

# CA 2017 and 2018 CDBG – Disaster Recovery Memo

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**To:** Angela Adams, HCD  
**From:** Douglas Ganey, Hagerty Consulting  
**Date:** February 23, 2022, revised December 9, 2023, March 4, 2024, **and April 16, 2024**  
**Re:** High Level Environmental Review, Yuba County Roadside Fuel Reduction Project

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**Table 1. High-Level Environmental Review Summary Table**

Yuba County Roadside Fuel Reduction Project	
<b>General Information</b>	
<b>Grant Program</b>	CDBG-DR INF
<b>Project Title</b>	Yuba County Roadside Fuel Reduction Project
<b>Subrecipient</b>	Yuba County
<b>Project Type</b>	MIT-RIP
<b>Document(s) Reviewed</b>	“CEST” Report File: “Combined unsigned NEPA review.pdf” Environmental Assessment Files: “Adm Draft Yuba County Fuel Reduction Part-58-EA.pdf and “Attachment Complete.pdf”
<b>Review Date</b>	2/22/22, revised 12/9/23, 3/4/2024, <b>and 4/16/2024</b>
<b>HCD Project Lead</b>	A. Adams
<b>Review by</b>	T. Youngbluth/D. Ganey/M. Novitske/A. Gettig (Hagerty Consulting)
<b>Recommendations</b>	
<p><u>Review Level:</u> An environmental review Categorically Excluded Subject to 24 CFR 58.5 “CEST” Report was developed for the proposed project. This project does not fit any of HUD’s categorical exclusions, therefore a CEST is not the appropriate review level. An Environmental Assessment would be the appropriate review level for this type of project. If (likely) applicable after completion of the EA public notice and publication of a Finding of No Significant Impacts would be required.</p> <p>12/9/23 Update: An Environmental Assessment was prepared for the proposed project. No further revision requested.</p> <p><u>Project Description:</u> More information is needed. Maps clearly designating the work areas should be provided. It is unclear from the project description exactly what Yuba County plans to do to create fuel breaks. The environmental review document should clearly describe what distance on either side of the road work is planned and specifically what will be done to achieve the fuel breaks. Are trees with a</p>	

## Yuba County Roadside Fuel Reduction Project

specific reach over the road being trimmed? Are trees within a specific distance to the edge of the road being completely removed? Is other vegetation being removed? What does the County plan to do with all the vegetation that is being removed? Will all work take place within the existing right-of-way? The revised project description should provide enough information to answer these types of questions.

12/9/23 Update: The EA Report provides a project description and addresses the above questions; however, a figure(s) showing designated work areas should be included as well.

3/4/24 Update: The EA Report provides a figure that shows designated work areas. No further revision requested.

Endangered Species: A more detailed review of biological resources is required for a project that involves 47 miles of vegetation removal. Retention of a professional biologist is recommended. Critical habitat for the red legged frog was identified within the project area. Protection of this habitat and habitat for migrating and nesting birds needs to be addressed.

12/9/23 Update: A Biological Resources Assessment was provided with a more detailed review of the potential impacts to special-status species and habitats that may occur in the project area. Multiple special-status species and habitats may occur in the project area, but the Biological Resource Assessment does not include a "determination of the affect" the project will have on the federally listed species or critical habitat. The EA states that mitigation measures for special status species have been incorporated to reduce all impacts to less than significant level. Less than significant level does not constitute a "No Effect" determination and consultation with wildlife agencies including the U.S. Fish and Wildlife Service should be performed for this federal environmental review.

3/4/24 Update: The revised documents provided state that consultation with U.S.F.W.S. has been conducted and no response has been received to date. Please provide a copy of the consultation letter.

**4/16/2024 Update: A response letter from USFWS dated April 3 was provided. USFWS agreed with the effects determinations of the EA. Please also provide a copy of the consultation letter that was sent to USFWS.**

Farmland Protection: The farmland protection conclusion is correct, but the text needs to be updated to reflect the project being reviewed. The report describes road repairs and rehabilitation.

12/9/23 Update: The EA review of Farmland Protection has been updated to reflect the proposed project and its activities. No further revision requested.

Floodplain Management: The floodplain management section was taken from another project. Please update this section to reflect the project being reviewed.

12/9/23 Update: The EA updates this section with relevant information and states floodplains are found along stream channels throughout the project area. The project does not involve any changes to floodplain elevation and no impacts to floodplains will occur. Please provide FEMA/FIRM Maps for the project work area and complete the analysis according to HUD Guidance for Floodplain Management.

3/4/24 Update: The EA Report provides FEMA/FIRM maps and documents the analysis for Floodplain Management. No further revision requested.

Noise Abatement and Control: The proposed project would have to comply with any local noise regulations as chain saws, chippers and other vegetation management equipment can generate significant amounts of noise.

12/9/23 Update: A noise impact assessment was completed and the EA states that noise associated with the project would not exceed County construction noise thresholds. No further revision requested.

## Yuba County Roadside Fuel Reduction Project

Wetlands: Yuba County as the RE for this project is responsible for determining if any of the road segments are within a wetland area or if any of the planned work could impact a wetland area. Construction permitting under the National Pollutant Discharge Elimination Center may be required for a project of this size.

12/9/23 Update: The Biological Resources Assessment found that every road segment of the proposed project supports potentially jurisdictional aquatic features (i.e., wetlands). Aquatic feature maps are provided as attachments and the EA states that all mapped areas will be avoided by the project through wetland mitigation measures. No further revision requested.

Wild and Scenic River: Yuba County as the RE for this project, needs to determine if any road segment is near the Feather River which is a designated Wild and Scenic River.

12/9/23 Update: The EA determined that the closest road segment to the Feather River is 20 miles away. Therefore, the project will have no adverse impacts on Wild and Scenic Rivers.

### Additional Information

<b>CEQA Compliance</b>	No CEQA documents were provided. Yuba County is the lead agency responsible for compliance with CEQA.
<b>Note</b>	A preliminary high-level review of the CEST was performed. This does not constitute a full QA/QC document review. Yuba County will be acting as the Responsibility Entity (RE) for review under 24 CFR 58.

## 1.0 Summary

An environmental review Categorical Excluded Subject to 24 CFR 58.5 “CEST” Report was developed for Yuba County for the proposed project in February 2022. This project does not fit any of the U.S. Department of Housing and Urban Development (HUD)’s categorical exclusions under the National Environmental Policy Act; therefore an Environmental Assessment is the appropriate review level for this type of project, not CEST.

Project Description: According to the CEST Report, the project area encompasses 45.7 centerline miles of rural roads in the forested portions of the Sierra Nevada foothills. This project includes 18 road segments serving a total of seven at-risk communities. The goals of the project are to create fuel breaks along County roadways, reduce fire spread to structures and/or natural resources, allow access for fire-fighting equipment, and to provide safe evacuation routes for residents. Currently, trees on either side of the roads encroach to the point where the canopies extend over the roads and vegetation encroaches up to the edge of the roadways, allowing fires to cross the roadways easily while also impeding ingress and egress to at-risk communities.

More information is needed: Maps clearly designating the work areas should be provided. It is unclear from the project description exactly what Yuba County plans to do to create fuel breaks. The environmental review document should clearly describe what distance on either side of the road work is planned and specifically what will be done to achieve the fuel breaks. Are trees with a specific reach over the road being trimmed? Are trees within a specific distance to the edge of the road being completely removed? Is other vegetation being removed? What does the County plan to do with all the vegetation that is being removed? Will all work take place within the existing right-of-way? The revised project

description should provide enough information to answer these types of questions. Information on construction staging areas, proposed construction equipment, and a work schedule should also be provided. Understanding whether any excavation will be performed (i.e. removal of tree stumps/roots below the ground surface) is important to understand the potential impacts from subsurface contamination and/or to archaeological resources.

## **2.0 HUD NEPA Environmental Review Categories**

### **2.1 Airport Hazards**

HUD's Airport Hazards policies do not apply to projects which do not result in new construction or reconstruction; therefore, the project complies with HUD's requirements to avoid Airport Hazards.

### **2.2 Coastal Barriers**

There are no coastal barrier resources in California.

### **2.3 Flood Insurance**

This project does not involve acquisition, repairs, rehabilitation, or construction of a structure; therefore, HUD's flood insurance requirements would not apply if any section of the roadway were in the floodplain. The project complies with HUD's flood insurance requirements.

### **2.4 Clean Air**

This project does not include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities or five or more dwelling units; therefore, it is in compliance with air quality requirements.

### **2.5 Coastal Zone Management**

The project sites are not located in a coastal zone.

### **2.6 Contamination and Toxic Substances**

A NEPAassist search was performed, the CEST indicates that the project sites are not near any known sources of contamination or toxic substances; however, there are no maps showing the project locations and/or locations of contaminated sites. Understanding whether any excavation will be performed (i.e. removal of tree stumps/roots below the ground surface) is important to understand the potential impacts from any contaminated sites located along the project. Documentation should also be provided regarding any hazardous materials to be used during project implementation and means for preventing and cleaning up spills.

### **2.7 Endangered Species/Biological Resources**

The CEST's review of Endangered Species states: "There are no endangered species in Yuba County that would impact the rehabilitation of existing roadways." The project entails vegetation removal along an existing roadway not rehabilitation of an existing roadway. A more detailed review of biological resources is required for a project that involves 47 miles of vegetation removal. Critical habitat for the red legged frog was identified within the project area. Protection of this habitat and habitat for migrating and nesting birds needs to be addressed.

## **2.8 Explosive and Flammable Hazards**

The proposed project does not increase residential density; therefore, it is in compliance with HUD explosive and flammable hazards review regulations.

## **2.9 Farmland Protection**

The project does not convert any undeveloped land, it is therefore in compliance with farmlands protection requirements. The farmland protection conclusion is correct, but the text needs to be updated to reflect the project being reviewed. The project does not involve repairs and rehabilitation.

## **2.10 Floodplain Management**

The floodplain management section was taken from another project. Please update this section to reflect the project being reviewed.

## **2.11 Historic Preservation/Cultural Resources**

Vegetation removal is a type of activity that likely has minimal potential to cause effects on historic properties. If any excavation is planned as part of the project (i.e. stump removal), then this should be clearly indicated in the project description and additional review for cultural/archaeological resources would be required.

## **2.12 Noise Abatement and Control**

HUD's noise policy applies to noise sensitive uses such as new construction and renovation of residential buildings, therefore it does not apply to vegetation removal. The proposed project would have to comply with any local noise regulations (e.g. regulated work hours) as chain saws, chippers and other vegetation management equipment can generate significant amounts of noise.

## **2.13 Sole Source Aquifers**

There are no sole source aquifers in Yuba County. This project is in compliance with the sole source aquifer protection.

## **2.14 Wetlands**

Yuba County as the RE for this project is responsible for determining if any of the road segments are within a wetland area or if any of the planned work could impact a wetland area. Construction permitting under the National Pollutant Discharge Elimination Center may be required for a project of this size.

## **2.15 Wild and Scenic Rivers**

Yuba County as the RE for this project, needs to determine if any road segment is near the Feather River which is a designated Wild and Scenic river.

## **2.16 Environmental Justice**

The EPA EJ Screen mapping tool was utilized. Based on the data, the CEST concluded that the project does not adversely impact any minority population. The project is expected to improve fire protection in the foothills area.

### **3.0 Environmental Assessment Factors**

**11/29/23 Update: The EA evaluated and documented each Environmental Assessment Factor. All conditions, attenuation or mitigation measures have been clearly identified. All EA Factors are determined to be “2” - No impact anticipated or “1”- Minor beneficial impact.**

### **4.0 Environmental Permits and Other Project Requirements**

#### **5.0 Mitigation Measures**

The following mitigation measures are listed in the EA:

##### Waters of the U.S.

All road segments within the Study Area support potentially jurisdictional aquatic features. The following measures are required to avoid impacts to potentially jurisdictional aquatic features:

The project shall avoid removing vegetation within potentially jurisdictional aquatic features and associated riparian habitat within the aquatic resource avoidance areas identified in the Aquatic Resource Avoidance Map (Attachment D). In addition, the project will avoid adding fill (i.e., any project-related materials) to potentially jurisdictional aquatic features within the project area resource avoidance areas. A qualified biologist will establish aquatic resource avoidance areas with survey flagging prior to project initiation.

Fueling of equipment will be conducted more than 100 feet from potentially jurisdictional aquatic features identified in the Aquatic Resource Avoidance Map located in Attachment D.

##### Special-Status Plants

There is potential for three federally listed plants, Stebbins' morning-glory (*Calystegia stebbinsii*) and Pine Hill flannelbush (*Fremontodendron decumbens*), and Layne's ragwort (*Packera layneae*) to occur within the Study Area. The following measures are required to minimize potential impacts to special-status plants:

Perform focused plant surveys within the identified road according to USFWS and CDFW protocols prior to construction. Surveys should be conducted by a qualified biologist within suitable habitats for target species and timed according to the appropriate phenological stage for identifying target species. The blooming period/survey window for Stebbins' morning-glory (*Calystegia stebbinsii*) and Pine Hill flannelbush (*Fremontodendron decumbens*) is April through July, and April through August for Layne's ragwort (*Packera layneae*). Known reference populations should be visited and/or local herbaria records should be reviewed, if available, prior to surveys to confirm the phenological stage of the target species. If no special-status plants are found within the Study Area, no further measures pertaining to special-status plants are necessary.

If special-status plants are identified within 50-feet of the Project impact area, implement the following measures:

The Project will avoid occurrences of federally listed plant species by establishing and clearly demarcating avoidance zones around the plant occurrences prior to construction. Avoidance zones should include the extent of the special-status plants plus a minimum 50-foot buffer, unless otherwise determined by a qualified biologist, and should be maintained until the completion of construction.

##### California Red-Legged Frog

California red-legged frog is considered "Present" within the Oregon Hill Road segment due to the CNDDB occurrence within the Study Area and has potential to occur within the Baker Road, Youngs Hill Road, La Porte (east and west), Frenchtown Road, Mountain House Road, Indiana School Road, and Pendola Road segments in the Study Area. Implementation of the following measure would avoid impacts to CRLF:

The Project shall be designed to avoid Project activities within or adjacent to aquatic features and their associated riparian habitat within the Study Area. The Project will avoid impacts to CRLF and its habitat with the implementation of the aquatic resource avoidance areas measure.

Prior to the start of construction, a Worker Environmental Awareness Program (WEAP) will be prepared that includes species identification, procedures if CRLF is encountered, life history descriptions, habitat requirements during various life stages, the species protected status, and penalties for violating the federal ESA. A CRLF-qualified biologist will present the WEAP to all personnel working in the Project Area prior to the start of Project activities. The WEAP may be videotaped and used to train personnel not present for the initial training. A WEAP sign-in sheet will be signed by all that have taken the WEAP training, maintained onsite during Project activities and submitted to the County for record-keeping purposes at Project completion.

If CRLF is observed during the course of Project activities, then Project activities will be immediately halted within 100 feet of the observation and will be allowed to leave on its own volition.

#### California Spotted Owl

California spotted owl suitable nesting habitat occurs within and adjacent to the Study Area. If nesting California spotted owls are present, the Project could result in harassment to nesting individuals. In order to avoid impacts to California spotted owl, the following avoidance measures are required:

On all road segments that have the potential for California spotted owl to occur, project activities shall be conducted in October through February whenever possible, outside of the California spotted owl nesting season. The California spotted owl nesting season is March through September.

If Project activities are to occur during the California spotted owl nesting season within road segments where California spotted owl has the potential to occur, then "Disturbance-Only Project" surveys according to the USFWS 2012 northern spotted owl survey protocol shall be conducted by a qualified biologist. "Disturbance-Only Project" surveys include a one-year six visit survey that covers all spotted owl habitat within 0.25 mile from the Project area.

#### Nesting Birds and Raptors

Nesting birds and raptors have the potential to nest within the Study Area. The following measure is required to minimize potential impacts to nesting birds and raptors:

Project activities shall be conducted October through January, outside of the typical nesting season (generally February 1 through August 31).

If Project activities are to occur during the nesting season, conduct a preconstruction nesting bird survey of all suitable nesting habitat within 14 days of the commencement of Project activities in a given area of Project activities. The survey shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be protected by an avoidance buffer established by a qualified biologist until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. A Preconstruction Nesting Bird Survey Report will be prepared by a qualified biologist that includes surveyors' names and affiliation, dates and times of surveys,

methods, results, and recommendations. Additional nesting bird survey(s) will be conducted if there is a lapse in Project activities of 15 days or longer for areas that have been surveyed. Preconstruction nesting surveys are not required for construction activity outside the nesting season.

#### Cultural Resources and Tribal Cultural Resources

Based on the sensitivity for cultural resources in the permit areas, a training program shall be developed by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology and include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, consequences of violating state and federal laws and regulations, and appropriate avoidance and impact minimization measures.

#### Historic Resources

Vegetation clearing and management procedures have the potential to affect historic resources during project activities. Project activities have the potential to affect archaeological resources on the ground surface. In locations where pre-contact or historic-era resources are known to exist, vegetation removal by hand tools is required. Application of these measures will result in No Significant Effect to Historic Properties.