

# ATTACHMENT B - PROJECT-SPECIFIC CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

Template Available for Use by Proponents of Vegetation Treatment Projects Within the Scope of the CalVTP Program EIR.

## INTRODUCTION

The Northern Sonoma County Fire Protection District, 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 Geyser Peak to Pocket Peak Fuel Break VTP, referred to herein as "vegetation treatment project," within the scope of the California Vegetation Treatment Program (CalVTP). This document has been prepared 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.).

## 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 (the Board), adopted Findings and a Statement of Overriding Considerations on December 30, 2019.

Here, as explained in the Board'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; Transportation; and Public Services, Utilities, and Service Systems. For reasons set forth in

the Board's Statement of Overriding Considerations, however, the Board determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the CalVTP.

When a responsible 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).) According to case law, a responsible agency's findings need only address environmental impacts "within the scope of the responsible agency's jurisdiction." (*Riverwatch v. Olivenhain Municipal Water District* (2009) 170 Cal.App.4th 1186, 1202.) Although each responsible 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 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

The project proposes fuel treatment on approximately 200 acres of mixed vegetation along an existing fire road. The project area extends approximately 250 feet off road centerline on both sides of the alignment for a total width of approximately 500 feet. The treatable road segment is approximately 17,325 feet (3.28 miles) in length.

The project objective is to establish and maintain a fuel break along a strategically important ridgeline. Successful implementation of this project will improve access and provide staging areas for fire suppression equipment and personnel. Implementation of this project is an important step towards the goal of community wildfire protection and is intended to be a foundation for future projects in the region.

The goals outlined above will be achieved through the implementation of an initial treatment followed by regularly scheduled maintenance utilizing a range of methods to maximize effectiveness. These methods are outlined in the PSA.

## ENVIRONMENTAL REVIEW PROCESS

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

On May 23, 2021, 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, Project Proponent will submit this completed PSA 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);
- ▶ GIS data that include:
  - a polygon(s) of the project area, showing the extent of each treatment type included in the project (ecological restoration, fuel break, WUI fuel reduction)

As required under the CalVTP, 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 (ecological restoration, fuel break, WUI fuel reduction)
- ▶ A post-project implementation report (referred to by CAL FIRE as a Completion 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 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, consultants to the Project Proponent, 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 during normal business hours at:

Northern Sonoma County Fire Protection District  
20975 Geyserville Ave, Geyserville, CA 95441

The custodian of these documents is Fire Chief Marshall Turbeville.

## MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) was adopted by the Board for the CalVTP, and the applicable mitigation measures for this treatment project have been identified in the PSA. The Project Proponent will use the MMRP to track compliance with the CalVTP mitigation measures. 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, which were presented to the Northern Sonoma County Fire Protection District Board of Directors and reviewed and considered prior to any approvals, concurs with the conclusions of the Final PEIR and the treatment project PSA 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 that all of the following impacts will be less than significant:

### 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-6: Substantially Reduce Habitat or Abundance of Common Wildlife
- ▶ Impact BIO-7: Conflict with Local Policies or Ordinances Protecting Biological Resources
- ▶ Impact BIO-8: Conflict with the Provisions of an Adopted Natural Community Conservation Plan, Habitat Conservation Plan, or Other Approved Habitat Plan

## **GEOLOGY, SOILS, AND MINERAL RESOURCES**

- ▶ Impact GEO-1: Result in Substantial Erosion or Loss of Topsoil
- ▶ Impact GEO-2: Increase Risk of Landslide

## **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

## **ENERGY RESOURCES**

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

## **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-3: 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 Prescribed Herbivory
- ▶ 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

## 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

## 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

## 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

## CUMULATIVE

- ▶ Agriculture and Forestry Resources
- ▶ Biological Resources

- ▶ Geology, Soils, Paleontology, and Mineral Resources
- ▶ Energy Resources
- ▶ Hazardous Materials, Public Health and Safety
- ▶ Hydrology and Water Quality
- ▶ Population and Housing
- ▶ Noise
- ▶ Recreation
- ▶ Wildfire

## SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The PEIR identified a number of significant and potentially significant environmental effects (or impacts) that the CalVTP will contribute to or cause. The Board 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's Findings and Statement of Overriding Considerations, however, the Board determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the CalVTP.

The Board 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, and stated the Board'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 incorporated by reference into its findings the discussion in those documents supporting the Final PEIR's determinations. In making those findings, the Board 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. Additionally, some of the environmental impacts predicted by the CalVTP PEIR to be significant and unavoidable or less than significant after mitigation may be determined in a PSA to be less severe for an individual treatment project than determined in the statewide PEIR. The impacts and mitigation measures identified in Sections 8.1 and 8.2 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. 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
  - Mitigation Measure BIO-1c: Compensate for Unavoidable Loss of Special-Status Plants
- Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Tree-Nesting and Cavity-Nesting Wildlife)
  - 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-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-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
- Impact BIO-5: Interfere Substantially with Wildlife Movement Corridors or Impede Use of Nurseries
  - Mitigation Measure BIO-5: Retain Nursery Habitat and Implement Buffers to Avoid Nursery Sites

## 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 as indicated. Incorporating and implementing the following 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 hereby directs that these mitigation measures be adopted. 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.

The Project Proponent finds that fully mitigating these impacts are not feasible; there are no feasible mitigation measures beyond the mitigation measures indicated below to reduce these impacts. [Alternative to preceding sentence: The Project Proponent has reviewed any suggested mitigation measures and finds these suggestions infeasible.] 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's Statement of Overriding Considerations 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

## 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 Vegetation Treatment Project:*

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP by the Board 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 NSCFPD 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 an agency with limited funding, it is cost prohibitive to use 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. NSCFPD has incorporated all feasible measures to prevent and minimize this potential impact pursuant to SPRs AD-4 and AQ-1 through AQ-6. The District finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. The District has reviewed all mitigation measures and finds them infeasible. This impact will remain significant and unavoidable. The District concludes, however, that the benefits of the CalVTP outweigh the significant unavoidable impacts of the

Program, as set forth in the Statement of Overriding Considerations, below. The District 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.

*Additional information to support CalVTP finding for the Vegetation Treatment Project:*

All feasible precautions and notifications have been incorporated into the CalVTP to reduce the severity of this impact, but not to a less-than-significant level. No additional feasible measures are available for the District to implement and, for the same reasons explained in the PEIR, this impact would remain potentially significant and unavoidable. The District incorporated all feasible measures to prevent and minimize smoke emissions as part of the precautionary measures required in Smoke Management Plans, pursuant to SPR AQ-2, and in Incident Action Plans and other burn safety procedures, pursuant to SPR AQ-6, for the unintended occurrence of when a prescribed burn may go out of prescription and adversely affect offsite receptors. Additionally, SPR AD-4 will alert the public to planned prescribed burns and give them adequate notice to take precautionary measures such as using respirators, closing windows, or temporarily vacating the area to reduce the potential for exposure. Although all feasible precautions and notifications have been included in standard project requirements, the potential remains that short-term exposure to TACs from unpredictable weather changes during prescribed burning could occur. Considering actions taken by the public to reduce exposure to smoke from prescribed burns are voluntary, there are no additional feasible methods to compel the public to reduce its exposure. Therefore, this impact will remain significant and unavoidable. The District concludes, however, that the benefits of the CalVTP outweigh the significant unavoidable impacts of the Program, as set forth in the Statement of Overriding Considerations, below. The District 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-6: Expose People to Objectionable Odors from Smoke During Prescribed Burning
- No feasible mitigation is available.

*Additional information to support CalVTP finding for the Vegetation Treatment Project:*

All feasible precautions and notifications have been incorporated into the CalVTP to reduce the severity of this impact, but not to a less-than-significant level. No additional feasible measures are available for the District to implement and, for the same reasons explained in the PEIR, this impact would remain potentially significant and unavoidable. The District incorporated all feasible measures to prevent and minimize smoke emissions as part of the precautionary measures required in Smoke Management Plans, pursuant to SPR AQ-2, and in Incident Action Plans and other burn safety procedures, pursuant to SPR AQ-6, for the unintended occurrence of when a prescribed burn may go out of prescription and adversely affect offsite receptors. Additionally, SPR AD-4 will alert the public to planned prescribed burns and give them adequate notice to take precautionary measures such as closing windows or temporarily vacating the area to reduce the potential for exposure to odors. Although all feasible precautions and notifications have been included in standard project requirements, the potential remains that short-term exposure to odorous smoke emissions from unpredictable weather changes during prescribed burning could occur. Considering actions taken by the public to reduce exposure to smoke from prescribed burns are voluntary, there are no additional feasible methods to compel the public to reduce its exposure. Therefore, this impact will remain significant and unavoidable. The District concludes, however, that the benefits of the CalVTP outweigh the significant unavoidable impacts of the Program, as set forth in the Statement of Overriding Considerations, below. The District 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.

## 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

## GREENHOUSE GAS EMISSIONS

Impact GHG-2: Generate GHG Emissions through Treatment Activities

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

## TRANSPORTATION

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

No feasible mitigation is available.

*Additional information to support CalVTP finding for the Vegetation Treatment Project:*

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP to reduce the severity of this impact. This impact was identified as potentially significant and unavoidable in the PEIR because implementation of the CalVTP would result in a net increase in VMT. Emission reduction techniques included in Mitigation Measure AQ-1 would be infeasible for the District 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 an agency with limited funding, it is cost prohibitive to use 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 District 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 District concludes, however, that the benefits of the CalVTP outweigh the significant unavoidable impacts of the Program, as set forth in the Statement of Overriding Considerations, below. The District 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.

## CUMULATIVE

### Aesthetics

Cumulative Aesthetics Impact related to Degradation of a Scenic Vista or Visual Character or Quality of Public Views, or Damage to Scenic Resources in a State Scenic Highway

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

## Air Quality

- Cumulative Air Quality Impact related to On-Road Vehicle and Off-Road Equipment Exhaust Emissions
  - 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 Vegetation Treatment Project:*

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP by the Board 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 NSCFPD 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 an agency with limited funding, it is cost prohibitive to use 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. NSCFPD has incorporated all feasible measures to prevent and minimize this potential impact pursuant to SPRs AD-4 and AQ-1 through AQ-6. The District finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. The District has reviewed all mitigation measures and finds them infeasible. This impact will remain significant and unavoidable. The District concludes, however, that the benefits of the CalVTP outweigh the significant unavoidable impacts of the Program, as set forth in the Statement of Overriding Considerations, below. The District 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.

## Archaeological, Historical, and Tribal Cultural Resources

- Cumulative Archaeological, Historical, and Tribal Cultural Resources Impact related to Inadvertent Discoveries of Unique Archaeological Resources
  - Mitigation Measure CUL-2: Protect Inadvertent Discoveries of Unique Archaeological Resources or Subsurface Historical Resources

## Biological Resources

- Cumulative Biological Resources Impact related to Bumble Bees
  - Mitigation Measure BIO-2g: Design Treatment to Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Special-Status Bumble Bees (All Treatment Activities)

## Transportation

- Cumulative Transportation Impact related to Vehicle Miles Travelled
  - No feasible mitigation is available.

*Additional information to support CalVTP finding for the Vegetation Treatment Project:*

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP to reduce the severity of this impact. This impact was identified as potentially significant and unavoidable in the PEIR because implementation of the CalVTP would result in a net increase in VMT. Emission reduction techniques included in Mitigation Measure AQ-1 would be infeasible for the District 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 an agency with limited funding, it is cost prohibitive to use 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 District 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 District concludes, however, that the benefits of the CalVTP outweigh the significant unavoidable impacts of the Program, as set forth in the Statement of Overriding Considerations, below. The District 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

- Cumulative Public Services, Utilities, and Service Systems Impact related to Disposal of Biomass
- No feasible mitigation is available.

## STATEMENT OF OVERRIDING CONSIDERATIONS<sup>1</sup>

As set forth in the Board's adopted Findings, the Board 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, 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's judgment, the CalVTP and its benefits outweigh its unavoidable significant effects. The Board's Findings were based on substantial evidence in the record. The Board's Statement of Overriding Considerations identified the specific reasons why, in the Board'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's Statement of Overriding Considerations for the CalVTP.

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 in Section 5, above.

---

<sup>1</sup> If the PSA indicates that the project proponent's treatment project will not contribute to or cause any of the significant and unavoidable impacts determined in the PEIR, the proponent need not adopt a statement of overriding considerations.

- ▶ The CalVTP will reduce dire risks to life, property, and natural resources in California.
- ▶ 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 CalVTP reflects the Board's and CAL FIRE's goals. The CalVTP will help the Board 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 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;
  - EO B-52-18: Governor Brown's order to improve forest management and restoration, provide regulatory relief, and reduce barriers for prescribed fire; and
  - EO N-05-19: Governor Newsom's order directing CAL FIRE to recommend immediate-, medium-, and long-term actions to help prevent destructive wildfires.
- ▶ The Board 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 CalVTP will bring the Board into compliance with these requirements.
- ▶ The Board is required by law to comply with SB 632, signed into law by Governor Newsom in October 2019, which requires the Board to certify a Final PEIR, pursuant to CEQA, for the vegetation treatment program filed with the State Clearinghouse under Number 2019012052 in January 2019. The CalVTP will bring the Board into compliance with this requirement.
- ▶ 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.