

EXHIBIT A

**CEQA Findings of Fact
Tahoe Program Timberland Environmental Impact Report
State Clearinghouse No. 2019069054
November 8, 2021**

I. Environmental Impacts and Findings

The California Environmental Quality Act (CEQA) Guidelines, section 15091, states that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been completed which identifies one or more significant effects on the environment unless the public agency makes one or more of the following three findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The California Tahoe Conservancy (Conservancy) is a responsible agency under CEQA for the Tahoe Program Timberland Environmental Impact Report (Tahoe PTEIR). As the lead agency, the California Department of Forestry and Fire Protection (CAL FIRE) had the responsibility of preparing and certifying the Tahoe PTEIR. When CAL FIRE certified the Tahoe PTEIR and approved the proposed forest management program (proposed program) on April 7, 2021, CAL FIRE also adopted mitigation measures, findings, and a Statement of Overriding Considerations. The Tahoe PTEIR is available for review on the North Tahoe Fire Protection District's website at <https://www.ntfire.net/tahoe-pteir> (Attachment 4 of the Staff Recommendation).

The Conservancy has reviewed and considered CAL FIRE's Tahoe PTEIR, the CEQA Findings and Statement of Overriding Considerations made by CAL FIRE in certifying the Tahoe PTEIR, and the adopted Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1 of the Staff Recommendation, Exhibit C).

II. Conservancy CEQA Findings

In accordance with CEQA Guidelines section 15096(h), the Conservancy has independently reviewed and, based on substantial evidence, concurs with CAL FIRE's specific written findings regarding significant impacts associated with the improvements. (Attachment 4 of the Staff Recommendation).

AESTHETICS

Impact 3.3-2: Have a substantial adverse effect on scenic views from Lake Tahoe

Implementation of the proposed program would result in the presence of fewer trees and less dense forests within the program area. This would increase viewing distances in treated areas, bringing greater visibility to distant objects or structures. Later treatment activities located near the most visually sensitive portions of the shoreline could potentially remove vegetation that screens structures or other human-made features that would otherwise be visible from Lake Tahoe, resulting in the degradation of the quality of scenic views from Lake Tahoe. This would be a **potentially significant impact**.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.3-2, Retain Screening of Existing Structures and Infrastructure in Visually Sensitive and Natural Dominated Shorelines*.

Mitigation Measure 3.3-2 requires that later treatment activities implemented through the proposed program shall maintain visual screening of existing structures or infrastructure (e.g., utility lines, roadways, retaining walls) within 300 feet of the shoreline that could be visible from Lake Tahoe. The project proponent shall maintain trees, understory vegetation, and/or patches of dense vegetation that completely or partially screen the structures or infrastructure from view from Lake Tahoe to the extent feasible while meeting program objectives. The project proponent shall flag or otherwise mark screening vegetation for retention before initiating treatments in the vicinity of structures or infrastructure within 300 feet of the Lake Tahoe shoreline in Visually Sensitive or Natural Dominated shorelines.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.3-2 and determined that because the proposed program will retain strategic vegetation screening views of existing structures and infrastructure in visually sensitive and natural dominated shorelines from Lake Tahoe, the impact to scenic views will be reduced to a **less-than-significant** level.

Impact 3.3-3: Have a substantial adverse effect on views from scenic roadways

Implementation of the proposed program would result in the presence of fewer trees and less dense vegetation within the program area. This would increase viewing distances in treated areas, bringing greater visibility to distant objects or structures. Later treatment activities located near scenic roadways in rural areas could potentially remove vegetation that screens development resulting in greater visibility of structures and the degradation of the scenic quality. This would be a **potentially significant impact**.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.3-3, Retain Screening of Existing Structures in Rural Roadway Corridors*.

Mitigation Measure 3.3-3 requires later treatment activities that propose to remove vegetation within 300 feet of a TRPA-designated rural roadway travel unit, and which would affect 500 linear feet or more of the roadway travel unit shall consult with a landscape architect, TRPA Scenic Specialist, or other qualified scenic resources specialist to identify site-specific vegetative screening recommendations. The recommendations shall identify opportunities to maintain strategically placed visual screening of existing structures within 300 feet of the rural scenic roadway unit, while still meeting program objectives related to public safety and wildfire risk reduction. The project proponent shall incorporate feasible recommendations from the consultation to maintain selected trees, understory vegetation, patches of dense vegetation that completely or partially screen the structures from view from scenic roadways, and/or other site-specific measures to the extent feasible while meeting project public safety and wildfire risk reduction objectives. Recommendations shall consider prioritizing retention of less flammable vegetation, breaking up continuous patches of vegetation that pose a wildfire risk while retaining strategically placed patches of vegetation to screen development, and the potential for replanting less flammable vegetation for screening in targeted areas where flammable vegetation must be removed. The project proponent shall flag or otherwise mark screening vegetation for retention before initiating treatments in the vicinity of structures in rural roadway corridors areas that are within 300 feet of scenic roadways.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.3-3 and determined that because the proposed program will retain strategic vegetation that would screen views of structures from rural roadway corridors, the impact on views from scenic roadways will be reduced to a **less-than-significant** level.

BIOLOGICAL RESOURCES

Impact 3.6-1: Potential to substantially affect special-status plant species either directly or through habitat modifications

Later treatment activities could result in direct removal or destruction, or indirect death or reduced vigor of special-status plants through habitat modifications. Implementation of SPRs BIO-1, BIO-2, BIO-6, and BIO-7 requires special-status plants to be identified prior to treatment activities, Worker Environmental Awareness Program training for workers, and actions to prevent the spread of invasive plants that could threaten special-status plant populations. While SPRs would minimize impacts, treatment activities could inadvertently damage or destroy special-status plants and adversely modify their habitat resulting in reduced growth and reproduction or death and loss of special-status plant occurrences. This would be a **potentially significant impact**.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.6-1a, Avoid Loss of Special-Status Plants* or *Mitigation Measure 3.6-1b, Compensate for Unavoidable Loss of Special-Status Plants*.

Mitigation Measure 3.6-1a requires that if special-status plant species are determined to be present through application of SPR BIO-1 and SPR BIO-6, the project proponent will implement the following measures to avoid loss of individuals and maintain habitat function of occupied habitat:

- Physically avoid the area occupied by the special-status plants by establishing a no-disturbance buffer around the area occupied by species and marking the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). The no-disturbance buffers will generally be a minimum of 50 feet from special-status plants, but the size and shape of the buffer zone may be adjusted if a qualified RPF or botanist determines that a smaller buffer will be sufficient to avoid loss of or damaging to special-status plants or that a larger buffer is necessary to sufficiently protect plants from the treatment activity. The appropriate size and shape of the buffer zone will be determined by a qualified RPF or botanist and will depend on plant phenology at the time of treatment (e.g., whether the plants are in a dormant, vegetative, or flowering state), the individual species' vulnerability to the treatment method being used, and environmental conditions and terrain. Consideration of factors such as site hydrology, changes in light, edge effects, and potential introduction of invasive plants and noxious weeds may inform an appropriate buffer size and shape.

- Treatments may be conducted within this buffer if the potentially affected special-status plant species is a geophytic, stump-sprouting, or annual species, and the treatment can be conducted outside of the growing season (e.g., after it has completed its annual life cycle) or during the dormant season using only treatment activities that would not damage the stump, root system or other underground parts of special-status plants or destroy the seedbank.
- Treatments will be designed to maintain the function of special-status plant habitat. For example, for treatments proposed in locations occupied by special-status plants, if the removal of shade cover would degrade the special-status plant habitat despite the requirement to physically or seasonally avoid the special-status plant itself, habitat function would be diminished and the treatment would need to be modified or precluded from implementation.
- No fire ignition (and associated use of accelerants) will occur within the special-status plant buffer.
- A qualified RPF or botanist with knowledge of the special-status plant species habitat and life history will review the treatment design and applicable impact minimization measures (potentially including others not listed above) to determine if the anticipated residual effects of the treatment would be significant under CEQA because implementation of the treatment would not maintain habitat function of the special-status plant habitat (i.e., the habitat would be rendered unsuitable) or because the loss of special-status plants would substantially reduce the number or restrict the range of a special-status plant species. If the project proponent determines the impact on special-status plants would be less than significant, no further mitigation will be required. If the project proponent determines that the loss of special-status plants or degradation of occupied habitat would be significant under CEQA after implementing feasible treatment design alternatives and impact minimization measures, then Mitigation Measure 3.6-1b will be implemented.

The only exception to this mitigation approach is in cases where it is determined by a qualified RPF or botanist that the special-status plants would benefit from treatment in the occupied habitat area even though some of the non-listed special-status plants may be killed during treatment activities. For a treatment to be considered beneficial to non-listed special-status plants, the qualified RPF or botanist will demonstrate with substantial evidence that habitat function is reasonably expected to improve with implementation of the treatment (e.g., by citing scientific studies demonstrating that the species (or similar species) has benefitted from increased sunlight due to canopy opening, eradication of invasive species, or otherwise reduced competition for resources), and the substantial evidence will be included in the Project

Consistency Checklist. If it is determined that treatment activities would be beneficial to special-status plants, no compensatory mitigation will be required.

Mitigation Measure 3.6-1b requires if significant impacts on special-status plants cannot feasibly be avoided as specified under the circumstances described under Mitigation Measure 3.6-1a, the project proponent will prepare a Compensatory Mitigation Plan that identifies the residual significant impacts that require compensatory mitigation and describes the compensatory mitigation strategy being implemented and how unavoidable losses of special-status plants will be compensated. The project proponent will consult with CDFW and/or any other applicable responsible agency prior to finalizing the Compensatory Mitigation Plan to satisfy that responsible agency's requirements (e.g., permits, approvals) within the plan. If the special-status plant taxa are listed under ESA or CESA, the plan will be submitted to CDFW and/or USFWS (as appropriate) for review and comment.

The first priority for compensatory mitigation will be preserving and enhancing existing populations outside of the treatment area in perpetuity, or if that is not an option because existing populations that can be preserved in perpetuity are not available, one of the following mitigation options will be implemented by the project proponent instead:

- creating populations on mitigation sites outside of the treatment area through seed collection and dispersal (annual species) or transplantation (perennial species);
- purchasing mitigation credits from a CDFW- or USFWS-approved conservation or mitigation bank in sufficient quantities to offset the loss of occupied habitat; and
- if the affected special-status plants are not listed under ESA or CESA, compensatory mitigation may include restoring or enhancing degraded habitats so that they are made suitable to support special-status plant species in the future.

If relocation efforts are part of the Compensatory Mitigation Plan, the plan will include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements. The following performance standards will be applied for relocation:

- the extent of occupied area will be substantially similar to the affected occupied habitat and will be suitable for self-producing populations. Re-

located/re-established populations will be considered suitable for self-producing when:

- habitat conditions allow for plants to reestablish annually for a minimum of 5 years with no human intervention, such as supplemental seeding; and
- reestablished habitats contain an occupied area comparable to existing occupied habitat areas in similar habitat types in the region.

If preservation of existing populations or creation of new populations is part of the mitigation plan, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands and actions (e.g., the number and type of credits, location of mitigation bank or easement, restoration or enhancement actions), parties responsible for the long-term management of the land, and the legal and funding mechanisms (e.g., holder of conservation easement or fee title). The project proponent will submit evidence that the necessary mitigation has been implemented or that the project proponent has entered into a legal agreement to implement it and that compensatory plant populations will be preserved in perpetuity.

If mitigation includes dedication of conservation easements, purchase of mitigation credits, or other offsite conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, funding assurances, and success criteria such as those listed above and other details, as appropriate to target the preservation of long term viable populations.

If mitigation includes restoring or enhancing habitat within the treatment area or outside of the treatment area, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored habitat.

If the loss of occupied habitat cannot be offset (e.g., if preservation of existing populations or creation of new populations through relocation efforts are not available for a certain species), and as a result treatment activities would substantially reduce the number or restrict the range of listed plant species, then the treatment will not qualify as within the scope of the PTEIR. Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project proponent (e.g., incidental take permit for state-listed plants), if these requirements are equally or more effective than the mitigation identified above.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.6-1a and 3.6-1b and determined that because the proposed program will avoid or compensate for the loss of special status plants and habitat, the impact on special status plants and habitat will be reduced to a **less-than-significant** level.

Impact 3.6-2: Substantially affect special-status wildlife species either directly or through habitat modifications

Later treatment activities implemented under the Tahoe PTEIR, including prescribed burning, mechanical treatment, and manual treatment could result in direct or indirect adverse effects to special-status wildlife species. SPRs require pre-treatment surveys to identify special-status wildlife and habitats and avoidance and protection of certain sensitive habitats. While implementation of SPRs would minimize impacts, later treatment activities would still remove vegetation and disturb the ground surface, which could result in the disturbance to or loss of individuals, reduced breeding productivity of affected species, or loss of habitat function. The loss of special-status wildlife species and habitat function would be a potentially significant impact.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.6-2a, Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Federally and State-Listed Wildlife Species*; *Mitigation Measure 3.6-2b, Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Other Special Status Wildlife Species*; or *Mitigation Measure 3.6-2c, Compensate for Mortality, Injury, or Disturbance and Loss of Habitat Function for Special-Status Wildlife, if Applicable*

Mitigation Measure 3.6-2a requires that If wildlife species listed under ESA or CESA (e.g., willow flycatcher, Sierra Nevada yellow-legged frog) are observed during reconnaissance surveys (conducted pursuant to SPR BIO-1) or focused or protocol-level surveys (conducted pursuant to SPR BIO-8), the project proponent will avoid adverse effects on the species by implementing the following.

Avoid Mortality, Injury, or Disturbance of Individuals

- The project proponent will implement one of the following two measures to avoid mortality, injury, or disturbance of individuals:
 1. Treatment will not be implemented within the occupied habitat. Any treatment activities outside occupied habitat will be a sufficient distance from the occupied habitat such that mortality, injury, or disturbance of the species will not occur, as determined by a qualified RPF or biologist, in consultation with CDFW and/or TRPA (depending on

the potentially affected species), using current and commonly-accepted science and considering published agency guidance; OR

2. Treatment will be implemented outside the sensitive period of the species' life history (e.g., outside the breeding or nesting season) during which the species may be more susceptible to disturbance, or disturbance could result in loss of eggs or young. For species present year-round, CDFW and/or USFWS will be consulted to determine if there is a period of time within which treatment could occur that would avoid mortality, injury, or disturbance of the species.

- For species listed under ESA or CESA, if the project proponent cannot avoid mortality, injury or disturbance by implementing one of the two options listed above, the project proponent will implement Mitigation Measure 3.6-2c.

Maintain Habitat Function

- The project proponent will design treatment activities to maintain the habitat function, by implementing the following:
- While performing review and surveys for SPR BIO-1 and SPR BIO-8, a qualified RPF or biologist will identify any habitat features that are necessary for survival (e.g., habitat necessary for breeding, foraging, shelter, movement) of the affected wildlife species. These habitat features will be marked and treatments applied to the features will be designed to minimize or avoid the loss or degradation of suitable habitat for listed species during treatments. Identification and treatment of these features will be based on the life history and habitat requirements of the affected species and the most current, commonly accepted science.
- If it is determined during implementation of SPR BIO-1 and SPR BIO-8 that federally or state-listed wildlife with specific requirements for dense vegetation cover (e.g., willow flycatcher) are present within a treatment area, then vegetation cover within existing suitable areas will be retained at the percentage preferred by the species (as determined by expert opinion, published habitat association information, or other documented standards that are commonly accepted) such that habitat function is maintained.
- A qualified RPF or biologist will determine if, after implementation of the impact avoidance measures listed above, the habitat function will remain for the affected species after implementation of the treatment. Because this measure pertains to species listed under CESA or ESA, the qualified RPF or biologist will consult with CDFW and/or USFWS regarding the determination that habitat function is maintained. If consultation determines that the treatment will not maintain habitat function for the special-status species, the project proponent will implement Mitigation Measure 3.6-2c.

Mitigation Measure 3.6-2b requires if other special-status wildlife species (i.e., species not listed under CESA or ESA, but meeting the definition of special status as stated in Section 3.6.3 of the PTEIR) are observed during reconnaissance surveys (conducted pursuant to SPR BIO-1) or focused or protocol-level surveys (conducted pursuant to SPR BIO-8), the project proponent will avoid or minimize adverse effects to the species by implementing the following.

Avoid Mortality, Injury, or Disturbance of Individuals

The project proponent will implement the following to avoid mortality, injury, or disturbance of individuals:

- For all treatment activities except prescribed burning, the project proponent will establish a no-disturbance buffer around occupied sites (e.g., nests, dens, bat roosts, burrows). Buffer size will be determined by a qualified RPF or biologist, in consultation with CDFW and/or TRPA (depending on the potentially affected species), using the most current, commonly accepted science and will consider published agency guidance; however, buffers will generally be a minimum of 500 feet for special-status birds and 100 feet for other special-status wildlife species, unless site conditions indicate a smaller buffer would be sufficient for protection or a larger buffer would be needed. Factors to be considered in determining buffer size will include, but not be limited to, the species' tolerance to disturbance; the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; baseline levels of noise and human activity; and treatment activity. Buffer size may be adjusted if the qualified RPF or biologist determines that such an adjustment would not be likely to adversely affect (i.e., cause mortality, injury, or disturbance to) the species within the nest, den, burrow, or other occupied site. If a no-disturbance buffer is reduced below these minimum standards around an occupied site, a qualified RPF or biologist will provide the project proponent with a site- and/or treatment activity-specific explanation for the buffer reduction, which will be included in the Project Consistency Checklist.
- No-disturbance buffers will be marked with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway). No activity will occur within the buffer areas until the qualified RPF or biologist has determined that the young have fledged or dispersed; the nest, den, roost, or other occurrence is no longer active; or reducing the buffer would not likely result in disturbance, mortality, or injury. A qualified RPF, biologist, or biological technician will be required to monitor the effectiveness of the no-disturbance buffer around the nest, den, burrow, or other occurrence during treatment. If treatment activities cause agitated behavior of the individual(s), the buffer distance will be increased, or treatment activities modified until the agitated behavior stops. The

- qualified RPF, biologist, or biological technician will have the authority to stop any treatment activities that could result in mortality, injury or disturbance to special-status species.
- For prescribed burning, the project proponent will implement the treatment outside the sensitive period of the species' life history (e.g., outside the breeding or nesting season) during which the species may be more susceptible to disturbance, or disturbance could result in loss of eggs or young. For species present year-round, the qualified RPF or biologist will determine the period of time within which prescribed burning could occur that will avoid or minimize mortality, injury, or disturbance of the species. The project proponent may consult with CDFW and/or USFWS for technical information regarding appropriate limited operating periods.

Maintain Habitat Function

For all treatment activities, the project proponent will design treatment activities to maintain the habitat function by implementing the following:

- While performing review and surveys for SPR BIO-1 and SPR BIO-8, a qualified RPF or biologist will identify any habitat features that are necessary for survival (e.g., habitat necessary for breeding, foraging, shelter, movement) of the affected wildlife species (e.g., trees with complex structure, trees with large cavities, trees with nesting platforms; tree snags; large raptor nests [including inactive nests]; downed woody debris). These habitat features will be marked and treatments applied to the features will be designed to minimize or avoid the loss or degradation of suitable habitat for listed species during treatments. Identification and treatment of these features will be based on the life history and habitat requirements of the affected species and the most current, commonly accepted science.
- If it is determined during implementation of SPR BIO-1 and SPR BIO-8 that special-status wildlife with specific requirements for dense canopy or vegetation cover (e.g., northern goshawk, California spotted owl, Sierra Nevada mountain beaver) are present within a treatment area, then tree or shrub canopy cover within existing suitable areas will be retained at the percentage preferred by the species (as determined by expert opinion, published habitat association information, or other documented standards that are commonly accepted) such that the habitat function is maintained.
- A qualified RPF or biologist will determine if, after implementation of the impact avoidance measures listed above, the habitat function will remain for the affected species after implementation of the treatment. The qualified RPF or biologist may consult with CDFW and/or USFWS for technical information regarding habitat function.

A qualified RPF or biologist with knowledge of the special-status wildlife species habitat and life history will review the treatment design and

applicable impact minimization measures (potentially including others not listed above) to determine if the anticipated residual effects of the treatment would be significant under CEQA because implementation of the treatment will not maintain habitat function of the special-status wildlife species' habitat or because the loss of special-status wildlife would substantially reduce the number or restrict the range of a special-status wildlife species. If the project proponent determines the impact on special-status wildlife would be less than significant, no further mitigation will be required. If the project proponent determines that the loss of special-status wildlife or degradation of occupied habitat would be significant under CEQA or may conflict with the TRPA Code after implementing feasible treatment design alternatives and impact minimization measures, then Mitigation Measure 3.6-2c will be implemented.

The only exception to this mitigation approach is in cases where it is determined by a qualified RPF or biologist that the non-listed special-status wildlife would benefit from treatment in the occupied habitat area even though some of the non-listed special-status wildlife may be killed, injured, or disturbed during treatment activities. For a treatment to be considered beneficial to non-listed special-status wildlife, the qualified RPF or biologist will demonstrate with substantial evidence that habitat function is reasonably expected to improve with implementation of the treatment (e.g., by citing scientific studies demonstrating that the species (or similar species) has benefitted from increased sunlight due to canopy opening, eradication of invasive species, or otherwise reduced competition for resources), and the substantial evidence will be included in the Project Consistency Checklist. If it is determined that treatment activities would be beneficial to special-status wildlife, no compensatory mitigation will be required. The qualified RPF or biologist may consult with CDFW and/or USFWS for technical information regarding the determination that a non-listed special-status species would benefit from the treatment.

Mitigation Measure 3.6-2c requires if the provisions of Mitigation Measure 3.6-2a or 3.6-2b cannot be implemented and the project proponent determines that additional mitigation is necessary to reduce significant impacts, the project proponent will compensate for such impacts to species or habitat by acquiring and/or protecting land that provides (or will provide in the case of restoration) habitat function for affected species that is at least equivalent to the habitat function removed or degraded as a result of the treatment.

Compensation may include:

1. Preserving existing habitat outside of the treatment area in perpetuity; this may entail purchasing mitigation credits and/or lands from a CDFW-

- or USFWS-approved entity in sufficient quantity to offset the residual significant impacts, generally at a ratio of 1:1 for habitat; and
2. Restoring or enhancing existing habitat within the treatment area or outside of the treatment area (including decommissioning roads, adding perching structures, removing existing perching structures, or removing existing movement barriers or other existing features that are adversely affecting the species).

The project proponent will prepare a Compensatory Mitigation Plan that identifies the residual significant effects that require compensatory mitigation and describes the compensatory mitigation strategy being implemented to reduce residual effects, and:

1. For preserving existing habitat outside of the treatment area in perpetuity, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanisms for long-term conservation (e.g., holder of conservation easement or fee title). The project proponent will submit evidence that the necessary mitigation has been implemented or that the project proponent has entered into a legal agreement to implement it and that compensatory habitat will be preserved in perpetuity.
2. For restoring or enhancing habitat within the treatment area or outside of the treatment area, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored habitat.

Review requirements are as follows:

- The project proponent will consult with CDFW and/or any other applicable responsible agency prior to finalizing the Compensatory Mitigation Plan in order to satisfy that responsible agency's requirements (e.g., permits, approvals) within the plan.
- For species listed under ESA or CESA, the project proponent will submit the mitigation plan to CDFW and/or USFWS for review and comment.
- For other special-status wildlife species the project proponent may consult with CDFW and/or USFWS regarding the availability and applicability of compensatory mitigation and other related technical information.

Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project proponent (e.g.,

incidental take permit, if required), if these requirements are equally or more effective than the mitigation identified above.

Conclusion

The Conservancy has reviewed Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c and determined that because the proposed program will avoid or compensate for the mortality, injury, or disturbance of special status wildlife, the impact on special status wildlife species either directly or through habitat modifications will be reduced to a **less-than-significant** level.

IMPACT 3.6-6: Potential to interfere substantially with fish and wildlife movement corridors or impede use of nurseries

Later treatment activities implemented under the proposed program could be located in areas used as fish and wildlife movement corridors or nurseries. Treatment-related noise and disturbance could lead to temporary changes in migration or movement patterns. Wildlife nursery sites could be disturbed or essential nursery habitat components could be degraded by later treatment activities. SPRs BIO-1, BIO-3, BIO-4, BIO-8, HYD-1, HYD-3, and HYD-4 require identification of nursery sites prior to treatment activities and actions to prevent degradation of aquatic and riparian corridors. Temporary shifts in wildlife movements to avoid or navigate around active treatment sites and associated disturbances would not substantially interfere with movement requirements or migration patterns; and program implementation would not create long-term barriers to local or landscape-level movements. While implementation of SPRs would minimize impacts, nursery sites could still be removed, degraded, or disturbed during treatment activities. This would be a potentially significant impact.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.6-6, Retain Nursery Habitat and Implement Buffers to Avoid Nursery Sites*.

Mitigation Measure 3.6-6 requires the project proponent will implement the following measures while working in treatment areas that contain nursery sites identified in surveys conducted pursuant to SPR BIO-8:

- Retain Known Nursery Sites. A qualified RPF or biologist will identify the important habitat features of the wildlife nursery and, prior to treatment activities, will mark these features for avoidance and retention during treatment.
- Establish Avoidance Buffers. The project proponent, in consultation with CDFW and/or TRPA (depending on species), will establish a non-disturbance buffer around the nursery site if activities are required while the nursery site is active/occupied. The appropriate size and

shape of the buffer will be determined by a qualified RPF or biologist, based on potential effects of project-related habitat disturbance, noise, visual disturbance, and other factors. No treatment activity will commence within the buffer area until a qualified RPF or biologist confirms that the nursery site is no longer active/occupied. Monitoring of the effectiveness of the non-disturbance buffer around the nursery site by a qualified RPF, biologist, or biological technician during and after treatment activities will be required. If treatment activities cause agitated behavior of the individual(s), the buffer distance will be increased, or treatment activities modified until the agitated behavior stops. The qualified RPF, biologist, or biological technician will have the authority to stop any treatment activities that could result in potential adverse effects to special-status species.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.6-6 and determined that because it will retain nursery habitat and avoid nursery sites, the impact on fish and wildlife movement corridors or use of nurseries will be reduced to a **less-than-significant** level.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

IMPACT 3.7-2: Cause a substantial adverse change in the significance of unique archaeological resources

Later treatment activities could occur on lands that contain resources that may qualify as unique archaeological resources. It is possible that unique archaeological resources would be disturbed during treatment activities. SPRs CUL-1, CUL-2, CUL-3, CUL-4, CUL-5, and CUL-7 require a records search, pre-field research, an archaeological survey, coordination with Native American groups, worker training to recognize sensitive cultural resources, and avoiding or protecting known resources. Despite implementation of these SPRs, unknown unique archaeological resources could be inadvertently damaged during treatment activities. This would be a potentially significant impact.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.7-2, Protect Inadvertent Discoveries of Unique Archaeological Resources of Subsurface Historical Resources*.

Mitigation Measure 3.7-2 requires if the project proponent discovers any prehistoric or historic-era archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, during ground-disturbing activities, all ground-disturbing activity within 100 feet of

the resources will be halted and a qualified archaeologist will assess the significance of the find. The qualified archaeologist will prepare a survey report that will comply with the current Archaeological Resource Management Report (ARMR) format and content guidelines developed by the California Office of Historic Preservation or equivalent state or local agency procedures, if applicable. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan will be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find constitutes a unique archaeological resource, subsurface historical resource, or tribal cultural resource), the archaeologist will work with the project proponent to develop appropriate procedures to protect the integrity of the resource. Procedures could include preservation in place (which is the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or recovery of scientifically consequential information from and about the resource. Any find will be recorded on the appropriate DPR Primary Record forms (Form DPR 523) will be submitted to the appropriate regional information center.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.7-2 and determined that because it will protect inadvertent discoveries of archeological resources, the impact on unique archaeological resources will be reduced to a **less-than-significant** level.

IMPACT 3.7-3: Cause a substantial adverse change in the significance of a tribal cultural resource

Later treatment activities would be required to complete tribal consultation. Tribal cultural resources could be identified within the program area during consultation and could be affected by treatments implemented under the proposed program. This would be a potentially significant impact.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.7-3, Complete Tribal Consultation (PRC Section 21080.3.1) and Avoid Potential Effects of Tribal Cultural Resources, If Identified*.

Mitigation Measure 3.7-3 requires that the project proponent completes tribal consultation for later treatment activities. If no tribal cultural resource is identified during consultation, no further mitigation is required.

If the project proponent determines that a treatment may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, provisions

under PRC Section 21084.3(b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

1. Avoidance and preservation of the resources in place, including, but not limited to, designing the treatment to avoid the resources and protect the cultural and natural context.
2. Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - A. Protecting the cultural character and integrity of the resource.
 - B. Protecting the traditional use of the resource.
 - C. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.7-3 and determined that because it would protect Tribal Cultural Resources in consultation with Native American tribes, the impact on tribal cultural resource will be reduced to a **less-than-significant** level.

RECREATION

IMPACT 3.14-2: Result in adverse physical effects on the environment from new or expanded recreational facilities

Implementation of the proposed program would not result in the construction of any new recreational facilities. Treatment activities could remove vegetation that currently serves as a barrier to vehicular access or could include construction of features such as landings, skid trails, or improvements to existing roads that would create new access points for recreational use of motor vehicles and off-highway vehicles (OHVs). These new access points could increase the long-term unmanaged use of motor vehicles and OHVs in the program area. This increase in OHV use and recreation user motor vehicle access could result in adverse physical effects on the environment. This impact would be potentially significant.

Finding

This potential significant impact can be reduced to a **less-than-significant** level through implementation of *Mitigation Measure 3.14-2, Install barriers to Prevent New Motor Vehicle Access*.

Mitigation Measure 3.14-2 requires the elimination of the potential for new motor vehicle access points into the forest at new landings and skid trails created in the program area, the project implementer (e.g., Licensed Timber

Operator, forestry contractor, or public agency field crew, such as the California Conservation Corps, Conservancy Forestry Crews, or Fire District Crews) shall establish physical barriers adjacent to new landings, or skid trails where they access the forest from existing roads or trails to discourage post-treatment motor vehicle access to the project area. The project implementer shall also revegetate and spread mulch and/or slash in the landing area or along skid trails to reduce the visibility of disturbance of the cleared area and expedite restoration. These physical barriers and restoration activities shall be established within 15 days of completion of operations in the treatment unit. The types of physical barriers that could be used include boulders, split rail fencing, or other permanent physical features that are visually compatible with the forest setting.

Conclusion

The Conservancy has reviewed Mitigation Measure 3.13-2 and determined that because it would block unauthorized access by motor vehicles, the impact on the environment from new or expanded recreational facilities will be reduced to a **less-than-significant** level.

III. Conclusion

The Conservancy has independently reviewed and analyzed each of the mitigation measures and alternatives identified in CAL FIRE's Tahoe PTEIR. Implementation of the mitigation measures and alternatives are within the jurisdiction of CAL FIRE and other agencies. At the time CAL FIRE certified the Tahoe PTEIR, the CAL FIRE adopted a MMRP that identified the appropriate implementing entities and identified mitigation measures that apply to the proposed program. Based on the Conservancy's findings, the Conservancy hereby finds, pursuant to CEQA Guidelines section 15096(h) that all impacts are mitigated to a less than significant impact.