

CEQA Findings of Fact and  
Statement of Overriding Considerations  
for the  
Tahoe Program Timberland Environmental Impact Report

SCH No. 2019069054

Prepared by

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# 1 INTRODUCTION

The California Department of Forestry and Fire Protection (CAL FIRE), in the exercise of its independent judgment, makes and adopts the following findings regarding its decision to approve the proposed forest management program (proposed program), which has been evaluated in the Tahoe Program Timberland Environmental Impact Report (PTEIR or Tahoe PTEIR). This document has been prepared in accordance with the California Environmental Quality Act (Public Resources Code [PRC], Section 21000 et seq.) (CEQA) and the CEQA Guidelines (Cal. Code Regs., Tit. 14, Section 15000 et seq.).

## 2 STATUTORY REQUIREMENTS FOR FINDINGS

Public Resources Code (PRC) 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.” (PRC 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 PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC 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); PRC 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 PRC Section 21081, subd. (b).) The Statement of Overriding Considerations for the PTEIR is included herein in Section 10.2.

Here, as explained below and in the Draft PTEIR and the Final PTEIR (collectively, the “PTEIR”), the PTEIR would result in significant and unavoidable environmental effects related to air quality, greenhouse gas emissions, and transportation. For reasons set forth in Section 10.2, “Overriding Considerations,” below, however, CAL FIRE has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the PTEIR. CAL FIRE issues these findings to document its exercise of its independent judgment regarding the

potential environmental effects analyzed in the PTEIR and to document its reasoning for approving the PTEIR in spite of these effects.

### 3 BACKGROUND

California is experiencing a wildfire crisis. As noted in a report of the Governor’s Wildfire Strike Force (2019):

Climate change has created a new wildfire reality for California. The state’s fire season is now almost year round. More than 25 million acres of California wildlands are classified as under very high or extreme fire threat. Approximately 25 percent of the state’s population – 11 million people – lives in that high-risk area.

The effects of climate change and decades of fire suppression have been manifested on the landscape. Wildfire risk levels have been exacerbated by the location of developed land uses and communities in the high hazard areas. Drought conditions, low snowpack accumulation, and extreme heat have also been prevalent in the last decade and are expected to worsen as climate change continues to alter landscapes and local climates (NOAA 2018, IPCC 2018). The majority of the California communities in the Tahoe Basin are within very high fire hazard severity zones and are at high risk to wildfire hazards and catastrophic wildfire.

The Tahoe Fire and Fuels Team (TFFT) has worked for years to create fire-adapted communities, restore forest resilience, and achieve other objectives consistent with the *Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy* (Multi-Jurisdictional Strategy), the *Lake Tahoe Community Wildfire Protection Plan* (CWPP), and the *2019 Lake Tahoe Basin Forest Action Plan*. The TFFT is comprised of 22 fire districts, land management agencies, universities and regulatory agencies with a role in managing wildfire fuel in the Lake Tahoe Basin. The TFFT has achieved significant results, treating thousands of acres to manage forest conditions in the Wildland-Urban Interface ([WUI], i.e., the forested areas within and adjacent to developed communities) surrounding Tahoe’s communities. However, significant portions of the WUI and other forested areas still require fuel reduction treatments and long-term management to maintain forest resiliency near communities.

The PTEIR has been prepared to support an increase in pace and scale of forest management activities on the California side of the Tahoe Basin to reduce the risk of loss of lives and property, reduce fire suppression costs, protect natural resources from wildfire, and improve forest health in and adjacent to the WUI on the California side of the Lake Tahoe Basin. The project-by-project approach that has typically been used to comply with California Environmental Quality Act (CEQA), California Forest Practice Act (FPA), California Forest Practice Rules (CFPR), and other regulatory requirements can lead to inefficiencies, delays, excess costs, and inconsistencies in project planning. In addition, a project-by-project approach to fuel reduction planning and environmental review provides limited opportunities to analyze and understand the long-term and cumulative effects of forest management programs. The Tahoe PTEIR more efficiently and comprehensively evaluates the environmental effects of the proposed program to facilitate an increase in the pace and scale of fuel reduction treatments.

#### 3.1 PROGRAM LOCATION

Forest management and fuel reduction activities analyzed in the PTEIR would occur within a program area located on private, local jurisdiction, federal, and California Tahoe Conservancy (Conservancy) lands both in the WUI and select contiguous areas of general forest outside of the WUI throughout the California side of the Tahoe Basin (see Figure 2-1 in Chapter 2, “Final Program Description,” in the Final PTEIR). The program area covers approximately 17,480 acres in the City of South Lake Tahoe and in unincorporated areas of El Dorado and Placer Counties, including, but not limited to: Meyers, Cascade properties near Cascade Lake, Tahoma, Homewood, Alpine Peaks, Tahoe City, Dollar Point, Carnelian Bay, Tahoe Vista, and Kings Beach.

(See Final PTEIR, Chapter 2, Section 2.2.)

## 3.2 PROGRAM OBJECTIVES

The statement of objectives below describes the underlying purposes of the PTEIR and expresses the role of vegetation treatment in implementing state policies and plans for wildfire risk reduction, greenhouse gas (GHG) reduction, and management of natural and working lands. The objectives of the PTEIR are to:

- ▶ reduce the risk of catastrophic wildfires that could damage Lake Tahoe Basin forests, watersheds, habitats, and communities;
- ▶ increase Lake Tahoe Basin forest resilience to effects of climate change, including prolonged drought, pest and disease outbreaks and increased tree mortality;
- ▶ protect and restore meadow and riparian ecosystems, and forest habitat quality in the Lake Tahoe Basin;
- ▶ develop and implement all-lands fuel reduction, forest health improvement, and restoration projects that deliver multiple community and ecosystem service benefits; and
- ▶ increase the pace and scale of fuel reduction projects to assist in achieving the goals of Executive Order B-52-18

(See Final PTEIR, Chapter 2, Section 2.2.)

## 3.3 PROGRAM DESCRIPTION

The program is proposed by CAL FIRE to treat vegetation that could become fire fuel. The purpose of the PTEIR is to increase the pace and scale of forest management activities that reduce wildfire risk to communities and improve forest health through vegetation management activities in and adjacent to the WUI on the California side of the Lake Tahoe Basin. The proposed program consists of a long-term, vegetation management program to reduce forest fuels that can contribute to large, high-severity wildfires.

The PTEIR proposes a combination of silvicultural prescriptions to achieve program objectives: shaded fuel break, single-tree and group selection, tree thinning, sanitation-salvage, and ecological restoration. The treatment methods proposed to implement these silvicultural prescriptions to reduce the risk of wildfire and achieve the rest of the program objectives include: manual treatment (i.e., hand thinning), mechanical treatment, and prescribed burning (i.e., pile burning and understory burning). Forest biomass removed during treatments would be disposed of through the removal of merchantable timber as sawlogs, burning, biomass energy generation, firewood, onsite decomposition, and other forest products (e.g., chipped material for mulch or soil amendments).

Later treatment activities consistent with the PTEIR would be planned and implemented by the Conservancy, Lake Valley Fire Protection District, North Tahoe Fire Protection District, Fallen Leaf Fire Department, South Lake Tahoe Fire Department, Meeks Bay Fire Protection District, CAL FIRE, or other landowners, special districts, or wildfire organizations within the program area. Treatment activities would be implemented by licensed timber operators, other forestry contractors, or public agency field crews, such as California Conservation Corps, Conservancy Forestry Crews, or Fire District Crews. The exact characteristics of individual later treatments will depend on treatment site characteristics and goals. The total number of acres treated each year would vary from year to year and the acres treated by each treatment method would vary each year but are estimated to range from 900 – 1,300 acres each year using a range of treatment methods. The following is a reasonably foreseeable estimate of the typical proportion of acres treated for each treatment method that would occur with implementation of the PTEIR:

- ▶ 24 percent of the acres treated per year by mechanical treatment
- ▶ 40 percent of the acres treated per year by manual treatment
- ▶ 16 percent of the acres treated per year by prescribed understory burning
- ▶ 20 percent of the acres treated per year by pile burning

Later treatment activities would be evaluated, using the Project Consistency Checklist (checklist) included as Appendix A in the Final PTEIR that would be used to document the evaluation of the site and the activity to determine whether the environmental effects of the later activity are within the scope of the analysis in the PTEIR. After determining that a proposed treatment activity is within the scope of the analysis in the PTEIR, a project proponent could prepare a PTHP or “within the scope” findings pursuant to 14 CCR Section 1092.01 or State CEQA Guidelines Section 15168(c), respectively. This process is further explained under Section 2.7, “Later Activity Review, Permits, and Approvals,” in Chapter 2, “Program Description” in the PTEIR.

The PTEIR also includes mandatory standard project requirements (SPRs), which will avoid and minimize environmental impacts and comply with applicable laws and regulations. SPRs will be incorporated into later treatment activities under the PTEIR as a standard part of treatment design and implementation and will be identified in the checklist for each later treatment activity. SPRs will be implemented and enforced in the same way as mitigation measures consistent with section 15126.4 of the State CEQA Guidelines. SPRs are the product of coordinated interagency efforts to integrate environmental protection into a comprehensive approach to reduce wildfire risk statewide through vegetation treatment. These SPRs provide the benefit of being mutually supported and predictable, such that they will be implemented consistently to achieve environmental protection.

## 4 ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the CEQA Guidelines, CAL FIRE issued a Notice of Preparation (NOP) for the PTEIR on June 13, 2019, to responsible agencies, trustee agencies, interested parties and organizations, and individuals that could have interest in the program. The NOP was available online on the Tahoe PTEIR website at <https://www.ntfire.net/tahoepteir>. Availability of the NOP was advertised in the Sierra Sun and Tahoe Daily Tribune. CAL FIRE followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse made that information available to interested agencies for review and comment.

CAL FIRE held two public scoping meetings to provide information on development of the PTEIR and solicit public input on the scope and content of the PTEIR. The first meeting was held on June 13, 2019 at the North Tahoe Events Center in Kings Beach, CA. The second meeting was held on June 28, 2019, at the Taylor Creek Visitor Center near the City of South Lake Tahoe, CA. All comments on environmental issues received during the NOP public comment period and at the scoping meetings were considered and addressed in the PTEIR.

A webinar on the Draft PTEIR was held on June 17, 2020, and instructions on attending the webinar were found online at <https://www.ntfire.net/tahoe-pteir>. The webinar presented the findings of, and received comments on, the Draft PTEIR.

CAL FIRE published the Draft PTEIR for a 45-day public and agency review period on May 22, 2020. Due to the COVID-19 pandemic, hard copies could not be made available for walk-in review at libraries or public agency offices. Individuals that were unable to access the Draft PTEIR at the website listed above could contact North Tahoe Fire Protection District at [TahoePTEIR@ntfire.net](mailto:TahoePTEIR@ntfire.net) or 530-584-2344 to obtain a copy. The review period ended on July 6, 2020. CAL FIRE received 11 letters commenting on the Draft PTEIR. After reviewing these letters carefully, CAL FIRE staff determined that none of the comments provided any basis for identifying any new significant impacts or other significant new information that would require recirculation of some or all of the Draft PTEIR. CAL FIRE provided responses to the timely comments on the Draft PTEIR in the Final PTEIR.

The Final PTEIR includes written comments on the PTEIR received during the public-review period, responses to those comments, and any revisions to the Draft PTEIR warranted in response to public comments. The Draft and Final PTEIR comprise the PTEIR.

## 5 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167, the record of proceedings for CAL FIRE's decision to approve the PTEIR includes the following documents at a minimum:

- ▶ The NOP and all other public notices issued by CAL FIRE in conjunction with the Draft PTEIR, and all comments submitted by agencies or members of the public during the comment period on the NOP;
- ▶ The Draft PTEIR and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment periods on the Draft PTEIR;
- ▶ All comments and correspondence submitted to CAL FIRE with respect to the PTEIR, including comments submitted subsequent to the release of the Final PTEIR;
- ▶ The Final PTEIR, including responses to comments on the Draft PTEIR, and appendices;
- ▶ Documents cited or referenced in the Draft PTEIR and the Final PTEIR;
- ▶ All recommendations and findings adopted by CAL FIRE in connection with the PTEIR and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the PTEIR prepared by CAL FIRE, consultants to CAL FIRE, or responsible or trustee agencies with respect to CAL FIRE's compliance with the requirements of CEQA and with respect to CAL FIRE's action on the PTEIR;
- ▶ Matters of common knowledge to CAL FIRE, including but not limited to federal, state, and local laws and regulations (e.g., California Forest Practice Rules [CFPRs], Executive Order B-52-18, the State's Forest Carbon Plan, the 2018 Strategic Fire Plan for California, the California Air Resources Board's 2017 Climate Change Scoping Plan etc.);
- ▶ Any documents expressly cited in these findings, in addition to those cited above; and
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6.

Pursuant to CEQA Guidelines Section 15091, the documents constituting the record of proceedings are available for review during normal business hours at 1416 9th Street, Room 1506-14, Sacramento, CA 95814. The custodian of these documents is Bill Solinsky of CAL FIRE.

## 6 MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the PTEIR. CAL FIRE will use the MMRP to track compliance with the PTEIR mitigation measures. The MMRP will remain available for public review during the compliance period at 1416 9th Street, Room 1506-14, Sacramento, CA 95814. The Final MMRP is attached to and incorporated into the Final PTEIR and is approved in conjunction with certification of the PTEIR and adoption of these Findings of Fact.

## 7 FINDINGS FOR DETERMINATIONS OF NO IMPACT OR LESS-THAN-SIGNIFICANT IMPACTS

CAL FIRE has reviewed and considered the information in the Draft PTEIR and the Final PTEIR addressing potential environmental effects, proposed mitigation measures, and alternatives. CAL FIRE, relying on the facts and analysis in the Draft PTEIR and the Final PTEIR, which were presented to CAL FIRE and reviewed and considered prior to any approvals, concurs with the conclusions of the Draft PTEIR and the Final PTEIR regarding the potential environmental effects of the PTEIR.

CAL FIRE concurs with the conclusions in the Final PTEIR that all of the following impacts will be less than significant or cause no impact:

Wildfire

- ▶ Impact 3.2-1: Potential to Substantially Exacerbate Short-term Wildfire Risks Related to Treatment Activities
- ▶ Impact 3.2-2: Potential to Exacerbate Long-term Wildfire Risks

Aesthetics

- ▶ Impact 3.3-1: Have a Substantial Adverse Effect on Scenic Views from Recreation Areas
- ▶ Impact 3.3-4: Substantially Degrade the Existing Visual Character or Quality of Public Views of the Site and its Surroundings

Agriculture and Forestry Resources

- ▶ Impact 3.4-1: Potential to Result in the Loss of Forest Land or Conversion of Forest Land to a Non-Forest Use

Air Quality

- ▶ Impact 3.5-2: Potential to Expose Sensitive Receptors to Substantial Concentrations of Criteria Air Pollutants
- ▶ Impact 3.5-3: Potential to Expose People to Diesel Particulate Matter Emissions and Related Health Risk
- ▶ Impact 3.5-4: Potential to Expose People to Toxic Air Contaminants Emitted by Prescribed Burns and Related Health Risk
- ▶ Impact 3.5-5: Expose People to Objectionable Odors from Diesel Exhaust
- ▶ Impact 3.5-6: Expose People to Objectionable Odors from Smoke During Prescribed Burning
- ▶ Impact 3.5-7: Stationary-Source Emissions from a Biomass Energy Generation Facility

Archaeological, Historical, and Tribal Cultural Resources

- ▶ Impact 3.7-1: Cause a Substantial Adverse Change in the Significance of Historical Resources
- ▶ Impact 3.7-4: Disturb Human Remains

Energy Resources

- ▶ Impact 3.8-1: Potential to Result in Wasteful, Inefficient, or Unnecessary Consumption of Energy
- ▶ Impact 3.8-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

Geology, Soils, and Land Capability

- ▶ Impact 3.9-1: Substantially Increase Soil Erosion or Lose Topsoil, Degrade Soil Condition, or Cause Sediment Deposition Downslope or Downstream of Project Sites
- ▶ Impact 3.9-2: Increase in Landslide Hazards, Debris Flows, and Avalanches Associated with Treatment Activities and Direct or Indirect Substantial Adverse Effects, Including Risk of Loss, Injury, or Death Involving Landslides, Debris Flows, and Avalanches

Greenhouse Gas Emissions and Climate Change

- ▶ Impact 3.10-1: Potential to Conflict with Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of GHGs

Hazards and Hazardous Materials

- ▶ Impact 3.11-1: Create a Significant Health Hazard from the Routine Transport, Use, or Disposal of Hazardous Materials or Accidental Release Into the Environment



- ▶ Impact 3.11-2: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Wastes Within One-quarter Mile of an Existing or Proposed School or Other Sensitive Receptor
- ▶ Impact 3.11-3: Expose the Public or Environment to Significant Hazards from Disturbance to Known Hazardous Material Sites

#### Hydrology and Water Quality

- ▶ Impact 3.12-1: Substantially Degrade Water Quality Through the Implementation of Manual or Mechanical Treatment Activities
- ▶ Impact 3.12-2: Substantially Degrade Water Quality Through the Implementation of Prescribed Burning
- ▶ Impact 3.12-3: Substantially Alter the Existing Drainage Pattern of a Treatment Site or Area
- ▶ Impact 3.12-4: Substantially Change the Amount of Surface Water in Any Water Body or Substantially Reduce the Amount of Water Otherwise Available for Public Water Supplies
- ▶ Impact 3.12-5: Discharge Pollutants into Surface Waters, or Any Substantial Alteration of Surface Water Quality, Including but Not Limited to Nutrients, Temperature, Dissolved Oxygen, or Turbidity
- ▶ Impact 3.12-6: Discharge Contaminants to Groundwater or Any Alteration of Groundwater Quality
- ▶ Impact 3.12-7: Result in an Effect on Drinking Water Sources

#### Noise and Vibration

- ▶ Impact 3.13-1: Result in a Substantial Short-Term Increase in Exterior Ambient Noise Levels During Treatment Implementation
- ▶ Impact 3.13-2: Result in a Substantial Short-Term Increase in Truck-Generated SENLs During Treatment Activities

#### Recreation

- ▶ Impact 3.14-1: Increase Demand For and Use of Recreation Facilities That Results In Physical Deterioration of Recreation Facilities
- ▶ Impact 3.14-3: Change the Availability of Recreation Opportunities and Quality of Recreation User Experience

#### Transportation

- ▶ Impact 3.15-1: Substantially Increase Hazards due to a Design Feature or Incompatible Uses

#### Cumulative

- ▶ Wildfire
- ▶ Aesthetics
- ▶ Agriculture and Forestry Resources
- ▶ Archaeological, Historical, and Tribal Cultural Resources
- ▶ Biological Resources
- ▶ Energy Resources
- ▶ Geology, Soils, and Land Capability
- ▶ Hazards and Hazardous Materials
- ▶ Hydrology and Water Quality
- ▶ Noise and Vibration
- ▶ Recreation

## 8 SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The PTEIR identified a number of significant and potentially significant environmental effects (or impacts) that the PTEIR will contribute to or cause even with implementation of SPRs and/or CFPRs. The majority of these significant effects can be fully avoided through the adoption 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 8.1, however, CAL FIRE has determined that overriding safety, economic, legal, and other considerations outweigh the significant, unavoidable effects described in the PTEIR.

### 8.1 FINDINGS FOR IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

This section includes the PTEIR's direct and indirect impacts as well as cumulative impacts. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the PTEIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft PTEIR or Final PTEIR and certified by CAL FIRE, and states CAL FIRE'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 Draft PTEIR and Final PTEIR, and CAL FIRE hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the Final PTEIR's determinations. In making these Findings, CAL FIRE ratifies, adopts, and incorporates into the Findings and analyses and explanations in the Draft PTEIR and Final PTEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

CAL FIRE has adopted all of the mitigation measures identified herein.

#### 8.1.1 Aesthetics

##### **IMPACT 3.3-2: HAVE A SUBSTANTIAL ADVERSE EFFECT ON SCENIC VIEWS FROM LAKE TAHOE**

Implementation of the proposed program would result in the presence of fewer trees and less dense forests within the program area. This would increase viewing distances in treated areas, bringing greater visibility to distant objects or structures. Later treatment activities located near the most visually sensitive portions of the shoreline could potentially remove vegetation that screens structures or other human-made features that would otherwise be visible from Lake Tahoe, resulting in the degradation of the quality of scenic views from Lake Tahoe. This would be a potentially significant impact.

##### **The Following Mitigation Measures are Adopted:**

Mitigation Measure 3.3-2: Retain Screening of Existing Structures and Infrastructure in Visually Sensitive and Natural Dominated Shorelines

Later treatment activities implemented through the proposed program shall maintain visual screening of existing structures or infrastructure (e.g., utility lines, roadways, retaining walls) within 300 feet of the shoreline that could be visible from Lake Tahoe. The project proponent shall maintain trees, understory vegetation, and/or patches of dense vegetation that completely or partially screen the structures or infrastructure from view from Lake Tahoe to the extent feasible while meeting program objectives. The project proponent shall flag or otherwise mark screening vegetation for retention before initiating treatments in the vicinity of structures or infrastructure within 300 feet of the Lake Tahoe shoreline in Visually Sensitive or Natural Dominated shorelines.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measure 3.3-2, which has been required or incorporated into the program, will reduce this impact to a less-than-significant level because it will retain strategic vegetation that would screen views of structures from Lake Tahoe. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

**IMPACT 3.3-3: HAVE A SUBSTANTIAL ADVERSE EFFECT ON VIEWS FROM SCENIC ROADWAYS**

Implementation of the proposed program would result in the presence of fewer trees and less dense vegetation within the program area. This would increase viewing distances in treated areas, bringing greater visibility to distant objects or structures. Later treatment activities located near scenic roadways in rural areas could potentially remove vegetation that screens development resulting in greater visibility of structures and the degradation of the scenic quality. This would be a potentially significant impact.

**The Following Mitigation Measure is Adopted:****Mitigation 3.3-3: Retain Screening of Existing Structures in Rural Roadway Corridors**

Later treatment activities that propose to remove vegetation within 300 feet of a TRPA-designated rural roadway travel unit, and which would affect 500 linear feet or more of the roadway travel unit shall consult with a landscape architect, TRPA Scenic Specialist, or other qualified scenic resources specialist to identify site-specific vegetative screening recommendations. The recommendations shall identify opportunities to maintain strategically placed visual screening of existing structures within 300 feet of the rural scenic roadway unit, while still meeting program objectives related to public safety and wildfire risk reduction. The project proponent shall incorporate feasible recommendations from the consultation to maintain selected trees, understory vegetation, patches of dense vegetation that completely or partially screen the structures from view from scenic roadways, and/or other site specific measures to the extent feasible while meeting project public safety and wildfire risk reduction objectives. Recommendations shall consider prioritizing retention of less flammable vegetation, breaking up continuous patches of vegetation that pose a wildfire risk while retaining strategically placed patches of vegetation to screen development, and the potential for replanting less flammable vegetation for screening in targeted areas where flammable vegetation must be removed. The project proponent shall flag or otherwise mark screening vegetation for retention before initiating treatments in the vicinity of structures in rural roadway corridors areas that are within 300 feet of scenic roadways.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measure 3.3-3, which has been required or incorporated into the program, will reduce this impact to a less-than-significant level because it will retain strategic vegetation that would screen views of structures from rural roadway corridors. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

**8.1.2 Biological Resources****IMPACT 3.6-1: POTENTIAL TO SUBSTANTIALLY AFFECT SPECIAL-STATUS PLANT SPECIES EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS**

Later treatment activities could result in direct removal or destruction, or indirect death or reduced vigor of special-status plants through habitat modifications. Implementation of SPRs BIO-1, BIO-2, BIO-6, and BIO-7 requires special-status plants to be identified prior to treatment activities, Worker Environmental Awareness Program training for workers, and actions to prevent the spread of invasive plants that could threaten special-status plant populations.

While SPRs would minimize impacts, treatment activities could inadvertently damage or destroy special-status plants and adversely modify their habitat resulting in reduced growth and reproduction or death and loss of special-status plant occurrences. This would be a potentially significant impact.

### **The Following Mitigation Measures are Adopted:**

#### Mitigation Measure 3.6-1a: Avoid Loss of Special-Status Plants

If special-status plant species are determined to be present through application of SPR BIO-1 and SPR BIO-6, the project proponent will implement the following measures to avoid loss of individuals and maintain habitat function of occupied habitat:

- ▶ Physically avoid the area occupied by the special-status plants by establishing a no-disturbance buffer around the area occupied by species and marking the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). The no-disturbance buffers will generally be a minimum of 50 feet from special-status plants, but the size and shape of the buffer zone may be adjusted if a qualified RPF or botanist determines that a smaller buffer will be sufficient to avoid loss of or damaging to special-status plants or that a larger buffer is necessary to sufficiently protect plants from the treatment activity. The appropriate size and shape of the buffer zone will be determined by a qualified RPF or botanist and will depend on plant phenology at the time of treatment (e.g., whether the plants are in a dormant, vegetative, or flowering state), the individual species' vulnerability to the treatment method being used, and environmental conditions and terrain. Consideration of factors such as site hydrology, changes in light, edge effects, and potential introduction of invasive plants and noxious weeds may inform an appropriate buffer size and shape.
- ▶ Treatments may be conducted within this buffer if the potentially affected special-status plant species is a geophytic, stump-sprouting, or annual species, and the treatment can be conducted outside of the growing season (e.g., after it has completed its annual life cycle) or during the dormant season using only treatment activities that would not damage the stump, root system or other underground parts of special-status plants or destroy the seedbank.
- ▶ Treatments will be designed to maintain the function of special-status plant habitat. For example, for treatments proposed in locations occupied by special-status plants, if the removal of shade cover would degrade the special-status plant habitat despite the requirement to physically or seasonally avoid the special-status plant itself, habitat function would be diminished and the treatment would need to be modified or precluded from implementation.
- ▶ No fire ignition (and associated use of accelerants) will occur within the special-status plant buffer.
- ▶ A qualified RPF or botanist with knowledge of the special-status plant species habitat and life history will review the treatment design and applicable impact minimization measures (potentially including others not listed above) to determine if the anticipated residual effects of the treatment would be significant under CEQA because implementation of the treatment would not maintain habitat function of the special-status plant habitat (i.e., the habitat would be rendered unsuitable) or because the loss of special-status plants would substantially reduce the number or restrict the range of a special-status plant species. If the project proponent determines the impact on special-status plants would be less than significant, no further mitigation will be required. If the project proponent determines that the loss of special-status plants or degradation of occupied habitat would be significant under CEQA after implementing feasible treatment design alternatives and impact minimization measures, then Mitigation Measure 3.6-1b will be implemented.

The only exception to this mitigation approach is in cases where it is determined by a qualified RPF or botanist that the special-status plants would benefit from treatment in the occupied habitat area even though some of the non-listed special-status plants may be killed during treatment activities. For a treatment to be considered beneficial to non-listed special-status plants, the qualified RPF or botanist will demonstrate with substantial evidence that habitat function is reasonably expected to improve with implementation of the treatment (e.g., by citing scientific studies demonstrating that the species (or similar species) has benefitted from increased sunlight due to canopy opening, eradication of invasive species, or otherwise reduced competition for resources), and the substantial evidence will be included in the

Project Consistency Checklist. If it is determined that treatment activities would be beneficial to special-status plants, no compensatory mitigation will be required.

### Mitigation Measure 3.6-1b Compensate for Unavoidable Loss of Special-Status Plants

If significant impacts on special-status plants cannot feasibly be avoided as specified under the circumstances described under Mitigation Measure 3.6-1a, the project proponent will prepare a Compensatory Mitigation Plan that identifies the residual significant impacts that require compensatory mitigation and describes the compensatory mitigation strategy being implemented and how unavoidable losses of special-status plants will be compensated. The project proponent will consult with CDFW and/or any other applicable responsible agency prior to finalizing the Compensatory Mitigation Plan to satisfy that responsible agency's requirements (e.g., permits, approvals) within the plan. If the special-status plant taxa are listed under ESA or CESA, the plan will be submitted to CDFW and/or USFWS (as appropriate) for review and comment.

The first priority for compensatory mitigation will be preserving and enhancing existing populations outside of the treatment area in perpetuity, or if that is not an option because existing populations that can be preserved in perpetuity are not available, one of the following mitigation options will be implemented by the project proponent instead:

- ▶ creating populations on mitigation sites outside of the treatment area through seed collection and dispersal (annual species) or transplantation (perennial species);
- ▶ purchasing mitigation credits from a CDFW- or USFWS-approved conservation or mitigation bank in sufficient quantities to offset the loss of occupied habitat; and
- ▶ if the affected special-status plants are not listed under ESA or CESA, compensatory mitigation may include restoring or enhancing degraded habitats so that they are made suitable to support special-status plant species in the future.

If relocation efforts are part of the Compensatory Mitigation Plan, the plan will include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements. The following performance standards will be applied for relocation:

- ▶ the extent of occupied area will be substantially similar to the affected occupied habitat and will be suitable for self-producing populations. Re-located/re-established populations will be considered suitable for self-producing when:
- ▶ habitat conditions allow for plants to reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding; and
- ▶ reestablished habitats contain an occupied area comparable to existing occupied habitat areas in similar habitat types in the region.

If preservation of existing populations or creation of new populations is part of the mitigation plan, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands and actions (e.g., the number and type of credits, location of mitigation bank or easement, restoration or enhancement actions), parties responsible for the long-term management of the land, and the legal and funding mechanisms (e.g., holder of conservation easement or fee title). The project proponent will submit evidence that the necessary mitigation has been implemented or that the project proponent has entered into a legal agreement to implement it and that compensatory plant populations will be preserved in perpetuity.

If mitigation includes dedication of conservation easements, purchase of mitigation credits, or other offsite conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, funding assurances, and success criteria such as those listed above and other details, as appropriate to target the preservation of long term viable populations.

If mitigation includes restoring or enhancing habitat within the treatment area or outside of the treatment area, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that

demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored habitat.

If the loss of occupied habitat cannot be offset (e.g., if preservation of existing populations or creation of new populations through relocation efforts are not available for a certain species), and as a result treatment activities would substantially reduce the number or restrict the range of listed plant species, then the treatment will not qualify as within the scope of the PTEIR.

Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project proponent (e.g., incidental take permit for state-listed plants), if these requirements are equally or more effective than the mitigation identified above.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measures 3.6-1a and 3.6-1b, which have been required or incorporated into the program, will reduce this impact to a less than significant level because they will avoid or compensate for the loss of special status plants and habitat. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

**IMPACT 3.6-2: SUBSTANTIALLY AFFECT SPECIAL-STATUS WILDLIFE SPECIES EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS**

Later treatment activities implemented under the proposed Tahoe PTEIR, including prescribed burning, mechanical treatment, and manual treatment could result in direct or indirect adverse effects to special-status wildlife species. SPRs require pre-treatment surveys to identify special-status wildlife and habitats and avoidance and protection of certain sensitive habitats. While implementation of SPRs would minimize impacts, later treatment activities would still remove vegetation and disturb the ground surface, which could result in the disturbance to or loss of individuals, reduced breeding productivity of affected species, or loss of habitat function. The loss of special-status wildlife species and habitat function would be a potentially significant impact.

**The Following Mitigation Measures are Adopted:**

Mitigation Measure 3.6-2a: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Federally and State-Listed Wildlife Species

If wildlife species listed under ESA or CESA (e.g., willow flycatcher, Sierra Nevada yellow-legged frog) are observed during reconnaissance surveys (conducted pursuant to SPR BIO-1) or focused or protocol-level surveys (conducted pursuant to SPR BIO-8), the project proponent will avoid adverse effects on the species by implementing the following.

**Avoid Mortality, Injury, or Disturbance of Individuals**

- ▶ The project proponent will implement one of the following two measures to avoid mortality, injury, or disturbance of individuals:
  1. Treatment will not be implemented within the occupied habitat. Any treatment activities outside occupied habitat will be a sufficient distance from the occupied habitat such that mortality, injury, or disturbance of the species will not occur, as determined by a qualified RPF or biologist, in consultation with CDFW and/or TRPA (depending on the potentially affected species), using current and commonly-accepted science and considering published agency guidance; OR
  2. Treatment will be implemented outside the sensitive period of the species' life history (e.g., outside the breeding or nesting season) during which the species may be more susceptible to disturbance, or disturbance could result in loss of eggs or young. For species present year-round, CDFW and/or USFWS will be consulted to determine if there is a period of time within which treatment could occur that would avoid mortality, injury, or disturbance of the species.

- ▶ For species listed under ESA or CESA, if the project proponent cannot avoid mortality, injury or disturbance by implementing one of the two options listed above, the project proponent will implement Mitigation Measure 3.6-2c.

### **Maintain Habitat Function**

- ▶ The project proponent will design treatment activities to maintain the habitat function, by implementing the following:
  - While performing review and surveys for SPR BIO-1 and SPR BIO-8, a qualified RPF or biologist will identify any habitat features that are necessary for survival (e.g., habitat necessary for breeding, foraging, shelter, movement) of the affected wildlife species. These habitat features will be marked and treatments applied to the features will be designed to minimize or avoid the loss or degradation of suitable habitat for listed species during treatments. Identification and treatment of these features will be based on the life history and habitat requirements of the affected species and the most current, commonly accepted science.
  - If it is determined during implementation of SPR BIO-1 and SPR BIO-8 that federally or state-listed wildlife with specific requirements for dense vegetation cover (e.g., willow flycatcher) are present within a treatment area, then vegetation cover within existing suitable areas will be retained at the percentage preferred by the species (as determined by expert opinion, published habitat association information, or other documented standards that are commonly accepted) such that habitat function is maintained.
- ▶ A qualified RPF or biologist will determine if, after implementation of the impact avoidance measures listed above, the habitat function will remain for the affected species after implementation of the treatment. Because this measure pertains to species listed under CESA or ESA, the qualified RPF or biologist will consult with CDFW and/or USFWS regarding the determination that habitat function is maintained. If consultation determines that the treatment will not maintain habitat function for the special-status species, the project proponent will implement Mitigation Measure 3.6-2c.

### Mitigation Measure 3.6-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species

If other special-status wildlife species (i.e., species not listed under CESA or ESA, but meeting the definition of special status as stated in Section 3.6.3 of the PTEIR) are observed during reconnaissance surveys (conducted pursuant to SPR BIO-1) or focused or protocol-level surveys (conducted pursuant to SPR BIO-8), the project proponent will avoid or minimize adverse effects to the species by implementing the following.

### **Avoid Mortality, Injury, or Disturbance of Individuals**

The project proponent will implement the following to avoid mortality, injury, or disturbance of individuals:

- ▶ For all treatment activities except prescribed burning, the project proponent will establish a no-disturbance buffer around occupied sites (e.g., nests, dens, bat roosts, burrows). Buffer size will be determined by a qualified RPF or biologist, in consultation with CDFW and/or TRPA (depending on the potentially affected species), using the most current, commonly accepted science and will consider published agency guidance; however, buffers will generally be a minimum of 500 feet for special-status birds and 100 feet for other special-status wildlife species, unless site conditions indicate a smaller buffer would be sufficient for protection or a larger buffer would be needed. Factors to be considered in determining buffer size will include, but not be limited to, the species' tolerance to disturbance; the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; baseline levels of noise and human activity; and treatment activity. Buffer size may be adjusted if the qualified RPF or biologist determines that such an adjustment would not be likely to adversely affect (i.e., cause mortality, injury, or disturbance to) the species within the nest, den, burrow, or other occupied site. If a no-disturbance buffer is reduced below these minimum standards around an occupied site, a qualified RPF or biologist will provide the project proponent with a site- and/or treatment activity-specific explanation for the buffer reduction, which will be included in the Project Consistency Checklist.
- ▶ No-disturbance buffers will be marked with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). No activity will occur within the buffer areas until the qualified RPF or

biologist has determined that the young have fledged or dispersed; the nest, den, roost, or other occurrence is no longer active; or reducing the buffer would not likely result in disturbance, mortality, or injury. A qualified RPF, biologist, or biological technician will be required to monitor the effectiveness of the no-disturbance buffer around the nest, den, burrow, or other occurrence during treatment. If treatment activities cause agitated behavior of the individual(s), the buffer distance will be increased, or treatment activities modified until the agitated behavior stops. The qualified RPF, biologist, or biological technician will have the authority to stop any treatment activities that could result in mortality, injury or disturbance to special-status species.

- ▶ For prescribed burning, the project proponent will implement the treatment outside the sensitive period of the species' life history (e.g., outside the breeding or nesting season) during which the species may be more susceptible to disturbance, or disturbance could result in loss of eggs or young. For species present year-round, the qualified RPF or biologist will determine the period of time within which prescribed burning could occur that will avoid or minimize mortality, injury, or disturbance of the species. The project proponent may consult with CDFW and/or USFWS for technical information regarding appropriate limited operating periods.

### **Maintain Habitat Function**

For all treatment activities, the project proponent will design treatment activities to maintain the habitat function by implementing the following:

- ▶ While performing review and surveys for SPR BIO-1 and SPR BIO-8, a qualified RPF or biologist will identify any habitat features that are necessary for survival (e.g., habitat necessary for breeding, foraging, shelter, movement) of the affected wildlife species (e.g., trees with complex structure, trees with large cavities, trees with nesting platforms; tree snags; large raptor nests [including inactive nests]; downed woody debris). These habitat features will be marked and treatments applied to the features will be designed to minimize or avoid the loss or degradation of suitable habitat for listed species during treatments. Identification and treatment of these features will be based on the life history and habitat requirements of the affected species and the most current, commonly accepted science.
- ▶ If it is determined during implementation of SPR BIO-1 and SPR BIO-8 that special-status wildlife with specific requirements for dense canopy or vegetation cover (e.g., northern goshawk, California spotted owl, Sierra Nevada mountain beaver) are present within a treatment area, then tree or shrub canopy cover within existing suitable areas will be retained at the percentage preferred by the species (as determined by expert opinion, published habitat association information, or other documented standards that are commonly accepted) such that the habitat function is maintained.
- ▶ A qualified RPF or biologist will determine if, after implementation of the impact avoidance measures listed above, the habitat function will remain for the affected species after implementation of the treatment. The qualified RPF or biologist may consult with CDFW and/or USFWS for technical information regarding habitat function.

A qualified RPF or biologist with knowledge of the special-status wildlife species habitat and life history will review the treatment design and applicable impact minimization measures (potentially including others not listed above) to determine if the anticipated residual effects of the treatment would be significant under CEQA because implementation of the treatment will not maintain habitat function of the special-status wildlife species' habitat or because the loss of special-status wildlife would substantially reduce the number or restrict the range of a special-status wildlife species. If the project proponent determines the impact on special-status wildlife would be less than significant, no further mitigation will be required. If the project proponent determines that the loss of special-status wildlife or degradation of occupied habitat would be significant under CEQA or may conflict with the TRPA Code after implementing feasible treatment design alternatives and impact minimization measures, then Mitigation Measure 3.6-2c will be implemented.

The only exception to this mitigation approach is in cases where it is determined by a qualified RPF or biologist that the non-listed special-status wildlife would benefit from treatment in the occupied habitat area even though some of the non-listed special-status wildlife may be killed, injured, or disturbed during treatment activities. For a treatment to be considered beneficial to non-listed special-status wildlife, the qualified RPF or biologist will demonstrate with substantial evidence that habitat function is reasonably expected to improve with implementation of the treatment (e.g., by citing scientific studies demonstrating that the species (or similar species) has benefitted from increased sunlight due to



canopy opening, eradication of invasive species, or otherwise reduced competition for resources), and the substantial evidence will be included in the Project Consistency Checklist. If it is determined that treatment activities would be beneficial to special-status wildlife, no compensatory mitigation will be required. The qualified RPF or biologist may consult with CDFW and/or USFWS for technical information regarding the determination that a non-listed special-status species would benefit from the treatment.

#### Mitigation Measure 3.6-2c: Compensate for Mortality, Injury, or Disturbance and Loss of Habitat Function for Special-Status Wildlife, If Applicable

If the provisions of Mitigation Measure 3.6-2a or 3.6-2b cannot be implemented and the project proponent determines that additional mitigation is necessary to reduce significant impacts, the project proponent will compensate for such impacts to species or habitat by acquiring and/or protecting land that provides (or will provide in the case of restoration) habitat function for affected species that is at least equivalent to the habitat function removed or degraded as a result of the treatment.

#### **Compensation may include:**

1. Preserving existing habitat outside of the treatment area in perpetuity; this may entail purchasing mitigation credits and/or lands from a CDFW- or USFWS-approved entity in sufficient quantity to offset the residual significant impacts, generally at a ratio of 1:1 for habitat; and
2. Restoring or enhancing existing habitat within the treatment area or outside of the treatment area (including decommissioning roads, adding perching structures, removing existing perching structures, or removing existing movement barriers or other existing features that are adversely affecting the species).

The project proponent will prepare a Compensatory Mitigation Plan that identifies the residual significant effects that require compensatory mitigation and describes the compensatory mitigation strategy being implemented to reduce residual effects, and:

1. For preserving existing habitat outside of the treatment area in perpetuity, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanisms for long-term conservation (e.g., holder of conservation easement or fee title). The project proponent will submit evidence that the necessary mitigation has been implemented or that the project proponent has entered into a legal agreement to implement it and that compensatory habitat will be preserved in perpetuity.
2. For restoring or enhancing habitat within the treatment area or outside of the treatment area, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored habitat.

#### **Review requirements are as follows:**

- ▶ The project proponent will consult with CDFW and/or any other applicable responsible agency prior to finalizing the Compensatory Mitigation Plan in order to satisfy that responsible agency's requirements (e.g., permits, approvals) within the plan.
- ▶ For species listed under ESA or CESA, the project proponent will submit the mitigation plan to CDFW and/or USFWS for review and comment.
- ▶ For other special-status wildlife species the project proponent may consult with CDFW and/or USFWS regarding the availability and applicability of compensatory mitigation and other related technical information.

Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project proponent (e.g., incidental take permit, if required), if these requirements are equally or more effective than the mitigation identified above.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c, which have been required or incorporated into the program, will reduce this impact to a less-than-significant level because they will avoid or compensate for the mortality, injury, or disturbance of special status wildlife. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

**IMPACT 3.6-6: POTENTIAL TO INTERFERE SUBSTANTIALLY WITH FISH AND WILDLIFE MOVEMENT CORRIDORS OR IMPEDE USE OF NURSERIES**

Later treatment activities implemented under the proposed program could be located in areas used as fish and wildlife movement corridors or nurseries. Treatment-related noise and disturbance could lead to temporary changes in migration or movement patterns. Wildlife nursery sites could be disturbed or essential nursery habitat components could be degraded by later treatment activities. SPRs BIO-1, BIO-3, BIO-4, BIO-8, HYD-1, HYD-3, and HYD-4 require identification of nursery sites prior to treatment activities and actions to prevent degradation of aquatic and riparian corridors. Temporary shifts in wildlife movements to avoid or navigate around active treatment sites and associated disturbances would not substantially interfere with movement requirements or migration patterns; and program implementation would not create long-term barriers to local or landscape-level movements. While implementation of SPRs would minimize impacts, nursery sites could still be removed, degraded, or disturbed during treatment activities. This would be a potentially significant impact.

**The Following Mitigation Measure is Adopted:**

**Mitigation Measure 3.6-6: Retain Nursery Habitat and Implement Buffers to Avoid Nursery Sites**

The project proponent will implement the following measures while working in treatment areas that contain nursery sites identified in surveys conducted pursuant to SPR BIO-8:

- ▶ Retain Known Nursery Sites. A qualified RPF or biologist will identify the important habitat features of the wildlife nursery and, prior to treatment activities, will mark these features for avoidance and retention during treatment.
- ▶ Establish Avoidance Buffers. The project proponent, in consultation with CDFW and/or TRPA (depending on species), will establish a non-disturbance buffer around the nursery site if activities are required while the nursery site is active/occupied. The appropriate size and shape of the buffer will be determined by a qualified RPF or biologist, based on potential effects of project-related habitat disturbance, noise, visual disturbance, and other factors. No treatment activity will commence within the buffer area until a qualified RPF or biologist confirms that the nursery site is no longer active/occupied. Monitoring of the effectiveness of the non-disturbance buffer around the nursery site by a qualified RPF, biologist, or biological technician during and after treatment activities will be required. If treatment activities cause agitated behavior of the individual(s), the buffer distance will be increased, or treatment activities modified until the agitated behavior stops. The qualified RPF, biologist, or biological technician will have the authority to stop any treatment activities that could result in potential adverse effects to special-status species.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measures 3.6-6, which have been required or incorporated into the program, will reduce this impact to a less-than-significant level because they will retain nursery habitat and avoid nursery sites. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

## 8.1.3 Archaeological, Historical, and Tribal Cultural Resources

### IMPACT 3.7-2: CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF UNIQUE ARCHAEOLOGICAL RESOURCES

Later treatment activities could occur on lands that contain resources that may qualify as unique archaeological resources. It is possible that unique archaeological resources would be disturbed during treatment activities. SPRs CUL-1, CUL-2, CUL-3, CUL-4, CUL-5, and CUL-7 require a records search, pre-field research, an archaeological survey, coordination with Native American groups, worker training to recognize sensitive cultural resources, and avoiding or protecting known resources. Despite implementation of these SPRs, unknown unique archaeological resources could be inadvertently damaged during treatment activities. This would be a potentially significant impact.

#### The Following Mitigation Measure is Adopted:

Mitigation Measure 3.7-2: Protect Inadvertent Discoveries of Unique Archaeological Resources or Subsurface Historical Resources

If any prehistoric or historic-era archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during ground-disturbing activities, all ground-disturbing activity within 100 feet of the resources will be halted and a qualified archaeologist will assess the significance of the find. The qualified archaeologist will prepare a survey report that will comply with the current Archaeological Resource Management Report (ARMR) format and content guidelines developed by the California Office of Historic Preservation or equivalent state or local agency procedures, if applicable. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan will be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find constitutes a unique archaeological resource, subsurface historical resource, or tribal cultural resource), the archaeologist will work with the project proponent to develop appropriate procedures to protect the integrity of the resource. Procedures could include preservation in place (which is the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or recovery of scientifically consequential information from and about the resource. Any find will be recorded on the appropriate DPR Primary Record forms (Form DPR 523) will be submitted to the appropriate regional information center.

#### Significance After Mitigation: Less than Significant

Finding: Implementation of Mitigation Measure 3.7-2, which has been required or incorporated into the program, will reduce this impact to a less-than-significant level because it will protect inadvertent discoveries of archeological resources. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

### IMPACT 3.7-3: CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE

At the time the Draft PTEIR was released for public review, tribal consultation was ongoing and could result in the identification of tribal cultural resources as described under PRC Section 21074. Tribal cultural resources could be identified within the program area during consultation and could be affected by treatments implemented under the proposed program. This would be a potentially significant impact.

#### The Following Mitigation Measure is Adopted:

Mitigation Measure 3.7-3: Complete Tribal Consultation (PRC Section 21080.3.1) and Avoid Potential Effects on Tribal Cultural Resources, If Identified

CAL FIRE will complete tribal consultation pursuant to PRC Section 21080.3.1.

If no tribal cultural resource is identified during consultation, no further mitigation is required.

If the project proponent determines that a treatment may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, provisions under PRC Section 21084.3(b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

1. Avoidance and preservation of the resources in place, including, but not limited to, designing the treatment to avoid the resources and protect the cultural and natural context.
2. Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - A. Protecting the cultural character and integrity of the resource.
  - B. Protecting the traditional use of the resource.
  - C. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measures 3.7-3 which have been required or incorporated into the program, will reduce this impact to a less-than-significant level because it would protect Tribal Cultural Resources in consultation with Native American tribes. CAL FIRE hereby directs that these mitigation measures be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

## 8.1.4 Recreation

### **IMPACT 3.14-2: RESULT IN ADVERSE PHYSICAL EFFECTS ON THE ENVIRONMENT FROM NEW OR EXPANDED RECREATIONAL FACILITIES**

Implementation of the proposed program would not result in the construction of any new recreational facilities. Treatment activities could remove vegetation that currently serves as a barrier to vehicular access or could include construction of features such as landings, skid trails, or improvements to existing roads that would create new access points for recreational use of motor vehicles and off-highway vehicles (OHVs). These new access points could increase the long-term unmanaged use of motor vehicles and OHVs in the program area. This increase in OHV use and recreation user motor vehicle access could result in adverse physical effects on the environment. This impact would be potentially significant.

#### **The Following Mitigation Measure is Adopted:**

Mitigation Measure 3.14-2: Install Barriers to Prevent New Motor Vehicle Access

To eliminate the potential for new motor vehicle access points into the forest at new landings and skid trails created in the program area, the project implementer (e.g., Licensed Timber Operator, forestry contractor, or public agency field crew, such as the California Conservation Corps, Conservancy Forestry Crews, or Fire District Crews) shall establish physical barriers adjacent to new landings, or skid trails where they access the forest from existing roads or trails to discourage post-treatment motor vehicle access to the project area. The project implementer shall also revegetate and spread mulch and/or slash in the landing area or along skid trails to reduce the visibility of disturbance of the cleared area and expedite restoration. These physical barriers and restoration activities shall be established within 15 days of

completion of operations in the treatment unit. The types of physical barriers that could be used include boulders, split rail fencing, or other permanent physical features that are visually compatible with the forest setting.

**Significance After Mitigation: Less than Significant**

Finding: Implementation of Mitigation Measure 3.14-2, which has been required or incorporated into the program, will reduce this impact to a less-than-significant level because it would block unauthorized access by motor vehicles. CAL FIRE hereby directs that this mitigation measure be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that avoid the significant environmental effects as identified in the PTEIR.

## 8.2 FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

This section includes the PTEIR's direct and indirect impacts, and cumulative impacts. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the PTEIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft and Final PTEIR and adopted by CAL FIRE, and states CAL FIRE'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 Draft and Final PTEIR, and CAL FIRE hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the PTEIR's determinations. In making these Findings, CAL FIRE ratifies, adopts, and incorporates into these Findings and analyses and explanations in the Draft PTEIR and Final PTEIR relating to environmental impacts and mitigation measures, except to the extent any such determination and conclusions are specifically and expressly modified by these Findings.

CAL FIRE has adopted all of the mitigation measures identified herein. CAL FIRE has considered all mitigation measures suggested in comments on the Draft PTEIR, and rejects as infeasible those suggestions that are not otherwise incorporated herein, as reflected in the Resolution adopted by CAL FIRE adopting the PTEIR.

### 8.2.1 Air Quality

#### IMPACT 3.5-1: POTENTIAL TO GENERATE EMISSIONS THAT WOULD CONTRIBUTE TO AN EXCEEDANCE OF CAAQS OR NAAQS IN THE LAKE TAHOE AIR BASIN

Emissions of criteria air pollutants and precursors (e.g., respirable particulate matter with aerodynamic diameter of 10 micrometers or less [PM<sub>10</sub>], reactive organic gases [ROG], and oxides of nitrogen (NO<sub>x</sub>)) generated by treatment activities implemented under the program would likely exceed Placer County Air Pollution Control District- (PCAPCD) and El Dorado County Air Quality Management District- (EDCAQMD-) established mass emission thresholds and, therefore, result in, or contribute to, ambient concentrations in the Lake Tahoe Air Basin (LTAB) that exceed the national ambient air quality standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). These exceedances could result in adverse health effects to receptors and conflict with air quality planning efforts in the LTAB. This would be a significant impact.

#### The Following Mitigation Measures are Adopted:

Mitigation Measure 3.5-1a: Implement On-Road Vehicle and Off-Road Equipment Exhaust Emission Reduction Techniques

Where feasible, off-road equipment utilized in later treatment activities under the program shall implement emission reduction techniques to reduce exhaust emissions. It is acknowledged that because of cost, availability, and the limits of current technology, there may be circumstances where implementation of certain emission reduction techniques would not be feasible. The project proponents will document the emission reduction techniques that will be applied and will explain the reasons other techniques that could reduce emissions are infeasible.

Techniques for reducing emissions may include the following:

- ▶ Use renewable diesel fuel in diesel-powered construction equipment. Renewable diesel fuel must adhere to the following criteria:
  - meet California’s Low Carbon Fuel Standards and be certified by CARB Executive Officer;
  - be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
  - contain no fatty acids or functionalized fatty acid esters; and
  - have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.
- ▶ Substitute electric equipment for diesel-powered equipment.
- ▶ Encourage or require workers to carpool to work sites, and/or use public transportation for their commutes.
- ▶ Equip off-road equipment, diesel trucks, and generators with Best Available Control Technology for emission reductions of NO<sub>x</sub> and particulate matter.

#### Mitigation Measure 3.5-1b: Encourage Alternative Burning Techniques and Non-Burning Biomass Disposal

Later treatment activities that involve pile burning shall pursue alternative burning techniques and/or alternative means of biomass disposal that do not involve burning, as feasible. Potential non-burning biomass disposal include options described in Chapter 2, “Program Description,” such as chipping and hauling material to an off-site biomass energy facility and use of chipped material for mulch or soil amendments. It is recognized that because of site access, cost, or other factors there may be circumstances where implementation of certain alternative burning techniques or non-burning disposal methods would not be feasible. Feasibility of determining the potential to use alternatives to pile burning and alternative methods for disposal would be identified as later treatment activities are designed. Potential alternative burning techniques could include:

- ▶ Use of air curtain burners, also referred to as Air Curtain Incinerators, Fire Boxes, or Trench Burners. These devices produce an “air curtain” over the top of burning biomass, which traps and reburns smoke at high temperatures. Air Curtain burners have been shown to achieve an approximately 23-fold reduction in PM<sub>2.5</sub> emissions compared to pile burns (Susott et al. 2002)
- ▶ Development and use of portable biomass energy generators, which can more efficiently burn biomass while generating electrical power that can be stored in a battery or used to directly power a facility.
- ▶ Consider conservation burning, a technique for burning woody material that reduces the production of smoke particulates and carbon released into the atmosphere, in part by extinguishing the burn pile before the smoldering stage (UCCE Sonoma County 2019).

#### **Significance After Mitigation: Significant and Unavoidable**

Finding: Implementation of Mitigation Measure 3.5-1a and 3.5-1b, which has been required or incorporated into the program, will reduce the severity of this impact, but not to a less-than-significant level. CAL FIRE hereby directs that this mitigation measure be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that will substantially lessen, but not avoid, the significant environmental effect as identified in the PTEIR.

CAL FIRE finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures beyond Mitigation Measure 3.5-1a and 3.5-1b to further reduce this impact. CAL FIRE has reviewed all suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. CAL FIRE concludes, however, that the benefits of the PTEIR outweigh the significant unavoidable impacts of the program, as set forth in the Statement of Overriding Considerations.

## 8.2.2 Greenhouse Gas Emissions

### IMPACT 3.10-2: POTENTIAL TO GENERATE GHG EMISSIONS THROUGH TREATMENT ACTIVITIES

Direct GHG emissions from the proposed increase in treatment activities conducted under the proposed program would be substantial, recognizing planned levels of treatment would increase to 1,250 acres per year. At the full target rate of 1,250 acres per year, GHG emissions from treatments would be an estimated 23,298 metric tons of CO<sub>2</sub> equivalent per year (MTCO<sub>2</sub>e/year). Consistent with the goals of the proposed fuel treatments to decrease the occurrence of high-severity wildfires and increase the potential rates of carbon sequestration, implementation of the proposed program could result in a cumulative net carbon benefit over the long term, which is the most relevant timeframe and global context of GHG-caused, climate change-related environmental effects. However, there is uncertainty in predicting future wildfire occurrence, related emissions, and carbon sequestration rates, which are highly variable and depend on many factors. Future wildfire intensities and carbon sequestration in treated areas are the subjects of continued scientific research and debate. To meet CEQA's mandate of good faith disclosure and acknowledge potential future impacts in light of uncertainties, this impact is considered potentially significant, recognizing the reliability of estimates for direct GHG emissions and the uncertainty of the intended net carbon benefits of reduced wildfire intensity and increased carbon sequestration in treated areas.

#### The Following Mitigation Measure is Adopted:

##### Mitigation Measure 3.10-2: Implement GHG Emission Reduction Techniques During Prescribed Burns

When planning for and conducting a prescribed burn, project proponents implementing a prescribed burn will incorporate feasible methods for reducing GHG emissions, including the following, which are identified in the National Wildfire Coordinating Group Smoke Management Guide for Prescribed Fire (NWCG 2018):

- ▶ reduce the total area burned by isolating and leaving large fuels (e.g., large logs, snags) unburned;
- ▶ reduce the total area burned through mosaic burning;
- ▶ burn when fuels have a higher fuel moisture content;
- ▶ reduce fuel loading by removing fuels before ignition. Methods to remove fuels include mechanical treatments, manual treatments, and biomass utilization; and
- ▶ schedule burns before new fuels appear.

As the science evolves, other feasible methods or technologies to sequester carbon could be incorporated, such as conservation burning, a technique for burning woody material that reduces the production of smoke particulates and carbon released into the atmosphere and generates more biochar. Biochar is produced from the material left over after the burn and can be spread with compost to increase soil organic matter and soil carbon sequestration. Technologies may also include portable units that perform gasification to produce electricity that can be placed on the grid (e.g., the Powertainer model currently being developed by All Power Labs) or pyrolysis that produces biooil that can be used as liquid fuel and/or syngas for use in electricity generation (e.g., the CM600 made by Biogreen) (All Power Labs 2019; Biogreen 2019).

The project proponent will document in the Burn Plan required pursuant to SPR AQ-3 which methods for reducing GHG emissions can feasibly be integrated into the treatment design.

#### Significance After Mitigation: Potentially Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.10-2, which has been required or incorporated into the program, will reduce the severity of this impact, but not to a less-than-significant level. CAL FIRE hereby directs that this mitigation measure be adopted. CAL FIRE therefore finds that changes or alterations have been required in, or incorporated into, the program that will substantially lessen, but not avoid, the significant environmental effect as identified in the PTEIR.

CAL FIRE finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures beyond Mitigation Measure 3.10-2 to further reduce this impact. CAL FIRE has reviewed all suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. CAL FIRE concludes, however, that the benefits of the PTEIR outweigh the significant unavoidable impacts of the program, as set forth in the Statement of Overriding Considerations.

## 8.2.3 Transportation

### IMPACT 3.15-2: CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B) REGARDING VEHICLE MILES TRAVELED

Under the proposed program, the scale of treatment activities would increase to treat approximately 850 acres per year within Planned CWPP Projects plus an estimated average of 400 acres per year within the Community Fuel Reduction Area. With the increase in treatment acreage, the daily vehicle miles traveled (VMT) generated by treatment activities in comparison to existing conditions is anticipated to increase by approximately 8,061 VMT because more individual treatment projects would be implemented. A key goal of the proposed program is to reduce the risk of catastrophic wildfires. Reducing the risk of catastrophic wildfires would result in a reduction in fire suppression activity and trips, which would be reasonably expected to decrease VMT over the long term, compared to conditions without the proposed program. However, it is not feasible to predict changes in wildfire occurrence sufficiently to quantify potential changes in fire response VMT. Thus, to meet CEQA's mandate of good faith disclosure and to not risk understating potential future impacts in light of the uncertainties, this impact would be potentially significant, because VMT generated by later treatment activities under the proposed program would increase in comparison to existing conditions, notwithstanding the potential VMT-reducing effects of reduced wildfire response.

There is no feasible mitigation available.

#### Significance After Mitigation: Potentially Significant and Unavoidable

Finding: CAL FIRE has incorporated all feasible measures to prevent and minimize this potential impact. CAL FIRE finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to further reduce this impact. CAL FIRE has reviewed all suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. CAL FIRE concludes, however, that the program's benefits outweigh the significant and unavoidable impacts of the program, as set forth in the Statement of Overriding Considerations.

## 8.2.4 Cumulative Impacts

### AIR QUALITY

As discussed above under Section 8.2.1, "Air Quality," emissions of criteria air pollutants and precursors generated by treatment activities implemented under the program would likely exceed PCAPCD- and EDCAQMD-established mass emission thresholds and, therefore, result in, or contribute to, ambient concentrations in the LTAB that exceed the NAAQS and CAAQS. These exceedances could result in adverse health effects to receptors and conflict with air quality planning efforts in the LTAB. As identified above, this would be a significant and unavoidable impact.

The program area is in the LTAB, which is designated as nonattainment with respect to the CAAQS for PM<sub>10</sub>. This nonattainment condition is an existing significant adverse cumulative impact that results from previous development and projects in the region, including those listed in Section 5.2.3, "Related Projects and Plans," in the Draft PTEIR. Because the program area is within LTAB, which is designated as nonattainment with respect to the CAAQS for PM<sub>10</sub>, the contribution to PM<sub>10</sub> emissions from the proposed program would be significant and cumulatively considerable.



Although the LTAB is designated as attainment with respect to the CAAQS and NAAQS for ozone, EDCAQMD and PCAPCD are responsible for maintaining this attainment status and have established thresholds for ROG and NO<sub>x</sub> (ozone precursors). Cumulative development in the LTAB, including those projects and plans described in Section 5.2.3, "Related Projects and Plans," in the Draft PTEIR while required to mitigate for adverse air quality impacts, will contribute ozone precursors to the LTAB could contribute to future exceedances of the CAAQS and NAAQS for ozone in the LTAB, which would be a significant adverse cumulative impact. Because the emission levels from the program would exceed the threshold established by EDCAQMD and PCAPCD, the contribution of ozone precursors to the LTAB by treatment activity under the program would be significant and cumulatively considerable.

Implementation of Mitigation Measure 3.5-1a and Mitigation Measure 3.5-1b (included in Section 8.2.1, above) would require proponents of later treatment activities to implement emission reduction techniques where feasible. However, these measures would not reduce mass emissions of criteria air pollutants and precursors to less than the mass emission significance thresholds established by EDCAQMD and PCAPCD. Therefore, the proposed program's contribution of PM<sub>10</sub> to the nonattainment status of PM<sub>10</sub> in the LTAB, as well as the proposed program's contribution of ozone precursors to the LTAB, would remain cumulatively considerable.

No additional feasible mitigation measures are available.

Finding: CAL FIRE finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to further reduce this impact. CAL FIRE has reviewed all suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. CAL FIRE concludes, however, that the benefits of the PTEIR outweigh the cumulatively considerable impacts of the program, as set forth in the Statement of Overriding Considerations.

## GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

The quantity of GHGs in the atmosphere that ultimately result in climate change is enormous and, as described in Section 3.10.2, "Physical Scientific Basis of Greenhouse Gas and Climate Change," in the Draft PTEIR has resulted in climate change, which is a cumulatively significant impact. Because climate change is a global phenomenon, the cumulative context of this impact is all past, present, and reasonably foreseeable projects in the world, including GHG emission sources and carbon sinks. No single project alone would measurably contribute to an incremental change in the global average temperature, or to global, local, or microclimates and, from the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative.

As discussed in Section 5.2.3, "Related Projects and Plans," in the Draft PTEIR, there are several similar projects, past, present, and in the reasonably foreseeable future, that have produced or likely will produce GHG emissions, within and surrounding the program area. As GHG emissions and their effect on climate change are inherently cumulative, the sum total of all GHG emissions in and near the program area, both related and unrelated to the proposed program, must be collectively considered.

As explained under Section 8.2.2, "Greenhouse Gas Emissions," above, direct GHG emissions from the increase in treatment activities conducted under the proposed program would be substantial, recognizing planned levels of treatment would increase to 1,250 acres per year. At the full target rate of 1,250 acres per year, GHG emissions from treatments would be an estimated 23,298 MTCO<sub>2</sub>e/year. Consistent with the goals of the proposed fuel treatments to decrease the occurrence of high-severity wildfires and increase the potential rates of carbon sequestration, implementation of the proposed program could result in a cumulative net carbon benefit over the long term, which is the most relevant timeframe and global context of GHG-caused, climate change-related environmental effects. However, there is uncertainty in predicting future wildfire occurrence, related emissions, and carbon sequestration rates, which are highly variable and depend on many factors. Future wildfire intensities and carbon sequestration in treated areas are the subjects of continued scientific research and debate. To meet CEQA's mandate of good faith disclosure and acknowledge potential future impacts in light of uncertainties, this impact may be considered potentially significant and cumulatively considerable, recognizing the reliability of estimates for direct GHG emissions and the uncertainty of the intended net carbon benefits of reduced wildfire intensity and increased carbon sequestration in treated areas. Implementation of Mitigation Measure 3.10-2 (included in Section 8.2.2 above) would

require project proponents conducting prescribed burns to implement GHG emission reduction techniques, as feasible. Given the potential infeasibility of implementing specific emission reduction techniques and the uncertainties associated with all the parameters and objectives of prescribed burning, it is not feasible to precisely quantify the GHG reductions that would be achieved by implementation of Mitigation Measure 3.10-2. The analysis of these impacts is conservative because it does not speculate on the reduced emissions that would result from fewer, smaller, and less severe wildfires. To the extent that the program successfully reduces the extent and severity of wildfires, it could result in less total emissions than disclosed in the PTEIR. Because there is no other feasible mitigation, and to meet CEQA's mandate of good faith disclosure and acknowledge potential future impacts in light of uncertainties, the Tahoe PTEIR classifies this GHG impact as potentially significant and unavoidable. Even though the long-term outcome may yet become beneficial, the "potentially significant and unavoidable" determination alerts the public to the potential that net positive emissions of GHGs may persist over time.

No additional feasible mitigation measures are available.

Finding: CAL FIRE finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to further reduce this impact. CAL FIRE has reviewed all suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. CAL FIRE concludes, however, that the benefits of the PTEIR outweigh the cumulatively considerable impacts of the program, as set forth in the Statement of Overriding Considerations.

## TRANSPORTATION

As discussed in Section 5.2, "Cumulative Setting," in the Draft PTEIR, there are several similar past, present, and reasonably foreseeable projects that have affected and likely will affect forested areas and the transportation network, within the Lake Tahoe region. For a cumulative effect to occur, later treatment activities under the proposed program would have to take place simultaneously with and near other projects that could potentially result in transportation effects, such as other fuel treatment and management activities, implementation of plans and policies related to forest and watershed restoration, and construction projects related to development. There is a potential for temporary traffic generated by later treatment activities under the proposed program, including vehicle trips associated with biomass hauling, and traffic related to non-program projects to simultaneously affect the same roadway facilities because the cumulative projects are in close proximity to the program area. The potential for multiple projects to occur near each other and simultaneously would be influenced by available resources (e.g., crews and equipment availability) and project priorities.

The analysis in Impact 3.15-2 in the Draft PTEIR analyzes annual VMT from the whole of the proposed program, including hauling of biomass and sawlogs, which is inherently cumulative and reflects a cumulative significance determination. Implementation of the proposed program could potentially result in a net increase in VMT and a significant cumulative impact related to VMT. The proposed program would reduce the risk of catastrophic wildfires consistent with the program objectives. Reducing the risk of catastrophic wildfires would result in a reduction in fire suppression activity and trips, which would be reasonably expected to decrease VMT over the long term, compared to conditions without the proposed program. However, it is not feasible to predict changes in wildfire occurrence sufficiently to quantify potential changes in fire response VMT. Additionally, as stated under Impact 3.15-2 (summarized above under Section 8.2.3, "Transportation"), there is no additional feasible mitigation to address the potential increases in VMT generated by the proposed program. Therefore, the proposed program's contribution to a significant cumulative impact related to VMT would be cumulatively considerable, in spite of the recognition that a net VMT reduction could be reasonably expected to occur in the long term and individual treatment activities would likely be less than significant pursuant to the thresholds identified in the Governor's Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts (OPR 2018), which would reduce the proposed program's contribution to cumulative transportation impacts.

Finding: CAL FIRE finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to further reduce this impact. CAL FIRE has reviewed all suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. CAL FIRE concludes, however, that the benefits of the PTEIR outweigh the cumulatively considerable impacts of the program, as set forth in the Statement of Overriding Considerations.

## 9 PROGRAM ALTERNATIVES

### 9.1 BASIS FOR ALTERNATIVES-FEASIBILITY ANALYSIS

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 statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999–1000 (*CNPS*); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315; *City of Del Mar v. City of San Diego* (1983) 133 Cal.App.3d 401, 417; *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041-1043.) “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines Section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the program objectives described above provided the framework for defining possible project alternatives. (See *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the CEQA Guidelines.

Based on the requirements of State CEQA Guidelines Section 15126.6 and the program objectives, the following alternatives to the program were identified:

- ▶ Alternative A: No-Program Alternative
- ▶ Alternative B: Fire Suppression Only
- ▶ Alternative C: Manual and Mechanical Treatment Focus
- ▶ Alternative D: Limited Thinning Intensity and Expanded Prescribed Burning

CAL FIRE finds that a good-faith effort was made in the PTEIR to evaluate a reasonable range of alternatives that could feasibly attain most of the basic objectives of the program but that would avoid or substantially lessen any of the significant effects of the PTEIR, even when the alternatives might impede the attainment of the program objectives and might be more costly. As a result, the scope of alternatives analyzed in the PTEIR is not unduly limited or narrow. (See Draft PTEIR, Chapter 6.)

#### 9.1.1 Significant and Unavoidable Impacts of the Program

Sections 8.1 and 8.2 of these Findings of Fact sets forth all of the significant effects associated with the PTEIR, along with all of the adopted mitigation measures aimed at reducing the severity of those significant effects. In some instances, the adopted mitigation measures will reduce impacts to less-than-significant levels. In other instances, however, the significant impacts will still remain significant (and thus unavoidable) even after the adoption of all

feasible mitigation measures. These significant unavoidable impacts are briefly summarized in Section 8.2, "Findings for Significant and Unavoidable Impacts," above.

## 9.1.2 Scope of Necessary Findings and Considerations for Program Alternatives

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the PTEIR and then consider the feasibility of each alternative. Under CEQA, as noted earlier, "[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) The concept of feasibility permits agency decisionmakers to consider the extent to which an alternative can meet some or all of a project's objectives. In addition, the definition of feasibility encompasses "desirability" to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social and technological factors supported by substantial evidence. As such, these Findings consider the extent to which the alternatives can meet the program objectives, as described in the PTEIR and in Section 3.2, above.

## 9.2 ALTERNATIVES ANALYZED IN THE PTEIR

The PTEIR identified and compared environmental effects of the four alternatives discussed below with the environmental impacts resulting from the PTEIR.

### 9.2.1 Alternative A: No-Program Alternative

State CEQA Guidelines Section 15126.6, subdivision (e), requires every EIR to include a No Project Alternative. "The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." In general, this alternative should discuss "existing conditions ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Consistent with this obligation, "where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (*Id.* at subd. (e)(3)(B).)

Under the No-Program Alternative, project proponents would continue to implement fuel reduction efforts within the program area through existing programs, authorities, and funding and would continue to rely on the existing range of CEQA, FPA, and CFPR compliance tools. The same range of silvicultural prescriptions, treatment methods, and biomass disposal approaches as the proposed program could occur under this alternative. Although Alternative A would comply with CFPRs where applicable, other applicable regulations, and current standard practices, it would not implement all of the SPRs included in the proposed program. This alternative would reflect a slower pace and smaller scale of treatment activities compared to the proposed program. Under this alternative, an estimated 503 acres would receive fuel reduction treatments per year. Under this alternative, the current mix of treatment types would continue, resulting in 40 percent of treatments being mechanical treatments and 40 percent of treatments as manual treatments (see Table 6-1 in Chapter 6, "Alternatives," in the Draft PTEIR). Approximately 104 acres per year are also anticipated to be treated with pile burning. No prescribed understory burning would occur under this alternative. Project sites would be expected to be re-entered for maintenance treatment approximately 20 years after initial treatments.

## POTENTIAL IMPACTS OF THE NO-PROGRAM ALTERNATIVE IN COMPARISON TO THE PTEIR

CEQA requires that an EIR evaluate a no project alternative to allow decisionmakers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project, even if the no project alternative does not meet most of the basic project objectives (State CEQA Guidelines Section 15126[e]). To allow for an informed comparison of the merits of the No-Program Alternative, a discussion of the extent to which the No-Program Alternative would achieve the objectives of the Tahoe PTEIR is provided. As described below, the No-Program Alternative would achieve four of the five objectives of the Tahoe PTEIR, to some degree.

With implementation of the No-Program Alternative, fuel reduction treatment activities would continue similarly to how they are currently implemented. Thus, this alternative would meet the objectives to reduce the risk of catastrophic wildfires; increase forest resilience to the effects of climate change; and develop and implement all-lands fuel reduction forest health improvements and restoration projects that deliver multiple community and ecosystem service benefits. The No-Program Alternative does not identify any meadow and riparian ecosystem restoration and, thus, would not explicitly contribute to attaining the project objective related to restore meadow and riparian ecosystem processes and functions; however, the fuels reduction treatments would contribute to all-lands fuel reduction and improving forest health. Because this alternative would result in a continuation of existing fuel reduction treatments, it would not meet the objective to increase the pace and scale of fuel reduction projects to assist in achieving the goals of Executive Order B-52-18.

The No-Program Alternative would require project-by-project approvals by project proponents, which could tier from the California Vegetation Treatment Program (CalVTP) Program Environmental Impact Report (PEIR) for some activities within the State Responsibility Areas (SRA). However, treatment activities that meet the definition of timber operations for commercial purposes in PRC Section 4527(a) would still require review under the FPA. Additionally, implementation of treatment activities under the No-Program Alternative would not be guided by a uniform set of SPRs specific to the California side of the Tahoe Basin like the proposed program. However, the requirement for project-by-project approval would result in mitigation being implemented to reduce any significant impacts identified through the CEQA process and help protect known and unknown resources. For these reasons, the No-Program Alternative would not substantially lessen any significant impacts associated with the PTEIR.

The magnitude of resource impacts related to Alternative A relative to the proposed program may be of similar magnitude to, less than, or greater than the effects of the proposed program. In general, the rationale for why effects on a given resource area are what they are in relation to proposed program is justified by the same reasons even for different groups of resource areas. For agriculture and forestry, air quality, biology, energy, geology and soils, hazards, noise, and transportation resource areas, Alternative A would have similar effects to the proposed program because short-term effects would be less than those from the proposed program, but long-term effects would be greater than those from the proposed program. Under Alternative A, the same types of treatment activities as those included in the proposed program could affect these resources and would do so in a similar way as the proposed program. However, the extent of effects on these resources would be less because fuel reduction efforts would occur at a slower pace and lesser scale than under the proposed program. In the long-term, because the pace and scale of treatment activities would be reduced under Alternative A compared with the proposed program, overgrown forest conditions would persist for longer and over a greater area and therefore the likelihood of a wildfire burning at high intensity and severity would be greater under Alternative A. The consequences from a high-severity wildfire would be greater on agriculture and forestry, air quality, biology, energy, geology and soils, hazards, noise, and transportation than from wildfires than would occur with implementation of the proposed program. The Draft PTEIR explains the way in which high-severity wildfire would affect these resources with implementation of Alternative A on pages 6-6 to 6-10 in Chapter 6 of the Draft PTEIR.

For aesthetics, tribal and cultural, and recreation resource areas, Alternative A would have fewer effects than the proposed program because short-term effects would be less, and long-term effects would be approximately the same as those from the proposed program. Under Alternative A, the same types of treatment activities as those included in the proposed program could affect aesthetics, cultural and tribal resources, and recreation, and would do

so in a similar way. However, the extent of short-term effects on these resource areas would be less because fuel reduction efforts would occur at a reduced pace and scale than under the proposed program. In the long term, it is expected that wildfire would occur over approximately the same amount of area under both Alternative A and the proposed program. While it is expected that Alternative A would result in wildfires of greater intensity, they would not be expected to be larger in size. Aesthetics, tribal and cultural, and recreation resources are all resource areas that are impacted by wildfire to the same degree, regardless of the intensity or severity of the fire. The Draft PTEIR explains the way in which high-severity wildfire would affect these resources with implementation of Alternative A on pages 6-5 to 6-7, and 6-10, in Chapter 6 of the Draft PTEIR.

For wildfire and hydrology and water quality resource areas, the effects of Alternative A would be greater than the effects of implementing the proposed program. While the short-term effects on these resources from implementing Alternative A would be less than the proposed program, the long-term effects from a high-severity wildfire would be devastating. Further, Alternative A would not implement any of the meadow and riparian ecosystem restoration activities that are included in the proposed program. The Draft PTEIR explains the way in which high-severity wildfire would affect these resources with implementation of Alternative A on pages 6-5 and 6-9 in Chapter 6 of the Draft PTEIR.

## FEASIBILITY OF THE NO-PROGRAM ALTERNATIVE

The No-Program Alternative would reflect a continuation of current practices. Because the No-Program Alternative would involve limited changes from existing practices, the alternative would be potentially feasible to implement; however, it would not feasibly attain the objective of the proposed program to increase the pace and scale of fuel reduction to assist in achieving the goals of Executive Order B-2-18.

### 9.2.2 Alternative B: Fire Suppression Only

This alternative would include no active forest management treatments. Defensible space requirements consistent with PRC 4291 would continue to be implemented within 100 feet of structures. Wildfire suppression would continue to occur throughout the program area. This alternative provides an opportunity for comparison of the effects of implementing the proposed fuel reduction treatments to the effects of not implementing fuel treatments.

Alternative B would not implement any fuel treatments and would not meet any of the objectives, which are related to increasing forest resilience, protecting and restoring meadow and riparian ecosystems and forest habitat quality, improving forest health, and increasing the pace and scale of fuel reduction projects to assist in achieving the goals of Executive Order B-52-18.

Alternative B would include no fuels reduction activities and would only include suppression of wildfires. Because Alternative B would not include any fuels reduction activities, the alternative would be potentially feasible to implement; however, it would not feasibly attain most of the basic objectives of the proposed program.

## POTENTIAL IMPACTS OF ALTERNATIVE B

In comparison to the proposed program, there would be reduced direct short-term effects related to all of the resource topics discussed above because Alternative B would not implement any treatment activities. However, because Alternative B would not reduce fire fuels, the likelihood of a large, high-intensity wildfire occurring would increase and result in greater potential effects on agriculture and forestry resources; air quality; biological resources; energy; geology, soils, and land capability; greenhouse gas emissions and climate change; hazards and hazardous materials; noise; and hydrology and water quality. Effects from Alternative B on archaeological, historical, and cultural resources and recreation would be less severe than from the proposed program.

Overall, while some short-term effects may be reduced without implementation of any fuel treatment activities, effects related to wildfire from Alternative B would be greater over the long term, because the risk of the uncontrolled spread of wildfire and high-severity wildfire would be greater than under the proposed program.

## FEASIBILITY OF ALTERNATIVE B

Alternative B would not implement any fuel treatments and would not meet any of the program objectives, which are related to increasing forest resilience, protecting and restoring meadow and riparian ecosystems and forest habitat quality, improving forest health, and increasing the pace and scale of fuel reduction projects to assist in achieving the goals of Executive Order B-52-18.

Alternative B would include no fuels reduction activities and would only include suppression of wildfires. Because Alternative B would not include any fuel reduction activities, the alternative would be potentially feasible to implement; however, it would not feasibly attain most of the basic objectives of the proposed program.

### 9.2.3 Alternative C: Manual and Mechanical Treatment Focus

Alternative C includes a treatment approach that emphasizes mechanical and manual treatments, with no prescribed understory burning and limited pile burning. This alternative is intended to reduce potential environmental effects of prescribed burning that could result from the proposed program, such as effects related to air quality, greenhouse gas emissions, and wildfire risk. This alternative would include the same silvicultural prescriptions, manual and mechanical treatment approaches, and biomass disposal approaches as the proposed program, with the exception of prescribed burning. However, this alternative would treat an estimated 1,800 acres per year. As shown in Table 6-1 in Chapter 6 of the Draft PTEIR, it would result in manual treatments on an estimated 680 acres per year (38 percent of acres treated) and mechanical treatments on an estimated 630 acres per year (35 percent). Pile burning would occur on an estimated 490 acres per year (27 percent). With implementation of Alternative C, diameter at breast height (dbh) targets would be increased to allow for removal of trees up to 38 inches dbh, which is greater than the 30 inches dbh limit that is typically applied within the program area (TRPA Code of Ordinances Section 61.1). The ability to remove larger trees would make commercial thinning projects more financially viable. There would be no prescribed fire for this alternative aside from pile burning to remove biomass in some project areas treated with manual treatments. Maintenance treatments would occur on the same timeframe as under the proposed program.

## POTENTIAL IMPACTS OF ALTERNATIVE C

Alternative C would reduce some environmental impacts related to air quality, GHG emissions and climate change, and wildfire compared to the effects of the proposed program. Impacts related to aesthetics, agriculture and forestry resources, biological resources, hydrology and water quality from Alternative C would be similar to those of the proposed program. However, because Alternative C would treat a greater number of acres per year, it could result in greater impacts related to archaeological, historical, and cultural resources; energy resources; geology, soils, and land capability; hazards and hazardous materials; noise and vibration; recreation; and transportation.

## FEASIBILITY OF ALTERNATIVE C

Implementation of Alternative C would result in fuels reduction through manual and mechanical treatments and pile burning, which would provide less flexibility in options for achieving fuel reduction goals compared to the proposed program. This alternative would meet the program objectives related to reducing the risk of catastrophic wildfires, increasing forest resilience, and increasing the pace and scale of fuel reduction projects; however, relying solely on manual and mechanical treatment methods and pile burning limits the flexibility of land managers and fire districts to use the most appropriate approach for specific fuel reduction projects. Although mechanical and manual treatments would mimic some of the forest health benefits of fire, those treatment methods would not be as effective as understory burning in achieving forest health benefits of fire. However, Alternative C would result in treating a greater number of acres per year than the proposed program. Thus, Alternative C would meet these program objectives similar to the proposed program.

Alternative C would implement fuel treatments that would generally rely on manual and mechanical treatments and pile burning that can somewhat replicate the effects of a natural fire regime but to a lesser extent than prescribed understory burning would. However, because a greater number of acres would receive fuel treatments than the proposed program, this alternative would achieve the two program objectives related to restoration and improving forest health similar to the proposed program, which includes a prescribed burning component.

Because Alternative C proposes to implement manual and mechanical fuel treatments and pile burning that would be an expansion of existing fuel treatment practices it would be feasible to implement. However, this alternative would not achieve the program objectives as effectively as the proposed program because it would limit the types of fuel reduction treatment options to manual and mechanical treatments and pile burning and there may be areas that would be better treated by prescribed understory burning.

## 9.2.4 Alternative D: Limited Thinning Intensity and Expanded Prescribed Burning

Alternative D would increase the pace and scale of fuel reduction treatments in the program area over existing conditions using a treatment approach with less mechanical treatments, and more understory burning. This alternative is intended to reduce potential environmental effects of mechanical treatments that could result from the proposed program, such as effects related to soils and water quality. As with the proposed program, this alternative would treat an estimated annual average of 1,250 acres per year. As shown in Table 6-1 in Chapter 6 of the Draft PTEIR, prescribed understory burning would be used on an estimated average of 475 acres per year (38 percent of acres treated). Prescribed understory burning would only occur within the Planned CWPP Project areas of the program area. Manual treatments would occur on an estimated average of 500 acres per year (40 percent), ground-based mechanical thinning would occur on an estimated 100 acres per year (8 percent), and pile burning would occur on 175 acres per year (14 percent).

### POTENTIAL IMPACTS OF ALTERNATIVE D

Alternative D would not reduce environmental impacts associated with any environmental resource area. This alternative would result in greater impacts related to air quality, GHG emissions and climate change, and recreation.

### FEASIBILITY OF ALTERNATIVE D

Implementation of Alternative D would result in fuels reduction that would primarily rely on prescribed understory burning treatments, which would result in less flexibility and options for achieving fuel reduction goals compared to the proposed program. For example, some areas within the program area (e.g., urban lots) would not be appropriate locations for using prescribed burning. Constraints related to air quality could also limit the number of days during which prescribed burning could be used resulting in fewer acres treated than planned. Thus, this alternative would meet the program objectives related to reducing the risk of catastrophic wildfires, increasing forest resilience, and increasing the pace and scale of fuel reduction projects compared to existing conditions; however, relying primarily on prescribed burning treatment methods limits the flexibility for project proponents to implement fuel reduction projects. Alternative D would meet these program objectives similar to the proposed program.

Alternative D would implement fuel treatments that would generally rely on prescribed understory burning that can replicate the effects of a natural fire regime. However, there may be restoration plans, such as removing conifers from meadows, that could not be implemented using prescribed burning. Thus, this alternative would achieve the two program objectives related to restoration and improving forest health but to a lesser degree than the proposed program.

Because Alternative D proposes to implement prescribed burning treatments that would be an expansion of existing fuel treatment practices it would be potentially feasible to implement. However, this alternative would not achieve the program objectives as effectively as the proposed program because it would limit the types of fuel reduction treatment options to primarily consist of prescribed burning and manual treatments. There may be areas that would be better treated by mechanical treatments.



## 10 STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, CAL FIRE's approval of the PTEIR 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, CAL FIRE, in accordance with State CEQA Guidelines Section 15093, chooses to approve the PTEIR because, in its view, the benefits to life, property, and other resources, and the other benefits of the PTEIR, will render the significant effects acceptable.

### 10.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Implementation of the PTEIR would result in the following significant and unavoidable impacts:

- ▶ Impact 3.5-1: Potential to Generate Emissions that would Contribute to an Exceedance of CAAQS or NAAQS in the LTAB
- ▶ Impact 3.10-2: Potential to Generate GHG Emissions Through Treatment Activities
- ▶ Impact 3.15-2: Conflict or be Inconsistent with State CEQA Guidelines Section 15064.3, Subdivision (b) Regarding VMT
- ▶ Cumulative Impact Related to Program Emissions Exceeding CAAQS and NAAQS
- ▶ Cumulative Impact Related to Greenhouse Gas Emissions from the Program
- ▶ Cumulative Impact Related to VMT Generated by the Program

### 10.2 OVERRIDING CONSIDERATIONS

In CAL FIRE's judgment, the PTEIR and its benefits outweigh its unavoidable significant effects. These Findings are based on substantial evidence in the record. The following statements identify the specific reasons why, in CAL FIRE's judgment, the benefits of the PTEIR as approved outweigh its unavoidable significant effects. Any one of these reasons is enough to justify approval of the PTEIR. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, CAL FIRE would stand by its determination that each individual reason is enough by itself. 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 listed and defined in Section 5, above.

- ▶ The PTEIR will reduce dire risks to life, property, and natural resources in the Lake Tahoe Basin.
- ▶ The PTEIR reflects the most current and commonly accepted science and conditions in the program vicinity and allows for adaptation in response to potential evolution and changes in science and conditions.
- ▶ The PTEIR reflects CAL FIRE's goals. The PTEIR will help CAL FIRE achieve their central goals for reducing and preventing the impacts of wildfire in the Tahoe Basin, as outlined in the *2018 Strategic Fire Plan for California* and the *Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy*.
- ▶ The PTEIR will help to establish a natural environment that is more resilient and built assets that are more resistant to the occurrence and effects of wildfire.
- ▶ The PTEIR 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 PTEIR 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*.

## 10.3 CONCLUSION

CAL FIRE has balanced the benefits and considerations against the significant unavoidable effects identified in the PTEIR and has concluded that the impacts are outweighed by the benefits. After balancing environmental costs against program benefits, CAL FIRE has concluded that the benefits to the community will outweigh the environmental risks. CAL FIRE believes the benefits outlined above override the significant and unavoidable environmental costs associated with the program.

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