

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: El Dorado

From: (Public Agency): El Dorado Resource Conservation District

100 Forni Road, Suite A

Placerville, CA 95667

(Address)

Project Title: Caldor Forest and Community Restoration Project - Eldorado National Forest Roadside Hazard Tree Mitigation

Project Applicant: El Dorado Resource Conservation District

Project Location - Specific:

Eastern El Dorado County, Caldor Fire burn area on Eldorado National Forest lands

Project Location - City: NA Project Location - County: El Dorado

Description of Nature, Purpose and Beneficiaries of Project:

Removal of dead and dying trees from within 200 feet of roadways located on U.S. Forest Service-Eldorado National Forest (ENF) lands within the Caldor Fire footprint. The purpose of the project is to support safe access along National Forest System roads in the Caldor Fire burn area by removing hazard trees that are within striking distance of roads. Dead and dying trees also act as fuels that will serve as a pretext for another mega-catastrophic wildfire complex. Timely removal of the trees will reduce the immediate risk to the existing roads and public safety and will reduce potential fuels for future wildfires. The ENF analyzed the impacts of roadside hazard trees mitigation for the entire ENF, including the Caldor Fire burn area, in an Environmental Assessment with a Finding of No Significant Impact. A Decision Notice to authorize the ENF Roadside Hazard Tree Mitigation Project was signed by the ENF Forest Supervisor on April 24, 2023.

Name of Public Agency Approving Project: El Dorado Resource Conservation District

Name of Person or Agency Carrying Out Project: El Dorado Resource Conservation District

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☒ Statutory Exemptions. State code number: Public Resources Code Section 4799.05(d)(1)

Reasons why project is exempt:

Public Resources Code Section 4799.05(d)(1), as amended by Assembly Bill 211 Effective Sept. 27, 2022, provides that until January 1, 2028, under specified conditions, CEQA would not apply to prescribed fire, reforestation, habitat restoration, thinning, or fuel reduction projects or other related activities included in the project description, undertaken on in whole or in part on federal lands to reduce the risk of high-severity wildfire that have been reviewed under NEPA. The ENF has completed the NEPA process for the proposed project activities. The project would remove dead and dying trees from within 200 feet of roadways on ENF lands in the Caldor Fire burn area; thereby removing materials that could serve as fuels for future wildfires while reducing the immediate threat to roadways and the public. RCD is responsible for implementing the project.

Lead Agency

Contact Person: Mark Egbert Area Code/Telephone/Extension: (530) 295-0120

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: 7/17/23 Title: PRESIDENT BOD

■ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Date Received for filing at OPR: _____

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

mark.egbert@ca.usda.gov

FILED

JUL 25 2023

Revised 2011

JANELLE K. HORNE, Recorder-Clerk
By [Signature]



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

Pacific Southwest Region

Eldorado National Forest

April 2023

Eldorado National Forest Roadside Hazard Tree Mitigation Project

Decision Notice



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(1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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1 Introduction

The Eldorado National Forest proposes to identify, fell, and remove hazard trees that are at risk of striking a road, consistent with the management direction in the 1989 Eldorado National Forest Land and Resource Management Plan (LRMP), as amended by the 2004 Sierra Nevada Forest Plan Amendment (SNFPA) Record of Decision (ROD). The *Eldorado National Forest Roadside Hazard Tree Mitigation Project* (Project) encompasses a buffer extending 200 feet from the edges of NFS maintenance level 1 through level 5 roads and along identified State, county, local, and private roads through National Forest System (NFS) lands. The Project area includes approximately 2,461 miles of roads comprising approximately 109,553 acres of NFS land that would be eligible for roadside hazard tree mitigation on an ongoing, as-needed basis. Hazard tree removal would follow the Forest Service's *Hazard Tree Identification and Mitigation* for Region 5 (R5) (hereinafter referred to as Guidelines), which provides procedural information on hazard tree identification and mitigation for the Pacific Southwest Region (Angwin et al. 2022).

The Project is designed to carry out treatments that would respond to agency goals described in the LRMP and SNFPA. The Project used a consistent forest-wide approach and an interdisciplinary team to complete the environmental analysis requirements supporting my decision. However, as Forest Supervisor of the Eldorado National Forest, I ultimately decide whether the Proposed Action will proceed as proposed, as modified by an alternative, or not at all. I will decide the mitigation measures and monitoring requirements that the Forest Service will apply, whether there are significant environmental effects, and whether the Proposed Action is consistent with applicable laws, policies, and regulations.

2 Decision and Reason for the Decision

Based upon my review of the analysis, public comments, and Project record: I have decided to authorize the *Eldorado National Forest Roadside Hazard Tree Mitigation Project* and associated activities on the Eldorado National Forest as described under the Proposed Action. I concur with the finding that this Proposed Action is *not* a major federal action that will significantly affect the quality of the human environment. This decision notice and supporting documents, including the Environmental Assessment/Finding of No Significant Impact, are available on the Project webpage at <https://www.fs.usda.gov/project/?project=62238>.

My decision authorizes hazard tree felling and removal adjacent to 2,461 miles of roads within the Eldorado National Forest. My decision includes road maintenance and multiple design features for reducing impacts to resources. All best management practices and design features described in the Environmental Assessment's Appendix B – BMPs and DFs are incorporated in this decision and will be implemented in the Project.

The primary purpose of the Project is to improve safety along National Forest System roads for the public, Forest Service staff, firefighters, emergency response personnel, law enforcement,

private land inholders, contractors, special use permit holders, and others by removing hazard trees that are within striking distance of roads. The purpose and need also includes maintaining the integrity and utility of National Forest System roads through removal of hazard trees. This decision includes actions and design features that address each of these needs.

I appreciate the public feedback I received during the comment period. I carefully considered the comments and made changes where necessary to the Environmental Assessment and Finding of No Significant Impact, and other supporting documents to adequately address and respond to concerns brought up in the comments and found those documents to be sufficient without changes in other circumstances. Since the Draft Environmental Assessment, I updated Project maps, adjusted design features, modified the implementation plan, and reviewed the supporting analysis and analysis in the Environmental Assessment based on public comment consideration. I discuss some of the comment topics and how they are addressed below. The Proposed Action is responsive to the concerns raised through the public involvement process, while still meeting the purpose and need and desired conditions in the Project area.

I received requests to remove maintenance level 1 roads from the Project or specify that maintenance level 1 roads will not be opened for hazard trees removal until they are scheduled for actual use as well as other requests to include maintenance level 1 roads. As described in the *'Alternatives Considered but Eliminated from Detailed Study'* section of the Environmental Assessment, I clarified that hazard tree abatement along one road is not reliant on hazard tree abatement along another. The assessment of the potential impacts of taking no action can be applied to any area where a hazard tree is present and no action is taken to abate or remove the hazard. The no action alternative fully considered the potential impacts of not including maintenance level 1 roads. A separate alternative eliminating maintenance level 1 roads is unnecessary to assess the impacts of not including them. However, I did modify the text in the Environmental Assessment to clarify that maintenance level 1 roads, which are not open to the public but may allow important administrative uses, would not likely be prioritized for treatment and removal of hazard trees would be deferred until the road is proposed opened for use.

I understand the potential effects of removing hazard trees on the Eldorado National Forest, such as potential negative impacts on soil erosion and stream sedimentation. Therefore, I spent time reviewing the environmental analysis related to these potential impacts and believe it provides the evidence to support a finding of no significant impact. To address potential soil and stream sedimentation impacts, I worked with the interdisciplinary team to develop design features (see Appendix B – BMPs and DFs of the Environmental Assessment) that minimize soil impacts and stream sedimentation to non-significant levels. Implementing best management practices and design features will ensure long-term soil productivity is maintained. While there may be a short-term increase in soil compaction, design features would limit the area affected and associated impacts to soil productivity, to less than 15 percent of the area. The design features also include requirements to increase soil cover, especially in steep areas that burned at high severity, to reduce soil erosion. This could improve soil conditions in areas where fire

negatively impacted soils. Due to these, and other, soil related design features, adverse impacts on soil function would be minor.

While there may be short-term increases in sediment delivery from ground disturbance (e.g., from skid trails, roads, or landings), application of best management practices and other design features would reduce sediment delivery impacts.

To address potential impacts to wildlife and botanical species, I worked with the interdisciplinary team to address concerns about direct impacts to species and removal of valuable habitat components. My decision includes multiple design features that minimize potential direct impacts and provide for retaining valuable habitat components including design features such as limited operating periods; designated avoidance areas of special or sensitive habitats; limiting mechanical equipment use and pile construction and burning in close proximity to streams, waterbodies, or special aquatic features; and others as described in the Environmental Assessment's Appendix B – BMPs and DFs. Where adverse effects could occur, the effects are not expected to be significant as the potential for effects is limited to short-term effects when implementation is occurring.

The analysis in the Environmental Assessment and the supporting documents concludes that the Project may affect individual Federally-listed endangered or threatened species or Forest Service Sensitive species, but is not likely to lead to a trend towards Federal listing or loss of viability for Forest Service sensitive wildlife or botanical species. The Environmental Assessment provides well-supported rationale for those conclusions in Appendix E – Species Determinations for Forest Service Sensitive Wildlife Species Considered (Table 2) and Forest Service Sensitive Plant Species Considered (Table 3).

The same analysis concludes and provides rationale for the conclusions that the Project would either have 'no effect' or would have a determination of 'may affect, not likely to adversely affect' many of the Endangered Species Act listed species (see Table 1 Federally Listed or Proposed Threatened or Endangered Species and Critical Habitats in Appendix E – Species Determinations). For the following Endangered Species Act listed species, foothill yellow-legged frog (*Rana boylei*; South Sierra Distinct Population Segment), California red-legged frog (*Rana draytonii*), Sierra Nevada yellow-legged frog (*Rana sierrae*), Yosemite toad (*Anaxyrus canorus*), Layne's ragwort (*Packera layneae*), and whitebark pine (*Pinus albicaulis*), the determination is 'may affect, likely to adversely affect' because individuals of the species could be impacted. Design features, however, are included to minimize the potential for direct and indirect impacts on those species to the extent that the Project would not have population level impacts on the species.

I worked with my interdisciplinary team to evaluate hazard tree mitigation in relation to significant air emissions, including emissions of greenhouse gasses and loss of carbon sequestration that may affect climate change. The Project would reduce the level of hazardous forest fuels and provide for a safer and more effective wildfire suppression environment. These actions would reduce the potential for large high intensity wildfire, and therefore reduce the

potential for the large amount of smoke emissions associated with such wildfire. The adverse effects to air quality from a large wildfire would greatly exceed, in both duration and quantity, the smoke emissions as compared with a limited amount of controlled, mitigated, and State regulated smoke emissions from pile burning. Forest Service and California Air Resources Control Board smoke-dispersal forecasting would be used as part of a burn plan to mitigate effects within the regulatory framework so as not to substantially increase air quality violations. All pile burning conducted as part of the Project would comply with an approved Smoke Management Plan and burn permit. Under the General Conformity Rule (CAA § 176(c)(4J)), prescribed burning conducted by the Forest Service is required to comply with the State's smoke management program and, therefore, prescribed fire projects in nonattainment or maintenance areas are presumed to comply with, or "conform to," the CAA's General Conformity Rule (USDA Forest Service 2022).

Finally, my team spent time documenting forest plan consistency and reviewing land allocations to verify our actions are in compliance with applicable standards and guidelines. I know there is concern about impacts to wilderness, inventoried roadless areas, research natural areas, national recreation areas and trails, and other designated areas within the Eldorado National Forest. The Proposed Action and this decision specifically exclude treatments in wilderness and inventoried roadless areas to reduce public concerns about treatment in those areas. Specific hazard trees along the Pacific Crest National Scenic Trail would be identified for removal in coordination with the Pacific Crest Trail Association, to address public concerns related to this type of treatment along the trail.

As I summarized above, there is potential for this Project to have some negative (albeit short-term and not rising to a significant level) impacts to wildlife habitat, soils, and water quality; however, the importance of implementing this Project for public safety cannot be overemphasized. There is a great need to reduce safety hazards adjacent to roads to provide for safe use by the public, Forest Service staff, firefighters, law enforcement, other emergency response personnel, private land inholders, contractors, special use permit holders, and others. Hazard trees in these areas currently pose a serious risk of injury or death to those using the roads because they are structurally unsound and are likely to fall in the next several years. Providing a safe environment for both public and administrative use of these areas is central to the Forest Service's mission. For this reason, I am choosing to implement this Project and associated design features, while also recognizing the potential for some non-significant negative impacts to resources.

3 Other Alternatives Considered

In addition to the Proposed Action, I considered several other alternatives the public recommended during scoping and the comment period, including the no action, alternatives with a different geographic scope (Caldor Fire area vs. forest-wide), alternatives with reduced treatment intensity, and alternatives suggesting considerations for private property or non-road infrastructure. None of these alternatives would meet all aspects of the purpose and need for

the Project, so they were not analyzed in detail. The rationale for dismissing the alternatives from detailed analysis is provided in the Environmental Assessment in the '*Alternatives Considered but Eliminated from Detailed Study*' section.

4 Public Involvement

A list of agencies, organizations, and individuals consulted regarding this proposal is included in the Project record and public involvement information is summarized in the '*Public and Agency Involvement*' and '*Tribal Consultation*' sections of the Environmental Assessment.

Public involvement was initiated in July 2022. A scoping letter announcing the proposed Project was sent on July 1, 2022, via email or postal mail to over 100 people, agencies, and organizations. We received a total of 32 individual scoping comment letters which were used to modify or clarify the Proposed Action, consider alternatives to the Proposed Action, and focus the environmental analysis. A legal notice announcing the 30-day comment period on the Draft Environmental Assessment and Finding of No Significant Impact was published on November 23, 2022. We received 17 comment letters. The summary of comments received during the 30-day comment period and how they were considered is found in Appendix G – Project Comment Consideration of the Environmental Assessment.

5 Findings Required by Other Laws and Regulations

My decision complies with all applicable law, regulation, and policy as documented in the Environmental Assessment and Finding of No Significant Impact, in the '*Law, Regulation, and Policy Consistency*' section of the Environmental Assessment.

The Proposed Action was developed in accordance with and does not threaten to violate any Federal, State or local laws or requirements for protecting the environment (i.e., Clean Air Act, Clean Water Act, Endangered Species Act, National Environmental Policy Act, National Forest Management Act, National Historic Preservation Act, etc.). The activities under the Proposed Action were also reviewed and found to be consistent with the Eldorado National Forest LRMP, as amended.

6 Administrative Review Opportunities

The proposed decision was subject to pre-decisional administrative review (aka objection process) pursuant to 36 CFR 218, Subparts A and B. A legal notice announcing the 45-day objection period was published in the *Mountain Democrat*, the newspaper of record, on January 27, 2023. Notice of the availability of the draft decision and Environmental Assessment was sent to the project mailing list, including those who submitted project-specific written comments during scoping or the 30-day comment period on the Draft Environmental Assessment.

Three objection letters were received from BlueRibbon Coalition (Simone Griffin), and California Four Wheel Drive Association (Rose Winn), and Center for Biological Diversity and John Muir Project (Lead objector Justin Augustine). Objections focused on inclusion or priority of maintenance level 1 roads, alternatives not considered in detail, and concerns about analysis lacking site-specificity.

The Reviewing Officer, the Administrative Review Coordinator, several Eldorado National Forest staff, and I met with the objectors in a virtual meeting on April 13, 2023. While no concerns were resolved during this meeting, I agreed that the Eldorado National Forest could better clarify the rationale for eliminating from detailed study an alternative that did not include maintenance level 1 roads.

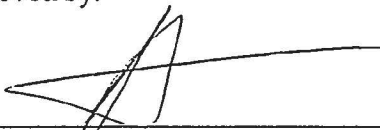
In accordance with 36 CFR 218.11 (b)(1), the Reviewing Officer issued a written response to the objectors on April 18, 2023, with one instruction. The instruction is to "Clarify the rationale that explains why an alternative that does not include ML1 roads was eliminated from detailed study." The objection response letter concluded that I am authorized to proceed with the final decision once the instruction has been completed.

Details of the issues brought up by the objectors and the review can be found in the April 18, 2023 letter on the project website (<https://www.fs.usda.gov/project/?project=62238>) under Objection Period. The updated version of the Environmental Assessment and the final Decision Notice also are available on the project website.

7 Implementation Timeframe and Contact Information

Implementation can begin following the signing of this decision. For further information concerning the Eldorado National Forest Roadside Hazard Tree Mitigation Project, contact Susan Durham, Forest Environmental Coordinator, at: susan.durham@usda.gov.

Approved by:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, is written over a solid horizontal line.

Eldorado National Forest Supervisor
April 24, 2023

Project Legend

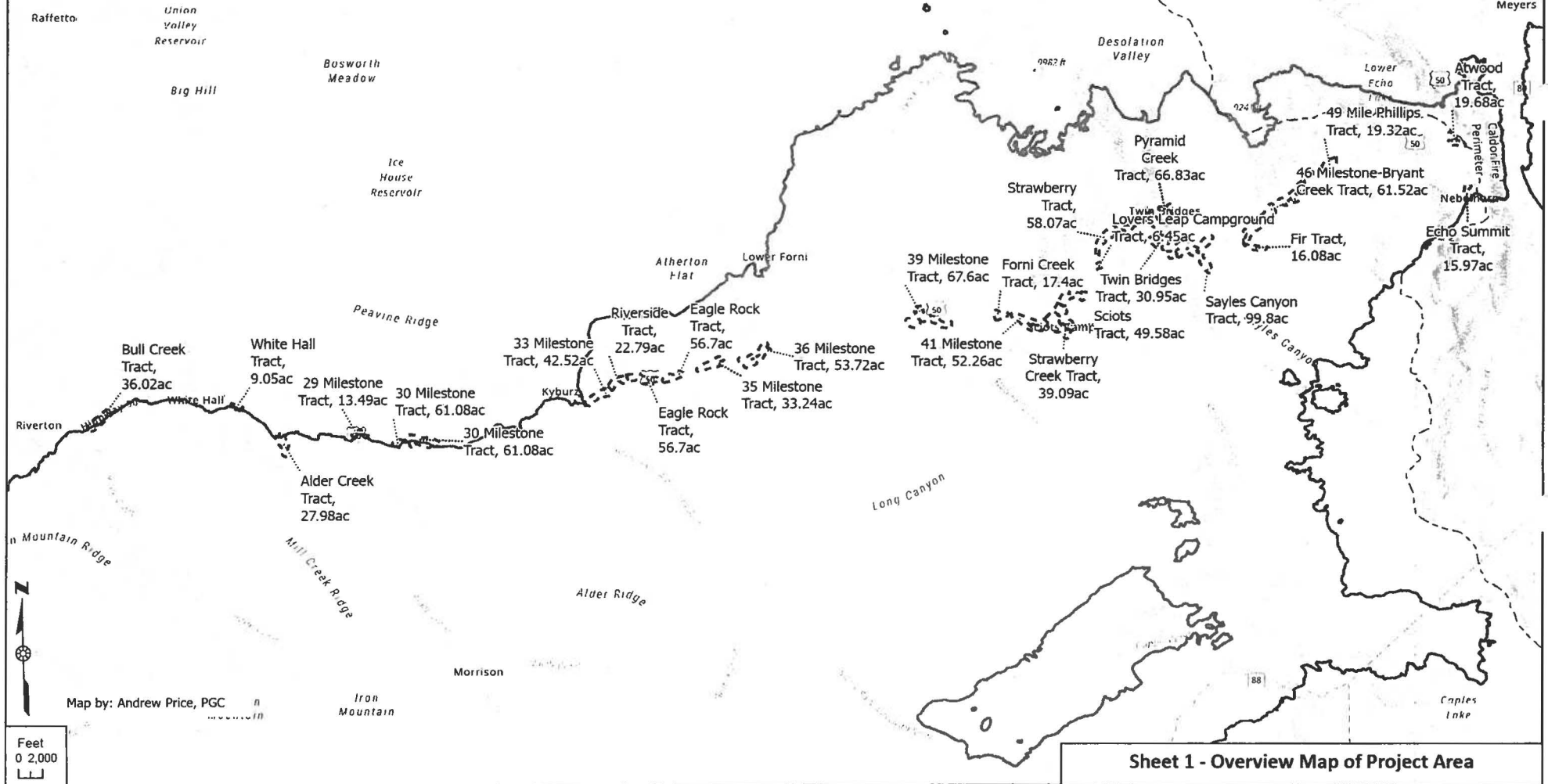
- Project Area (200ft buffer from road centerline)
- Project Roads
- FS Cabin Tract Lots
- Caldor Fire Perimeter



El Dorado Resource Conservation District (EDRCD)
Highway 50 FS Cabin Tract
Hazard Tree Removal Project

Draft Road and Project Area

Version: June 15, 2023a

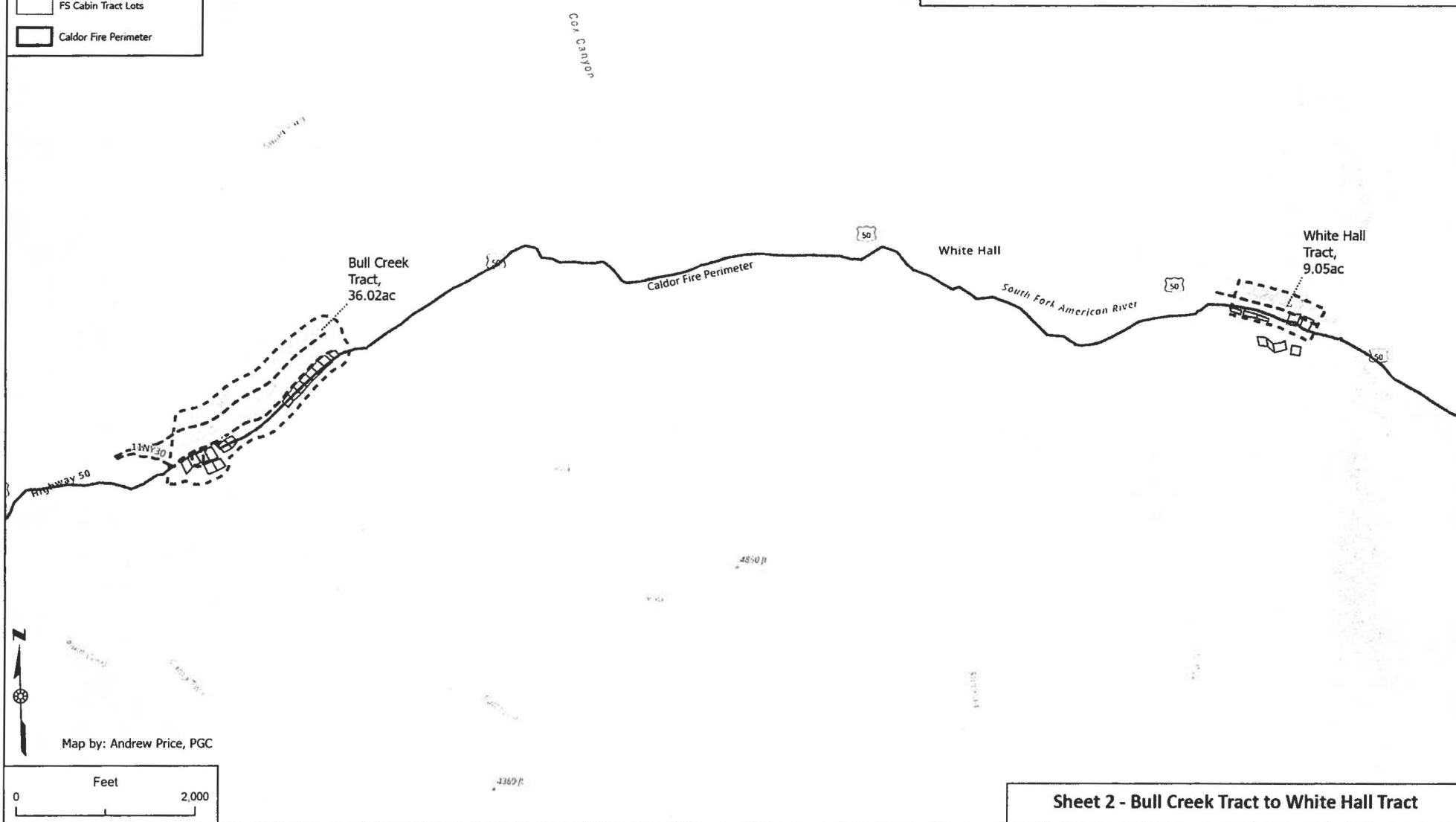


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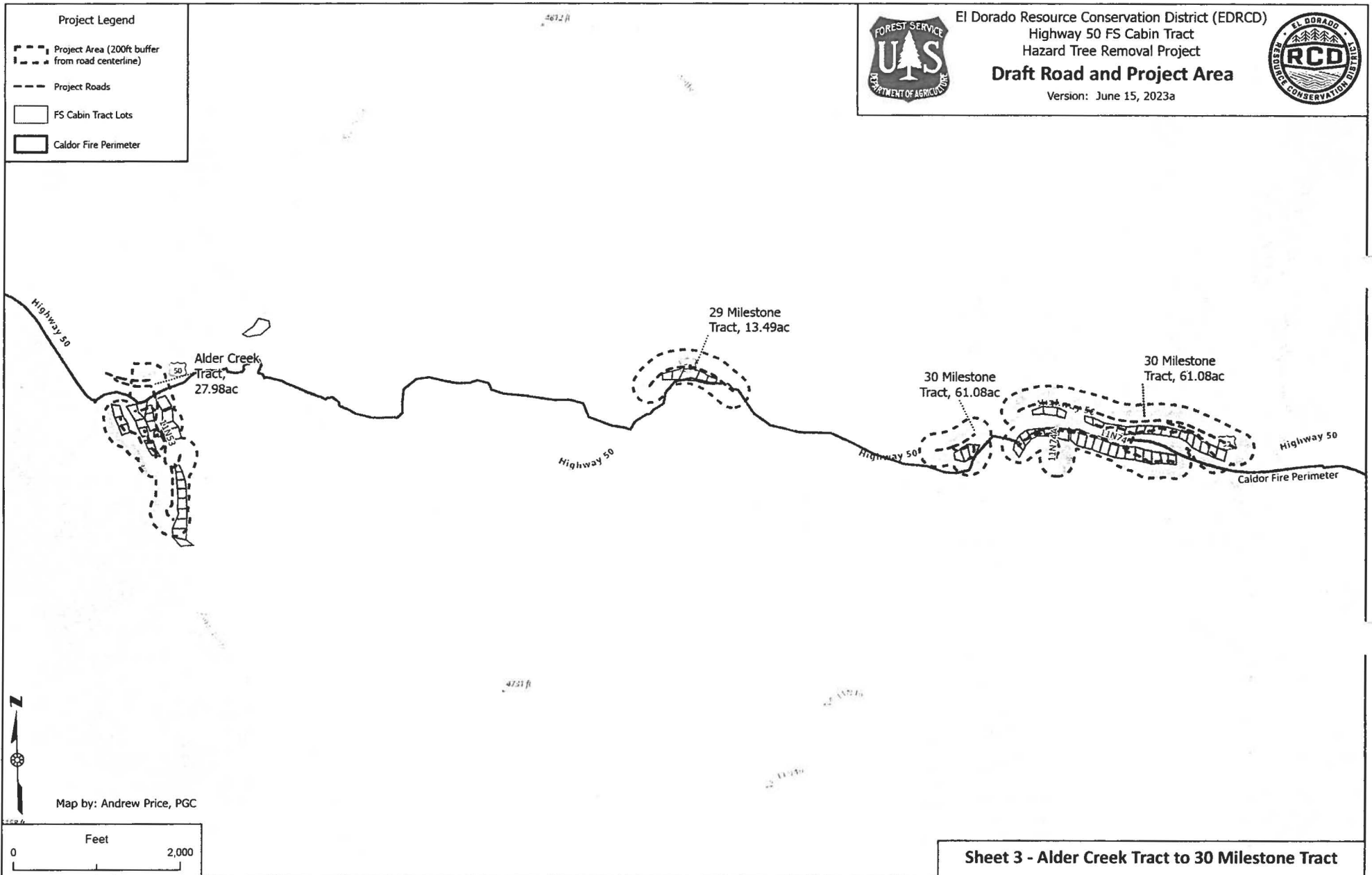




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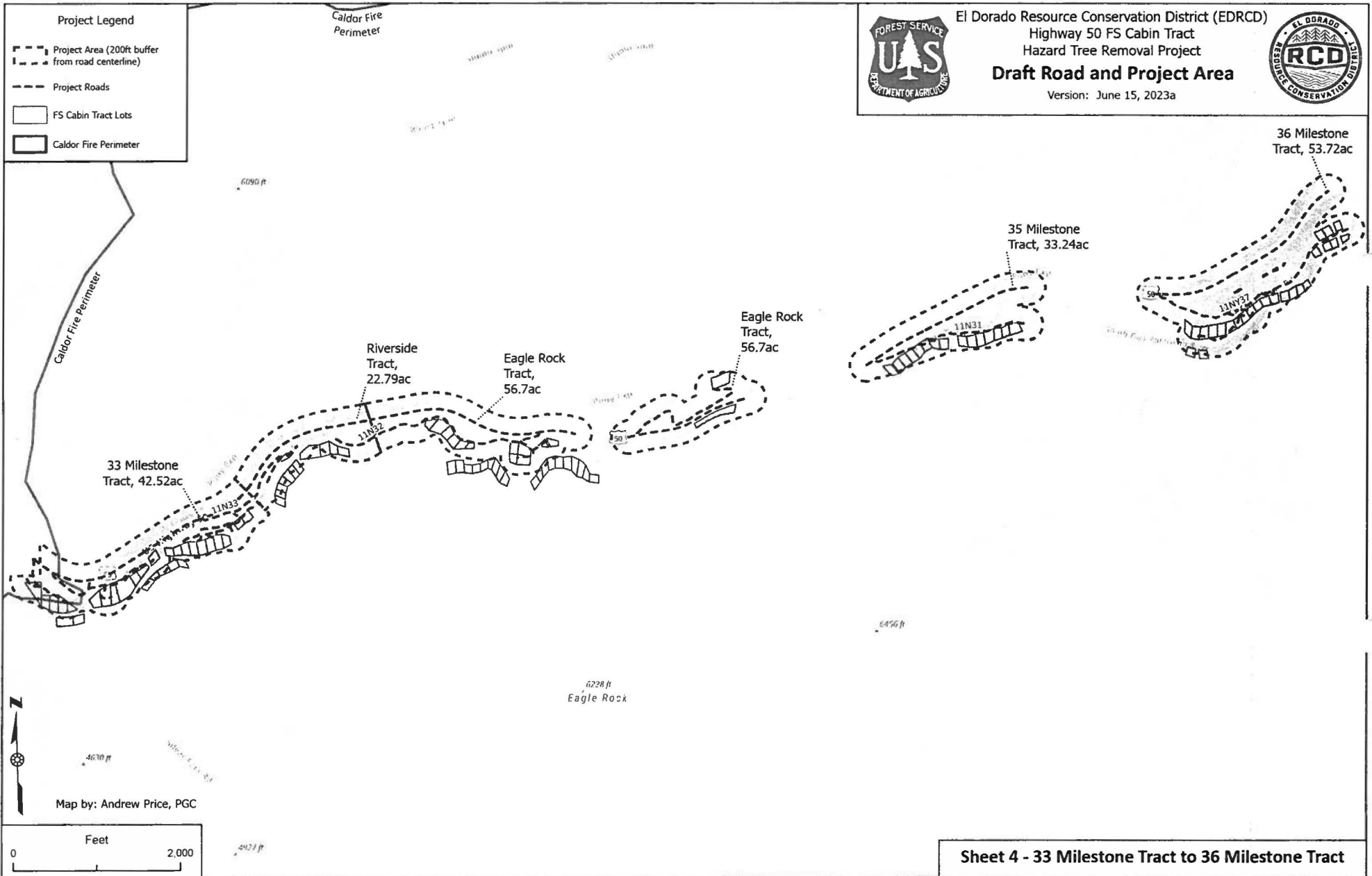




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Lovers Leap
Campground
Tract, 6.45ac

US-11N20A

50

42 Milestone
Tract, 32.96ac

11N23C

Strawberry
Creek Tract,
39.09ac

Sciots
Tract,
49.58ac

41 Milestone
Tract, 52.26ac

Forni Creek
Tract, 17.4ac

50

39 Milestone
Tract, 67.6ac

50

50

11N27A

11N27

US-11N27A

50

5007 ft

5868 ft

US-11N27

US-11N23

11N23

US-11N27

US-11N27

US-11N27

US-11N27



Map by: Andrew Price, PGC

Feet

0 2,000

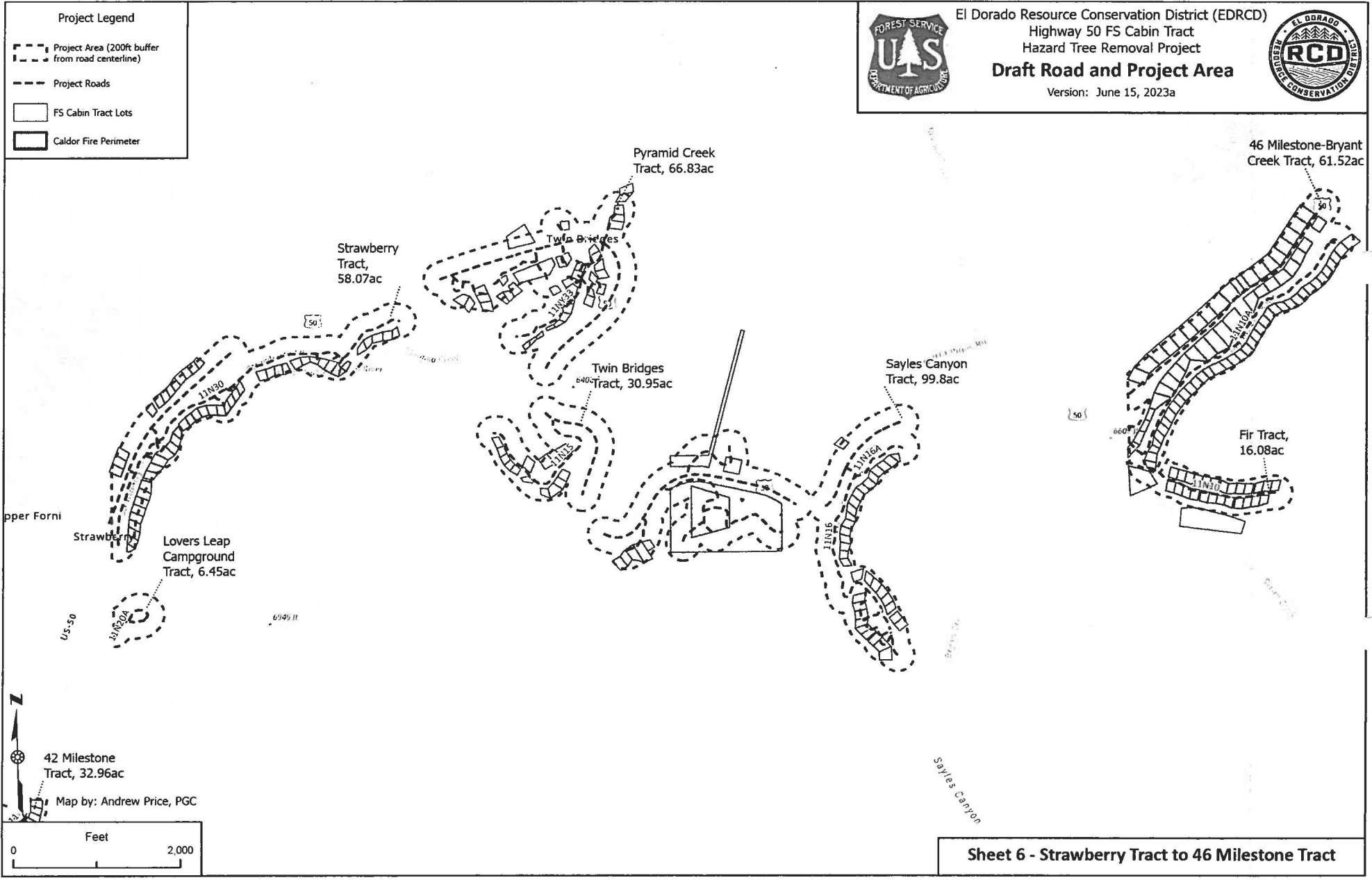
Sheet 5 - 39 Milestone Tract to 42 Milestone Tract



El Dorado Resource Conservation District (EDRCD)
Highway 50 FS Cabin Tract
Hazard Tree Removal Project

Draft Road and Project Area

Version: June 15, 2023a



Project Legend

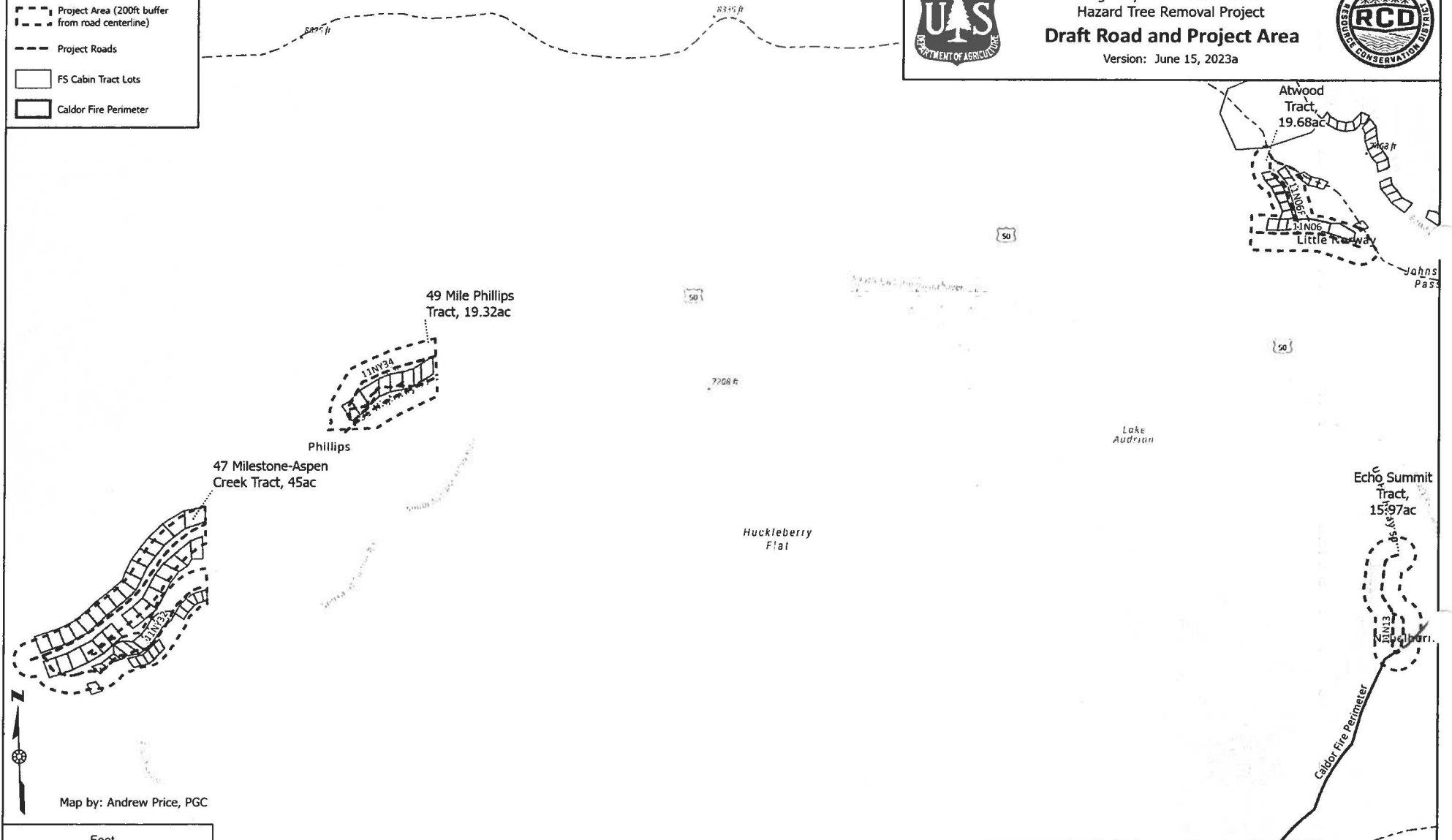
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El Dorado Resource Conservation District (EDRCD)
Highway 50 FS Cabin Tract
Hazard Tree Removal Project

Draft Road and Project Area

Version: June 15, 2023a



1.1 PROJECT LOCATION

The project is in eastern El Dorado County, California within the Caldor Fire footprint. The project area includes U.S. Department of Agriculture Forest Service (USFS) National Forest System roads and State, county, local and private roads on Forest Service System lands managed by the USFS Eldorado National Forest (ENF). The legal description of the project area is presented in Table 1. Refer to Figure 1 in Attachment B for the project location.

Table 1. Legal Description

Township and Range	Section
T08N R13E	1-3
T08N R14E	2-8
T09N R13E	1-4, 6, 9, 11-16, 19-25, 27-30, 32-36
T09N R14E	1-35
T09N R15E	1-22
T09N R16E	2-9, 12-18
T09N R17E	5, 6, 7
T10N R12E	24, 35-36
T10N R13E	10-28, 32-36
T10N R14E	1-5, 7-12, 16-36
T10N R15E	1-36
T10N R16E	1-8, 10-22, 27-35
T10N R17E	3-10, 18-22, 29, 32
T10N R18E	7, 18
T11N R13E	35-36
T11N R14E	25-29, 31-36
T11N R15E	22, 26-27, 29-35
T11N R16E	1, 3-5, 8-12, 15-27, 29-30
T11N R17E	7-21, 28-30
T11N R18E	6-7, 18

Note: Sections shown are Public Land Survey System sections that contain project roadways and are in or partially in: 1) ENF; 2) Caldor Fire boundary; and 3) in El Dorado County and excepting areas located within Desolation Wilderness Area or designated Roadless Areas.

1.2 PROJECT BACKGROUND

The Caldor Fire of 2021 burned approximately 221,835 acres, with 166,808 acres on the ENF. Dead and dying trees within the strike zone of roadways on the ENF pose serious threats to roadway users and the roadway infrastructure, while dead and dying trees provide potential fuels for future wildfires. Existing post-fire hazard tree abatement efforts include those undertaken by California Department of Transportation and Pacific Gas & Electricity, Inc. along Highway 50 through ENF to eliminate tree hazards to powerlines and the highway because of the Caldor Fire. The ENF and Lake Tahoe Basin Management Unit implemented post-fire Burned Area Emergency Response efforts, which included (among various other human life, safety, and protection treatments) removing hazard trees to protect USFS property and investments (including roadways), USFS employees implementing the BAER

treatments, and USFS non-closed recreation sites. In addition to these immediate post-fire emergency and hazard tree abatement treatments, the El Dorado Resource Conservation District (RCD), in coordination with ENF, has found a need to remove existing dead and dying trees hazard trees from along roadways throughout the ENF to protect life and property. As such, the proposed project consists of removing hazard trees from within 200 feet of roadways on ENF lands.

The proposed project is part of Caldor Fire Recovery – Forest Restoration Action Plan, for resilient recovery from the 2021 Caldor Fire. The Caldor Fire recovery is a collaborative effort involving the RCD, California Department of Forestry and Fire Protection (CAL FIRE), and ENF. Objectives of the Forest Restoration Action Plan recovery efforts include the following: 1) treat small private landowners and National Forest System lands affected by the Caldor Fire and adjacent to post-fire restoration areas to reduce the potential for additional negative impacts from wildfire in the future by removing accumulated debris and dead trees; 2) conduct site preparation and reforestation actions to re-establish forest cover where appropriate; 3) increase potential carbon sequestration and achieve greenhouse gas emissions reduction through reforestation of the burned area; 4) identify and implement measures to protect watershed values and water quality in watersheds that are important sources of domestic and ecological water supply; and 5) utilize the project as an educational opportunity for informing others about community response to wildfire. To meet the objectives, recovery efforts focus on areas where hazard trees present the greatest risk to private property, watershed values, recreation, public access, and fuel loading.

Caldor Fire recovery efforts on ENF lands are being implemented by RCD pursuant to a Stewardship Agreement between ENF and RCD which includes the entire Caldor Fire footprint on ENF lands and adjacent areas likely to impact the future of restoration investments in this landscape. The USFS is providing funding through the Stewardship Agreement, a Direct Agreement between ENF and RCD, and by Sierra Nevada Conservancy through their Wildfire Recovery and Forest Resilience program. Recovery efforts are being implemented over multiple phases as individual projects based on availability of mechanisms for NEPA and CEQA approvals.

The proposed project would meet Caldor Fire Recovery – Forest Restoration Action Plan objectives by treating National Forest System lands affected by the Caldor Fire to remove hazard trees from the strike zone of roadways; thereby removing substantial amounts of hazardous forest fuels that could serve as the pretext for another mega catastrophic fire within the South Fork of the American River watershed. The project would also improve tree regeneration, thereby improving habitat for special status species, forest and watershed health and recovery, and resilience to future wildfire. This watershed has historically experienced numerous catastrophic stand replacement fire dating as far back to the Camp 7 fire nearly 60 years ago. Timely removal of the trees is necessary to reduce the immediate risk to the existing infrastructure and the public.

The proposed project requires analysis pursuant to the National Environmental Policy Act (NEPA) because it is located on federal land, and because implementation is financed with federal funds. Review pursuant to the California Department of Environmental Quality Act (CEQA) is required because RCD is taking discretionary action to facilitate and implement the project activities. The USFS has prepared an Environmental Assessment (EA) with a Finding of No Significant Impact (FONSI) and filed a Decision Notice in April 2023 for the Eldorado National Forest Roadside Hazard Tree Mitigation Project

in which the ENF proposes to identify, fell, and remove hazard trees that are at risk of striking a road (USDA Forest Service 2023a,b). The project area analyzed in the NEPA EA encompasses a 200-foot buffer along National Forest Service roads maintenance level 1 through 5 and along identified State, county, local and private roads through the ENF. The ENF conducted public scoping for the project, with an initial scoping period from July 1 through August 1, 2022 and a public meeting was held on July 20, 2022. The proposed project subject to this CEQA Notice of Exemption falls entirely within the project footprint and scope of activities evaluated in the EA/FONSI and approved in the Decision Notice.

1.3 PROPOSED ACTION

The project would involve removal of hazard trees from within 200 feet of National Forest Service roads maintenance level 1 through 5 and along identified State, county, local and private roads through the ENF within the Caldor Fire boundary. Standing hazard trees taller than 200 feet within striking distance of the roadway, and healthy trees that otherwise pose a threat to public or worker safety would also be removed. All healthy, live trees regardless of age class that do not pose a threat to people or property would be retained.

Approximately 966 miles of roadways occur on the ENF in the Caldor Fire boundary. Not all roadways would be treated. Implementation of treatments would occur as a series of phases to be determined through coordination with the ENF and based on budget, workforce capacity and availability, and other constraints, and as outlined in the Implementation Plan prepared by the USFS (see Appendix C of the NEPA EA; USDA Forest Service 2023a). The following project activities are summarized from the proposed action presented in the NEPA EA for the Eldorado National Forest Roadside Hazard Tree Mitigation Project (USDA Forest Service 2023a), as applicable to the proposed project.

Hazard tree removal would follow the guidelines set out in the Forest Service's Hazard Tree Identification and Mitigation for Region 5 (Angwin et al. 2022, referenced in USDA Forest Service 2023a), and would be accomplished using a combination of hand and machine felling as described in the NEPA EA (USDA Forest Service 2023a). Equipment deployed to accomplish fuel reduction activities would include using ground based mechanical. While not anticipated, aerial systems may be used if needed on steep difficult terrain. Hand removal would be used in areas with equipment limitations due to site sensitivity (e.g., riparian areas, archaeological sites, wildlife habitat) or where hand removal is the most efficient and effective treatment.

After felling, trees would be bucked and yarded to decking areas to reduce the amount of woody hazardous fuel. Where economically feasible, salvageable dead and dying trees may be hauled as sawtimber or chips for cogeneration electricity plants to local or regional markets using USFS contract language under the Stewardship Agreement between RCD and ENF. Small diameter material under 14 inches may be broadcast chipped or lopped and scattered and left in place for slope stabilization. Slash may be spread on the surface as needed to protect soils or piled for future burning by the USFS.

Existing landings, disturbed areas and roadways would be used as available for skid trails, deck landings, and access to minimize new disturbance. As needed, temporary skid trails and landings may be created within the 200-foot buffer but outside of sensitive habitat and riparian conservation areas (RCAs). No new roads would be constructed, but temporary roads access roads may be required to allow trucks to reach existing landings. Temporary stream crossings would only occur if approved by the USFS.

hydrologist specialist and in accordance with Best Management Practices (BMPs). BMPs would be implemented at temporary skid trails, landings, and access roads prior to the wet season and all temporary features would be decommissioned following completion of project operations which may include: ripping, water barring, seeding and/or mulching. Temporary access roads would be blocked during the wet season and as needed following decommissioning to avoid erosion and unauthorized use.

Existing National Forest Service system roads maintenance level 1 through 5 may require maintenance prior to and following project activities to support the equipment necessary for the proposed project. RCD may implement minor maintenance as required to conduct project activities, or to restore roads damaged during project activities. All work would occur within the existing disturbed areas of the roadbed and would be consistent with the road management objectives and maintenance criteria contained in the Forest Service Handbook and current Forest Service guidelines.

The RCD would not be responsible for application of fungicides or herbicides.

All project design criteria and BMPs outlined in the NEPA EA (USDA Forest Service 2023a) for the protection of natural and cultural resources will be incorporated into the project design and enforced during implementation. Furthermore, activities would be in accordance with the standards and guidelines described in the Eldorado National Forest Land and Resource Management Plan (USDA 1989), the Sierra Nevada Plan Amendment (USDA 2004), and the National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1 (USDA Forest Service 2012). These standards and guidelines include BMPs that would be adhered to throughout implementation of the project, and which provide for consistency with the Forest Plan and other guidance, and/or they minimize or eliminate potential impacts to water quality, cultural, biological, and other resources in the area.

1.4 REASONS WHY PROJECT IS EXEMPT

Public Resources Code Section 4799.05(d)(1), as amended by Assembly Bill 211 (effective September 27, 2022) exempts from the requirements of CEQA prescribed fire, reforestation, habitat restoration, thinning, and fuel reduction projects, and other related activities included in the project description, including the issuance of permits or other approvals for those projects, undertaken in whole or in part, on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969 (NEPA) if the role of the state or local agency is to provide funding or staffing for those projects, or if the state or local agency is undertaking the projects pursuant to the federal Good Neighbor Authority (Public Law 113-79) or a stewardship agreement with the federal government entered into pursuant to Public Law 113-79.

The USFS has completed the NEPA process for the proposed project activities with approval of the EA/FONSI and Decision Notice on April 24, 2023 for the Eldorado National Forest Roadside Hazard Tree Mitigation Project (USDA Forest Service 2023a, b). The proposed project would remove dead and dying trees from within 200 feet of roadways on ENF lands in the Caldor Fire burn area; thereby removing materials that could serve as fuels for future wildfires while reducing the immediate threat to roadways and the public.

RCD is a special district of the State. RCD is responsible for providing staffing to implement the proposed project, which is being undertaken pursuant to a Stewardship Agreement with the USFS.

1.5 REFERENCES

United States Department of Agriculture (USDA) Forest Service. 2023a. Eldorado National Forest Roadside Hazard Tree Mitigation Project Environmental Assessment and Finding of No Significant Impact. Region 5, Eldorado National Forest, Placerville, CA. April 2023.

2023b. Eldorado National Forest Roadside Hazard Tree Mitigation Project Decision Notice. Region 5, Eldorado National Forest, Placerville, CA. April 24, 2023.

2012. National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1.

2004. Sierra Nevada Forest Plan Amendment. Final Supplemental Environmental Impact Statement.

1989. Eldorado National Forest Land and Resource Management Plan.