COPY

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: Monterey
168 West Alisal Street, 1st Floor
Salinas, CA 93901

From: (Public Agency): Monterey County Regional Fire District
19900 Portola Drive
Salinas, CA 93808
(Address)

FILED
NOV 26 2025
XOCHITL MARINA CAMACHO
MONTEREY COUNTY CLERK
2025-0211 DEPUTY

Project Title: Hazardous Fuels Reduction Grant

Project Applicant: Monterey County Regional Fire District

Project Location - Specific:

Eight Firewise communities within the County: Mesa del Toro, Vista del Toro, Markham Ranch, Country Club, Boronda/Garzas, Robles del Rio, Los Tulares, and Rancho del Sol.

Project Location - City: N/A Project Location - County: Monterey

Description of Nature, Purpose and Beneficiaries of Project:

The project would involve the reduction or removal of vegetation within defensible buffers along roadways and around properties requiring defensible space within eight Firewise communities within the County. See attached supplemental information.

Name of Public Agency Approving Project: Monterey County Regional Fire District

Name of Person or Agency Carrying Out Project: Monterey County Regional Fire 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: Class 1 Section 15301(h), Class 4 Section 15304(i)
- ☒ Statutory Exemptions. State code number: Section 15269(c)

Reasons why project is exempt:

See attached.

Lead Agency Contact Person: Scott Anderson Area Code/Telephone/Extension: (831) 455-1828

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: 11/24/25 Title: Deputy Fire Chief

▪ 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: _____

Monterey County Regional Fire District Hazardous Fuels Reduction Project California Environmental Quality Act Exemption Analysis

November 2025

Prepared for

Monterey County Regional Fire District
19900 Portola Drive
Salinas, CA 93908

Prepared by

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1.0 INTRODUCTION

The Monterey County Regional Fire District (MCRFD or District) contracted Denise Duffy & Associates, Inc. (DD&A) to provide environmental consulting services for the proposed Hazardous Fuels Reduction Project (proposed project) within eight Firewise communities within Carmel Valley and Corral de Tierra areas within unincorporated Monterey County (County). The project would consist of implementing hazardous fuel reduction activities, including the removal of ladder fuels, limbing up trees, and removal of vegetation, to reduce the fire hazards along roadways and within residential areas.

The MCRFD retained DD&A to review the proposed activities and provide a recommendation on the level of compliance required under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq. and California Code of Regulations, Title 14, Section 1500 et seq. [hereinafter the "CEQA Guidelines"]). Under CEQA, compliance levels range from project exemptions to Environmental Impact Reports (EIR). Based on the limited extent and type of activities proposed and compliance with applicable regulatory requirements, the proposed project qualifies for an exemption under CEQA. This memorandum provides an analysis of the proposed activities and a recommendation on the level of CEQA compliance required to implement the proposed activities.

1.1 Project Description

Within the District, there are over 30 Firewise communities that work diligently to mitigate and reduce the hazardous fuels in their respective neighborhoods. The residents of these communities have come a long way in preparing their communities for wildfire by reducing the risks closest to their homes, but need additional help with larger projects. The MCRFD is responsible for over 400 square miles of Monterey County with a large portion located within the State Response Area (SRA), which is also covered by CAL FIRE (BEU Unit). The District was awarded a grant by the California Department of Forestry and Fire Project (CAL FIRE) to implement the proposed Hazardous Fuels Reduction Project. The proposed activities mostly fall under the Hazardous Fuels Reduction category and consist of roadside clearing, shaded fuel breaks, defensible space clearing for elderly or less fortunate, and woodchipper days for the communities in general.

The project would involve the reduction or removal of vegetation within defensible buffers along roadways and around properties requiring defensible space within eight Firewise communities within the County: Mesa del Toro, Vista del Toro, Markham Ranch, Country Club, Boronda/Garzas, Robles del Rio, Los Tulares, and Rancho del Sol. The proposed project would occur only within the previously disturbed and developed areas, and would not result in direct impacts to adjacent undeveloped habitats. The proposed project would not involve excavation, grading, or other types of significant ground disturbance.

The proposed project will be implemented in compliance with all applicable local, state, and federal regulations, including but not limited to, the Migratory Bird Treaty Act, California Migratory Bird Treaty Act, California Code of Regulations, California Department of Fish and Game Code, Public Resources Code, and California Health and Safety Code. The proposed project includes the implementation of the following construction best management practices to avoid and minimize potential impacts to cultural and biological resources:

- In compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Sections 5097.5 and 5097.98, if human remains are encountered during project activities, activities must immediately stop and the County Coroner will be notified immediately. If the remains are determined to be Native American, the Native American Heritage Commission will be notified.

- Stationary equipment such as motors, generators, and chippers located within 100 feet of sensitive habitats shall be stored overnight at a designated staging area and shall be positioned over drip pans.

- Any hazardous or toxic materials deleterious to life that could be washed into any adjacent sensitive habitats shall be contained in watertight containers.

- Refueling of equipment shall take place within designated staging areas or at least 100 feet from sensitive habitats.

- All construction debris and associated materials stored in staging area shall be removed from the work site upon completion of the project.

- Only tightly woven fiber netting or similar material may be used for erosion control at the project site. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control, as this material may ensnare wildlife, including special-status amphibians.

- Because dusk and dawn are often the times when special-status amphibians are most actively foraging and dispersing, all fuel reduction activities should cease one half hour before sunset and should not begin prior to one half hour after sunrise.

- All trash that may attract predators shall be properly contained, removed from the construction site, and disposed of regularly. Following completion of activities, all trash and construction debris shall be removed from work areas.

- If any sensitive wildlife species are encountered and these individuals are likely to be killed or injured by work activities, a qualified biologist will be contacted and work shall stop in that area until the species has moved on its own out of the work area and the appropriate regulatory agencies have been contacted (e.g., U.S. Fish and Wildlife Service, California Department of Fish and Wildlife). Construction activities will not resume until the appropriate agency is consulted and appropriate actions are taken to allow project activities to continue.

In addition, in compliance with the federal Migratory Bird Treaty Act, California Migratory Bird Treaty Act, and California Department of Fish and Game Code Sections 3503, 3503.5, and 3513, if nesting raptors and other protected avian species are observed, the District will halt work in the area and work around them as determined appropriate.

2.0 CEQA EXEMPTION ANALYSIS

Based on the analysis below, the proposed project qualifies for the following exemptions under CEQA:

- Statutory Exemption under Article 18, *Section 15269(c) Emergency Projects*
- Class 1 Categorical Exemption under Article 19, *15301(h) Existing Facilities*
- Class 4 Categorical Exemption under Article 19, *15304(i) Minor Alterations to Land*
- Finally, under CEQA Guidelines Section 15061(b)(3), activities are exempt from, and otherwise not subject to, CEQA under the "common sense" exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As discussed and demonstrated below, because it can be seen with such certainty that there is no possibility that the proposed project may have a significant impact on the environment, the proposed project also qualifies under the "common sense" exemption.

2.1 Statutory Exemption

Article 18 (Statutory Exemptions) of the State CEQA Guidelines lists types of projects that are exempt to the requirements of CEQA. This section provides an analysis of why this project meets the conditions for a Section 15269(c) Emergency Projects exemption. Section 15269(c) consists of:

> (c) Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

Section 15269(c) of the CEQA Guidelines specifies that the CEQA statutory exemption for emergency projects exempts specific actions necessary to prevent of mitigate an emergency, including where "fire or catastrophic risk mitigation or modifications to improve facility integrity are proposed for existing facilities in response to an emergency at a similar existing facility."

The proposed project meets these conditions. The proposed project would be statutorily exempt from environmental review under CEQA because it consists of hazardous fuel reduction activities in residential areas and along roadways in the District, which would be used for both emergency access and evacuation in the event of a wildfire. The structures and roadways in the project area do not currently meet the defensible space requirements under PRC Section 4291 and Government Code 51175-51189.

This statutory exemption applies to the activities because the project is being implemented as fire or catastrophic risk mitigation to create a defensible space around residential structures and roadways, and to improve the integrity of the access roads, thereby improving both access for fire equipment and evacuation safety for residents. This statutory exemption is applicable if measures are *"in response to an emergency at a similar existing facility"* and if there is substantial evidence in the record to prove an emergency situation exists. Due to increasing risk of wildfire in Wildland Urban Interfaces or WUIs in California, the

MCRFD intends to begin the hazardous fuel reduction activities as soon as possible and before the peak of the next fire season occurs to reduce the vulnerability of residents to wildfire.

A statutory exemption applies to any given project that falls under its definition, regardless of the project's potential impacts to the environment. However, it is important to note that any CEQA exemption applies only to CEQA and not any other state, local, or federal laws that may be applicable to a proposed project, including, but not limited, to the California Endangered Species Act (CESA) and federal Endangered Species Act (ESA).

As described above, the proposed project includes the implementation of avoidance and minimization measures developed and designed to avoid and minimize any potentially significant impacts to cultural and biological resources, as well as avoid the potential for incidental take under CESA and ESA. In addition, the proposed activities will be implemented in compliance with all applicable local, state, and federal regulations, including but not limited to, the Migratory Bird Treaty Act, California Migratory Bird Treaty Act, California Code of Regulations, California Department of Fish and Game Code, Public Resources Code, and California Health and Safety Code.

2.2 Categorical Exemptions

Article 19 (Categorical Exemptions) of the CEQA Guidelines lists classes of projects that are exempt from the requirements of CEQA. This section provides an analysis of why this project qualifies for the *Class 1 Existing Facilities* and *Class 4 Minor Alterations to Land* categorical exemptions in CEQA Guidelines Sections 15301 and 15304. This section also discusses and demonstrates why none of the exceptions to the Categorical Exemptions found in CEQA Guidelines Section 15300.2 apply to this proposed project.

Section 15301(h) Class 1 Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or other minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. Section 15301(h) consists of maintenance of existing landscaping, native growth, and water supply reservoirs.

Section 15304 Class 4 Minor Alterations to Land consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Specifically, Section 15304(i) consists of:

> Fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

The proposed project meets the conditions described in Section 15301(h) and Section 15304(i). The proposed project would be categorically exempt from environmental review under CEQA because it involves the maintenance of existing landscaping and native growth and would not involve the expansion of use of any existing facilities. The removal of dead, dying, and hazardous trees constitutes a maintenance activity for an existing public facility (e.g., roadways) involving no expansion of use. The structures and

roadways within the project area do not currently meet the defensible space requirements under PRC Section 4291 and Government Code 51175-51189. The proposed project would also be categorically exempt from environmental review under CEQA because it involves minor alterations of land, including hazardous fuel reduction activities to reduce the volume of flammable vegetation within 30 and 100 feet of structures and along roadways, in accordance with PRC Section 4291. No healthy, mature, scenic trees would be removed as part of this project.

Exceptions to Categorical Exemption Analysis

CEQA Guidelines Section 15300.2 identifies exceptions that if present override a lead agency's ability to use a categorical exemption. These exceptions are listed below, including documentation as to why each exception does not apply to the proposed project.

Location *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*
This exception does not apply to the proposed project. The proposed project would occur only within the previously disturbed and developed areas and would not result in direct impacts to adjacent undeveloped habitats. The proposed project would not involve excavation, grading, or other types of significant ground disturbance. As described above, the proposed project includes the implementation of avoidance and minimization measures developed and designed to avoid and minimize any potentially significant impacts to cultural and biological resources, as well as avoid the potential for incidental take under CESA and ESA. In addition, the proposed activities will be implemented in compliance with all applicable local, state, and federal regulations, including but not limited to, the Migratory Bird Treaty Act, California Migratory Bird Treaty Act, California Code of Regulations, California Department of Fish and Game Code, Public Resources Code, and California Health and Safety Code. The proposed project would not impact environmental resources of hazardous or critical concern as designated, mapped, or adopted by law; therefore, the proposed project would not result in impacts to a particularly sensitive environment.

Cumulative Impact

All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time, is significant.

This exception does not apply to the proposed project. The proposed project involves implementing hazardous fuel reduction activities. No other activities of the same type in the same location are proposed that would result in a cumulative impact to environmental resources. Therefore, no cumulative impacts would occur.

Significant Effect

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

This exception does not apply to the proposed project. There are no unusual circumstances related to the project that would create a reasonable possibility of significant effects on the environment. The proposed hazardous fuel reduction activities are not unusual in size or location as evidenced by the issuance of the grant by CAL FIRE. In addition, the activities will be conducted in accordance with PRC Section 4291, which identifies activities to create defensible space. Therefore, impacts would be less than significant.

Scenic Highways

A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway. This does not apply to improvements which are required as mitigation by and adopted negative declaration or certified EIR.

This exception does not apply to the proposed project. According to the California Scenic Highway Mapping System, the closest eligible State Scenic highway is State Route 68, located over two miles south of the nearest project site. None of the project sites are visible from State Route 68, and, therefore, no impacts would occur.

Hazardous Waste Sites

A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code.

This exception does not apply to the proposed project. The proposed project sites are not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Historical Resources *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*
This exception does not apply to the proposed project. The proposed activities would not impact any structures and there are no known historical resources within the project sites. The proposed project would not involve demolition or removal of any structures, nor involve any excavation, grading, or other types of significant ground disturbance. Therefore, no impact to historical resources would occur.

2.3 Common Sense Exemption

Under CEQA Guidelines section 15061(b)(3), Review for Exemption (14 CCR Sec. 15061(b)(3)), activities are exempt from, and otherwise not subject to, CEQA under the "common sense" exemption where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As described above, the proposed project would not result in any significant effects on the environment. Therefore, in addition to the statutory and categorical exemptions identified above, qualifies under the “common sense” exemption.

3.0 CONCLUSION

As described and demonstrated above, the proposed project falls under several CEQA exemptions, including the Statutory Exemption for Emergency Projects, Class 1 Existing Facilities Categorical Exemption, Class 4 Minor Alterations to Land Categorical Exemption, and the Common Sense Exemption. DD&A recommends that the MCRFD file a Notice of Exemption (NOE) citing the categorical and common sense exemptions identified herein and submit this exemption analysis along with the NOE as evidence to the record.