

Amador Resource Conservation District CEQA Findings and Statement of Overriding Considerations for Project- Specific Analysis and Addendum *Jackson Creek Forest Health Project*

1 INTRODUCTION

The Amador Resource Conservation District¹, referred to herein as "Project Proponent," in the exercise of its independent judgment, makes and adopts the following findings regarding its decision to approve the Jackson Creek Forest Health Project, referred to herein as "vegetation treatment project" or "project," as within the scope of the California Vegetation Treatment Program (CalVTP). 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.), the Amador Resource Conservation District has considered the Program Environmental Impact Report prepared for the CalVTP, State Clearinghouse Number 2019012052, which was certified by the California Board of Forestry and Fire Protection in December 2019 ("CalVTP PEIR"), and the Project-Specific Analysis (PSA) and Addendum thereto, dated January 2023, for the Amador Resource Conservation District's approval of the project ("PSA/Addendum").

The CalVTP PEIR, including the information contained in the PSA/Addendum dated January 2023, contains the environmental analysis and information necessary to support approval of the project, as set forth below.

2 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 For the purposes of implementing the CalVTP, a project proponent is a public agency that provides funding for vegetation treatment or has land ownership, land management, or other regulatory responsibility in the treatable landscape and is seeking to fund, authorize, or implement vegetation treatments consistent with the CalVTP. If through the Project Specific Analysis (PSA) a project proponent determines that a proposed project is within the scope of the CalVTP PEIR, then the project proponent would act as a responsible agency pursuant to CEQA. A regulatory agency seeking to use the CalVTP PEIR to issue any secondary approval or permit for vegetation treatments would also be a responsible agency. If the PSA determines that one or more impacts of a proposed later vegetation treatment project is not within the scope of the CalVTP PEIR, then the project proponent may serve as a lead agency in the preparation of additional environmental documentation that accompanies the PEIR for CEQA compliance.

- (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 (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; Public Services, Utilities, and Service Systems; and Transportation. 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 an 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).) When an agency approves a vegetation treatment project using an addendum, it must also adopt its own CEQA findings pursuant to CEQA Guidelines Section 15164. Although each 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.

3 BACKGROUND AND PROJECT DESCRIPTION

Amador Resource Conservation District proposes to implement vegetation treatments on up to 3,440 acres of land (proposed project) in Amador County in the Jackson Creek Watershed east of the City of Jackson. The Board is supporting the preparation of PSA documents to create a library of example vegetation treatment projects that help guide state and local agencies in preparing their own PSAs under the CalVTP PEIR, as well as to achieve CEQA compliance for the proposed project. The Board selected Amador Resource Conservation District’s proposed vegetation treatment project to be one of the PSAs that provides CEQA compliance for project approval and implementation and serves as an example PSA for other agencies seeking to use the CalVTP PEIR to accelerate approval of their own vegetation treatment projects.

Amador Resource Conservation District proposes the Jackson Creek Forest Health Project to implement vegetation treatments on up to 3,440 acres of land in Amador County in the Jackson Creek Watershed east of the City of Jackson. The proposed treatment type (i.e., ecological restoration) and the treatment activities (i.e., prescribed burning, mechanical treatments, manual treatments, prescribed herbivory, herbicide application) are consistent with those evaluated in the CalVTP PEIR. Maintenance treatments would involve the same vegetation treatment types and activities used in the initial treatments.

4 ENVIRONMENTAL REVIEW PROCESS

The project PSA/Addendum was prepared in compliance with CEQA to document the Amador Resource Conservation District's determination that the portions of the project area that are within the CalVTP treatable landscape are within the scope of the CalVTP PEIR and that a subsequent or supplemental EIR is not required for the portions of the project area that extend outside of the CalVTP treatable landscape. The PSA/Addendum contains a detailed and comprehensive review of the project and the resulting impacts, and concludes that implementation of the project would not cause any new significant environmental impacts nor an increase in the severity of significant impacts previously identified and studied in the CalVTP PEIR. There have not been any substantial changes with respect to the circumstances under which implementation of the project would be undertaken that would require major revisions to the previously certified CalVTP PEIR. In addition, there is no new information of substantial importance, which was not known and could not have been known at the time that the CalVTP PEIR was certified, showing that new or more severe environmental impacts not addressed in the CalVTP PEIR would occur, that mitigation measures or alternatives found infeasible in the CalVTP PEIR would in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the CalVTP PEIR would substantially reduce one or more significant impacts.

The PSA/Addendum analyzes the environmental effects of the project in relation to the environmental analysis in the CalVTP PEIR with regard to the following environmental topic areas: Aesthetics; Agricultural and Forestry Resources; Air Quality; Archeological, Historical, and Tribal Cultural Resource; Biological Resources; Energy; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning and Population and Housing; Noise; Public Services, Utilities, and Service Systems; Recreation; Transportation; and Wildfire. It also identifies standard project requirements (SPRs) and mitigation measures adopted as part of the CalVTP PEIR relevant to the project that have been incorporated into and must be implemented as part of the project. All SPRs and mitigation measures in the CalVTP PEIR relevant to the project, as well as all components of the project described in the PSA/Addendum, are included in the Approval and are made conditions of the project.

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

On June 28, 2022, Ascent (on behalf of Amador Resource Conservation District) 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).

5 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 www.AmadorRCD.org/CEQA. The custodian of these documents is Executive Director, Amanda Watson. The certified Final CalVTP PEIR and CalVTP Findings/Statement of Overriding Consideration are also available on the Board's CalVTP webpage.

6 MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) was adopted by the Board for the CalVTP, and the applicable SPRs and mitigation measures for this treatment project have been identified in the PSA/Addendum. The Project Proponent will use the MMRP to track compliance with the CalVTP mitigation measures and SPRs. 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.

7 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/Addendum, which were presented to the Board and reviewed and considered prior to any approvals, concurs with the conclusions of the Final PEIR and the treatment project PSA/Addendum 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/Addendum that all of the following impacts will be less than significant or no impact:

7.1 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

7.2 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

7.3 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

7.4 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

7.5 BIOLOGICAL RESOURCES

- Impact BIO-6:** Substantially Reduce Habitat or Abundance of Common Wildlife

7.6 ENERGY RESOURCES

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

7.7 GEOLOGY, SOILS, AND MINERAL RESOURCES

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

7.8 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

7.9 HAZARDOUS MATERIALS, PUBLIC HEALTH AND SAFETY

- Impact HAZ-1:** Create a Significant Health Hazard from the Use of Hazardous Materials
- Impact HAZ-2:** Create a Significant Health Hazard from the Use of Herbicides

7.10 HYDROLOGY AND WATER QUALITY

- Impact HYD-1:** 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 Prescribed Burning
- 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-3:** 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 Prescribed Herbivory
- Impact HYD-4:** 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 Ground Application of Herbicides
- Impact HYD-5:** Substantially Alter the Existing Drainage Pattern of a Treatment Site or Area

7.11 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

7.12 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

7.13 PUBLIC SERVICES, UTILITIES, AND SERVICE SYSTEMS

- Impact UTIL-1:** Result in Physical Impacts Associated with Provision of Sufficient Water Supplies, Including Related Infrastructure Needs
- Impact UTIL-3:** Comply with Federal, State, and Local Management and Reduction Goals, Statutes, and Regulations Related to Solid Waste

7.14 RECREATION

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

7.15 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

7.16 WILDFIRE

- Impact WIL-1:** Substantially Exacerbate Fire Risk and Expose People to Uncontrolled Spread of a Wildfire
- Impact WIL-2:** Expose People or Structures to Substantial Risks Related to Post-Fire Flooding or Landslides

8 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. 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.

8.1 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.

8.1.1 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 (all wildlife species except bumble bees)**
 - 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)
 - Mitigation Measure BIO-2c: Compensate for Mortality, Injury, or Disturbance and Loss of Habitat Function for Special-Status Wildlife if Applicable (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
 - Mitigation Measure BIO-3c: Compensate for Unavoidable Loss of Riparian Habitat
- Impact BIO-4: Substantially Affect State or Federally Protected Wetlands**
 - Mitigation Measure BIO-4: Avoid State and Federally Protected Wetlands
- Impact BIO-5: Interfere Substantially with Wildlife Movement Corridors or Impede Use of Nurseries**
 - Mitigation Measure BIO-5: Retain Nursery Habitat and Implement Buffers to Avoid Nursery Sites

8.1.2 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

9 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/Addendum.

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. 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 and these project-specific Statement of Overriding Considerations.

9.1 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

Refer to Section 8.2.2, "Air Quality," of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

Impact AQ-4: Expose People to Toxic Air Contaminants Emitted by Prescribed Burns and Related Health Risk

No feasible mitigation is available

Refer to Section 8.2.2, "Air Quality," of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

Impact AQ-6: Expose People to Objectionable Odors from Smoke During Prescribed Burning

No feasible mitigation is available

Refer to Section 8.2.2, "Air Quality," of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

9.2 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

Refer to Section 8.2.3, "Archaeological, Historical, and Tribal Cultural Resources," of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

9.3 GREENHOUSE GAS EMISSIONS

Impact GHG-2: Generate GHG Emissions through Treatment Activities

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

Refer to Section 8.2.5, "Greenhouse Gas Emissions," of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

9.4 TRANSPORTATION

Impact TRAN-3: Result in a Net Increase in VMT for the Proposed CalVTP

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

Refer to Section 8.2.6, "Transportation," of the CalVTP CEQA Findings of Fact and Statement of Overriding Considerations for the CalVTP findings. The Project Proponent incorporates by reference the Board of Forestry and Fire Protection's CEQA findings for this impact.

10 STATEMENT OF OVERRIDING CONSIDERATIONS²

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 the 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 treatment project outweigh the significant environmental effects and hereby incorporates by reference and adopts the Board's Statement of Overriding Considerations for the CalVTP. The certified Final CalVTP PEIR and CalVTP Findings/Statement of Overriding Consideration are available on the Board's CalVTP webpage.

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.

² If the PSA indicates that the project proponent's treatment project will not contribute to or cause any of the significant and unavoidable impacts determined in the PEIR, the proponent need not adopt a statement of overriding considerations.

- ▶ The Jackson Creek Forest Health Project, as an implementation action of the CalVTP, will reduce dire risks to life, property, and natural resources in California.
- ▶ The Jackson Creek Forest Health Project, as an implementation action of the CalVTP, reflects 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 Jackson Creek Forest Health Project, as an implementation action of the CalVTP, reflects the Board's and CAL FIRE's goals. The CalVTP 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 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 Jackson Creek Forest Health Project, as an implementation action of the CalVTP, 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; and
 - EO B-52-18: Governor Brown's order to improve forest management and restoration, provide regulatory relief, and reduce barriers for prescribed fire.
- ▶ 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 Jackson Creek Forest Health Project, as an implementation action of the CalVTP, will bring the Board into compliance with these requirements.
- ▶ The Jackson Creek Forest Health Project, as an implementation action of the CalVTP, 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.

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