

Midpeninsula Regional Open Space District Findings and Statement of Overriding Considerations for CEQA Project-Specific Analysis Regarding the Ecologically Sensitive Vegetation Management Project at Bear Creek Redwoods Open Space Preserve

INTRODUCTION

The Midpeninsula Regional Open Space District, also referred to as the "Project Proponent," in the exercise of its independent judgment, makes and adopts the following findings regarding its decision to approve the Ecologically Sensitive Vegetation Management Project at Bear Creek Redwoods Open Space Preserve (which in the Project-Specific Analysis was the "Bear Creek Redwoods Open Space Preserve Vegetation Treatment Project"), referred to herein as "vegetation treatment project" or "proposed project," within the scope of the California Vegetation Treatment Program (CalVTP). This document has been prepared in accordance with the California Environmental Quality Act (Pub. Resources Code, Sections 21000 et seq.) (CEQA) and the CEQA Guidelines (Cal. Code Regs., Tit. 14, Sections 15000 et seq.).

STATUTORY REQUIREMENTS FOR FINDINGS

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same section provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Pub. Resources Code, Section 21002.) Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).) For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(CEQA Guidelines, Section 15091, subd. (a); Pub. Resources Code, Section 21081, subd. (a).) Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Sections 15093, 15043, subd. (b); see also Pub. Resources Code, Section 21081, subd. (b).) The California Board of Forestry and Fire Protection (the Board) adopted Findings and a Statement of Overriding Considerations on December 30, 2019.

Here, as explained in the Board's Findings and the Draft Program Environmental Impact Report (Draft PEIR) and the Final PEIR (collectively, the "PEIR"), the CalVTP would result in significant and unavoidable environmental effects to the following: Aesthetics; Air Quality; Archaeological, Historical, and Tribal Cultural Resources; Biological Resources; Greenhouse Gas Emissions; Transportation; and Public Services, Utilities, and Service Systems. For reasons set forth in the Board's Statement of Overriding Considerations, however, the Board determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the CalVTP.

When a responsible agency approves a vegetation treatment project using a within-the-scope finding for all environmental impacts, it must adopt its own CEQA findings pursuant to Section 15091 of the State CEQA Guidelines, and if needed, a statement of overriding considerations, pursuant to Section 15093 of the State CEQA Guidelines. (See CEQA Guidelines section 15096(h).) According to case law, a responsible agency's findings need only address environmental impacts "within the scope of the responsible agency's jurisdiction." (*Riverwatch v. Olivenhain Municipal Water District* (2009) 170 Cal.App.4th 1186, 1202.) Although each responsible agency must adopt its own findings, such agencies have the option of reusing, incorporating, or adapting all or part of the findings adopted by the Board for the CalVTP PEIR to meet the agency's own requirements to the extent the findings are applicable to the proposed vegetation treatment project. The following document sets forth the required findings for an agency's project-specific approval that relies on and implements the CalVTP PEIR.

The Project Proponent adopts these findings to document its exercise of its independent judgment regarding the potential environmental effects analyzed in the PEIR and to document its reasoning for approving the vegetation treatment project under the CalVTP in spite of these effects.

BACKGROUND AND PROJECT DESCRIPTION

BACKGROUND

The Board is developing CalVTP training modules to support implementation of vegetation treatment projects found to be within the scope of CalVTP PEIR, including example Project-Specific Analysis (PSA) documents to help guide state and local agencies in preparing their own PSAs under the CalVTP PEIR.

In July 2020, the Project Proponent submitted information regarding proposed vegetation treatments at the Bear Creek Redwoods Open Space Preserve to the Board to be considered for use in the Board's statewide CalVTP training. The Board selected the Project Proponent's proposed vegetation treatment project to be used to prepare a PSA that will provide both California Environmental Quality Act (CEQA) compliance for the Project Proponent to approve and implement the project, as well as serve as an example PSA for other agencies seeking to use the CalVTP PEIR to accelerate approval of their own vegetation treatment projects.

Serving as the lead agency under CEQA, the Midpeninsula Regional Open Space District proposes to implement vegetation treatments on 214.4 acres of land within the Bear Creek Redwoods Open Space Preserve in Santa Clara County. Midpen is seeking CEQA compliance for the proposed project as a later activity covered by the CalVTP PEIR, using its PSA checklist. The proposed treatment type (i.e., ecological restoration) and the treatment activities (i.e., manual and mechanical treatments) are consistent with those evaluated in the CalVTP PEIR. In addition, the treatment areas are entirely within the CalVTP treatable landscape.

PROJECT DESCRIPTION

The proposed vegetation treatment project consists of vegetation treatments within Midpen's Bear Creek Redwoods Open Space Preserve (Preserve). The Preserve is located immediately west of State Route (SR) 17, 3 miles south of Los Gatos, and spans Santa Clara and Santa Cruz Counties. The CalVTP treatments would occur within several treatment areas totaling 214.4 acres, all of which are within Santa Clara County. The CalVTP treatment type that would be implemented is ecological restoration and proposed treatment activities to implement the proposed project are manual and mechanical treatments. The proposed CalVTP treatments are summarized in Table 1 below.

Treatment Type: Ecological Restoration

The proposed project would implement ecological restoration vegetation treatments for the dual purpose of wildfire risk reduction and enhancement of natural habitats. Consistent with the CalVTP ecological restoration treatment type, Midpen's proposed ecological restoration treatments would seek to return the landscape closer to natural conditions where natural fire processes can be reestablished and habitat quality can be improved, including controlling and eliminating non-native, invasive plants and excess buildup of fire fuel. Specific restoration objectives include: promoting forest health and resiliency by removing trees heavily damaged by sudden oak death (SOD), removing heavy brush and invasive species, and providing ecosystem and habitat improvements to increase fire resiliency and to support the success of a California rare plant species known to occur within the Preserve, Hickman's popcornflower (*Plagiobothrys chorisianus* var. *hickmanii*). Hickman's popcornflower has a California Rare Plant Rank of 4.2, which indicates that it's of limited distribution and is moderately threatened in California (CNPS 2020, as cited in the PSA).

Treatment Activities

The proposed vegetation treatment activities are manual and mechanical treatments. Biomass would be disposed of through chipping or lopping and scattering within the Preserve. Each of these activities is included in the CalVTP PEIR and is described in more detail below.

MECHANICAL VEGETATION TREATMENT

Mechanical treatments would occur on up to 205 of the 214.4 acres proposed for treatment and would primarily include skidding, mowing, and masticating target vegetation. Equipment would include tractors/skidlers, slope mowers, and masticators (see details in Table 1). Generally, mechanical treatments would:

- ▶ remove or masticate target brush and trees 8 inches diameter at breast height (dbh) or less;
- ▶ masticate downed woody debris less than 8 inches in diameter;
- ▶ maintain at least 35 percent relative final density of chaparral vegetation; and
- ▶ to the extent feasible, retain live oak trees, blue elderberry, California buckeye, big-leaf maple, and other desirable species as determined by Midpen. The primary and secondary criteria for determining whether a species should remain include its level of association with beneficial organisms (e.g., pollinators) and if it's a species with characteristics qualifying it as a sensitive natural community, respectively.

MANUAL VEGETATION TREATMENT

Manual treatments would be implemented exclusively on 9.4 acres and could be used on up to 28.1 acres (i.e., where manual and mechanical treatments would be used in combination). To implement manual treatments, hand tools and hand-operated power tools including chainsaws, hand saws, and/or brush cutters would be used to cut, clear, or prune herbaceous and woody species (see details in Table 1). Activities would include tree thinning and removal; invasive plant removal, and heavy brush removal. The same general guidelines for tree and vegetation removal and retention would be followed as described above for mechanical treatments.

BIOMASS DISPOSAL

The proposed mechanical vegetation treatments described above would masticate (mulch) much of the vegetative debris and place it on the ground concurrently with vegetation removal. Additional biomass generated from the CalVTP treatments would primarily be disposed of by chipping (95 percent of biomass). Chipped biomass would be spread over treatment areas and would not exceed 6 inches in thickness. The remaining biomass (approximately 5 percent) would be lopped and scattered within the Preserve.

Proposed Treatments

The proposed project includes SOD treatments, heavy brush treatments, and habitat improvement treatments, which are summarized in Table 1 and further described below. Treatment crews could consist of up to 20 crew members, but would typically range between eight and 12 personnel, and up to three crews would be working simultaneously. Treatment areas would be accessed by four-wheel drive vehicles using existing seasonal roads and trails and all equipment and vehicle staging would occur within treatment area boundaries.

The treatments would be implemented consistent with Midpen's ecologically sensitive vegetation management practices, which are focused on maintaining and improving high biodiversity and ecological health, and would be planned in coordination with a qualified botanist.

The CalVTP PEIR includes SPRs that are required to be incorporated, as applicable, into all proposed vegetation treatments under the CalVTP as a standard part of treatment design and implementation. Several of the SPRs are consistent with and expand upon Midpen's ecologically sensitive vegetation management practices. The CalVTP SPRs that are applicable to the proposed project are included in Attachment A.

SUDDEN OAK DEATH TREATMENTS

SOD treatments would be implemented on 186.3 acres of the Preserve in forested areas heavily affected by SOD and involve treatment activities covered in the CalVTP PEIR (i.e., mechanical treatments). Using tractors/skidlers, slope mowers, or masticators, all stems 8 inches dbh or less and downed woody debris less than 8 inches in diameter would be removed. Live oak trees less than 8 inches dbh on transition lines between forested and non-forested areas would be retained. Other species, such as hazelnut, blue elderberry, California buckeye, big-leaf maple, and other species meeting the criteria described in Section PD-3.2.2, "Treatment Activities," would also be retained, to the extent feasible. These treatments would occur between September and December in years 2021, 2022, and 2023; accordingly, they would take up to 12 months over 3 years to complete.

HEAVY BRUSH TREATMENTS

Heavy brush treatments proposed by Midpen would involve treatment activities covered by the CalVTP PEIR (i.e., manual and mechanical treatments). Heavy brush treatments would be implemented over 18.7 acres. Equipment would include masticators, a slope mower, and one to two chainsaws. In the areas consisting of heavy brush, all brush including dead and downed brush would be removed and masticated, along with Douglas-fir trees less than 8 inches dbh. Downed woody debris less than 8 inches in diameter would also be masticated. All live oak trees, blue elderberry, and other desirable species would be retained in these areas, to the extent feasible. Where chaparral vegetation is present, at least 35 percent relative final density would be maintained in the treatment area. Heavy brush treatments would be completed in 8 months over 2 years, occurring between September and December in 2022 and 2023.

HABITAT IMPROVEMENT TREATMENTS

Habitat improvement treatments are proposed on 9.4 acres that are entirely within the CalVTP treatable landscape to support the success of a rare plant known to occur within the Preserve, Hickman's popcornflower, and to improve fire resiliency. The proposed habitat improvement treatments have been designed by qualified professionals with the specific purpose of benefitting the local population of this rare plant. Habitat improvement treatments would be implemented using manual treatment activities that are covered by the CalVTP PEIR.

Hickman's popcornflower is known to respond favorably to increased water availability and regular disturbances, as evidenced by previous treatments in areas that contain this species (Kelley 2012; Sifuentes-Winter pers. comms. 2020, as cited in the PSA). In addition, some populations are being shaded out by understory woody plants in forested areas within the Preserve (Sifuentes-Winter pers. comms. 2020, as cited in the PSA). Habitat improvement treatments would be implemented using chainsaws, hand saws, and/or brushcutters. Activities would include thinning forested areas surrounding Hickman's popcornflower to increase water and sunlight available to the rare plant, and removing competing understory woody plants that are encroaching where these rare plants are known to occur.

Habitat improvement treatments would occur over 4 months outside of the plant's critical life history, between September and December in year 2021 or 2022. Midpen would annually monitor the treated population relative to other populations nearby to determine whether the treatment is successful for 10 years following the initial treatment.

Table 1 Proposed CalVTP Treatments

CalVTP Treatment Type	Treatment Description	CalVTP Treatment Activity	Treatment Size (acres)	Equipment Used for Treatments	Timing of CalVTP Treatments
Ecological Restoration	Treatment of forestland areas affected by SOD	Mechanical (skidding, mastication, mowing, biomass chipping)	186.3	2 tractors/skidlers, 1 slope mower, 2 masticators, 1 chipper	9/2021 – 12/2021 9/2022 – 12/2022 9/2023 – 12/2023
Ecological Restoration	Treatment of areas with heavy brush	Manual and Mechanical (cutting, mastication, mowing)	18.7	2 masticators, 1 slope mower, 1-2 chainsaws	9/2022 – 12/2022 9/2023 – 12/2023
Ecological Restoration	Habitat improvement/fire resiliency treatments	Manual (cutting, biomass chipping)	9.4	5 chainsaws or hand saws, 5 brushcutters, 1 chipper	9/2021 – 12/2021 or 9/2022 – 12/2022
Total Acres			214.4		

Notes: SOD = sudden oak death

Source: Data and information provided by Midpen in 2020

Treatment Maintenance

Maintenance, or periodic retreatment, of the areas treated under the proposed project would follow Midpen's existing general land management maintenance schedule, and would be based on real-time monitoring of site conditions. In forested areas, retreatment is anticipated to occur every 10 years and in brush-dominated areas, retreatment is anticipated to occur every 5 years. Retreatment methods would involve the same vegetation treatment activities used in the original treatment (i.e., manual and mechanical treatments); however, Midpen anticipates the use of more hand crews than mechanical equipment. Maintenance treatments would be implemented between August and April 15; from April 15 through July, no retreatment would occur.

Treatment maintenance would also involve removing invasive plant species (e.g., French broom) and weeds through herbicide application and flaming. However, herbicide application and flaming are covered by Midpen's Integrated Pest Management Plan EIR as described in the PSA. Therefore, these treatment maintenance activities are not part of the proposed project and are not addressed further in this document.

ENVIRONMENTAL REVIEW PROCESS

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

On October 6, 2020, the Project Proponent submitted to CAL FIRE the required information regarding this project when it began preparing the PSA. The submittal included:

- ▶ GIS data that included project location (as a point);
- ▶ project size;
- ▶ planned treatment types and activities; and
- ▶ contact information for a representative of the project proponent.

Upon adoption of these findings and approval of the project, Project Proponent will submit this completed PSA and associated geospatial data to CAL FIRE at the time a Notice of Determination is filed. The submittal will include the following:

- ▶ The completed PSA Environmental Checklist;
- ▶ The completed Mitigation Monitoring and Reporting Program (using Attachment A to the Environmental Checklist);
- ▶ GIS data that include:
 - a polygon(s) of the project area, showing the extent of each treatment type included in the project (ecological restoration, fuel break, WUI fuel reduction)

As required under the CalVTP, Project Proponent will submit the following information to CAL FIRE after implementation of the treatment:

- ▶ GIS data that include a polygon(s) of the treated area, showing the extent of each treatment type implemented (ecological restoration, fuel break, WUI fuel reduction)
- ▶ A post-project implementation report (referred to by CAL FIRE as a Completion Report) that includes
 - Size of treated area (typically acres);
 - Treatment types and activities;
 - Dates of work;
 - A list of the SPRs and mitigation measures that were implemented; and
 - Any explanations regarding implementation if required by SPRs and mitigation measures (e.g., explanation for feasibility determination required by SPR BIO-12; explanation for reduction of a no-disturbance buffer below the general minimum size described in Mitigation Measures BIO-1a and BIO-2b).

RECORD OF PROCEEDINGS

In accordance with Public Resources Code Section 21167, subdivision (e), the record of proceedings for the Project Proponent's decision to approve the vegetation treatment project under the CalVTP includes the following documents at a minimum:

- ▶ The certified Final PEIR for the CalVTP, including the Draft PEIR, responses to comments on the Draft PEIR, and appendices;
- ▶ All recommendations and findings adopted by the Board in connection with the CalVTP and all documents cited or referred to therein;

- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the treatment project prepared by the Project Proponent, consultants to the Project Proponent, or responsible or trustee agencies with respect to the Project Proponent's compliance with the requirements of CEQA and with respect to the Project Proponent's action on the CalVTP;
- ▶ Matters of common knowledge to the Project Proponent, including but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings, in addition to those cited above; and
- ▶ Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to CEQA Guidelines section 15091, subdivision (e), the documents constituting the record of proceedings are available for review during normal business hours at 330 Distel Circle, Los Altos, CA. The custodian of these documents is Coty Sifuentes-Winter, Senior Resource Management Specialist.

MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) was adopted by the Board for the CalVTP, and the applicable mitigation measures for this treatment project have been identified in the PSA. The Project Proponent will use the MMRP to track compliance with the CalVTP mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and is approved in conjunction with the approval of the treatment project and adoption of these Findings.

FINDINGS FOR DETERMINATIONS OF LESS THAN SIGNIFICANT

The Project Proponent has reviewed and considered the information in the Final PEIR for the CalVTP addressing potential environmental effects, proposed mitigation measures, and alternatives. The Project Proponent, relying on the facts and analysis in the Final PEIR and the treatment project PSA, which were presented to the Midpeninsula Regional Open Space District Board of Directors, and reviewed and considered prior to any approvals, concurs with the conclusions of the Final PEIR and the treatment project PSA regarding the potential environmental effects of the CalVTP and the treatment project.

The Project Proponent concurs with the conclusions in the Final PEIR and treatment project PSA that all of the following impacts will be less than significant:

AESTHETICS AND VISUAL RESOURCES

- Impact AES-1:** Result in Short-Term, Substantial Degradation of a Scenic Vista or Visual Character or Quality of Public Views, or Damage to Scenic Resources in a State Scenic Highway from Treatment Activities
- Impact AES-2:** Result in Long-Term, Substantial Degradation of a Scenic Vista or Visual Character or Quality of Public Views, or Damage to Scenic Resources in a State Scenic Highway from WUI Fuel Reduction, Ecological Restoration, or Shaded Fuel Break Treatment Types

AGRICULTURAL AND FORESTRY RESOURCES

- Impact AG-1:** Directly Result in the Loss of Forest Land or Conversion of Forest Land to a Non-Forest Use or Involve Other Changes in the Existing Environment Which, Due to Their Location or Nature, Could Result in Conversion of Forest Land to Non-Forest Use

AIR QUALITY

- Impact AQ-2:** Expose People to Diesel Particulate Matter Emissions and Related Health Risk
- Impact AQ-5:** Expose People to Objectionable Odors from Diesel Exhaust

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

- Impact CUL-1:** Cause a Substantial Adverse Change in the Significance of Built Historical Resources
- Impact CUL-3:** Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- Impact CUL-4:** Disturb Human Remains

BIOLOGICAL RESOURCES

- Impact BIO-4:** Substantially Affect State or Federally Protected Wetlands
- Impact BIO-5:** Interfere Substantially with Wildlife Movement Corridors or Impede Use of Nurseries
- Impact BIO-6:** Substantially Reduce Habitat or Abundance of Common Wildlife

GEOLOGY, SOILS, AND MINERAL RESOURCES

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

GREENHOUSE GAS EMISSIONS

- Impact GHG-1:** Conflict with Applicable Plan, Policy, or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of GHGs

ENERGY RESOURCES

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

HAZARDOUS MATERIALS, PUBLIC HEALTH AND SAFETY

- Impact HAZ-1:** Create a Significant Health Hazard from the Use of Hazardous Materials

HYDROLOGY AND WATER QUALITY

- Impact HYD-2:** Violate Water Quality Standards or Waste Discharge Requirements, Substantially Degrade Surface or Ground Water Quality, or Conflict with or Obstruct the Implementation of a Water Quality Control Plan Through the Implementation of Manual or Mechanical Treatment Activities
- Impact HYD-5:** Substantially Alter the Existing Drainage Pattern of a Treatment Site or Area

LAND USE AND PLANNING, POPULATION AND HOUSING

- Impact LU-1:** Cause a Significant Environmental Impact Due to a Conflict with a Land Use Plan, Policy, or Regulation
- Impact LU-2:** Induce Substantial Unplanned Population Growth

NOISE

- Impact NOI-1:** Result in a Substantial Short-Term Increase in Exterior Ambient Noise Levels During Treatment Implementation
- Impact NOI-2:** Result in a Substantial Short-Term Increase in Truck-Generated SENL's During Treatment Activities

RECREATION

- Impact REC-1:** Directly or Indirectly Disrupt Recreational Activities within Designated Recreation Areas

TRANSPORTATION

- Impact TRAN-1:** Result in Temporary Traffic Operations Impacts by Conflicting with a Program, Plan, Ordinance, or Policy Addressing Roadway Facilities or Prolonged Road Closures
- Impact TRAN-2:** Substantially Increase Hazards due to a Design Feature or Incompatible Uses
- Impact TRAN-3:** Result in a Net Increase in VMT for the Proposed CalVTP

PUBLIC SERVICES, UTILITIES, AND SERVICE SYSTEMS

- Impact UTIL-1:** Result in Physical Impacts Associated with Provision of Sufficient Water Supplies, Including Related Infrastructure Needs

WILDFIRE

- Impact WIL-1:** Substantially Exacerbate Fire Risk and Expose People to Uncontrolled Spread of a Wildfire

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The PEIR identified significant and potentially significant effects on the environment that the CalVTP will contribute to or cause. The Board determined that some of these significant effects can be fully avoided through the application of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives and thus will be significant and unavoidable. For reasons set forth in Section 10.2 of the Board's Findings and Statement of Overriding Considerations, however, the Board determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the CalVTP.

The Board adopted the findings required by CEQA for all direct and indirect significant impacts. The findings provided a summary description of each impact, described the applicable mitigation measures identified in the PEIR and adopted by the Board, and stated the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final PEIR; and the Board incorporated by reference into its findings the discussion in those documents supporting the Final PEIR's determinations. In making those findings, the Board ratified, adopted, and incorporated into the findings the analyses and explanations in the Draft PEIR and Final PEIR relating to environmental impacts and

mitigation measures, except to the extent any such determinations and conclusions were specifically and expressly modified by the findings.

Not every individual treatment project will have all of the significant environmental impacts that the CalVTP was determined to contribute to or cause. Additionally, some of the environmental impacts predicted by the CalVTP PEIR to be significant and unavoidable or less than significant after mitigation may be determined in a PSA to be less severe for an individual treatment project than determined in the statewide PEIR. The impacts and mitigation measures identified below reflect the conclusions of the PSA by indicating which of the CalVTP's impacts that this treatment project will contribute to or cause. By indicating the project-specific effects of this treatment project as follows, the Project Proponent's decisionmaker or decision-making body is hereby making the required findings under CEQA regarding the application or feasibility of mitigation measures to reduce those impacts.

FINDINGS FOR IMPACTS MITIGATED TO LESS THAN SIGNIFICANT

The Project Proponent finds that changes or alterations have been required in, or incorporated into, the treatment project which avoid or substantially lessen the significant environmental effects indicated below, as identified in the Final PEIR and the PSA. Implementation of the mitigation measures indicated below to be applicable to the treatment project, which have been required or incorporated into the project, will reduce these impacts to a less than significant level. The Project Proponent hereby directs that these mitigation measures be adopted.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact CUL-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Subsurface Historical Resources

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

BIOLOGICAL RESOURCES

Impact BIO-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications

- Mitigation Measure BIO-1a: Avoid Loss of Special-Status Plants Listed under ESA or CESA
- Mitigation Measure BIO-1b: Avoid Loss of Special-Status Plants Not Listed Under ESA or CESA

Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Tree-Nesting and Cavity-Nesting Wildlife)

- Mitigation Measure BIO-2a: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species (All Treatment Activities)
- Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)

Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Shrub-Nesting Wildlife)

- Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)

Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Ground-Nesting Wildlife)

- Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)

- Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Burrowing and Denning Wildlife)**
 - Mitigation Measure BIO-2a: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species (All Treatment Activities)
- Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Bats)**
 - Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)
- Impact BIO-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications (Amphibians and Reptiles (in wetlands, vernal pools, associated riparian))**
 - Mitigation Measure BIO-2a: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species (All Treatment Activities)
 - Mitigation Measure BIO-2b: Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special-Status Wildlife Species (All Treatment Activities)
- Impact BIO-3: Substantially Affect Riparian Habitat or Other Sensitive Natural Community Through Direct Loss or Degradation that Leads to Loss of Habitat Function**
 - Mitigation Measure BIO-3a: Design Treatments to Avoid Loss of Sensitive Natural Communities and Oak Woodlands
 - Mitigation Measure BIO-3b: Compensate for Loss of Sensitive Natural Communities and Oak Woodlands

HAZARDOUS MATERIALS, PUBLIC HEALTH AND SAFETY

- Impact HAZ-3: Expose the Public or Environment to Significant Hazards from Disturbance to Known Hazardous Material Sites**
 - Mitigation Measure HAZ-3: Identify and Avoid Known Hazardous Waste Sites

FINDINGS FOR SIGNIFICANT AND UNAVOIDABLE IMPACTS

The CalVTP PEIR determined that some impacts of the program would be significant and unavoidable, even after implementation of all feasible mitigation. The Project Proponent finds that the treatment project would contribute to or cause the following significant and unavoidable impacts. Incorporating and implementing the following feasible mitigation measures indicated to be applicable to the treatment project will reduce the severity of this impact, but not to a less-than-significant level. The Project Proponent will adopt and implement these mitigation measures. The Project Proponent therefore finds that changes or alterations have been required in, or incorporated into, the treatment project that will substantially lessen, but not avoid, the significant environmental effect as identified in the PEIR and PSA.

The Project Proponent finds that fully mitigating these impacts to a less-than-significant level is not feasible; there are no feasible mitigation measures beyond those described below to reduce these impacts. [Alternative to preceding sentence: The Project Proponent has reviewed any suggested mitigation measures and finds these suggestions infeasible.] These impacts will remain significant and unavoidable. The Project Proponent concludes, however, that the benefits of the CalVTP and the vegetation treatment project outweigh the significant unavoidable impacts of the Program and treatment project, as set forth in the Board's Statement of Overriding Considerations.

AIR QUALITY

Impact AQ-1: Generate Emissions of Criteria Air Pollutants and Precursors During Treatment Activities that Would Exceed CAAQS Or NAAQS and Conflict with Regional Air Quality Plans

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

No feasible mitigation is available.

ADDITIONAL INFORMATION TO SUPPORT CalVTP FINDING FOR THE BEAR CREEK REDWOODS VEGETATION TREATMENT PROJECT:

Implementation of Mitigation Measure AQ-1 was required or incorporated into the CalVTP by the Board to reduce the severity of this impact, but not to a less-than-significant level. Emission reduction techniques included Mitigation Measure AQ-1 would be infeasible for the Project Proponent to implement and, for the same reasons explained in the PEIR, this impact would remain significant and unavoidable. Because the treatments would be implemented by the Midpeninsula Regional Open Space District, a special district with variable funding, it would be cost prohibitive to use equipment meeting the latest efficiency standards including meeting U.S. Environmental Protection Agency's Tier 4 emission standards, using renewable diesel fuel, using electric- and gasoline-powered equipment, and using equipment with Best Available Control Technology. In addition, carpooling may not be feasible or recommended during an active pandemic.

The Project Proponent incorporated all feasible and applicable measures to prevent and minimize this potential impact, pursuant to SPRs AQ-1 and AQ-4. The Project Proponent finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. The Project Proponent reviewed all mitigation measures and finds them infeasible. This impact will remain significant and unavoidable. The Project Proponent concludes, however, that the benefits of the CalVTP and vegetation treatment project outweigh the significant unavoidable impacts of the Program and treatment project, as set forth in the Statement of Overriding Considerations, below. The Project Proponent therefore find that changes or alterations have been required in, or incorporated into, the proposed project that will substantially lessen, but not avoid, the significant environmental effect as identified in the PEIR.

GREENHOUSE GAS EMISSIONS

Impact GHG-2: Generate GHG Emissions through Treatment Activities

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

No feasible mitigation is available.

ADDITIONAL INFORMATION TO SUPPORT CalVTP FINDING FOR THE BEAR CREEK REDWOODS VEGETATION TREATMENT PROJECT:

Implementation of Mitigation Measure GHG-2 was required or incorporated into the CalVTP by the Board to reduce the severity of this impact, but not to a less-than-significant level. Mitigation Measure GHG-2 is not applicable to the proposed project because it requires GHG emissions reduction techniques to be implemented during prescribed burning, which is not a proposed treatment activity. Other measures could include the purchase and retirement of carbon credits to offset the one-time GHG emissions directly associated with the proposed project; however, this approach would consume financial resources needed to achieve wildfire risk reduction objectives. No other feasible and effective mitigation exists that would reduce this impact to a less-than-significant level without compromising the effectiveness of the proposed project.

The Project Proponent finds that mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. This impact will remain significant and unavoidable. The Project Proponent concludes, however, that the benefits of the CalVTP and vegetation treatment project outweigh the significant unavoidable impacts of the

Program and treatment project, as set forth in the Statement of Overriding Considerations, below. The Project Proponent therefore find that changes or alterations have been required in, or incorporated into, the proposed project that will substantially lessen, but not avoid, the significant environmental effect as identified in the PEIR.

STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the Board's adopted Findings, the Board determined that the CalVTP will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite these effects, however, the Board, in accordance with CEQA Guidelines Section 15093, chose to approve the CalVTP because, in its view, the benefits to life, property, and other resources, and other benefits of the CalVTP will render the significant effects acceptable.

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

Exercising its independent judgment and review, the Project Proponent concurs that the benefits of the CalVTP and the proposed project outweigh the significant environmental effects and hereby incorporates by reference and adopts the Board's Statement of Overriding Considerations for the CalVTP, as applicable to the proposed vegetation treatment project.

Any one of the reasons listed in the Statement of Overriding Considerations is sufficient to justify approval of the treatment project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Project Proponent would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and the documents found in the Record of Proceedings, which are described and defined under "Record of Proceedings," above.

- ▶ The CalVTP and the proposed vegetation treatment project will reduce dire risks to life, property, and natural resources in California.
- ▶ The CalVTP and the proposed vegetation treatment project reflect the most current and commonly accepted science and conditions in California and allows for adaptation in response to potential evolution and changes in science and conditions.
- ▶ The CalVTP and the proposed vegetation treatment project reflect the Board's and CAL FIRE's goals. The CalVTP and the proposed vegetation treatment project will help the Board and CAL FIRE achieve their central goals for reducing and preventing the impacts of fire in the state, as outlined in the *2018 Strategic Fire Plan for California*. The CalVTP and the proposed vegetation treatment project will help to establish a natural environment that is more resilient and built assets that are more resistant to the occurrence and effects of wildland fire.
- ▶ The CalVTP and the proposed vegetation treatment project will help implement Executive Orders, including:
 - EO B-42-17: Governor Brown's order issued to bolster the state's response to unprecedented tree die-off through further expediting removal of millions of dead and dying trees across the state;
 - EO B-52-18: Governor Brown's order to improve forest management and restoration, provide regulatory relief, and reduce barriers for prescribed fire; and
 - EO N-05-19: Governor Newsom's order directing CAL FIRE to recommend immediate-, medium-, and long-term actions to help prevent destructive wildfires.

- ▶ The Board is required by law to comply with SB 1260, signed into law by Governor Brown in February 2018, which improves California forest management practices to reduce the risk of wildfire in light of the changing climate and includes provisions for the CalVTP PEIR to serve as the programmatic CEQA coverage for prescribed burns within the SRA. The CalVTP and the proposed vegetation treatment project will bring the Board into compliance with these requirements.
- ▶ The CalVTP and the proposed vegetation treatment project will help to meet California's GHG emission goals consistent with the California Forest Carbon Plan, California's 2017 Climate Change Scoping Plan, Fire on the Mountain: Rethinking Forest Management in the Sierra Nevada, and California 2030 Natural and Working Lands Climate Change Implementation Plan.

The CalVTP and the proposed vegetation treatment project reflect Midpeninsula Regional Open Space District's goals for the Wildland Fire Resiliency Program. The CalVTP and the proposed vegetation treatment project will help the Project Proponent achieve goals for establishing healthy, resilient fire-adapted ecosystems and protecting natural resources; reducing wildland fire risk; and facilitating fire suppression and emergency access, as outlined in the *Wildland Fire Resiliency Program and Environmental Impact Report*. The Project Proponent's proposed vegetation treatment project would be implemented consistent with Midpeninsula Regional Open Space District's ecologically sensitive vegetation management practices, which are focused on maintaining and improving high biodiversity and ecological health.