

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: Butte

25 County Center Drive

Oroville, CA 95965

From: (Public Agency): Butte County Dev Services

7 County Center Drive

Oroville, CA 95965

(Address)

Project Title: Removal and cleanup of debris of 2024 summer wildfires (Park and Thompson)

Project Applicant: Butte County

Project Location - Specific:

The project area is within the area impacted by the 2024 Park and Thompson wildfires

Project Location - City: _____ Project Location - County: Butte

Description of Nature, Purpose and Beneficiaries of Project:

The project will allow CalRecycle to expedite the removal and cleanup of debris from the summer 2024 fires (Park and Thompson) and address other impacts associated with the debris.

Name of Public Agency Approving Project: Butte County

Name of Person or Agency Carrying Out Project: Department of Resources Recycling and Recovery

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: 15269(c)

Reasons why project is exempt:

The project is classified as Statutory Exemption, under CEQA Section 15269 (Emergency Services). The action will be for removal and cleanup of debris from the 2024 summer fires (Park and Thompson).

Lead Agency

Contact Person: Dan Breedon

Area Code/Telephone/Extension: (530 552-3682)

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: 

Date: 11/5/2024

Title: PLANNING MANAGER

☒ Signed by Lead Agency ☐ Signed by Applicant

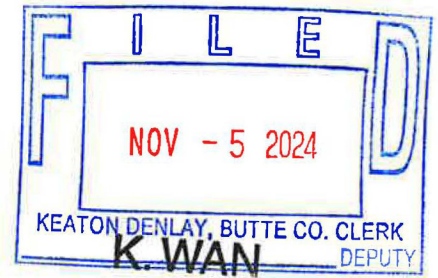
Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

NAME AND ADDRESS OF APPLICANT

Butte County
25 County Center Drive
Oroville, CA 95965



FILING NO. _____

Project Title/File Number: Removal and cleanup of Summer ^{debris of 2021} ~~2024~~ wildfires (Park and Thompson)
CEQA24-0003
APN: Numerous

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
 - ☒ A. Statutorily or Categorically Exempt
\$50.00 Clerk's Documentary Handling Fee
 - ☐ B. De Minimis Impact - Certificate of Fee Exemption
\$50.00 Clerk's Documentary Handling Fee
2. NOTICE OF DETERMINATION - FEE REQUIRED
 - ☐ A. Negative Declaration
\$2,916.75 State Filing Fee
\$50.00 Clerk's Documentary Handling Fee
 - ☐ B. Environmental Impact Report
\$4051.25 State Filing Fee
\$50.00 Clerk's Documentary Handling Fee
3. ☐ OTHER (Specify) _____
\$50.00 Clerk's Documentary Handling Fee

PAYMENT / NON-PAYMENT OF FEES:

1. ☐ PAYMENT: The above fees have been paid.
2. ☐ NON-PAYMENT: The above fees are required. Not paid.

Chief Planning Official

By: Paula M. Daneluk, AICP, Development Services
Title: Director
Lead Agency: Butte County Department of
Development Services
Date: November 5, 2024

TWO COPIES OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE BUTTE COUNTY CLERK'S OFFICE.

THREE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING.

ALL APPLICABLE FEES ARE DUE AND PAYABLE PRIOR TO THE FILING OF ANY ENVIRONMENTAL DOCUMENT WITH THE BUTTE COUNTY CLERK'S OFFICE. MAKE CHECKS PAYABLE TO THE COUNTY OF BUTTE.

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

PROCLAMATION OF A STATE OF EMERGENCY

WHEREAS on July 22, 2024, the Gold Complex Fire began burning in Plumas County, and has since burned more than 3,000 acres, prompting evacuation orders for thousands, and threatening homes, structures, critical infrastructure, and transmission lines; and

WHEREAS on July 24, 2024, the Park Fire began burning in Butte County and spread into Tehama County, and has since burned more than a hundred thousand acres; and

WHEREAS the Park Fire has destroyed over a hundred homes and prompted evacuation orders for thousands, and continues to threaten homes, structures, critical infrastructure, transportation, communication sites, and transmission lines; and

WHEREAS continued high temperatures throughout the day and night, dry conditions, and strong winds have increased the intensity and spread of the Gold Complex and Park Fires, causing imminent threat to life, with a Red Flag Warning in effect in Plumas, Butte, and Tehama Counties; and

WHEREAS state agencies, including my Office of Emergency Services and the California Department of Forestry and Fire Protection, have been coordinating with and supporting emergency operations and fire and law enforcement resources in response to the Gold Complex and Park Fires; and

WHEREAS in response to a request from my Office of Emergency Services the Federal Emergency Management Agency approved a Fire Management Assistance Grant to assist with the mitigation, management, and control of the Park Fire; and

WHEREAS under the provisions of Government Code section 8558(b), I find that conditions of extreme peril to the safety of persons and property exist due to the Gold Complex Fire in Plumas County and the Park Fire in Butte and Tehama Counties; and

WHEREAS under the provisions of Government Code section 8558(b), I find that the conditions caused by the Gold Complex and Park Fires, by reason of their magnitude, are beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authorities are inadequate to cope with the magnitude of the Gold Complex and Park Fires; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the Gold Complex and Park Fires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in Plumas County due to the Gold Complex Fire and in Butte and Tehama Counties due to the Park Fire.

IT IS HEREBY ORDERED THAT:

1. All agencies of the state government utilize and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan. Also, all residents are to obey the direction of emergency officials with regard to this emergency in order to protect their safety.
2. The Office of Emergency Services shall provide assistance to local governments, if appropriate, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
3. As necessary to assist local governments and for the protection of public health and the environment, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of the Gold Complex and Park Fires. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of the Gold Complex and Park Fires.
4. The California National Guard may be mobilized under Military and Veterans Code section 146 to support disaster response and relief efforts, as directed by the Office of Emergency Services, and to coordinate with all relevant state agencies and state and local emergency responders and law enforcement within the impacted areas. Sections 147 and 188 of the Military and Veterans Code are applicable during the period of participation in this mission, exempting the California Military Department from applicable procurement rules for specified emergency purchases, and those rules are hereby suspended.
5. The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of the Park Fire in Butte and Tehama Counties and apply for unemployment insurance benefits during the time period beginning July 24, 2024, and ending on the close of business on January 24, 2025, in Butte and Tehama Counties and who are otherwise eligible for unemployment insurance benefits.
6. Vehicle Code sections 9265(a), 9867, 14901, 14902, and 15255.2, requiring the imposition of fees, are suspended with regard to any request for replacement of an identification card, driver's license card,

vehicle registration certificate, or certificate of title, or registration stickers, by any individual who loses such records as a result of the Park Fire in Butte and Tehama Counties. Such records shall be replaced without charge.

7. The provisions of Vehicle Code sections 4602 and 5902, requiring the timely registration or transfer of title, are suspended with regard to any registration or transfer of title by any individual who is unable to comply with those requirements as a result of the Park Fire in Butte and Tehama Counties. The time covered by this suspension shall not be included in calculating any late penalty pursuant to Vehicle Code section 9554.
8. Health and Safety Code sections 103525.5 and 103625, and Penal Code section 14251, requiring the imposition of fees, are suspended with regard to any request for copies of certificates of birth, death, marriage, and dissolution of marriage records, by any individual who loses such records as a result of the Park Fire in Butte and Tehama Counties. Such copies shall be provided without charge.
9. In order to ensure hospitals, clinics, and other health facilities remain open, the Director of the California Department of Public Health (CDPH) may waive any of the licensing requirements of chapters 1, 2, 8, and 8.5 of division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital, clinic, other health facility, home health agency, or hospice agency identified in Health and Safety Code sections 1200, 1250, 1727, or 1746 that is impacted by the Gold Complex Fire in Plumas County or the Park Fire in Butte and Tehama Counties. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any health facilities or agencies being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan or emergency preparedness plan. Any waivers granted pursuant to this paragraph shall be posted on the CDPH website and shall be in effect only so long as necessary to address the direct impacts of the Gold Complex Fire in Plumas County or the Park Fire in Butte and Tehama Counties.
10. In order to directly respond to the needs of impacted adult and senior care facilities, child care facilities, children's residential facilities, resource family homes, home care organizations, and other similar care facilities and care providers within the State Department of Social Services' (CDSS) jurisdiction, the Director of CDSS may waive any provisions of the Family Code, Health and Safety Code, or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, certification, registration or approval of care providers, facilities or homes within CDSS jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), Child Care Provider Registration (Health and Safety Code section 1596.60 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), Residential Care Facilities for Persons With Chronic Life-Threatening Illness (Health and Safety Code section 1568.01 et seq.), the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.), Medical Foster Homes for Veterans (Health and Safety Code section 1568.21 et seq.), Continuing Care Contracts (Health and Safety Code section 1770 et seq.), the Home Care Services Consumer Protection Act (Health and Safety Code section

1796.10 et seq.), and the Resource Family Approval Program (Welfare and Institutions Code section 16519.5 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the CDSS website and shall be in effect only so long as necessary to address the direct impacts of the Gold Complex Fire in Plumas County or the Park Fire in Butte and Tehama Counties.

11. Adequate state staffing during this emergency is necessary for all state agencies and departments with an assigned response and/or recovery role. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. All other restrictions must be adhered to for retired annuitants. The Director of the California Department of Human Resources must be notified of any individual employed in state government pursuant to these suspensions. The suspension of statutes identified in this Paragraph shall also apply to local governments, as applicable, to ensure adequate staffing to appropriately respond to the Gold Complex Fire in Plumas County or the Park Fire in Butte and Tehama Counties. Local governmental agencies shall notify the California Public Employees' Retirement System of any individual employed by an agency pursuant to this Paragraph.
12. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1, is suspended for positions required for emergency response and/or recovery operations related to the Gold Complex Fire in Plumas County or the Park Fire in Butte and Tehama Counties. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

This Proclamation is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 26th day
of July 2024.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-4-24

WHEREAS on July 3, 2024, I proclaimed a State of Emergency to exist in Butte County due to the Thompson Fire; and

WHEREAS on July 26, 2024, I proclaimed a State of Emergency to exist in Butte and Tehama Counties due to the Park Fire; and

WHEREAS on July 30, 2024, I proclaimed a State of Emergency to exist in Kern County due to the Borel Fire; and

WHEREAS on September 7, 2024, I proclaimed a State of Emergency to exist in San Bernardino County due to the Line Fire; and

WHEREAS on September 11, 2024, I proclaimed a State of Emergency to exist in Los Angeles and San Bernardino Counties due to the Bridge Fire and in Orange and Riverside Counties due to the Airport Fire; and

WHEREAS these wildfires have collectively destroyed hundreds of homes and other structures, burned over 610,000 acres, and created a substantial amount of ash, burnt vegetation, and other such debris over large areas of communities within these counties; and

WHEREAS these wildfires have resulted in widespread hazardous structural debris, which may contain dangerous toxins including heavy metals such as arsenic, cadmium, copper, lead, and asbestos, which must be cautiously and expeditiously removed and properly disposed of; and

WHEREAS the Airport, Bridge, and Line Fires have resulted in poor air quality and significant impacts to schools, including prompting closures of schools and limiting outdoor physical education; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would prevent, hinder, or delay the mitigation of the effects of these wildfires.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately.

IT IS HEREBY ORDERED THAT:

1. State statutes, rules, regulations, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency and the California Natural Resources Agency are hereby suspended to the extent necessary for expediting the removal and cleanup of debris from the Borel, Park, and Thompson Fires or to address other impacts associated with that debris, for implementing any restoration plan necessary for mitigation of the effects of the emergency, or conducting other fire recovery activities.
2. Individuals or entities who desire to conduct activities under the suspension of statutes, rules, regulations, and requirements specified in

Paragraph 1 shall first request that the appropriate Agency Secretary, or the Secretary's designee, make a determination that the proposed activities are eligible to be conducted under the suspension. The Secretary of the California Environmental Protection Agency and the Secretary of the California Natural Resources Agency shall use sound discretion in applying this Order to ensure that the suspension serves the purpose of accelerating cleanup and recovery, while at the same time protecting public health and the environment. Each Agency shall maintain on its website a list of all activities approved to be conducted under the suspension.

3. Any activities performed under the suspension of statutes, rules, regulations, and requirements specified in Paragraph 1 shall be in accordance with the State Environmental Protection Plan, or a comparable plan describing how such actions will balance expeditious fire recovery and environmental protection.
4. Paragraph 5 of my State of Emergency proclamation issued on July 30, 2024, for the Borel Fire is withdrawn and replaced with the following:

The provisions of Unemployment Insurance Code section 1253 imposing a one-week waiting period for unemployment insurance applicants are suspended as to all applicants who are unemployed as a direct result of the Borel Fire in Kern County and apply for unemployment insurance benefits during the time period beginning July 24, 2024, and ending on the close of business on January 24, 2025, in Kern County and who are otherwise eligible for unemployment insurance benefits.

5. Adequate state staffing during these emergencies is necessary for all state agencies and departments with an assigned response and/or recovery role. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. All other restrictions must be adhered to for retired annuitants. The Director of the California Department of Human Resources must be notified of any individual employed in state government pursuant to these suspensions. The suspension of statutes identified in this Paragraph shall also apply to local governments, as applicable, to ensure adequate staffing to appropriately respond to the Thompson Fire in Butte County and the Line Fire in San Bernardino County. Local governmental agencies shall notify the California Public Employees' Retirement System of any individual employed by an agency pursuant to this Paragraph.
6. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1, is suspended for positions required for emergency response and/or recovery operations related to the Thompson Fire in Butte County and the Line Fire in San Bernardino County. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.

7. The requirements to provide minimum instructional minutes in physical education for grades 1 through 12 as provided by Education Code sections 51210, 51220, 51222, and 51223 are suspended during periods of poor air quality due to the Airport Fire in Orange and Riverside Counties, the Bridge Fire in Los Angeles and San Bernardino Counties, and the Line Fire in San Bernardino County with respect to school buildings or temporary facilities in which indoor space for physical education is unavailable. To the extent that students displaced by these wildfires significantly impact local educational agencies in other counties, these sections and all implementation regulations are also suspended for impacted local educational agencies.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 4th day
of October 2024.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

Date: October 4, 2024

**EMERGENCY SUSPENSION AUTHORIZATION FOR THE DEPARTMENT OF RESOURCES
RECYCLING AND RECOVERY (CALRECYCLE) TO EXPEDITE THE REMOVAL AND CLEANUP
OF DEBRIS FROM WILDFIRES OR TO ADDRESS OTHER IMPACTS ASSOCIATED WITH THAT
DEBRIS**

BACKGROUND

The Governor's Office of Emergency Services (Cal OES) has mission tasked the Department of Resources Recycling and Recovery (CalRecycle) to oversee the removal and cleanup of debris from the Park, Thompson, Borel, and Boyles Wildfires or to address other impacts associated with that debris (collectively, Wildfire Recovery Activities) pursuant to the Governor's Executive Order N-4-24 and the Governor's Proclamation of a State of Emergency dated September 29, 2024 (collectively, the Executive Order).

The Executive Order suspends state statutes, rules, regulations, and requirements that fall within the jurisdictions of the boards, departments, and offices within the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA) to the extent necessary for expediting the removal and cleanup of debris from the fires or to address other impacts associated with the debris.¹ It requires individuals who desire to conduct such activities under the suspension to request that the appropriate agency secretary, or the secretary's designee, make a determination that the proposed activities are eligible to be conducted under this suspension. (That determination is referred to herein as the "secretarial suspension authorization" or "suspension authorization.") The Secretary for CalEPA and the Secretary for CNRA must use sound discretion to ensure that the secretarial suspension authorization serves the purposes of accelerating cleanup and recovery, while at the same time protecting public health and the environment.

The Executive Order further requires that any activities performed under the suspension be in accordance with the State Environmental Protection Plan (EPP) or a comparable plan describing how such actions will balance expeditious fire recovery and environmental protection. The EPP (attached) was developed by CalEPA, CNRA, the California Department of Fish and Wildlife, Cal OES, the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards

¹ In addition, the Executive Order suspends state laws, rules, regulations, and requirements, to the extent necessary to implement any restoration plan necessary for mitigation of the effects of the emergency or to conduct other fire recovery activities. Restoration work and other fire recovery activities are beyond the scope of the present authorization, which concerns only debris removal and cleanup, including the removal of fire-damaged hazard trees. If CalRecycle wishes for CalEPA to apply the Executive Order's suspension for restoration work and other fire recovery activities, it must submit a separate request for such an application.

(each a Regional Water Board), the Department of Forestry and Fire Protection, and CalRecycle to apply to removal and cleanup of fire debris and to address other impacts associated with fire debris. The EPP is appropriate for application to the Wildfire Recovery Activities subject to this secretarial suspension authorization. The EPP is based upon the view that each agency providing disaster recovery services has a responsibility to ensure its activities comply with applicable federal and state environmental laws. It specifies methods intended to allow the Wildfire Recovery Activities to continue without delay while still preserving the intent of the suspended laws and protecting the environment.

Actions to undertake, carry out, or approve the Wildfire Recovery Activities are exempt from the requirements of the California Environmental Protection Act (CEQA) in accordance with CEQA Guidelines section 15269, subsection (a)'s exemption for projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. (Pub. Resources Code, §21080 (b) (3); Cal. Code of Regs., tit. 14, § 15269(a).)

CALRECYCLE'S REQUEST FOR SUSPENSION

CalRecycle has consulted with Cal OES about the Wildfire Recovery Activities. It is now requesting that the CalEPA Secretary make a determination that the Wildfire Recovery Activities are eligible to be conducted under the suspension authorized by the Executive Order. If granted, the secretarial authorization of the suspension would relieve CalRecycle and its contractors, when engaging in the Wildfire Recovery Activities, of compliance with the following laws within the jurisdiction of the State Water Board or appropriate Regional Water Board:

- California Water Code, section 13160, and all regulations pursuant to that section; requires an applicant for a federal license or permit to conduct any activity which may result in any discharge to navigable waters to file an application for a water quality certification from the appropriate Regional Water Board or the State Water Board.
- California Water Code, sections 13260, and regulations pursuant to that section; requires that any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of waters of the state shall file with the appropriate Regional Water Board a report of the discharge.

To ensure protection of public health and the environment, CalRecycle will conduct the cleanup and removal of debris in compliance with the EPP. State Water Board and Regional Water Board staff will have the opportunity to inspect operations and verify proper implementation of requirements related to laws they administer.

Suspension Requested by:



Zoe Heller, Director, October 4, 2024

CALEPA'S AUTHORIZATION

I am in receipt of CalRecycle's request for a determination in accordance with the Executive Order. I find that the Wildfire Recovery Activities are eligible to be conducted under the suspension in the Executive Order and that a secretarial suspension authorization serves the purpose of accelerating cleanup and recovery by easing otherwise applicable procedural requirements, including notice and fee provisions, that would delay the Wildfire Recovery Activities. I further find that compliance of the Wildfire Recovery Activities with the EPP will protect public health and the environment. Therefore, in the exercise of my discretion under the Executive Order, I hereby authorize the Wildfire Recovery Activities to proceed pursuant to the suspension of the laws described in the request.

To facilitate CalRecycle's Wildfire Recovery Activities, I also hereby direct the boards, departments, and offices within CalEPA to exercise their administrative discretion and expedite the granting of other authorizations, waivers, or permits necessary for the removal, storage, transportation and disposal of hazardous and non-hazardous structural debris resulting from the fires, and for other actions necessary for the protection of public health and the environment.

This suspension authorization is only valid to the extent CalRecycle and its contractors comply with the EPP. It does not affect discharges to waters of the United States regulated under section 402 of the Clean Water Act and it does not relieve CalRecycle or its contractors of the requirement to seek a federal permit under section 404 of the Clean Water Act where applicable. Nor does it relieve CalRecycle or its contractors from adhering to environmental protections as those are addressed by the EPP.

CalRecycle must ensure that State Water Board and Regional Water Board staff will have the opportunity to inspect operations and verify proper implementation of these actions. Failure to comply with the EPP, and with any applicable federal and non-suspended state and local environmental laws and regulations, may result in an enforcement action by CalEPA departments and/or CNRA departments. The EPP may be amended at any time during planning or implementation of the Wildfire Recovery Activities.

Attachment: California Wildfire Environmental Protection Plan

Suspension Approved by:



Yana Garcia, Secretary
California Environmental Protection Agency

Date: 10/10/2024

Date: October 4, 2024

**EMERGENCY SUSPENSION AUTHORIZATION FOR THE DEPARTMENT OF
RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) TO EXPEDITE THE
REMOVAL AND CLEANUP OF DEBRIS FROM WILDFIRES OR TO ADDRESS
OTHER IMPACTS ASSOCIATED WITH THAT DEBRIS**

BACKGROUND

The Governor's Office of Emergency Services (Cal OES) has mission tasked the Department of Resources Recycling and Recovery (CalRecycle) to oversee the removal and cleanup of debris from the Park, Thompson, Borel, and Boyles Wildfires or to address other impacts associated with that debris (collectively, Wildfire Recovery Activities) pursuant to the Governor's Executive Order N-4-24 and the Governor's Proclamation of a State of Emergency dated September 29, 2024 (collectively, the Executive Order).

The Executive Order suspends state statutes, rules, regulations, and requirements that fall within the jurisdictions of the boards, departments, and offices within the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (CNRA) to the extent necessary for expediting the removal and cleanup of debris from the fires or to address other impacts associated with the debris.¹ It requires individuals who desire to conduct such activities under the suspension to request that the appropriate agency secretary, or the secretary's designee, make a determination that the proposed activities are eligible to be conducted under this suspension. (That determination is referred to herein as the "secretarial suspension authorization" or "suspension authorization.") The Secretary for CalEPA and the Secretary for CNRA must use sound discretion to ensure that the secretarial suspension authorization serves the purposes of accelerating cleanup and recovery, while at the same time protecting public health and the environment.

¹ In addition, the Executive Order suspends state laws, rules, regulations, and requirements, to the extent necessary to implement any restoration plan necessary for mitigation of the effects of the emergency or to conduct other fire recovery activities. Restoration work and other fire recovery activities are beyond the scope of the present authorization, which concerns only debris removal and cleanup, including the removal of fire-damaged hazard trees. If CalRecycle wishes for CNRA to apply the Executive Order's suspension for restoration work and other fire recovery activities, it must submit a separate request for such an application.

The Executive Order further requires that any activities performed under the suspension be in accordance with the State Environmental Protection Plan (EPP) or a comparable plan describing how such actions will balance expeditious fire recovery and environmental protection. The EPP (attached) was developed by CalEPA, CNRA, the California Department of Fish and Wildlife (CDFW), Cal OES, the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (each a Regional Water Board), the Department of Forestry and Fire Protection (CAL FIRE), and CalRecycle to apply to removal and cleanup of fire debris and to address other impacts associated with fire debris. The EPP is appropriate for application to the Wildfire Recovery Activities subject to this secretarial suspension authorization. The EPP is based upon the view that each agency providing disaster recovery services has a responsibility to ensure its activities comply with applicable federal and state environmental laws. It specifies methods intended to allow the Wildfire Recovery Activities to continue without delay while still preserving the intent of the suspended laws and protecting the environment.

Actions to undertake, carry out, or approve the Wildfire Recovery Activities are exempt from the requirements of the California Environmental Protection Act (CEQA) in accordance with CEQA Guidelines section 15269, subsection (a)'s exemption for projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. (Pub. Resources Code, §21080 (b) (3); Cal. Code of Regs., tit. 14, § 15269(a).)

CALRECYCLE'S REQUEST FOR SUSPENSION - WILDLIFE

CalRecycle has consulted with Cal OES about the Wildfire Recovery Activities. It is now requesting that the CNRA Secretary make a determination that the Wildfire Recovery Activities are eligible to be conducted under the suspension authorized by the Executive Order. If granted, the secretarial authorization of the suspension would relieve CalRecycle and its contractors, when engaging in the Wildfire Recovery Activities, of compliance with the following laws within the jurisdiction of CNRA and CDFW:

1. California Fish and Game Code (FGC) § 86 where "Take" shall be avoided. Take is defined as to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.
2. FGC § 1600 et seq.; Lake or Streambed Alteration Agreement, notification of significant alteration to stream channel, bank, or bed.
3. FGC § 1900 et seq.; Native Plant Protection Act.
4. FGC § 1927 et seq.; Western Joshua Tree Conservation Act.
5. FGC § 2000; Taking is unlawful except as provided.
6. FGC § 3503 and § 3503.5; Protection for bird nests and eggs and birds of

- prey.
7. FGC § 3511; California Fully Protected Birds.
 8. FGC § 3513; California Migratory Bird Protection Act.
 9. FGC § 4700; California Fully Protected Mammals.
 10. FGC § 5050; California Fully Protected Reptiles and Amphibians.
 11. FGC § 5515; California Fully Protected Fish.
 12. FGC §§ 5650 and 5652; Deposition of deleterious material into waters of the state.
 13. FGC § 5901; Fish passage.
 14. FGC § 5937; Sufficient water for fish.
 15. FGC § 5948; Obstruction of streams.
 16. California Endangered Species Act, FGC §§ 2050-2115.5; Prohibition of the take of any species of wildlife designated as endangered, threatened, or candidates for listing.

To ensure protection of public health and the environment, CalRecycle will conduct the cleanup and removal of debris in compliance with the EPP. CDFW staff will have the opportunity to inspect operations and verify proper implementation of requirements related to laws they administer.

Suspension Requested by:

Zoe Heller  Digitally signed by Zoe Heller
Date: 2024.10.04 18:12:56 -07'00'

Zoe Heller, Director, October 4, 2024

CALRECYCLE'S REQUEST FOR SUSPENSION – FOREST PRACTICE COMPLIANCE MEASURES

This request incorporates by reference the qualifications included in the above request regarding wildlife. It requests the suspension of the regulatory provisions below to the extent they are applicable to parcels included in the Wildfire Recovery Activities within CAL FIRE's jurisdiction:

1. 14 CCR §§ 916.1, 936.1, and 956.1; requirements – for the Coast Forest District, Northern Forest District, and Southern Forest District, respectively – that in lieu practices be included within a timber harvest plan.
2. 14 CCR § 1104.1(h); prohibition on the use of in-lieu practices, exceptions, and alternatives for conversion exemptions.

To ensure protection of public health and the environment, CalRecycle will conduct the cleanup and removal of debris in compliance with the EPP. CAL FIRE staff will have the

opportunity to inspect operations and verify proper implementation of requirements related to laws they administer.

Suspension Requested by:

Zoe Heller Digitally signed by Zoe Heller
Date: 2024.10.04 18:14:49
-07'00'

Zoe Heller, Director, October 4, 2024

CNRA'S AUTHORIZATION

I am in receipt of CalRecycle's request for a determination in accordance with the Executive Order. I find that the Wildfire Recovery Activities are eligible to be conducted under the suspension in the Executive Order and that a secretarial suspension authorization serves the purpose of accelerating cleanup and recovery by easing otherwise applicable procedural requirements, including notice and fee provisions, that would delay the Wildfire Recovery Activities. I further find that compliance of the Wildfire Recovery Activities with the EPP will protect public health and the environment. Therefore, in the exercise of my discretion under the Executive Order, I hereby authorize the Wildfire Recovery Activities to proceed pursuant to the suspension of the laws described in the request.

To facilitate CalRecycle's Wildfire Recovery Activities, I also hereby direct the departments within CNRA to exercise their administrative discretion and expedite the granting of other authorizations, waivers, or permits necessary for the removal, storage, transportation and disposal of hazardous and non-hazardous structural debris resulting from the fires, and for other actions necessary for the protection of public health and the environment.

This suspension authorization is only valid to the extent CalRecycle and its contractors comply with the EPP. It does not relieve CalRecycle or its contractors from adhering to environmental protections as those are addressed by the EPP.

CalRecycle must ensure that CDFW and CAL FIRE staff will have the opportunity to inspect operations and verify proper implementation of these actions. Failure to comply with the EPP, and with any applicable federal and non-suspended state and local environmental laws and regulations, may result in an enforcement action by CalEPA departments and/or CNRA departments. The EPP may be amended at any time during planning or implementation of the Wildfire Recovery Activities.

Attachment: California Wildfire Environmental Protection Plan

Suspension Approved by:

Wade Crowfoot

Wade Crowfoot, Secretary
California Natural Resources Agency

Date: 10/7/24