

Yuba County CEQA Findings and Statement of Overriding Considerations for Project-Specific Analysis and Addendum *Yuba Roadside Fuel Treatment Project*

INTRODUCTION

Yuba County (County), referred to herein as "Project Proponent," in the exercise of its independent judgment, makes and adopts the following findings regarding its decision to approve the Yuba Roadside Fuel Treatment Project, referred to herein as "vegetation treatment project" or "project," as within the scope of the California Vegetation Treatment Program (CalVTP). In accordance with the California Environmental Quality Act (Pub. Resources Code, Sections 21000 et seq.) (CEQA) and the CEQA Guidelines (Cal. Code Regs., Tit. 14, Sections 15000 et seq.), the County has considered the Program Environmental Impact Report prepared for the CalVTP, State Clearinghouse Number 2019012052, which was certified by the California Board of Forestry and Fire Protection in December 2019 ("CalVTP PEIR"), and the Project-Specific Analysis (PSA) and Addendum thereto, dated April 2022, for the County's approval of the project ("PSA/Addendum April 2022").

The CalVTP PEIR, including the information contained in the PSA/Addendum dated April 2022, contains the environmental analysis and information necessary to support approval of the project, as set forth below.

STATUTORY REQUIREMENTS FOR FINDINGS

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same section provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Pub. Resources Code, Section 21002.) Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(CEQA Guidelines, Section 15091, subd. (a); Pub. Resources Code, Section 21081, subd. (a).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, Sections 15093, 15043, subd. (b); see also Pub. Resources Code, Section 21081, subd. (b).) The California Board of Forestry and Fire Protection adopted Findings and a Statement of Overriding Considerations on December 30, 2019.

Here, as explained in the Board of Forestry and Fire Protection’s Findings and the Draft Program Environmental Impact Report (Draft PEIR) and the Final PEIR (collectively, the “PEIR”), the CalVTP would result in significant and unavoidable environmental effects to the following: Aesthetics; Air Quality; Archaeological, Historical, and Tribal Cultural Resources; Biological Resources; Greenhouse Gas Emissions; Public Services, Utilities, and Service Systems; and Transportation. For reasons set forth in the Board of Forestry and Fire Protection’s Statement of Overriding Considerations, however, the Board of Forestry and Fire Protection determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the CalVTP.

When an agency approves a vegetation treatment project using a within-the-scope finding for all environmental impacts, it must adopt its own CEQA findings pursuant to Section 15091 of the State CEQA Guidelines, and if needed, a statement of overriding considerations, pursuant to Section 15093 of the State CEQA Guidelines. (See CEQA Guidelines section 15096(h).) When an agency approves a vegetation treatment project using an addendum, it must also adopt its own CEQA findings pursuant to CEQA Guidelines Section 15164. Although each agency must adopt its own findings, such agencies have the option of reusing, incorporating, or adapting all or part of the findings adopted by the Board of Forestry and Fire Protection for the CalVTP PEIR to meet the agency’s own requirements to the extent the findings are applicable to the proposed vegetation treatment project. The following document sets forth the required findings for an agency’s project-specific approval that relies on and implements the CalVTP PEIR.

The Project Proponent adopts these findings to document its exercise of its independent judgment regarding the potential environmental effects analyzed in the PEIR and to document its reasoning for approving the vegetation treatment project under the CalVTP in spite of these effects.

BACKGROUND AND PROJECT DESCRIPTION

BACKGROUND

The Yuba Watershed Protection and Fire Safe Council (Yuba FSC) and five local fire districts are proposing fuel reduction treatments on 12,960 acres of land adjacent to 555 miles of public and private roadways in Yuba County (project). The project would increase the safety of emergency access and evacuation routes and establish fuel breaks along roadways. The project is part of a larger initiative in Yuba County to reduce roadside fuels and establish a network of fuel breaks to protect communities in case of wildfire. Yuba County will enter into a partnership with Yuba FSC to implement the proposed treatments. The partnership may entail the provision of resources to Yuba FSC including encroachment permits for county road access and technical input. In the PSA/Addendum dated April 2022, the Yuba FSC is referred to as the “implementing entity,” reflecting its role as the lead implementer of treatments and coordinator with landowners.

Portions of the Yuba FSC’s treatment areas extend outside of the CalVTP treatable landscape described in the PEIR. In total, the area outside of the treatable landscape is approximately 4,276 acres; however, it is dispersed in small sections of the treatment areas. This scattered array of acres is located outside of the CalVTP treatable landscape because the boundary of the CalVTP treatable landscape was digitally developed, and the large scale of the area did not allow high mapping resolution. If the areas of the proposed project outside of the CalVTP treatable landscape

have essentially the same, or substantially similar, landscape conditions as the adjacent areas within the treatable landscape, the environmental analysis in the PEIR would be applicable.

An Addendum to an EIR is appropriate when a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in new or substantially more severe significant environmental impacts, consistent with CEQA Section 21166 and CEQA Guidelines Sections 15162, 15163, 15164, and 15168. In this case, there are no changed circumstances, but the proposed revision to or change in the project, compared to the PEIR, is the inclusion of the scattered portions of the treatment areas outside of the CalVTP treatable landscape.

Therefore, the Project Proponent prepared a PSA/Addendum to analyze the entirety of the proposed project in compliance with CEQA.

PROJECT DESCRIPTION

The project is proposed to increase the safety of emergency access and evacuation routes. Objectives for the vegetation treatments are to:

- ▶ maintain safe evacuation routes along public and private roadways within Yuba County by reducing hazard trees and flammable vegetation along emergency evacuation routes for the community;
- ▶ reduce the risk of lateral wildfire spread to natural resources and/or structures;
- ▶ reduce fuel within areas at high risk of wildfire ignition (i.e., roadside vegetation); and
- ▶ establish fuel breaks along roadways.

The project would involve fuels reduction treatments within a 150-foot buffer on each side of County-maintained roads as measured from the road centerline (300-foot total area) and within a 30-foot buffer on each side of private and County Service Area (CSA)-maintained roads as measured from the road centerline (60-foot total area). A total of 12,960 acres along 555 miles of roadways would be treated.

Treatment Types

Proposed treatment types consist of fuel breaks and wildland-urban interface (WUI) fuel reduction. Each treatment type is described in more detail below and is consistent with the treatment types described in the CalVTP. Both treatment types would occur in all areas.

FUEL BREAKS

In strategic locations, fuel breaks create zones of vegetation removal, often in a linear layout, that reduce wildfire risk and support fire suppression by providing responders with a staging area or access to a remote landscape for fire control actions. They can also provide safe emergency egress during wildfires. In forested areas, ladder fuels would be reduced to decrease fire severity and the tree canopy would be thinned to reduce the potential for a crown fire to move through the canopy. However, trees greater than 12 inches diameter at breast height (DBH) would remain unless considered a hazard. The shade of the retained canopy also helps reduce the potential for rapid regrowth of shrubs and sprouting hardwoods and may reduce rill and gully erosion.

Fuel breaks would include shaded and non-shaded fuel breaks. Shaded fuel breaks are used instead of non-shaded fuel breaks in areas where habitat needs to be retained for sensitive species, where there is the potential for erosion or visual impacts, or the fuel type will support this kind of treatment (e.g., forests). Non-shaded fuel breaks would be implemented in brushy areas with no trees. Downed woody debris greater than 12 inches in diameter would remain unless it is a hazard.

Due to the linear nature of the proposed treatments along existing roads, the roadside fuel reduction would reduce risk of wildfire ignition and spread, improve evacuation route safety as described above, and concurrently create fuel breaks that can support fire suppression efforts. Many of the roads in the Yuba County foothills are located in areas and with orientations that may provide strategic fuel break functions in case of wildfire.

WILDLAND-URBAN INTERFACE FUEL REDUCTION

Located in WUI-designated areas, fuel reduction would generally consist of strategic removal of vegetation to prevent or slow the spread of non-wind driven wildfire between structures and wildlands, and vice versa. WUI fuel reduction treatments also serve as emergency access points and staging areas for firefighters and equipment and reduce flammable vegetation along emergency evacuation routes for the community. Also, where existing habitat within the WUI is degraded, such as by the infestation of non-native plant species, as well as needing fuel reduction, WUI treatments would also help enhance habitat quality. Trees and snags greater than 12 inches DBH would remain unless considered a hazard (e.g., standing dead or live trees in poor condition; trees that pose a potential threat to high-risk infrastructure, residences or other structures, or public safety). Activities implemented within the WUI fuel reduction treatment type would occur outside of the 100-foot defensible space requirements described in PRC 4291.

The Yuba County foothills are almost entirely designated as Wildland-Urban Interface Core, Defense, or Threat zones by the Yuba County Foothills Community Wildfire Protection Plan. With the relatively high density of human population within the high-risk wildland area, all roadside fuel reduction treatments could interrupt and reduce the spread of wildfire between structures and wildlands, and will be strategic for providing safe evacuation and supporting fire suppression efforts.

Treatment Activities

Proposed treatment activities include mechanical and manual treatments, herbicide application, and pile burning. No broadcast burning would be implemented. Multiple treatment activities would be applied in some areas.

PRESCRIBED BURNING (PILE BURNING)

Biomass from manual and mechanical treatment would be piled using mechanical equipment or hand crews and burned appropriately. Pile burning would occur in areas with little to no live overstory. Typically, each burn would last 1 day to 1 week. Pile burning would occur outside of watercourse and lake protection zones (WLPZ). Prior to igniting piles, a qualified RPF, biologist, or supervised designee will inspect piles for wildlife occupation. Wildlife will be allowed to leave the area on their own.

MECHANICAL VEGETATION TREATMENT

Mechanical treatments would primarily include cutting or masticating target vegetation and chipping biomass from manual and mechanical treatment activities. Equipment would primarily include masticators, feller bunchers, skidders, and chippers. Typically, treatments would require several days to several months to complete. Equipment would be operated on or within 150 feet of roads. Mechanical activities will be limited within WLPZs.

Vegetation removal would primarily be brush clearing (e.g., removal of invasive plants and native shrubs) and removal of smaller trees. To maintain habitat function for special-status wildlife, live and dead trees greater than 12 inches DBH would be retained within all treatment areas unless considered a physical or fire hazard. Dead trees targeted for removal would typically include snags and those that are dead/dying due to disease or previous wildfire. One to three snags would be retained per acre.

Generally, mechanical treatments would:

- ▶ remove invasive plants (e.g., broom, Himalayan blackberry);

- ▶ masticate target live woody shrubs and trees up to 12 inches DBH (e.g., manzanita, tanoak, black oak, live oak, ponderosa pine, incense cedar, Douglas fir, gray pine, white fir, sugar pine), unless they are considered a hazard;
- ▶ masticate standing dead trees, including snags, and shrubs up to 12 inches DBH, unless they are considered a hazard,
- ▶ retaining one to three snags per acre, unless they are considered a hazard;
- ▶ retain downed woody debris greater than 12 inches in diameter, such that the forest floor is not completely bare of down wood unless it is considered a hazard; and
- ▶ avoid type conversion of chaparral and scrub vegetation and maintain chaparral and coastal sage scrub habitat function.

MANUAL VEGETATION TREATMENT

To implement manual treatments, crew members would use hand tools and hand-operated power tools, including chainsaws, hand saws, brush cutters, and/or loppers to cut, clear, and/or prune trees, herbaceous vegetation, and woody shrubs and increase space between trees. Typically, treatments would require several days to several months to complete, depending on the treatment size, steepness of terrain, and type and density of vegetation. Trees would be removed, thinned, and pruned and herbaceous and woody shrubs would be cut and cleared.

The same general guidelines for tree and vegetation removal and retention would be followed as described above for mechanical treatments.

HERBICIDE APPLICATION

The occasional use of herbicides to treat invasive plant species (e.g., broom, Himalayan blackberry) and to control regrowth of native species (e.g., tanoak, manzanita, black oak, live oak) may be implemented. Consistent with the definitions applied in the CalVTP, invasive species are those plant species identified as invasive by the California Invasive Plant Council (Cal-IPC) or defined as noxious weeds under California law by the California Department of Food and Agriculture. Only ground-level application would occur; no aerial spraying of herbicides would occur. Herbicide application would be limited to ground-based methods, such as using a backpack sprayer, painting herbicide onto cut stems, or boom sprayers from vehicles (sprayers would be pointing down and only used when the target species occurs throughout the treatment area). Herbicides that may be applied include the following, which are consistent with those considered for use in the CalVTP: glyphosate, triclopyr, and imazapyr.

Herbicide application would comply with the U.S. Environmental Protection Agency label directions, as well as California Environmental Protection Agency and California Department of Pesticide Regulation (DPR) label standards. All herbicide application will be performed by certified and licensed pesticide applicators in accordance with all local, state, and federal regulations. Only herbicides labeled for use in aquatic environments will be used when working in riparian habitats or other areas where there is a possibility the herbicide could come into direct contact with water. Only hand application of herbicides will be allowed in riparian habitats and only during low-flow periods or when seasonal streams are dry.

In addition, glyphosate, triclopyr, and imazapyr are subject to the California Red-Legged Frog Injunction (Center for Biological Diversity v. U.S. EPA [2006] Case No. 02-1580-JSW), and therefore, specific application requirements apply in areas subject to the injunction. The application of these herbicides is prohibited within 60 feet of California red-legged frog aquatic breeding critical habitat or non-breeding aquatic critical habitat within critical habitat areas for the following uses: localized spot treatments using handheld devices on roadsides and in forests; individual tree removal using cut stump application; and basal bark application to individual plants (EPA 2021). Tree injection applications are exempt from the injunction. In Yuba County, approximately 6,324 acres of critical habitat for California red-legged frog has been designated by USFWS west of New Bullard's Bar Reservoir, including portions of Little Oregon Creek, Burnt Bridge Creek, Oregon Hill Road, Moran Road, Peterson Ridge Road, and Fountain House Road (refer to Section 4.5, "Biological Resources"). The project would comply with all laws and regulations governing the use of herbicides.

BIOMASS DISPOSAL

Biomass from treatments would be disposed of with pile burning consisting of igniting biomass piles constructed either manually by hand-cut and hand-pile or mechanically with a dozer or excavator; by lopping and scattering biomass in areas where material cannot safely be burned; chip and spread; or hauling to a biomass facility, if available. It is estimated that biomass removed would be disposed of as follows:

- ▶ chip and spread (50%),
- ▶ pile burn (20%),
- ▶ biomass facility (20%), and
- ▶ lop and scatter (10%).

Invasive plant and noxious weed biomass would be treated onsite to eliminate seeds and propagules or would be disposed of off-site at an appropriate waste collection facility to prevent reestablishment or spread of invasive plants and noxious weeds. Invasive plants and noxious weeds would not be chipped and spread, scattered, or mulched on-site.

Treatment Maintenance

Maintenance, or retreatment, of the areas treated under the proposed project could include the same treatment types (i.e., WUI, fuel break) and the treatment activities (i.e., manual, mechanical, herbicide, and pile burning treatments) as described above for the initial treatments. Retreatment would be dependent on regrowth conditions and would differ by location. However, retreatment is anticipated to occur between five and 10 years.

Prior to implementing a maintenance treatment, the Project Proponent or implementing agency will verify that the expected site conditions as described in the PSA/Addendum, are present in the treatment area. As time passes, the continued relevance of the PSA/Addendum will be considered by the Project Proponent in light of potentially changed conditions or circumstances. Where the Project Proponent determines the PSA/Addendum is no longer sufficiently relevant, the Project Proponent will determine whether a new PSA or other environmental analysis is warranted.

In addition to verifying that the PSA/Addendum continues to provide relevant CEQA coverage for treatment maintenance, the Project Proponent will update the PSA/Addendum at the time a maintenance treatment is needed when more than 10 years have passed since the approval of the PSA/Addendum or the latest PSA update. For example, the Project Proponent may conduct a reconnaissance survey to verify conditions are substantially similar to those anticipated in the PSA/Addendum. Updated information should be documented.

ENVIRONMENTAL REVIEW PROCESS

The Yuba Roadside Fuel Treatment Project PSA/Addendum was prepared in compliance with CEQA to document Yuba County's determination that the portions of the project area that are within the CalVTP treatable landscape are within the scope of the CalVTP PEIR and that a subsequent or supplemental EIR is not required for the portions of the project area that extend outside of the CalVTP treatable landscape. The PSA/Addendum contains a detailed and comprehensive review of the project and the resulting impacts, and concludes that implementation of the project would not cause any new significant environmental impacts nor an increase in the severity of significant impacts previously identified and studied in the CalVTP PEIR. There have not been any substantial changes with respect to the circumstances under which implementation of the project would be undertaken that would require major revisions to the previously certified CalVTP PEIR. In addition, there is no new information of substantial importance, which was not known and could not have been known at the time that the CalVTP PEIR was certified, showing that new or more severe environmental impacts not addressed in the CalVTP PEIR would occur, that mitigation measures or alternatives found infeasible in the CalVTP PEIR would in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the CalVTP PEIR would substantially reduce one or more significant impacts.

The PSA/Addendum analyzes the environmental effects of the project in relation to the environmental analysis in the CalVTP PEIR with regard to the following environmental topic areas: Aesthetics; Agricultural and Forestry Resources; Air Quality; Archeological, Historical, and Tribal Cultural Resource; Biological Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning and Population and Housing; Noise; Public Services, Utilities, and Service Systems; Recreation; Transportation; and Wildfire. It also identifies standard project requirements (SPRs) and mitigation measures adopted as part of the CalVTP PEIR relevant to the project that have been incorporated into and must be implemented as part of the project. All SPRs and mitigation measures in the CalVTP PEIR relevant to the project, as well as all components of the project described in the PSA/Addendum dated April 2022, are included in the Approval and are made conditions of the project.

The Project Proponent followed the evaluation and reporting process outlined in the PSA and required under the CalVTP, as explained below.

On February 18, 2022, the Project Proponent submitted to CAL FIRE the required information regarding this project when it began preparing the PSA. The submittal included:

- ▶ GIS data that included project location (as a point);
- ▶ project size;
- ▶ planned treatment types and activities; and
- ▶ contact information for a representative of the Project Proponent.

Upon adoption of these findings and approval of the project, the Project Proponent will submit this completed PSA/Addendum and associated geospatial data to CAL FIRE at the time a Notice of Determination is filed. The submittal will include the following:

- ▶ The completed PSA Environmental Checklist;
- ▶ The completed Mitigation Monitoring and Reporting Program (using Attachment A to the Environmental Checklist); and
- ▶ GIS data that include:
 - a polygon(s) of the project area, showing the extent of each treatment type included in the project (fuel break, WUI fuel reduction).

As required under the CalVTP, the Project Proponent will submit the following information to CAL FIRE after implementation of the treatment:

- ▶ GIS data that include a polygon(s) of the treated area, showing the extent of each treatment type implemented (fuel break, WUI fuel reduction); and
- ▶ A post-project implementation report that includes
 - Size of treated area (typically acres);
 - Treatment types and activities;
 - Dates of work;
 - A list of the SPRs and mitigation measures that were implemented; and
 - Any explanations regarding implementation if required by SPRs and mitigation measures (e.g., explanation for feasibility determination required by SPR BIO-12; explanation for reduction of a no-disturbance buffer below the general minimum size described in Mitigation Measures BIO-1a and BIO-2b).

RECORD OF PROCEEDINGS

In accordance with Public Resources Code Section 21167, subdivision (e), the record of proceedings for the Project Proponent's decision to approve the vegetation treatment project under the CalVTP includes the following documents at a minimum:

- ▶ The certified Final PEIR for the CalVTP, including the Draft PEIR, responses to comments on the Draft PEIR, and appendices;
- ▶ All recommendations and findings adopted by the Board of Forestry and Fire Protection in connection with the CalVTP and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the treatment project prepared by the Project Proponent and implementing agency, consultants to the Project Proponent and implementing agency, or responsible or trustee agencies with respect to the Project Proponent's compliance with the requirements of CEQA and with respect to the Project Proponent's action on the CalVTP;
- ▶ Matters of common knowledge to the Project Proponent, including but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings, in addition to those cited above; and
- ▶ Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to CEQA Guidelines section 15091, subdivision (e), the documents constituting the record of proceedings are available for review on Yuba County's website (<https://www.yuba.org/>). The custodian of these documents is the Yuba County Planning Manager, Kevin Perkins. The certified Final CalVTP PEIR and CalVTP Findings/Statement of Overriding Consideration are also available on the Board of Forestry and Fire Protection's CalVTP webpage (<https://bof.fire.ca.gov/projects-and-programs/calvtp/calvtp-programmatic-eir/>).

MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) was adopted by the Board of Forestry and Fire Protection for the CalVTP, and the applicable SPRs and mitigation measures for this treatment project have been identified in the PSA/Addendum. The Project Proponent will use the MMRP to track compliance with the CalVTP mitigation measures and SPRs. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and is approved in conjunction with the approval of the treatment project and adoption of these Findings.

FINDINGS FOR DETERMINATIONS OF LESS THAN SIGNIFICANT

The Project Proponent has reviewed and considered the information in the Final PEIR for the CalVTP addressing potential environmental effects, proposed mitigation measures, and alternatives. The Project Proponent, relying on the facts and analysis in the Final PEIR and the treatment project PSA/Addendum, which were presented to the Yuba County Staff Development Committee and reviewed and considered prior to any approvals, concurs with the conclusions of the Final PEIR and the treatment project PSA/Addendum regarding the potential environmental effects of the CalVTP and the treatment project.

The Project Proponent concurs with the conclusions in the Final PEIR and treatment project PSA/Addendum that all of the following impacts will be less than significant or no impact:

AESTHETICS AND VISUAL RESOURCES

- Impact AES-1:** Result in Short-Term, Substantial Degradation of a Scenic Vista or Visual Character or Quality of Public Views, or Damage to Scenic Resources in a State Scenic Highway from Treatment Activities
- Impact AES-2:** Result in Long-Term, Substantial Degradation of a Scenic Vista or Visual Character or Quality of Public Views, or Damage to Scenic Resources in a State Scenic Highway from WUI Fuel Reduction, Ecological Restoration, or Shaded Fuel Break Treatment Types

AGRICULTURAL AND FORESTRY RESOURCES

- Impact AG-1:** Directly Result in the Loss of Forest Land or Conversion of Forest Land to a Non-Forest Use or Involve Other Changes in the Existing Environment Which, Due to Their Location or Nature, Could Result in Conversion of Forest Land to Non-Forest Use

AIR QUALITY

- Impact AQ-2:** Expose People to Diesel Particulate Matter Emissions and Related Health Risk
- Impact AQ-3:** Expose People to Fugitive Dust Emissions Containing Naturally Occurring Asbestos and Related Health Risk
- Impact AQ-5:** Expose People to Objectionable Odors from Diesel Exhaust

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

- Impact CUL-1:** Cause a Substantial Adverse Change in the Significance of Built Historical Resources
- Impact CUL-3:** Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- Impact CUL-4:** Disturb Human Remains

BIOLOGICAL RESOURCES

- Impact BIO-5:** Interfere Substantially with Wildlife Movement Corridors or Impede Use of Nurseries
- Impact BIO-6:** Substantially Reduce Habitat or Abundance of Common Wildlife
- Impact BIO-7:** Conflict with Local Policies or Ordinances Protecting Biological Resources

ENERGY RESOURCES

- Impact ENG-1:** Result in Wasteful, Inefficient, or Unnecessary Consumption of Energy

GEOLOGY, SOILS, AND MINERAL RESOURCES

- Impact GEO-1:** Result in Substantial Erosion or Loss of Topsoil
- Impact GEO-2:** Increase Risk of Landslide^{2nd high}

GREENHOUSE GAS EMISSIONS

- Impact GHG-1:** Conflict with Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of GHGs

HAZARDOUS MATERIALS, PUBLIC HEALTH AND SAFETY

- Impact HAZ-1:** Create a Significant Health Hazard from the Use of Hazardous Materials
- Impact HAZ-2:** Create a Significant Health Hazard from the Use of Herbicides

HYDROLOGY AND WATER QUALITY

- Impact HYD-1:** Violate Water Quality Standards or Waste Discharge Requirements, Substantially Degrade Surface or Ground Water Quality, or Conflict with or Obstruct the Implementation of a Water Quality Control Plan Through the Implementation of Prescribed Burning
- Impact HYD-2:** Violate Water Quality Standards or Waste Discharge Requirements, Substantially Degrade Surface or Ground Water Quality, or Conflict with or Obstruct the Implementation of a Water Quality Control Plan Through the Implementation of Manual or Mechanical Treatment Activities
- Impact HYD-4:** Violate Water Quality Standards or Waste Discharge Requirements, Substantially Degrade Surface or Ground Water Quality, or Conflict with or Obstruct the Implementation of a Water Quality Control Plan Through the Ground Application of Herbicides
- Impact HYD-5:** Substantially Alter the Existing Drainage Pattern of a Treatment Site or Area

LAND USE AND PLANNING, POPULATION AND HOUSING

- Impact LU-1:** Cause a Significant Environmental Impact Due to a Conflict with a Land Use Plan, Policy, or Regulation
- Impact LU-2:** Induce Substantial Unplanned Population Growth

NOISE

- Impact NOI-1:** Result in a Substantial Short-Term Increase in Exterior Ambient Noise Levels During Treatment Implementation
- Impact NOI-2:** Result in a Substantial Short-Term Increase in Truck-Generated SENL's During Treatment Activities

PUBLIC SERVICES, UTILITIES, AND SERVICE SYSTEMS

- Impact UTIL-1:** Result in Physical Impacts Associated with Provision of Sufficient Water Supplies, Including Related Infrastructure Needs
- Impact UTIL-3:** Comply with Federal, State, and Local Management and Reduction Goals, Statutes, and Regulations Related to Solid Waste

RECREATION

- Impact REC-1:** Directly or Indirectly Disrupt Recreational Activities within Designated Recreation Areas

TRANSPORTATION

- Impact TRAN-1:** Result in Temporary Traffic Operations Impacts by Conflicting with a Program, Plan, Ordinance, or Policy Addressing Roadway Facilities or Prolonged Road Closures
- Impact TRAN-2:** Substantially Increase Hazards due to a Design Feature or Incompatible Uses

WILDFIRE

- Impact WIL-1:** Substantially Exacerbate Fire Risk and Expose People to Uncontrolled Spread of a Wildfire
- Impact WIL-2:** Expose People or Structures to Substantial Risks Related to Post-Fire Flooding or Landslides

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The PEIR identified significant and potentially significant effects on the environment that the CalVTP will contribute to or cause. The Board of Forestry and Fire Protection determined that some of these significant effects can be fully avoided through the application of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives and thus will be significant and unavoidable. For reasons set forth in Section 10.2 of the Board of Forestry and Fire Protection's Findings and Statement of Overriding Considerations, however, the Board of Forestry and Fire Protection determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the CalVTP.

The Board of Forestry and Fire Protection adopted the findings required by CEQA for all direct and indirect significant impacts. The findings provided a summary description of each impact, described the applicable mitigation measures identified in the PEIR and adopted by the Board of Forestry and Fire Protection, and stated the Board of Forestry and Fire Protection's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final PEIR; and the Board of Forestry and Fire Protection incorporated by reference into its findings the discussion in those documents supporting the Final PEIR's determinations. In making those findings, the Board of Forestry and Fire Protection ratified, adopted, and incorporated into the findings the analyses and explanations in the Draft PEIR and Final PEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions were specifically and expressly modified by the findings.

Not every individual treatment project will have all of the significant environmental impacts that the CalVTP was determined to contribute to or cause. The impacts and mitigation measures identified below reflect the conclusions of the PSA by indicating which of the CalVTP's impacts that this treatment project will contribute to or cause. By indicating the project-specific effects of this treatment project as follows, the Project Proponent's decisionmaker or decision-making body is hereby making the required findings under CEQA regarding the application or feasibility of mitigation measures to reduce those impacts.

FINDINGS FOR IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The Project Proponent finds that changes or alterations have been required in, or incorporated into, the treatment project which avoid or substantially lessen the significant environmental effects indicated below, as identified in the Final PEIR and the PSA/Addendum. Implementation of the mitigation measures indicated below to be applicable to the treatment project, which have been required or incorporated into the project, will reduce these impacts to a less than significant level. The Project Proponent hereby directs that these mitigation measures be adopted.

BIOLOGICAL RESOURCES

- Impact BIO-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications**
 - Mitigation Measure BIO-1a: Avoid Loss of Special-Status Plants Listed under ESA or CESA
 - Mitigation Measure BIO-1b: Avoid Loss of Special-Status Plants Not Listed Under ESA or CESA
- Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (all wildlife species except bumble bees)**

- Mitigation Measure BIO-2a: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species (All Treatment Activities)
- Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)
- Mitigation Measure BIO-2c: Compensate for Mortality, Injury, or Disturbance and Loss of Habitat Function for Special-Status Wildlife if Applicable (All Treatment Activities)
- Mitigation Measure BIO-2d: Implement Protective Measures for Valley Elderberry Longhorn Beetle (All Treatment Activities)
- Impact BIO-3: Substantially Affect Riparian Habitat or Other Sensitive Natural Community Through Direct Loss or Degradation that Leads to Loss of Habitat Function**
 - Mitigation Measure BIO-3a: Design Treatments to Avoid Loss of Sensitive Natural Communities and Oak Woodlands
 - Mitigation Measure BIO-3b: Compensate for Loss of Sensitive Natural Communities and Oak Woodlands
 - Mitigation Measure BIO-3c: Compensate for Unavoidable Loss of Riparian Habitat
- Impact BIO-4: Substantially Affect State or Federally Protected Wetlands**
 - Mitigation Measure BIO-4: Avoid State and Federally Protected Wetlands

HAZARDOUS MATERIALS, PUBLIC HEALTH AND SAFETY

- Impact HAZ-3: Expose the Public or Environment to Significant Hazards from Disturbance to Known Hazardous Material Sites**
 - Mitigation Measure HAZ-3: Identify and Avoid Known Hazardous Waste Sites

FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

The CalVTP PEIR determined that some impacts of the program would be significant and unavoidable, even after implementation of all feasible mitigation. The Project Proponent finds that the treatment project would contribute to or cause the following significant and unavoidable impacts. Incorporating and implementing the following feasible mitigation measures indicated to be applicable to the treatment project will reduce the severity of this impact, but not to a less-than-significant level. The Project Proponent will adopt and implement these mitigation measures. The Project Proponent therefore finds that changes or alterations have been required in, or incorporated into, the treatment project that will substantially lessen, but not avoid, the significant environmental effect as identified in the PEIR and PSA/Addendum.

The Project Proponent finds that fully mitigating these impacts to a less-than-significant level is not feasible; there are no feasible mitigation measures beyond those described below to reduce these impacts. These impacts will remain significant and unavoidable. The Project Proponent concludes, however, that the benefits of the CalVTP and the vegetation treatment project outweigh the significant unavoidable impacts of the Program and treatment project, as set forth in the Board of Forestry and Fire Protection's Statement of Overriding Considerations and the Project Proponent's own Statement of Overriding Considerations, if any.

AESTHETICS AND VISUAL RESOURCES

- Impact AES-3: Result in long-term substantial degradation of a scenic vista or visual character or quality of public views, or damage to scenic resources in a state scenic highway from the non-shaded fuel break treatment type**

- Mitigation Measure AES-3: Conduct Visual Reconnaissance for Non-Shaded Fuel Breaks and Relocate or Feather and Screen Publicly Visible Non-Shaded Fuel Breaks

Refer to Section 8.2.1, Aesthetics and Visual Resources, of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

AIR QUALITY

- Impact AQ-1: Generate Emissions of Criteria Air Pollutants and Precursors During Treatment Activities that Would Exceed CAAQS Or NAAQS and Conflict with Regional Air Quality Plans**

- Mitigation Measure AQ-1: Implement On-Road Vehicle and Off-Road Equipment Exhaust Emission Reduction Techniques

- No feasible mitigation is available

Additional information to support CalVTP finding for the Yuba Roadside Fuel Treatment Project:

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP by the Board of Forestry and Fire Protection to reduce the severity of this impact, but not to a less-than-significant level. Emission reduction techniques included in Mitigation Measure AQ-1 would be infeasible for the Project Proponent to implement and, for the same reasons explained in the PEIR, this impact would remain significant and unavoidable. Because the treatments would be implemented by a non-profit organization with limited funding, it is cost prohibitive to require or procure equipment meeting the latest efficiency standards including meeting U.S. Environmental Protection Agency's Tier 4 emission standards, using renewable diesel fuel, using electric- and gasoline-powered equipment, and using equipment with Best Available Control Technology. In addition, crew sizes would be small and are not expected to all be employed with the same company. Therefore, carpooling may not be feasible to implement for most of the workers or recommended during a pandemic.

The Project Proponent incorporated all feasible and applicable measures to prevent and minimize this potential impact, pursuant to SPRs AQ-1 through AQ-6. The Project Proponent finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. This impact will remain significant and unavoidable. The Project Proponent concludes, however, that the benefits of the CalVTP and proposed project outweigh the significant unavoidable impacts of the Program and the proposed vegetation treatment project, as set forth in the Statement of Overriding Considerations, below. The Project Proponent therefore finds that changes or alterations have been required in, or incorporated into, the proposed project that will substantially lessen, but not avoid, the significant environmental effect as identified in the PEIR.

- Impact AQ-4: Expose People to Toxic Air Contaminants Emitted by Prescribed Burns and Related Health Risk**

- No feasible mitigation is available

Refer to Section 8.2.2, Air Quality, of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

- Impact AQ-6: Expose People to Objectionable Odors from Smoke During Prescribed Burning**

- No feasible mitigation is available

Refer to Section 8.2.2, Air Quality, of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact CUL-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Subsurface Historical Resources

- Mitigation Measure CUL-2: Protect Inadvertent Discoveries of Unique Archaeological Resources or Subsurface Historical Resources

Refer to Section 8.2.3, Archaeological, Historical, and Tribal Cultural Resources, of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

GREENHOUSE GAS EMISSIONS

Impact GHG-2: Generate GHG Emissions through Treatment Activities

- Mitigation Measure GHG-2: Implement GHG Emission Reduction Techniques During Prescribed Burns

Refer to Section 8.2.5, Greenhouse Gas Emissions, of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

TRANSPORTATION

Impact TRAN-3: Result in a Net Increase in VMT for the Proposed CalVTP

- Mitigation Measure AQ-1: Implement On-Road Vehicle and Off-Road Equipment Exhaust Emission Reduction Techniques
- No feasible mitigation is available

Additional information to support CalVTP finding for the Yuba Roadside Fuel Treatment Project:

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP by the Board of Forestry and Fire Protection to reduce the severity of this impact, but not to a less-than-significant level. The vehicular travel reduction techniques included in Mitigation Measure AQ-1 would be infeasible for the Project Proponent to implement because of the rural, dispersed nature of the project. The Yuba FSC is a not-for-profit organizations and will be largely contracting with others to implement the vegetation treatments. Crew sizes would be small and are not expected to all be employed with the same company. Therefore, carpooling may not be feasible to implement for most of the workers or recommended during a pandemic. For the same reasons explained in the PEIR, this impact would remain significant and unavoidable.

The Project Proponent incorporated all feasible and applicable measures to prevent and minimize this potential impact. The Project Proponent finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. This impact will remain significant and unavoidable. The Project Proponent concludes, however, that the benefits of the CalVTP and proposed project outweigh the significant unavoidable impacts of the Program and the proposed vegetation treatment project, as set forth in the Statement of Overriding Considerations, below. The Project Proponent therefore finds that changes or alterations have been required in, or incorporated into, the proposed project that will substantially lessen, but not avoid, the significant environmental effect as identified in the PEIR.

PUBLIC SERVICES, UTILITIES AND SERVICE SYSTEMS

Impact UTIL-2: Generate Solid Waste in Excess of State Standards or Exceed Local Infrastructure Capacity

- No feasible mitigation is available

Refer to Section 8.2.7, Public Services, Utilities, and Service Systems, of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the Board of Forestry and Fire Protection's adopted Findings, the Board of Forestry and Fire Protection determined that the CalVTP will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite these effects, however, the Board of Forestry and Fire Protection, in accordance with CEQA Guidelines Section 15093, chose to approve the CalVTP because, in its view, the benefits to life, property, and other resources, and the other benefits of the CalVTP, will render the significant effects acceptable.

In the Board of Forestry and Fire Protection's judgment, the CalVTP and its benefits outweigh its unavoidable significant effects. The Board of Forestry and Fire Protection's Findings were based on substantial evidence in the record. The Board of Forestry and Fire Protection's Statement of Overriding Considerations identified the specific reasons why, in the Board of Forestry and Fire Protection's judgment, the benefits of the CalVTP as approved outweigh its unavoidable significant effects.

Exercising its independent judgment and review, the Project Proponent concurs that the benefits of the CalVTP and the treatment project outweigh the significant environmental effects and hereby incorporates by reference and adopts the Board of Forestry and Fire Protection's Statement of Overriding Considerations for the CalVTP. The certified Final CalVTP PEIR and CalVTP Findings/Statement of Overriding Consideration are available on the Board of Forestry and Fire Protection's CalVTP webpage (<https://bof.fire.ca.gov/projects-and-programs/calvtp/calvtp-programmatic-eir/>).

Any one of the reasons listed in the Statement of Overriding Considerations is sufficient to justify approval of the treatment project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Project Proponent would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and the documents found in the Record of Proceedings, which are described and defined under "Record of Proceedings," above.

- ▶ The Yuba Roadside Fuel Treatment Project, as an implementation action of the CalVTP, will reduce dire risks to life, property, and natural resources in California.
- ▶ The Yuba Roadside Fuel Treatment Project, as an implementation action of the CalVTP, reflects the most current and commonly accepted science and conditions in California and allows for adaptation in response to potential evolution and changes in science and conditions.
- ▶ The Yuba Roadside Fuel Treatment Project, as an implementation action of the CalVTP, reflects the Board of Forestry and Fire Protection's and CAL FIRE's goals. The CalVTP will help the Board of Forestry and Fire Protection and CAL FIRE achieve their central goals for reducing and preventing the impacts of fire in the state, as outlined in the *2018 Strategic Fire Plan for California*. The CalVTP will help to establish a natural environment that is more resilient and built assets that are more resistant to the occurrence and effects of wildland fire.
- ▶ The Yuba Roadside Fuel Treatment Project, as an implementation action of the CalVTP, will help implement Executive Orders, including:
 - EO B-42-17: Governor Brown's order issued to bolster the state's response to unprecedented tree die-off through further expediting removal of millions of dead and dying trees across the state; and
 - EO B-52-18: Governor Brown's order to improve forest management and restoration, provide regulatory relief, and reduce barriers for prescribed fire.

- ▶ The Board of Forestry and Fire Protection is required by law to comply with SB 1260, signed into law by Governor Brown in February 2018, which improves California forest management practices to reduce the risk of wildfire in light of the changing climate and includes provisions for the CalVTP PEIR to serve as the programmatic CEQA coverage for prescribed burns within the SRA. The Yuba Roadside Fuel Treatment Project, as an implementation action of the CalVTP, will bring the Board of Forestry and Fire Protection into compliance with these requirements.
- ▶ The Yuba Roadside Fuel Treatment Project, as an implementation action of the CalVTP, will help to meet California's GHG emission goals consistent with the California Forest Carbon Plan, California's 2017 Climate Change Scoping Plan, Fire on the Mountain: Rethinking Forest Management in the Sierra Nevada, and California 2030 Natural and Working Lands Climate Change Implementation Plan.