members p.4
- Membership Renewal p.4
- In an Emergency p.5  
CodeRED p.5, Event Information Line p.5,  
Emergency Telephone Tree p.5
- Private Garbage Disposal p.5-6  
Trash Cooperative p.6, Recycling p.6
- Social Events p.7
- Burn Pile Stalemate p.7-9  
Overview p.7, Timeline p.8-9
- Approved OES Plans p.9-10  
Local Hazard Mitigation Plan p.9, Emergency  
Preparedness Plan p.10
- Pending OES Plan, CCWPP p.10
- Fire Safety p.11-15  
2011 Grant Completed p.11, 2014 Grant  
Funding Cycle p.11-12, Chipping Program p.12,  
PRC §4291 Inspections p.12-13, Fall Pine  
Needle Cleanup p.14, Debris Burning p.14,  
Bishop Creek Prescribed Burn p.15
- Need Fire Insurance? p.15
- Highlands Timber Harvest Update p.15
- Around the Neighborhood p.16-18  
Mailbox Shed p.16, Wildlife p.16-17,  
Environmental Education Campus Construction  
Starting p.17-18, Cascades Application  
Withdrawn p.18
- Park Boundary Expansion p.18-19
- Board of Supervisors' Study Session p.20
- Grand Jury Investigation Continues p.20-21
- Maintenance District Updates p.21-29  
New Sewer System Failing p.22-25, Drinking  
Water System Violations p.25-26, Maintenance  
Shed p.26-27, Lightning Damages Equipment  
p.27, Roads p.27-28, Take Action p.28-29

## YWPHI President's Corner

by Kelly Rich, YWPHI President

Greetings everybody. It's been a while since our last official newsletter, but that's not due to lack of things to write about. Actually, the contrary is true and there's almost too much to address in one publication!

First and foremost, the YWPHI annual meeting is coming up and I want to encourage all current YWPHI members to attend. Not to rule anybody out, I also want to extend invitations to all Yosemite West guests and any others who are interested.

**YWPHI Labor Day Weekend  
Potluck Brunch & Annual Meeting  
Sunday, September 1, 2013  
10:30 a.m.**

**The Stepien's house, 7595 Azalea Lane**

**As always, please bring your own chair and a dish to share.** For sharing, please think of one of your specialties, an entrée (such as a quiche or frittata) or side dish (fruit, vegetables, or salad). YWPHI will provide muffins and coffee cake, as well as the plates, napkins, utensils, cups, bottled water, and other drinks. And don't forget, *Ice is Nice!*

Brunch starts at 10:30 a.m., and we'll begin the members' meeting shortly after 11 a.m. The meeting agenda and last year's annual meeting minutes are on the YWPHI website (see insert at left); please review these materials before the meeting. If you have additional agenda items you'd like to address during the meeting, please let me know a day in advance. *[continued on page 2]*

## Annual Meeting Downloads

<http://www.yosemitewest.org/u/>

- a20130901-ywphi-annual-mtg.pdf
- min20120902-ywphi-annual-mtg.pdf

**[President's Corner continued from page 1]**

This summer's newsletter is chock full of interesting and important information. I'd like to thank all who have contributed content to this publication, and I want to extend a special thanks to all of those who have helped us keep abreast of the situations that have evolved with respect to Mariposa County and the services that they provide to Yosemite West.

I encourage everybody who owns property in Yosemite West to educate themselves on the material and information relayed in this newsletter. The articles have references to supporting documentation and the more you know about what's going on in our community, the better off we will all be as we make progress through our difficult infrastructure problems.

While you can look through the packed Table of Contents (see In This Issue, p.1), I'd like to draw your attention to a few key pieces presented in this newsletter. We have some new members on the Board of Directors and we've provided a short section (p.4) to introduce them to the community.

We also have an important piece detailing the garbage disposal options available to the residents of Yosemite West (see p.5-6). It's important that *everybody*, residents and guests alike, know the situation with our garbage disposal - the overall hygiene of Yosemite West rests on our ability to properly dispose of the garbage that we produce in our community.

Perhaps one of the biggest concerns for our community is our fire safety, and various members of our community have worked extra hard to ensure we are Fire Safe. Please review the content provided on our burn pile status (see p.7-9). We'll be touching on this topic, and other fire safety issues (such as the Fire Safety grants, see p.11-12) at the annual meeting.

Lastly, I want to draw your attention to the extended section (p.21-29) that

describes the Mariposa County Public Works Department and their ongoing operation of the Yosemite West Special District (our community). We have gone to great pains to detail our community's current state of affairs, and extensive reference material is provided in an effort to help us all understand our predicament, and our possible options. I urge everybody to familiarize themselves with this material - the more we all know about the infrastructure issues, and the County's response to them, the better off we will be when it comes time to respond to the proposals made to resolve the issues.

Okay, that's a lot from me. Please enjoy this newsletter - we're happy to be able to bring it to you. I look forward to seeing you at the annual meeting.

### **Minutes from YWPHI Board Meetings**

Approved minutes from previous YWPHI Board of Directors' meetings are archived at <http://www.yosemitewest.org/board.htm#minutes> where you can read minutes from the September 4, 2011 YWPHI annual meeting and the following regular meetings:

March 26, 2013  
January 19, 2013  
November 14, 2012  
September 2, 2012  
June 20, 2012

### **About YWPHI**

YWPHI was established to promote and protect the best interest of the owners of land used for residential purposes in Yosemite West. YWPHI strives for the improvement and betterment of all facilities and services within the area and to promote and encourage maximum community and civic spirit and foster good will and friendship among all residents of Yosemite West.

## ***In the West* Publication**

YWPHI has not had a newsletter editor since Tom Lambert's resignation as editor after the May 2011 issue, more than two years ago. Subsequent issues in 2011 and 2012 were guest edited and produced by Kim O'Neil and John Mock. YWPHI is still looking for someone to fill the position of editor. The greatest need is for an individual who can generate content in addition to formatting it. Please contact Kelly Rich at [president@yosemitewest.org](mailto:president@yosemitewest.org) if you are interested in contributing to future newsletter production in any way.

While YWPHI had been publishing the newsletter three times a year, the last issue was sent out in April 2012, more than 16 months ago.

Providing information to the YWPHI membership and community is one of the most important functions of YWPHI. As internet access among members has been on the increase, YWPHI has been sending out important email updates and posting items to its website in lieu of larger newsletter publications. We thank YWPHI Secretary Scott Renfro for his due diligence in facilitating communication.

To produce this issue of the newsletter, YWPHI contracted Kim O'Neil and John Mock for the job, knowing their expertise on the issues would be essential for putting together the substantial trove of material. We'd like to thank the additional contributors to this edition of *In the West*: Pete Regla; and Richard Heim, Rea Jackman, Robert Kroon, Scott Renfro, Betsy Ringrose and Kelly Rich from the YWPHI Board of Directors who edited, proofread and approved the content for publication.

## **YWPHI Board Member Composition**

The 2012-2013 YWPHI Board of Directors is composed of Kelly Rich (President), Mike Stepien (Vice President), Scott Renfro (Secretary), Betsy Ringrose (Treasurer), and members Richard Heim, Robert Kroon and Rea Jackman. At the September 2, 2012 YWPHI annual meeting, the membership approved three new members of the board; Richard Heim, Robert Kroon, and Betsy Ringrose (see Meet Your Newest YWPHI Board Members, p.4). Resignations from the 2011-2012 board were Kim O'Neil, Todd "Kipper" Caranto and Bill Duff.

The YWPHI Board consists of seven Directors who serve three-year terms. Duties as a Board member include attending scheduled meetings, which can be done in person in Yosemite West or via a toll-free conference call-in number from anywhere you choose. Each meeting lasts one to two hours. Aside from the meetings, you can participate in other activities identified in the YHPHI Bylaws, which you can find on our website, <http://yosemitewest.org/bylaw.htm>.

### **Board Terms Expiring**

This year two directors' terms are expiring; Kelly Rich and Mike Stepien. Both directors are willing to serve another term. However, the Board is open to all YWPHI members in good standing (i.e., whose dues are current), whether homeowners or vacant lot owners, new residents or old, full-time or part-time, including *you*.

If you are excited or curious about getting involved or would like to make a nomination, please contact Kelly Rich at [president@yosemitewest.org](mailto:president@yosemitewest.org) in advance of the YWPHI annual meeting where a vote will take place. For further information on the current YWPHI Board of Directors and their assignments and committees, please see <http://yosemitewest.org/board.htm#bod>.

## **Meet Your Newest YWPHI Board Members**

### **Richard Heim**

Richard Heim and his wife Jamie built their Yosemite West home in 2007 and have enjoyed it ever since. They have five children, and seven grandchildren, who look forward to their trips to the "Away Home" in Yosemite.

Richard is Divisional President/CEO of Clark Construction Group's Western Region and oversees approximately \$1 billion of construction every year. Jamie concluded her tenure of many years as Campus Retreat Coordinator for Santa Margarita High School in South Orange County.

Richard's purpose in joining the YWPHI Board of Directors is to ensure that the charm and ambiance continue for the next generation who will love and respect the true wonder of Yosemite.

### **Robert Kroon**

Robert "Bert" Kroon has been part of Yosemite West all his life. He moved here with his parents Tom and Eva when he was 10 years old and has been here since. His kids, Justin and Megan, are the first kids to grow up from birth through high school living in Yosemite West. Robert and his wife Cindy operate Yosemite West Cottages, started by Tom and Eva. His kids are the third generation operating their family business. Having lived here most all his life, Bert has seen Mono winds, rockslides, forest fires, meteor storms, and a lot of other natural phenomena in and around Yosemite West.

### **Betsy Ringrose**

Betsy Ringrose is an advancement and education professional who holds a M.A. and B.A. in Anthropology and is currently working on a second Master's in Museum

Studies. She works at Carondelet High School as a key member of the administrative team focusing on the school's masterplan and increasing all aspects of the fundraising program. Betsy lives in Lafayette with her husband Edward Adasiak, a senior software engineer at Adobe, their dog Gelsey, and two parrots Isabo and Buttercup.

The Ringrose's have been active members of the community since its inception. Betsy's parents, Dr. Elizabeth (Beth) Reed Ringrose and the late Dr. Edward Ringrose, bought lots in Yosemite West in 1967 and completed their house in 1972. Along with the Huizenga's, Beth and Ed Ringrose were named on the 1980s class action lawsuit against both the original developers of Yosemite West and Mariposa County. This litigation, handled entirely pro-bono by lawyer and Yosemite West resident Bill Keough, resulted in the developers paying for the second large water tank in Yosemite West and other important concessions. Beth Ringrose served as a Board member and the first Secretary and Treasurer of YWPHI from its creation in the 1970s until the 1990s.

## **Membership Renewal**

In August, YWPHI will be sending your annual \$35 membership renewal notice for the 2013-2014 year that begins on September 1, 2013. All of the annual dues paid by YWPHI members stay in the community and enable us to work on issues that benefit everyone. With continued support and participation from existing, renewing, first-time, and associate members, we can continue our current programs that include annual brush chipping, social events, and other essential projects.

When you receive your renewal notice, please kindly mail a check to @7585 Henness Ridge Road, Yosemite National Park, CA 95389-9108 or pay via PayPal to treasurer@yosemitewest.org. You can download a Membership Form at www.yosemitewest.org/members2013-14.pdf.

Long-term renters are welcome and encouraged to join YWPHI. The YWPHI Bylaws (www.yosemitewest.org/bylaw.htm) allow a “full-time (non-transient) occupant of a single-family residence in Yosemite West” to become an Associate Member via paying the annual dues.

To keep your contact information accurate and up-to-date throughout the year please email treasurer@yosemitewest.org with any changes or additions.

### **In an Emergency**

In the event of any emergency, call 911. To get information during an emergency, Mariposa County has two systems in place; CodeRED and the Mariposa County Event Information Line.

Remember for those of you physically in Yosemite West, it's essential to keep a land line with a corded phone that plugs directly into a wall jack, so you can make and receive telephone calls during power outages.

### **CodeRED**



The easiest and most effective way to get information in an emergency is to visit the Mariposa County CodeRED Website's Community Notification Enrollment page (<https://cne.coderedweb.com/Default.aspx?groupid=8DJt1b8jNYIUOdN58kLEjw%3d%3d>) to enter your address and phone number(s). You can also find a link on the County

website (<http://www.mariposacounty.org>) and at <http://yosemitewest.org/help.htm#codered>.

Submitting this information will enable the Mariposa County emergency response team to notify you in the event of emergency situations or critical community alerts. **It is your responsibility to keep your contact information current.**

### **Mariposa County Event Information Line**

You can also call the Mariposa County Event Information Line, % 209-966-1133 and 888-966-1133, which is designated to provide information to the public during emergencies and disasters. These messages are created and provided by the Mariposa County Health Department, Mariposa County Sheriff's Office, and the Mariposa County Fire Department.

### **Emergency Telephone Tree**

It's been a while since the **YOSEMITE WEST EMERGENCY TELEPHONE TREE** was last updated and sent to homeowners. Functional use of the telephone tree has not continued, with other methods of notification taking its place. However, many members use the tree as a directory of current residents, and YWPHI will attempt to update it and make it available on a permissions basis.

### **Private Garbage Disposal**

All garbage dumpsters in Yosemite West are privately owned and there is no public garbage disposal system in Yosemite West. Dumping household waste in the National Park Service dumpsters is illegal and subject to a fine.

Please remember to be diligent with trash and remind your guests to do so as well. There have been multiple recent issues with people dumping trash on the ground around shared private dumpsters. Coyotes have been active in the area again, so remaining vigilant is especially critical.

Items illegally dumped next to dumpsters have included large household items (e.g., sofa bed, mattress, table), and also large piles of household waste. Total Waste (the company who services the dumpsters) will not pick up anything outside the dumpsters. Illegal dumping makes the community look bad, attracts wildlife, and forces other residents to volunteer time to clean up the mess and transport it away (or pay someone to do so).

YWPHI is not involved with nor responsible for the Yosemite West Trash Cooperative or recycling program in any way, and provides this information as a service to the community.

**Trash Cooperative**

The Yosemite West Trash Cooperative, which provides a means to dispose of household garbage, currently does not have any openings for new members. Rea Jackman manages the co-op; if you'd like to become a member, email her at [jtreehouse@starband.net](mailto:jtreehouse@starband.net) to ask about any future openings. The co-op's one four-yard dumpster is on Yosemite Park Way (Lot 207) in the middle of the community.

**Recycling**

In May 2013, Rea Jackman arranged for Total Waste to provide two blue recycling dumpsters for the community. The two dumpsters are both on Henness Circle; one at the entrance to the condo's parking lot, and the other on the vacant lot immediately to the left of the "T" intersection on the left-hand side of the road.

The recycling dumpsters are free of charge and available for anyone to use; you do not need to belong to the Yosemite West Trash Cooperative. Items that can be recycled include: paper products; milk cartons, juice and soy / rice milk boxes; glass bottles and jars; metal cans; and plastic containers. Styrofoam cannot be recycled.

At present, the recycling dumpsters will only be in the community on a seasonal basis between May and October with twice weekly pickups. This schedule may change once usage patterns are established. Any updates will be posted on the bulletin board in the mailbox shed.

Co-op members are strongly encouraged to recycle everything possible to reduce pressure on the co-op's single dumpster; the more pick-ups required, the more it costs *you*.

If you're wondering why both recycling dumpsters are on Henness Circle, it is because no other space has been offered. If you have a lot or house in the middle or lower section of the community and would be willing to have a recycling dumpster on your property, please email Rea at [jtreehouse@starband.net](mailto:jtreehouse@starband.net). Everyone should thank Rea for taking the time and initiative to organize this service free to the entire community.

**What to Recycle:**

**Paper Products** *Flatten or cut boxes to fit loosely inside cart. Please bag shredded paper in paper or clear plastic bags.*

YES	NO
✓ White & Colored Paper	✗ Napkins, Towels, Tissues
✓ Office Paper & Envelopes	✗ Food Contaminated Paper
✓ Newsprint, Inserts & Junk Mail	✗ Waxed Cardboard or Paper
✓ Books, Magazines & Catalogs	
✓ Cardboard	

**Milk Cartons, Juice and Soy/Rice Milk Boxes** *Empty before recycling. Remove straws.*

YES	NO
✓ Milk Cartons & Drink Boxes	✗ Plastic Lined Cartons
✓ Juice Concentrate Cartons	✗ Straws or Loose Pop Tops
✓ Frozen Food Packaging	✗ Liquids or Food Waste

**Glass Bottles and Jars** *Empty before recycling. Keep lids screwed on.*

YES	NO
✓ Food & Beverage Glass	✗ Lightbulbs, Ceramic, Dishes or Stemware
✓ Clear & Colored Glass	✗ Window or Mirror Glass

**Metal Cans** *Empty before recycling.*

YES	NO
✓ Aluminum, Steel, Tin, Cans	✗ Scrap Metal
✓ Empty Paint & Aerosol Cans	✗ Car Parts
✓ Metal Lids & Caps	

**Plastic Containers** *Empty before recycling. Keep tops screwed on.*

YES	NO
✓ Household plastic containers	✗ Hangers
✓ Liquid-Containing Containers	✗ Styrofoam
✓ Plastic Bags (See Back)	✗ Utensils
✓ Shampoo & Soap Containers	✗ Compostable Plastics
✓ Rigid Plastics (See Back)	✗ PVC Pipe
✓ Yogurt, Deli, To Go Containers	✗ Loose Plastic Tops smaller than 4" inches

## Social Events

YWPHI held its second annual Community Barbecue on July 7, 2012 at Mike and Barbara Stepien's house. The extended Stepien family hosted the event and cooked up a storm to sate the appetites of 40 guests. Thank you again Stepieus for a wonderful event!

The idea for a summer Barbecue was considered by YWPHI, however we were unable to secure a location, other than in August (which made it too close to the Annual meeting). Because of difficulties of holding a wintertime event, the annual Holiday Open House (sponsored by YWPHI for eight years) was last held in 2011. The tradition ended largely due to the uncertainties of party planning with the possibility of snowy and icy conditions.

If you'd like to see either of these events continue or be resurrected in future years and would like to volunteer to organize or host, please contact [info@yosemitewest.org](mailto:info@yosemitewest.org).

Meanwhile, the Memorial Day Weekend picnic, YWPHI's most well-attended annual community event, averaging 55 guests, and Labor Day Weekend potluck brunch will stay on the annual YWPHI event calendar.

Historically, both events have been held in Betty Clark's yard; we'd like to thank Betty and her extended family for their generosity in letting YWPHI hold these events at her house. Sadly Betty has been unable to spend time recently in Yosemite West due to health issues; we wish her the best and keep her in our thoughts.

## Burn Pile Stalemate

In June 2013, Mariposa County Public Works Director Peter Rei provided a somewhat gloomy update on the burn pile issue:

“There has been no solution agreed to by the Doctors group [(see Note below)] as concerns future use of the historic burn pile location. At this point it appears to Public Works staff that this issue is essentially dead. A lot of time has been expended on this issue but there is nothing really to show for it.”

This stalemate between the doctors and the County has one clear loser - the community. The doctors have now linked the burn pile with other demands (see their February 4, 2013 letter and maps; <http://yosemitewest.org/u/burnpiledocs.pdf>), further complicating and obfuscating the central issue. The County has evidently found it too complicated and time consuming and has decided *not* to pursue the issue.

It's worthwhile reviewing this lengthy and complicated issue, so we present an overview and timeline below.

[Note: The “Doctors group” mentioned above refers to the original developers of Yosemite West who own parcels in and adjacent to Yosemite West in the names of their corporations; Yosemite Highlands, Inc., Yosemite West Associates, and Hennes Ridge Associates. They own the parcel where the historic burn pile was located. We will refer to them as “the doctors” or “the developers” unless referring to a document from a specific corporation.]

### Burn Pile Overview

The original Yosemite West subdivision agreement

(<http://www.yosemitewest.org/ywsub1967.pdf>) between Mariposa County and the developers calls for a dedicated dump site

below the subdivision. What has been known as the “community burn pile,” located at the bottom of the subdivision off Yosemite Park Way, was used as a collection site for pine needles and vegetative debris for more than 30 years. Mariposa County Public Works Department managed the burn pile; controlling access via a locked gate, and burning the pile once a year in the fall once sufficient precipitation or snowfall permitted them to do so. In September 2011, the doctors expressed liability concerns over the use of the burn pile, and at a March 2, 2012 meeting, Public Works Director Rei said that the burn pile can no longer be used. Now, a condition of the original subdivision agreement is not being fulfilled.

Lack of a burn pile is causing difficulties for property owners who no longer have a systematic method to readily dispose of pine needles, and has increased fire danger inside the community.

### **Burn Pile Timeline**

We urge everyone to read and review the key documents that led to this undesirable situation, which have been compiled at <http://www.yosemitewest.org/u/burnpiledocs.pdf>. The documents and meetings are listed below.

#### **2011**

September 7th - Yosemite West Associates sent a letter to the County expressing liability concerns about the existence of the burn pile.

November 14 - A community meeting about the burn pile was attended by Public Works staff, the County Fire Marshall and residents.

November 30 - A second community meeting was held.

#### **2012**

March 2 - The Yosemite West Maintenance District Advisory Committee met with members of the public and Mariposa County's Public Works staff.

March 27 - The County mailed a letter of explanation to Yosemite West property owners.

April 1 - YWPHI sent a letter to Yosemite West Associates urging them to find a solution and to maintain the historic burn pile.

April 6 - The County sent a letter to Yosemite West Associates stating the County completed cleanup of the burn pile site and reminding them that the subdivision agreement requires them to provide a “dump site.”

June 5 - The County sent a letter to Yosemite West Associates summarizing that the cleanup was done and operations ceased at the burn pile, yet they had not replied about their obligation to provide a “dump site.”

July 13 - Yosemite West Associates sent a letter to the County suggesting the County-owned parcel near the sewer as an alternative “dump site.”

September 5 - The County sent a letter to Yosemite West Associates proposing two options for a lot line adjustment that would transfer the land where the historic burn pile was located to Mariposa County after ruling out the parcel where the sewer is located, due to California Department of Public Health requirements.

#### **2013**

February 4 - Yosemite West Associates sent a letter to the County acknowledging their obligation to provide land for a “dump site,” but proposing a list of

items in exchange for a lot line adjustment. The lengthy list includes items unrelated to the historic burn pile, such as: transferring approximately 1 acre of the County maintenance yard (on Henness Ridge Road by the mailboxes) to their ownership (maps accompany their letter); bearing costs for related legal, survey and planning work; widening the easement below the historic burn pile location to their “master” parcel; and processing any timber and trucking permits and any other “land issues” on their behalf.

It is not known why the developers have proposed such a lengthy list of items in exchange for a lot line adjustment. The subdivision agreement is simple and clear, and the developers have not met this important condition.

### **Take Action**

If you are not satisfied with this outcome, get involved and try to help find a solution. Please direct your comments and questions to:

- Lee Stetson, District I Supervisor, Mariposa County Board of Supervisors (lsetson@mariposacounty.org, % 209-966-3222);
- Mariposa County Public Works Department (prei@mariposacounty.org, %209-966-5356); and/or
- Yosemite West Associates, @ P.O. Box 6232, San Jose, CA 95150-6232.

Meanwhile, the reality is that ultimate responsibility for pine needle disposal and compliance with the State-mandated 100-foot defensible space clearance law lies with each property owner (see PRC §4291 Inspections, p.12-13). The most viable short-term solutions are either burning pine needles on site or hauling pine needles to a dump or County transfer station.

Please keep in mind that both burning and hauling take more time than you may be used to; hauling to burn piles inside Yosemite National Park, including the valley, Wawona and Foresta, is *not* permitted. Doing nothing is *not* an option. It only increases the community fire danger.

### **Approved OES Plans**

The Office of Emergency Services (OES) operates under the Mariposa County Fire Department and with the leadership of Don Florence, the County Emergency Planner. OES has prepared two plans that have been approved.

### **Mariposa County Local Hazard Mitigation Plan (LHMP)**

The LHMP was developed to bring Mariposa County into compliance with federal and state requirements, including the Stafford Act. Mariposa County was one of only a few California counties that had not completed an LHMP. The purpose of the plan is to reduce or eliminate long-term risk to people and property from natural hazards. The primary purpose of hazard mitigation planning is “to identify community policies, actions and tools for implementation over the long term that will result in a reduction in risk and potential for future losses community-wide.”

Don Florence led the multi-year process, which started in November 2010, produced a draft by July 2011, and an approved plan on January 22, 2013. Don met with many communities for their input. He met with Yosemite West property owners at the snowy 2011 Memorial Day Weekend picnic.

The LHMP identifies mitigation actions, essentially describing projects to address existing hazards. These include vegetation management and fuel reduction

projects, weather forecasting capabilities, public awareness and education, seismic retrofitting, bridge building and debris and storm damage response (using the *After Action Plan* from the 2011 “snowmageddon,” the March week in which Yosemite West received more than 11 feet of snow and just about everything that could go wrong did go wrong). Preparing and distributing an evacuation plan for Yosemite West (see Preparedness Plan, p.10) was one project.

The approved LHMP is currently being revised. You can view the document online at <http://www.mariposacounty.org/fire/> (click on the OES link at the left and then scroll down to the LHMP document) or request a CD from the OES.

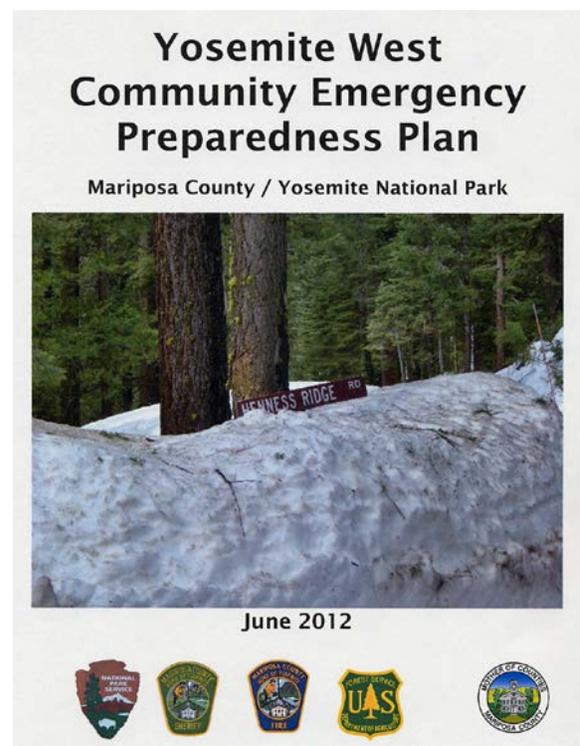
Projects identified in approved plans are also eligible to apply for grant funding from various federal and state agencies.

### **Yosemite West Community Emergency Preparedness Plan**

The Preparedness Plan was developed in the event that an emergency incident necessitates an evacuation from Yosemite West. The plan details three basic steps: preparation, notification, and the evacuation process. It also includes an evacuation map, the signage for which is still to be installed throughout the community. The plan was prepared in cooperation with Mariposa County, the National Park Service, Sierra National Forest, and the Mariposa County Fire Department and Sheriff’s office.

Don Florence rolled out the plan at a YWPHI-sponsored community meeting on February 16, 2013, held at Kelly Rich’s house. The meeting was attended by community and Mariposa County Fire Chief Wilson, Sheriff Binnewies and Deputy Sheriff Bibby, and the National Park Service Fire Chief Martin and Wawona law enforcement rangers.

Don Florence also attended the Memorial Day Weekend picnic on May 26, 2013 to present this plan to a larger gathering of community members. In spring 2013, YWPHI mailed hard copies of the plan to all property owners of record in Yosemite West. Additional hard copies of the plan were available at the picnic and are inside the mailbox shed by the bulletin board. If you have not received a copy or would like an extra one, please contact Don Florence at [dflorence@mariposacounty.org](mailto:dflorence@mariposacounty.org).



Street sign photographed after the March 2011 "snowmageddon"

### **Pending OES Plan**

### **Yosemite West Community Conservation & Wildfire Protection Plan (CCWPP)**

Don Florence has approached Yosemite West and informed the community that the existing *Yosemite West Community Wildfire Protection Plan* (CWPP), which was approved in June 2008, needs revision (<http://www.yosemitewest.org/ywcwpp.pdf>). The primary revision is to bring the

document into compliance with current National Fire Plan guidelines, which essentially changes the document's structure from a CWPP to a CCWPP, and updates all the projects completed since 2008. Once funding has been identified and approved, this project will move forward. When the CCWPP is completed and approved, any projects identified in the plan may be eligible for federal, state and local funding.

### **Fire Safety**

Yosemite West is in the Wildland-Urban Interface or WUI, referring to a zone of transition between unoccupied land and human development adjacent to or surrounded by wildlands at risk of wildfire. We live in the WUI to take advantage of natural beauty, privacy and recreational activities. However, the threat of wildfire in the WUI continues to increase due to ongoing development and exposure to risk. The risk is not going to go away, so it is every property owners' obligation to take responsibility for creating defensible space on their own property and agreeing to support community-wide fire safety efforts.

#### **2011 National Fire Plan Grant Completed**

YWPHI was awarded a National Fire Plan grant for \$94,350 from the National Park Service through the California Fire Safe Council (FSC) to create defensible space on 44.45 acres in Yosemite West Project Area YW-004. This area is the undeveloped land between Henness Circle and Henness Ridge Road. Implementation of on-the-ground work started on May 9, 2012 and was expected to take four weeks. However, heavy fuel loading and the dense understory kept the capable crew from California Reforestation, Inc. of Sonora busy for a full 10 weeks. Work was successfully completed on July 18, 2012.

The project invested more than 1,700 hours of labor for fuel reduction. The project scope was expanded to include a sawyer for felling the significant number of dead trees in the project area. The final progress report, photo monitoring and grant closeout report were submitted to the Fire Safe Council in August 2012.

We would like to extend our gratitude again to everyone at California Reforestation, Inc., especially partners and Registered Professional Foresters Leon Manich and Will Durrell, for their commitment to the success of this project.

Further information about YWPHI's successfully completed fire safety grants is at <http://www.yosemitewest.org/grants.htm>.



#### **2014 Grant Funding Cycle**

The 2014 California Fire Safe Council Grants Clearinghouse funding cycle is currently open and accepting applications for community wildfire prevention projects. YWPHI does not have any active grants at present, but we can consider applying for funding for a new project.

This year's funding cycle requires a 50% match, for every dollar in grant funding awarded, the community would be required to produce a 1:1 dollar for dollar match. The match can either be made in cash or as an in-kind contribution of labor. We would need to determine where this sizable investment from the community would come from in order to conceptualize a

competitive application. Funding sources have become tighter since YWPHI received its previous grants, for which our match requirements were zero percent on the first two grants, and 13%, 19% and 25% on the last three grants. Possible projects include:

- A maintenance project on previously-treated areas to remove slash or treat re-growth.
- Clearing trees from the area directly around houses, focusing on primary residences, with a reimbursement program for homeowners that pays for half of the tree removal up to a set cost.

However, using taxpayer-funded grants to provide clearance around second homes (because owners won't spend their own money) would *not* make a competitive grant application.

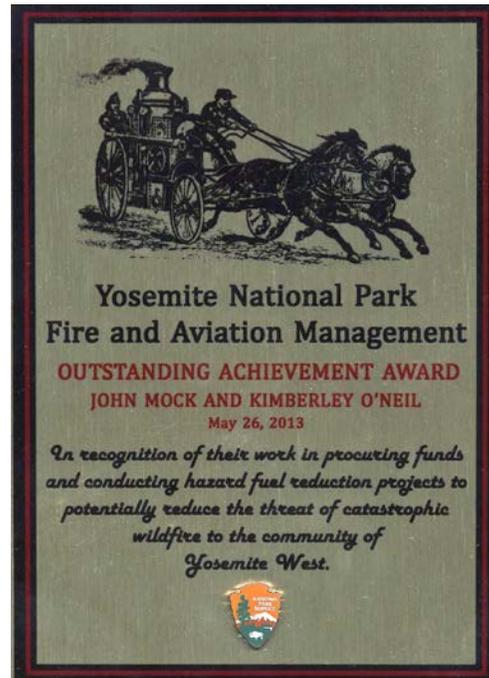
It would be useful to discuss options at the upcoming YWPHI annual meeting on September 1st to gauge community interest and commitment.

### **Chipping Program**

YWPHI was again proud to offer free chipping to everyone in the community in both 2012 (May 29th) and 2013 (June 17th). These were the eighth and ninth consecutive years that YWPHI facilitated fuel reduction and promoted the creation of community wide defensible space by helping property owners comply with PRC §4291. YWPHI paid for one day each year to chip owner-made curbside piles. This program was offered at no cost to property owners.

In 2012, the program chipped 45-owner made piles, representing the largest participation at the least cost to date. In 2013, the program chipped more than two dozen piles. Although 2013 had fewer piles, the piles were significantly larger with many

neighbors combining debris. We'd like to thank the crews from California Reforestation, Inc. of Sonora for their professional and timely work under the supervision on Will Durrell (2012) and Jim Blunt (2013).



NPS Fire Chief Kelly Martin presented the above plaque at the YWPHI Memorial Day Weekend picnic; YWPHI's successful fuel reduction projects demonstrate that Yosemite West is a proactive community in addressing its wildfire risk.

YWPHI previously funded chipping programs 2005-2008, and National Fire Plan grant funding awarded to YWPHI paid for fuel reduction and chipping from 2009 to 2011.

### **PRC §4291 Inspections**

CalFire is responsible to conduct annual property inspections for compliance with California Public Resources Code §4291, the State's 100-foot defensible space law. The inspections normally start in July, however, they have not yet been conducted for 2013. Recently contacted, CalFire has indicated they will complete the inspections, but have not yet announced a date.

### **Fire Prevention Fee**

Why should you care about inspections? If you don't care about your house burning down, you may or may not care that the State of California started billing every property owner an annual Fire Prevention Fee of \$115.



The Fire Prevention Fee website (<http://www.firepreventionfee.org>) says:

“The State Responsibility Area (SRA; defined below) Fire Prevention Benefit Fee was enacted following the signing of Assembly Bill X1 29 in July 2011. The law approved the new annual Fire Prevention Fee to pay for fire prevention services within the SRA. The fee is applied to all habitable structures within the SRA.”

“The fee is levied at the rate of \$150 per habitable structure, which is defined as a building that can be occupied for residential use. Owners of habitable structures who are also within the boundaries of a local fire protection agency will receive a reduction of \$35 per habitable structure.”

Note: The State Responsibility Area (SRA) is the area of the state where the State of California is financially responsible for the prevention and suppression of wildfires. SRA does not include lands within city boundaries or in federal ownership.

The first billing notice, dated September 25, 2012, was for the period from July 1, 2011 to June 30, 2012. One purpose of this fee is specifically to fund PRC §4291 inspections in SRAs; Yosemite West is an SRA. We may not want to pay the fee, but if we're paying it, then CalFire should be doing the inspections. Otherwise, one might wonder what the money is being spent on. The next billing notice for 2012-2013 is due to be sent to property owners next month.

### **Preparing for Inspections**

Here are some points to keep in mind to help comply with State law and facilitate community-wide defensible space:

→ While some residents have done fuel reduction, they have not disposed of the debris. **To succeed at creating community-wide defensible space, debris must be removed from the community properties and the interior land of the community.** Raking or hauling debris to the edge of your property does not create defensible space; and *all* needles must be removed or burned.

→ Some residents raked pine needles in a 30-foot circle around their house, but did not clear to 100' or (their property lines).

→ Some residents have vegetation and trees too close to their propane tanks; State law requires at least 10 feet of clearance in all directions.

→ Some residents have defensible space on some of their property, but not uniformly around their structures (especially new construction). **Make sure your defensible space encircles your house and extends out equally in all directions, so as to comply fully with PRC §4291.**

→ If you cleared your vacant lot or it was treated through a grant-funded defensible space project, maintain the clearance. Vegetation grows back.

→ Some new property owners have not raked pine needles since acquiring their houses. Rake your pine needles!

→ Construction of some houses has been done without consideration for defensible space. New homebuilders need to take defensible space into account; this is your responsibility not that of your contractor.

Contact the CalFire Mariposa-Merced Unit (209-966-3622) and/or Bass Lake Station (559-683-6700) with any questions about inspections. Call the Fire Prevention Fee Service Center (888-310-6447) with any questions about the fee.

### **Fall Pine Needle Cleanup**

Many full-time residents and vacation rental operators cleanup their pine needles twice a year - once in spring *and* once in fall.

Full-time residents and vacation rental operators are usually done with pine needle cleanup earlier in the spring, well before Memorial Day Weekend - the cooler temperatures are more conducive to the laborious task, the more regular permissive burn days make it easier and safer to burn pine needles, and fewer lizards and skinks lie lurking in the pine needles when days are cool. In fall, the needles are dry and it's much quicker and easier to burn them - rather than waiting for soggy pine needles to dry out in the spring - and the task is essentially divided in half. (Also see Debris Burning, p.14.)

We'd like to urge everyone to consider their own fall pine needle cleanup in addition to the standard springtime activities.

### **Debris Burning**

Fire is a natural part of the forest ecology and can be an important tool for property owners in the absence of a community burn pile. However, residential landscape debris burning must be done safely and in compliance with CalFire's guidelines. Violation of these guidelines violates State law and is subject to a penalty. Piles are limited to 4 feet in diameter with a cleared 10 foot perimeter around the pile (see illustration at right).

Some residents in Yosemite West have been burning pine needles in an unsafe manner, including burning on **No BURN DAYS**,

igniting multiple piles at once without sufficient perimeters, and utilizing driptorches for ignition of large areas (rather than a simple match). It is in everyone's interest to burn safely and in accordance with CalFire's guidelines.

If you hire someone to handle your pine needles and authorize burning on your property, please take time to review the guidelines carefully with anyone you hire. (Remember everyone must call the Mariposa County Burn Day Information Line at # (888) 440-2876 to find out about permit requirements and if it is a permissive burn day. Burning restrictions have been in place, i.e., not permitted, since June 11th this year.)

### **Possible Burning Demonstration**

At this year's Memorial Day Weekend picnic, Kelly Martin, Chief of Fire and Aviation Management for Yosemite National Park, generously offered to conduct a pine needle burning demonstration in Yosemite West if the community wants one.

If you would like to participate in such a demonstration, please email [firesafety@yosemitewest.org](mailto:firesafety@yosemitewest.org) so YWPHI can assess the interest.

# Debris Burning

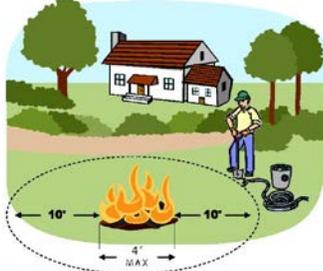


## Debris Burning

The following are burning permit requirements:

For burning debris in small 4-foot x 4-foot piles:

- Maximum pile size 4 feet in diameter.
- Clear all flammable material and vegetation within 10-feet of the outer edge of pile.
- Keep a water supply close to the burning site.
- An adult should be in attendance with a shovel until the fire is out.
- No burning shall be undertaken unless weather conditions (particularly wind) are such that burning can be considered safe.



No household trash or garbage can be burned outdoors at residences. Dry, natural vegetation, grown on the property can still be burned outdoors in open piles, unless prohibited by local ordinances. Burning can only be done on permissive burn days. Burn permits are only valid on "Permissive Burn Days" as determined by the State Air Resources Board or the local Air Pollution Control District (APCD).

Violations Of Any Burning Permit Terms Are A Violation Of State Law  
(Public Resources Code 4421, 4422, 4423 And 4425)

www.fire.ca.gov

the July 2011 1,068 acre Avalanche fire, other prescribed fires and mechanical thinning treatments in Yosemite's Suppression and Wilderness Fire Management Units.

## Need Fire Insurance?

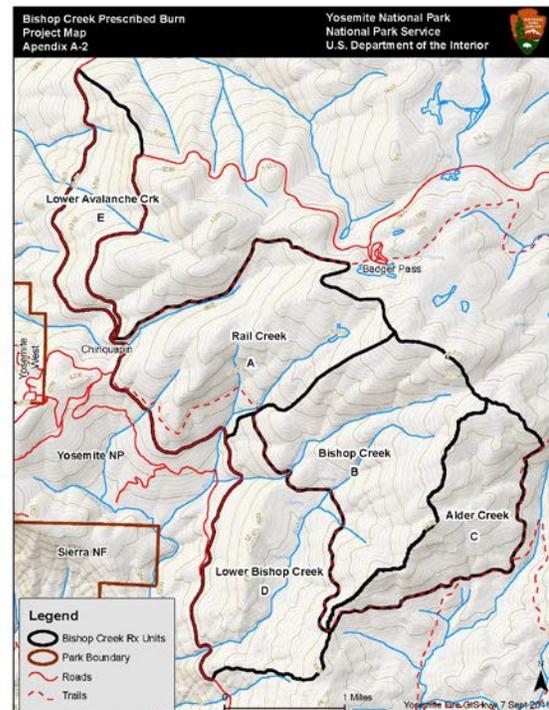


Several property owners have faced non-renewal of hazard insurance policies from their insurance companies in recent months. The California FAIR Plan Property Insurance issues basic fire insurance and personal property coverage as a last resort to property owners who cannot find coverage in the voluntary market. Their website (<http://www.cfpnet.com>) explains how to obtain coverage.

## Bishop Creek Prescribed Burn

The proposed Bishop Creek Prescribed Burn, originally planned for late September 2011, has been postponed for almost 18 months due to the drought conditions, low fuel moistures, and other factors. The National Park Service (NPS) still wants to conduct this burn and will keep the community posted as conditions change. NPS Chief Martin met with the community on two occasions to discuss this proposed burn, and may do so again should conditions allow for the burn.

This proposed project is mostly in wilderness and the primary objective is Wildland Urban Interface (WUI) protection. The project will buffer the communities of Yosemite West, Wawona, Glacier Point Historic District and El Portal from unwanted wildfire by reducing an over-accumulation of fuels. The project is 5,224 acres and is broken into five segments (see map sectors lettered A-E). It will build off



## Highlands Timber Harvest Update

Yosemite Highlands, Inc., a privately owned corporation, filed a Timber Harvest Plan (THP) in 2009 for 600 acres directly west, northwest and north of Yosemite West on two parcels: APN 006-070-029 (312.89 acres); and APN 006-070-027 (319.97 acres). See a Parcel Map is in Appendix A of the *Yosemite West Community Wildfire Protection Plan*:

<http://www.yosemitewest.org/ywcwpp.pdf>.

The THP started selectively harvesting trees on October 29, 2012 and is ongoing. Trees are being removed with logging trucks via Yosemite Park Way, Henness Ridge Road, and Wawona Road. The THP will operate for three years, with a two-year extension possible.

Detailed information about the Highlands THP, including the plan, its amendments, comments, maps, etc., is in the *California 2009 Timber Harvest Plan (THP) Database*

(<http://www.thptrackingcenter.org/database/thpca2009.html>; scroll down to find THP number **THP 4-09-009 MAR** or search the list by the name “Highlands”).

## Around the Neighborhood

### Mailbox Shed

The mailbox shed was hit by a snowplow in April 2012, damaging a board supporting the roof. Mariposa County Public Works eventually repaired the damaged board after being contacted by the community. Once this repair was completed, Robert Kroon organized a crew to spruce up the outside of the mailbox shed with a new coat of paint. We'd like to thank him for taking on this job. Rea Jackman also arranged for boulders to be placed to the left of the shed to physically prevent any similar mishaps in the future.



Newly painted mailbox shed with protective boulders

YWPHI also installed a “friendly” sign to discourage tourists from wandering behind the shed and using the area as a *plein air toilette*. YWPHI paid for the labor and materials for these projects.



As typically happens every summer, wasps took up residence inside the mailbox shed making numerous large nests on the ceiling. Swarming wasps makes it *very unpleasant* for our mail carrier to do his job, so we'd also like to thank Jerry Jackman who volunteered and handled extermination duties.

### Wildlife Around Yosemite West

#### **Mule Deer Fawns**

The Park's *Daily Report* reminds everyone that mule deer fawns are typically born this time of year in Yosemite.

“Fawns have been recently seen... People concerned about these young animals often pick them up or pet them, which will likely reduce their ability to survive.”

“Fawns are born relatively scentless and are brown with white spots. These characteristics provide camouflage, which allows fawns to conceal themselves from predators:

this is their primary form of defense. When approached by a human, the natural response of a fawn is to remain still and silent, lay its head down and try to hide. Even when physically touched, the fawn may not move. Adult female deer do *not* remain close to their fawns in order to prevent drawing attention to them. The adult female deer will come to find them several times per day to nurse.”

“The best course of action when you see a fawn is to leave it alone and keep your distance from it so that the adult female can regularly return to nurse.”



Fawn in Yosemite West struggling to stand



Fawn lying beneath manzanita in Yosemite West

### **Mountain Lions**

Several mountain lions have been seen recently on Henness Ridge and other areas inside Yosemite National Park. In fact, the Park has reported mountain lion sightings crossing Highway 41 near the Wawona Campground, near Dewey Point, on the Ostrander Lake trail, and at Boothe Lake near Vogelsang. These locations ranges in elevation between 4,000 feet and 10,000 feet, so be aware of your surroundings.

Lions are a normal and important part of the natural environment. However, their presence near developed areas and on hiking trails and cycling routes requires everyone to take precautions, even though attack from a mountain lion is an extremely unlikely event:

- Keep children close to you. Do not allow them to run ahead or lag behind on the trail.
- Never feed wildlife such as deer, raccoons, squirrels or coyotes, which are prey for mountain lions, to discourage them from frequenting developed areas.
- Do not hike or run alone; carry a walking stick as useful defense.

If you encounter a lion, take the following actions:

- Shout in a low voice.
- Make yourself look as large and threatening as possible; wave your arms or hold a jacket open.
- Maintain eye contact with the lion and do not crouch down.
- Throw sticks or rocks at the lion.
- NEVER RUN.
- Pick up / restrain children so they don't panic / run.

If a lion attacks, **FIGHT BACK!** Report all mountain lion sightings to the Park's Dispatch Office at # (209) 379-1992.

### **Environmental Education Campus Construction Starting**

Construction of the Park's new 31-acre Yosemite Environmental Education Campus (YEEC) at the junction of Wawona Road and Henness Ridge Road adjacent to Yosemite West is scheduled to start August 7, 2013.

Crews will begin to mobilize equipment and materials to commence installation of buried utility lines for the YEEC. The majority of the work will be within the boundaries of the YEEC site. However, a portion of the buried utility lines, electric and phone, will be installed under Henness Ridge Road. Notice for any traffic delays associated with this road work will be posted a week prior. This project,

which is privately funded by NatureBridge, is the first phase for the build-out. The construction contractor is Allison Sierra Inc. and utility work is scheduled to continue through October 2013.

### **Project Documents**

You can visit the Park's website ([www.nps.gov/yose/parkmgmt/eecampus.htm](http://www.nps.gov/yose/parkmgmt/eecampus.htm)) for information about the YEEC. The webpage includes links to the Final Environmental Impact Statement and Schematic Designs.

### **Wildlife Mitigation During Construction**

Sara Stock, NPS biologist, encourages people to email her ([sarah\\_stock@nps.gov](mailto:sarah_stock@nps.gov)) information about any wildlife sightings on Henness Ridge that are of interest; please include the date and location with each observation. NPS is particularly interested in sightings of spotted owls, flammulated owls, and the Pacific fisher (because of their specific mitigations with respect to these animals).



Spotted owls



Flammulated owl



Pacific fisher

### **Cascades Application Withdrawn**

The Mariposa County Planning Department confirmed that the application from Yosemite Cascades for a proposed guest ranch development on Henness Ridge Road was withdrawn earlier this year and any deposits were refunded to the prospective developer.

Anyone who follows the Mariposa County budget will note that the line item for the Yosemite Cascades Environmental Impact Report (EIR) ends as of the end of fiscal year 2012-2013.

### **Yosemite National Park Boundary Expansion**

Many of you are aware that the Pacific Forest Trust (PFT, [pacificforest.org](http://pacificforest.org)) has proposed a boundary expansion for the western part of Yosemite National Park.

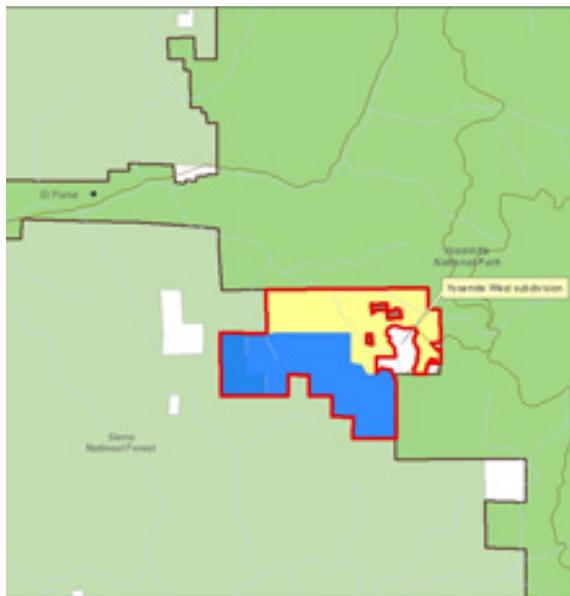
Their website explains that:

“Since 2004, PFT has been working with willing sellers to purchase and conserve nearly 2,000 acres of forests, meadows, rocky ridges, and streams on Yosemite National Park’s western boundary. These three parcels of lands were part of the original design of the national treasure envisioned by John Muir in 1906, but were excluded from the Park’s boundaries due to political pressure at the time. In 2012 Congress can remedy this exclusion with a slight adjustment of the Park’s boundary lines. A Boundary Line Adjustment (BLA) will enable the Park Service to add these key tracts of land, decreasing the development threat along the western border, enhancing wildlife habitat, scenic vistas and recreational opportunities, and completing the original vision of John Muir.”

The 2012 “Yosemite National Park Boundary Line Adjustment” (BLA) effort stalled in Congress, and on April 23, 2013 the slightly renamed **Yosemite National Park Boundary Expansion Act of 2013** (S.781/H.R. 1677) was introduced in the

U.S. Senate and House by Sen. Dianne Feinstein (D-CA) and Rep. Jim Costa (D-CA 16th) with 12 co-sponsors, and has been referred to committee. (Whenever more than 80 acres of land is transferred to the National Park Service, it requires an Act of Congress and this Act could bring more than 2.5 square miles within the park boundaries.) You can follow the status of the bill in Congress at <http://govtrack.us/congress/bills/113/hr1677>.

**The BLA does not sell, transfer, or otherwise convey land to the Yosemite National Park. It merely allows for willing Henness Ridge landowners (Pacific Forest Trust in blue, and Yosemite Highlands / Yosemite West Associates / Henness Ridge Associates aka “the doctors” in yellow) to have the option to do so with specific parcels (see map p.19) in the future.**



The area within the BLA was inside the original park boundaries, but was excluded in 1906 due to timber interests. View a map showing the 1906 exclusion at [http://www.yosemite.ca.us/library/yosemite\\_resources/images/illustration\\_55.jpg](http://www.yosemite.ca.us/library/yosemite_resources/images/illustration_55.jpg).

Should the BLA proceed, its impact on property values is unknown. However, realtors currently list properties adjacent to the national park at a higher value than parcels not adjacent to the park boundary.

Visit the PFT website at <http://pacificforest.org/Yosemite-Anniversary-BLA.html> to read more about this initiative. The proposed BLA is supported by the Mariposa County Board of Supervisors, California legislators Olsen and Berryhill, the California Natural Resources Agency, the Yosemite Conservancy (whose Executive Director is former Superintendent Mike Tollefson), and Yosemite West Associates (the original developers of Yosemite West), all of whose letters of support are listed in the upper right-hand corner of the PFT website.

On April 18, 2013, the California Senate unanimously approved a joint resolution (SJR5) supporting the Yosemite expansion; you can read the bill and track it online at <http://legiscan.com/CA/bill/SJR5/2013>.

Frank Bigelow (R - Jackson), our District 5 member of the California Assembly has said:

“One hundred years ago, when my great grandfather Major John Bigelow Jr. was the Superintendent of Yosemite, one of the great challenges of the day was management conflict with private holdings in and around California's first and greatest park. Subsequent boundary changes and acquisitions resolved many of those issues, with a couple notable exceptions, including this area. I'm pleased to join Mariposa County in supporting this adjustment to Yosemite's boundary, and I look forward to seeing this area added to the Park.”

Located on the vulnerable western boundary of the Park, the Act purports that incorporation of these lands would, “protect the headwaters of several tributaries to the Merced, a National Wild and Scenic River, and preserve an important wildlife habitat corridor to nearby national forest lands.”

If you have questions you can also contact Paul Mason, PFT Vice President of Policy & Incentives (% 916-214-1382, pmason@pacificforest.org). If you wish to express your opinion about the Act, you can contact your legislators, including:

Senator Dianne Feinstein's Office  
James Peterson, Legislative Assistant  
U.S. Senator Dianne Feinstein  
@ 331 Hart Senate Office Building  
Washington, DC 20510  
% 202-224-3841

### **Board of Supervisors' Study Session**

The Mariposa County Board of Supervisor's held a Study Session about Yosemite West on February 5, 2013. More than three dozen property owners attended the session.

The full minutes from the February 5, 2013 Board of Supervisors meeting and Yosemite West Study Session have been published by the County at [http://mariposacountyca.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=1077](http://mariposacountyca.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1077). This includes many important historical documents and reports as well as letters written to the County by YWPHI and property owners. If you're curious what was said at the Study Session or what written statements were submitted, this is the place to read all the documents.

### **Grand Jury Investigation Continues**

The Mariposa County Civil Grand Jury is impaneled for one year from July 1st to June 30th to act as "an arm of the court" and the ombudsperson for the citizens of Mariposa County, "a voice of the people and conscience of the community."

The 2012-2013 Grand Jury agreed to investigate the Yosemite West Wastewater Treatment Facility (WWTF) as part of its

review of the Public Works Department, and from a Citizen Complaint regarding the County's handling of the WWTF. (For more information about the WWTF, see New Sewer System Failing, p.22-25)

### **2012-2013 Midterm Report**

The *Midterm Report of the 2012-2013 Mariposa County Grand Jury* was released in January 2013. Pages 19-25 of their report address the *Yosemite West Waster Water [sic] Treatment Facility*. If you have not read it, it is on the County website at <http://www.mariposacounty.org/DocumentCenter/View/19779>.

The report provides an introduction to Yosemite West and its infrastructure, a timeline related to the WWTF from 1967 to present, the Grand Jury's 10 key findings after investigation, conclusions, and three recommendations.

The Grand Jury concluded in part, "The property owners of Yosemite West have been poorly served by the County. The Public Works Director acknowledges that maintenance of the facility has been lacking, and clearly the design of the \$3-\$4 million rebuild was deeply flawed."

The Grand Jury had recommended in part, "that the County immediately address the question of its share of the responsibility for the earlier failed \$3-\$4 million renovation of the facility and allocate proportionate funds from the County General Fund to offset the cost of forthcoming repairs." In April 2013, the Board of Supervisors released their written response to the Midterm Report, which stated, "The Board of Supervisors does not agree with this recommendation." **Yosemite West entrusted the County as directors of the Yosemite West Special District with more than \$3 million and the County does not feel they are responsible for the outcome....**

## **2012-2013 Final Report**

The *Final Report of the 2012-2013 Mariposa County Grand Jury* was released in June. The report includes their coverage of the Yosemite West Wastewater Treatment Plant and in Appendix A, the report by the Yosemite West maintenance district ad hoc committee. The ad hoc committee, created out of the February 5th Study Session, is made up of District I Supervisor Lee Stetson, District V Supervisor John Carrier, and property owners Jerry Jackman and John Mock who were appointed by the Board of Supervisors and elected to the ad hoc by the YWMDAC. Many thanks to local residents Jerry and John for serving on this committee and pushing through to get their recommendations heard.

You can find a copy of the report on the County website at <http://www.mariposacounty.org/DocumentCenter/View/20482> or cached on the YWPHI website at <http://yosemitewest.org/u/gj1213rpt.pdf>.

Here is the grand jury's summary:

“This complaint initiated the largest investigation by the 2012-2013 Grand Jury -- and one we recommend be continued by the 2013-2014 Grand Jury. The results of our initial investigation are published in our mid-term report. Since then we have monitored the County's progress on this matter carefully. In their response to the Mid-term Report of the Grand Jury, the Board of Supervisors agreed that "this project is a priority and needs to be completed in a timely manner." An ad hoc committee was established consisting of two supervisors, the Public Works Director and two representatives of the Yosemite West Maintenance District Advisory Committee. This committee was charged with making recommendations for correcting the problems with the treatment facility. Its initial meeting produced nine substantial recommendations (see Appendix A). While an engineering firm has been hired to design remedies for the treatment facility, it is currently not clear how much progress has been made on most of the

recommendations of the ad hoc committee. It is clear that all the problems with the facility will not be rectified in the current building season. Hopefully enough progress will be made this summer to improve sewage treatment and forestall any fines being levied by the Central Valley Regional Water Quality Control Board, which has already issued a notice of violation.”

## **2013-2014 Grand Jury**

The 2013-2014 Grand Jury has been impaneled. It is encouraging to know that they will continue to investigate the Yosemite West WWTF and other infrastructure issues.



ERIK SKINDRUD | THE GAZETTE

**Members of Mariposa County's 2013-2014 grand jury sworn in on July 3 included (from left, front row) Marcus Newman, Ron Iudice, Roger Brunelle, Janet Schmidt and Jeanne-Ann Pine. Behind the front row (from left) are George Catlin, J.R. Matchett, Darlene Prough and Karen LeCocq. Grand jury members Sharon Amundson and Sydney Hill were sworn in separately.**

## **Maintenance District Updates**

Yosemite West water, sewer and roads are operated by the Yosemite West Special District, which pays for these services from monthly user fees and a percentage of the annual property tax receipts. The district is a dependent district governed by the Mariposa County Board of Supervisors. For more information, please visit <http://yosemitewest.org/ywmdac.htm>.

Much of what goes on with our essential infrastructure is discussed at meetings of the YWMDAC. Members are appointed by the Board of Supervisors, but have no actual authority. If you want to know how our infrastructure ticks, it's vital to follow the committee's meetings.

YWPHI has reported on YWMDAC meetings. However, as of the March 2, 2012 meeting, Mariposa County arranged for and provided Public Works staff to take minutes. YWMDAC has approved the minutes from subsequent meetings, but the County has not established any system for public online access to them.

### **Roles & Responsibilities**

As a reminder, YWPHI reports about the activities of and topics of interest to the Yosemite West Maintenance District Advisory Committee (YWMDAC) as a service to the community. YWPHI is not involved with the committee's activities. YWMDAC is a liaison between Yosemite West property owners and the Public Works Department, which is responsible for daily operation of the maintenance district.

YWMDAC's recommendations are not binding; Mariposa County Public Works Department reviews any recommendations and proceeds with those they feel have merit. Any major activities or policy issues generally go before the Mariposa County Board of Supervisors for approval. The County funds for operation of our Special District are identified and accounted for in the annual Mariposa County budget, <http://mariposacounty.org/index.aspx?NID=7>.

### **Serious Issues Facing District**

The Yosemite West maintenance district is facing serious infrastructure problems with a potential cost of millions of dollars. Repairs need to be funded and the money needs to come from somewhere, but the County fund that accumulates capital maintenance funds for our special district, the Yosemite West

Utility Capital Fund, is almost depleted. Please read the following sections (see p.22-29) to understand the gravity of the situation facing the community.

### **New Sewer System Failing**

As every property owner should know by now, the Yosemite West sewer system is once again failing, fewer than seven years after a major rebuild and upgrade designed to last 40 years. On August 30, 2012, the Central Valley Regional Water Quality Control Board (RWQCB or the 'Water Board') issued a Notice of Violation to Mariposa County, which operates the system, for violating the 1999 Waste Discharge Requirements issued over a decade ago when the sewer system failed completely.

**It is shocking to realize that even after spending almost \$5 million (according to County records), including over \$3 million of our own money (i.e., property owners), Mariposa County has failed to provide a reasonably working water and sewer system!**

Property owners no doubt assumed that after voting in 2004 to assess themselves \$10,000 per parcel on average to pay for the sewer repairs, they would get a wastewater treatment facility (WWTF) they thought they paid for, one that would handle full build-out of the community and last for 40 years. The 2012-2013 Mariposa County Grand Jury noted that, "Apparently faulty design and inadequate maintenance are to blame" for the current failures.

Some background of how we got to this point may be useful.

## **Sewer System History**

### ***Early Lawsuits***

Yosemite West Associates, the original developers of the Yosemite West subdivision, failed to design, construct and install reasonably workable water and sewer systems, which led Yosemite West property owners, Yosemite West condominium owners, and Mariposa County to file law suits against Yosemite West Associates. The lawsuits were combined, and in September 1986, the Superior Court of Mariposa County rendered judgment in favor of the County for \$344,684 for repairs to the sewer and water systems and for \$134,400 as the cost of annexing the 48-unit condominium project to the Maintenance District, and ordered Yosemite West Associates to “deed, transfer, convey and dedicate to Yosemite West Maintenance District the necessary property for a workable water system, including wells, well sites, pipelines, access roads, rights of way, easements and other property.” Yosemite West Associates appealed the decision, and the decision was upheld by the Court of Appeals of California, Fifth Appellate District, on June 30, 1988. You can read the decision at <http://law.justia.com/cases/california/calapp3d/202/791.html>.

### ***Building Moratorium***

The WWTF, however, continued to experience failures culminating in 1998 with a total failure of the leach field, allowing untreated sewage to flow over open ground. The Mariposa County Board of Supervisors passed a resolution restricting water and sewer hook ups and the issuance of building permits in Yosemite West. The State Water Resources Control Board issued Waste Discharge Requirements in 1999 and an order in 2003 to Cease & Desist from violating those requirements.

### ***Rebuild, Assessment & Grant***

The County hired the engineering firm Psomas to design improvements to the WWTF and the collection system (sewer pipes) within the subdivision to allow for full build out of the subdivision by providing 100,000 gallons per day of treatment capacity. To pay for these major improvements, Yosemite West property owners voted in 2004 to approve an assessment district whereby each property owner essentially assessed themselves \$9,996.21 per EDU (equivalent dwelling unit, which is one kitchen, two full bathrooms, and one laundry facility).

Mariposa County then issued \$3,080,000 in 40-year assessment bonds and \$300,000 in 40-year revenue bonds to pay for the cost of the improvements. The assessment bonds were to be paid for from the parcel assessments, and the revenue bonds from sewer user fees. All of the bonds were underwritten by a loan from the U.S. Department of Agriculture, which provided the up-front capital to complete the work.

The County also received a U.S. Environmental Protection Agency (EPA) grant of \$242,500 to pay for repairs to the sewer collection system. Some property owners elected to pay their assessment in full, and these cash payments, along with the USDA loan and the EPA grant, were used to pay for the improvements to be constructed, for project incidental expenses and for expenses of issuing the bonds. These facts seem to be agreed on by most people who have looked at the issue.

### ***Financial Disagreements***

There are several additional points, however, on which the community and the County disagree. They revolve around legal issues regarding use of funds and County inducements to property owners to approve the 2004 assessment district by offering to

not require property owners to repay the \$1,008,000 County spent on the WWTF from 1998 to 2002, prior to the assessment.

However, despite voters' approval of the assessment, the County has been actively recouping those funds, and County records show that Yosemite West has not repaid a \$368,000 loan from the County Water Agency made in 1998-99. It's true, the County still thinks we owe them hundreds of thousands of dollars!

These issues are complicated and may require legal or other outside intervention to resolve. Many of them were mentioned at the February 5, 2013 Study Session (see p.20) and we encourage readers to review the minutes and statements and associated relevant documents from that meeting.

One of the crucial actions of the Board of Supervisors is contained in Resolution 10-127, approved on March 16, 2010, which directly addresses the funding and repayment issues. You can request a copy of the Resolution and supporting documents from the Clerk of the Board, Rene LaRoche.

The 2012-2013 Mariposa County Grand Jury also examined the issue of the WWTF and came to its conclusions and framed several recommendations, which are available in the Midterm and Final Reports (see p.20-21). Readers are encouraged to review these reports. One of the Grand Jury's recommendations was "that the County immediately address the question of the share of its responsibility for the earlier failed \$3-4 million renovation of the facility...." The Board of Supervisors did not agree with this recommendation.

### **Notice of Violation**

Currently, the Central Valley RWQCB's 2012 Notice of Violation requires Mariposa County to take specific steps to mitigate the violations noted by the Water Board. The

full Notice of Violation can be downloaded at [www.yosemitewest.org/u/nov20120830.pdf](http://www.yosemitewest.org/u/nov20120830.pdf).

In 2012, the County hired the engineering firm of Provost & Pritchard to prepare and carry out a plan to mitigate the violations and bring our WWTF into compliance. Although our WWTF was theoretically designed to handle 100,000 gallons of wastewater per day, the Water Board has determined that at present it can only handle 60,000 gallons per day, the limit for which it is permitted.

All property owners should make every effort to reduce wastewater themselves and instruct any renters or guest to do likewise. Since wastewater is generated from clean water, everyone needs to minimize water use to conserve water. If we exceed our permitted 60,000 gallons per day, then the County, under County Code 13.28 Yosemite West Maintenance District Flow Control (<http://ca-mariposacounty.civicplus.com/DocumentCenter/Home/View/550>), is mandated to order conservation measures be put into effect and could ultimately require a ban on new hook ups to the water and sewer systems (i.e., another building moratorium).

### **Repair & Upgrade Process for Compliance**

In January 2013, Provost & Pritchard prepared a draft schedule of the work needed to bring our WWTF into compliance with the Water Board's orders, many of which date between 1999 and 2003. Public Works brought the work to the Board of Supervisors as a series of Task Orders and the Board has approved Task Orders 1-4. These Task Orders were for design and field investigation and not for construction or installation of the required improvements.

The costs of these Task Orders have decreased the Yosemite West Utility Capital Fund to less than \$11,000. However, the next task, to install a new flow meter to

measure the amount of wastewater entering our WWTF and an automatic self-cleaning strainer for our leach fields, is estimated to cost \$95,000. Provost & Pritchard made an initial estimate of \$455,000 for all repairs to the WWTF, but recent discussion with County staff suggests the total could be more than \$1 million.

### **Lack of Funding to Pay for Repairs**

At the July 16, 2013 Board of Supervisors meeting, the Board discussed the lack of funds to pay for repairs needed to mitigate the Water Board's Notice of Violation. Mariposa County Chief Administrative Officer (CAO) Rick Benson stated that any course of action the Board of Supervisors takes should be predicated on rate increases. The CAO recommended against using money from the County's General Reserves and stated that "gifting" the money is not in the best interests of the County.

The Board of Supervisors recognized that the Notice of Violation must be mitigated. After much discussion, they indicated they are opposed to returning any money to Yosemite West, either from the General Fund or by forgiving any 'loans' listed on County accounts, but would be willing to consider an interest-bearing loan to the Yosemite West Special District, which would have to be secured by a rate increase, doubling or even quadrupling current monthly per gallon base rates and/or user fees for water and sewer.

The CAO noted that he cannot propose a rate increase and loan repayment schedule until he knows the exact amount of any loan the Board of Supervisors might offer, which depends on knowing the amount of money needed to complete repairs to our WWTF. Public Works Director Rei noted that the water system also requires work (see Drinking Water System Violations, p.25) and that lightning

damage to the computer control system also requires repair.

It now appears that a rate increase is likely, but the size of the increase is not yet known. Any rate increase requires a public hearing, but the only people who vote on it are the Board of Supervisors.

### **Consequences of Non-Compliance**

It is also clear that the County will not complete the required work in 2013. The County on July 3, 2013 notified the Water Board that it had fallen behind and requested a time extension for completing the work. The Water Board conducted an inspection of our WWTF on July 23, 2013 and on August 1 notified the County that it must submit a revised work schedule by September 2, and that until all work is complete, the County must submit quarterly progress reports on the work necessary to mitigate the Notice of Violation.

A key problem is that without a working flow meter, it is difficult to say how much wastewater is entering the WWTF and whether it is exceeding its permitted daily amount of 60,000 gallons. If it were determined that the permitted 60,000 gallons per day were being exceeded, then the Board of Supervisors would need to put into effect the *Flow Control Ordinance* and consider a ban on new hook-ups (i.e., another building moratorium). The Water Board could also impose fines on Mariposa County, which the County has said it would seek to pass along to Yosemite West property owners, which property owners might reasonably contest.

## **Drinking Water System Violations**

Unfortunately the Yosemite West drinking water system also has its set of problems.

### **Acidity**

The Yosemite West drinking water system has problems of acidity caused by naturally occurring carbon dioxide, which comes from the dissolved limestone in the community's groundwater well. The mild acidity, when left in contact with copper household water pipes overnight or longer, leaches copper into the water. Although copper has not been shown to directly cause health problems, the copper level in some houses in the morning exceeds the limits set by the California Department of Public Health.

The California Department of Public Health issued a revised Water Supply Permit to Mariposa County, dated December 21, 2012, to operate the Yosemite West water system. The revised permit was issued as a result of installation of aeration treatment [the "bubbler"] to remove dissolved carbon dioxide.

The water system was in violation of the copper action level and has required public notice since 2005, which all property owners receive as the annual *Consumer Confidence Report*, mailed by the County to property owners.

The issue with the pH of the water and the excess acidity (as CO<sub>2</sub> from dissolved limestone) has been ongoing for years, as the permit notes. One consequence of the slow leaching of copper from household pipes is that the pipes weaken and become more vulnerable to high pressure. Some property owners have had pipes burst, causing considerable and costly damage.

The permit requires the operator (Mariposa County) to monitor drinking water at the pumps every two weeks and at selected houses throughout the community once every six months. The permit requires

raw well water monitoring of coliform bacteria once a month.

The County regularly monitors many potentially harmful substances in addition to the substances identified in the permit and reports to California Department of Public Health on these. The full reports are contained in the permit's Engineering Report (<http://yosemitewest.org/u/rpt201212-yw-water-permit.pdf>).

### **Second Water Source Required**

In addition to the problems with acidity in the water, the permit notes two significant deficiencies in the Yosemite West water supply; lack of a second water source and lack of a survey for cross-connections.

Yosemite West currently has only one well, located below the community and below the WWTF. It draws water from the underground Indian Creek watershed. Our well produces over 100 gallons per minute, which is an excellent flow rate that easily meets our current water needs.

When the well was established more than 30 years ago, a second separate water source was not required. However, the State of California now requires a community water system such as ours to have two separate water sources. The State also mandates that any connections to the water system that would allow water to re-enter the system (storage tanks, hot tubs, etc.) are *not* allowed.

The permit requires the County to prepare a plan and time schedule to meet the second water source requirement by January 15, 2013 and to meet the cross-connection survey requirement by February 15, 2013. The County is delinquent on both due dates set by the permit. Whether this may result in consequences is not known, but at a minimum, the permit to operate our water supply system is currently jeopardized.

## Maintenance Shed

You probably noticed that the wooden maintenance shed next to the road at 7577 Henness Ridge Road is gone. The shed housed the computer system that controls our water and sewer system and provided shelter for County staff in winter snow conditions.

The shed was condemned by the Mariposa County Public Health Department due to a mouse infestation and associated hantavirus risk. In December 2012, the Board of Supervisors approved purchase of a 20-foot shipping container to replace the condemned building, using \$8,238 from the Yosemite West Utility Capital Fund. The shipping container was then installed inside the fenced portion of the maintenance yard below the location of the old wooden shed.

Technical problems with moving the computer system led to a de-watering of the one of the community water tanks (that is, the entire 150,000 gallon water tank drained) in January 2013 and a subsequent 10-day 'boil water' notice from the County Public Health Department.

In February 2013, the Board of Supervisors approved an additional \$13,500 from the Yosemite West maintenance budget (a separate fund from the Utility Capital Fund) to complete the relocation of power, telephone, and monitoring equipment for both the water and wastewater systems to the new shipping container.

In early May 2013, Public Works crews demolished the old wooden shed and disposed of the debris at the Mariposa County landfill. The computer that controls the water system was relocated to the new "office" - the green metal shipping container in the maintenance yard (pictured below).



## Lightning Damages Equipment

In late May 2013, a lightning strike burned the electrical panel at the water pumps and damaged the computer controls for the water system. The electrical surge traveled through the water pipes and also damaged the transponder at the water tank that monitors water level, resulting in a tank overflow.

The County has requested a proposal and estimate to repair the damage and install additional lightning protection. This has delayed installation of the aeration system (the 'bubbler') and as a result, our water acidity issue (see p.25-26) is unresolved. Currently, there does not appear to be enough money in our Utility Capital Fund to pay for these repairs, so it unknown when the aeration system will be installed. As Public Works Director Rei says, "Yosemite West is a challenging location."

## Roads

Roads are the third component of the Yosemite West maintenance district in addition to water and sewer. The funding for roads comes from the \$8 fee that appears on your Public Works monthly bill. Unlike water and sewer rates, which can be raised unilaterally by the County Board of Supervisors, the road fee cannot be raised without a ballot, according to Proposition 218.

Public Works has done some road patching in Yosemite West, which is noticeable throughout the community. This work was done by the Roads Division of Public Works, which is better equipped than the Facilities Division that had previously handled such repairs. This is a welcome change.

However, our roads are not getting better and potholes keep appearing. Preliminary estimates that Public Works has received for resurfacing our roads are approximately \$1.1 million. To raise that much money we would need to vote to raise our road fees and allow the money to accumulate until the necessary amount is obtained.

However, it would seem foolish to try to resurface our roads before addressing problems with our water distribution system and sewer collection system that lie underneath our roads. The main problem with those systems is the aging pipe in the ground. The existing pipe is transite, a concrete-asbestos piping, which is no longer used in California. The pipe has already exceeded its expected lifespan and now breaks readily with increasing frequency.

Therefore, it would be better to replace the piping before resurfacing the roads, so that we would not have to dig through newly resurfaced roads. Just how much we would need to raise road fees has not been adequately determined. A start would be to find out what road fees comparable communities in special districts in California, such as other Sierra Nevada communities, currently pay, and use that to gauge what a 'reasonable' fee might be. Then it would be possible to determine what level of support the community has for what level of fees. Once a new fee level would be set, then it is just a question of how long it will take to accumulate sufficient funds.

Meanwhile, we need to find a way to address the larger and more expensive water and sewer problems, including the WWTF, a second well, and then the underground piping.

## **Take Action**

### **What YWPHI is Doing**

YWPHI, as noted, posts current items to the YWPHI website. For time sensitive and/or crucial information, YWPHI will email information to you directly. Additionally, at the 2012 YWPHI annual meeting, YWPHI membership approved a budget to consult a qualified law firm to learn what legal options may be available to YWPHI to address the unresolved issues with Mariposa County.

YWPHI is consulting with a law firm specializing in municipal and government law to understand the issues and what options are available. It is important to keep in mind that action against government carries a higher burden of proof than action against a private party or corporation, and that although YWPHI prevailed in the 1986 lawsuit, it is no guarantee that a suit contending that Mariposa County has failed to provide a reasonably workable water and sewer system would prevail. YWPHI has asked the County to consider a lawsuit against the engineering firm Psomas for faulty design of the WWTF. County Counsel has stated that because Psomas was not involved in the actual construction, and the construction firm of Mauldin-Dorfmeier that did most of the work went bankrupt, it would be difficult to prevail in a suit against Psomas, since Psomas did not build the WWTF.

## **What You Can Do**

We encourage everyone to participate in the political process by attending any upcoming Board of Supervisors meetings that have any Yosemite West items on the agenda; the public can participate by commenting in person, submitting written comments if you are unable to attend, and listening to live meeting audio through the website <http://mariposacountyca.iqm2.com/citizens/default.aspx?>

Meanwhile you can stay informed, subscribe for automatic updates from County departments using the large green **NOTIFY ME** button on their website [www.mariposacounty.org](http://www.mariposacounty.org), contact your District I Supervisor Lee Stetson ([lstetson@mariposacounty.org](mailto:lstetson@mariposacounty.org), 209-966-3222), and attend YWMDAC meetings. **There are millions of dollars on the line that may just be coming out of your pocket if your voice is not heard....**

## **Additional Resources**

Should you wish to learn more about the history of the community and its infrastructure issues, additional information is available at the National Park Service Archives and on YouTube.

### ***National Park Service Archives***

YWPHI documents dating from 1967 to 2000 were donated by YWPHI and several property owners to the Yosemite Archives on September 13, 2011. The documents came mostly from Walt Rowland via Ken Wall and John Mock, and also from Betty Clark and Beth Ringrose. They include correspondence, minutes, membership and dues records, memoranda, architectural drawings, and circulars from YWPHI regarding Yosemite West Unit #1 Subdivision. These records document the activities of our organization related to sewage treatment, water scarcity, and land development and planning from the 1960s through 2000.

The Yosemite Archives, located at the park administrative building in El Portal, arranged the documents chronologically via topic, put them in folders, and put the folders into eight boxes according to content. The Yosemite Archives prepared a **Finding Aid**, which lists the contents of each box and each folder, and is a great help for locating specific documents. **The Catalog Number for the YWPHI Archives is YOSE 232959.**

Anyone can visit the Yosemite Archives by appointment on Mondays or Tuesdays, 8 a.m. to 4:30 p.m. To make an appointment, call % 209-379-1283.

### ***YouTube Videos***

Pete Regla converted and uploaded Robert Kroon's videos of YWMDAC meetings to YouTube. There are eight in the series so that they are acceptable to YouTube formats - each is 15 minutes long. To set the video for satellite play level, request 320p viewing as the video starts.

The videos are from the April 2, 2004 YWMDAC meeting. The eight-part series outlines the EDU costs, and the method to derive each lot's contribution for the new sewer facility and connecting infrastructure. It discusses the deliverables for which the County would be responsible, including ongoing maintenance of the new system. Bert and Pete plan to upload more videos soon.

The following page has a list of links to the videos.

**Apr 2, 2004 YWMDAC mtg videos:**

*YWMAC 4\_2\_2004\_Pt1, Chapter 1*  
<http://youtu.be/TYyJvPP8Muo>

*YWMAC 4\_2\_2004\_Pt2, Chapter 2*  
<http://youtu.be/2VP3oLmwAlc>

*YWMAC 4\_2\_2004\_Pt3, Chapter 3*  
<http://youtu.be/4Pd1p1gEAS8>

*YWMAC 4\_2\_2004\_Pt4, Chapter 4*  
<http://youtu.be/J6Ru1VGg7QQ>

*YWMAC 4\_2\_2004\_Pt5, Chapter 5*  
[http://youtu.be/\\_RAZM\\_QI0ag](http://youtu.be/_RAZM_QI0ag)

*YWMAC 4\_2\_2004\_Pt6, Chapter 6*  
<http://youtu.be/JI5OcebgTh8>

*YWMAC 4\_2\_2004\_Pt7, Chapter 7*  
[http://youtu.be/rK3ZPxGIP\\_Y](http://youtu.be/rK3ZPxGIP_Y)

*YWMAC 4\_2\_2004\_Pt8, Chapter 8*  
<http://youtu.be/8tedl-Yrs0c>

**YWPHI Board of Directors (2012-2013)**

Kelly Rich, President; Mike Stepien, Vice President; Scott Renfro, Secretary; Betsy Ringrose, Treasurer; and members Richard Heim, Rea Jackman, and Robert Kroon. *Vacancy, Newsletter Editor*; Scott Renfro, Webmaster; Kelly Rich, Chair, Fire Safety Committee; and Rea Jackman and Barbara Stepien, Hospitality Committee.

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*Address Correction Requested*