

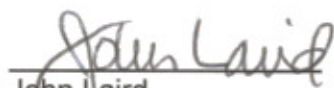
Proposed Findings and Waiver

Pursuant to Executive Order B-23-13, the California Environmental Quality Act (CEQA), (Public Resources Code 21000 *et seq.*) does not apply to implementation of the Federal Phase II Restoration Plan for the Rim Fire, as further described. I have expressly determined, based on a review of the Federal Rim Fire Restoration Plan, the associated environmental impact statement and documentation for that Plan, and all supporting documentation submitted to me by Housing and Community Development and its partners, that all Phase II projects fall within the scope of Executive Order B-23-13. Those projects include those listed in the chart provided by HCD and attached here to as Exhibit B, and broadly include the following categories:

- Reforestation;
- Plantation thinning;
- Noxious weed eradication; and
- Rangeland infrastructure projects.

Specifically, any state or local agency funding or otherwise approving such projects is permitted to rely upon this waiver. This waiver is necessary to expedite funding for the implementation of federally approved restoration measures in the Federal Phase II implementation plan for Rim Fire Recovery that seek to protect and restore significant damaged area for which a federal restoration plan has been developed and approved. Executive Order B-23-13 expressly permits the Secretary for the California Natural Resources Agency to waive "State statutes, rules, regulations and ... to the extent they apply to...removal, storage, transportation, and disposal of hazardous and non-hazardous solid waste and debris resulting from the Rim Fire and that are subject to the jurisdiction of agencies within the California Environmental Protection Agency and the California Natural Resources Agency...and, necessary restoration and rehabilitation of timberland, streams, rivers, and other waterways.

Such statutes, rules, regulations and requirements are hereby suspended only to the extent necessary for expediting the removal and cleanup of debris from the fires, and for implementing any restoration plan..." All other permits and state rules or regulations that may be required, including those issued pursuant to the California Endangered Species Act, are not waived by this decision.



John Laird
Secretary, California Natural Resources Agency

9/5/17
Date



EXHIBIT A

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 500, 95833

P.O. Box 952054

Sacramento, CA 94252-2054

(916) 263-2771 / (FAX) 263-2763

www.hcd.ca.gov

July 28, 2017

MEMORANDUM FOR: California Natural Resource Agency**FROM:** Housing and Community Development**SUBJECT:** Request for waiver from California Environmental Quality Act for Rim Fire Restoration ActivitiesBackground:

HCD is under a grant agreement with HUD for approximately \$70,000,000 in Community Development Block Grant – National Disaster Resilience (CDBG-NDR) funding. Of those funds, approximately \$28,000,000 will be used under the HCD funded Forest and Watershed Health Program (FWHP) to conduct forest restoration work within the Rim Fire disaster area. HCD will be executing a grant agreement with the USFS to pay them to conduct the FWHP activities. HCD as grantee/implementation agency is the Lead Agency for California Environmental Quality Act (CEQA) compliance on the FWHP.

To fulfil their responsibilities under the National Environmental Policy Act (NEPA), the United States Forest Service (USFS) has completed two Environmental Impact Statements (EIS) and numerous decision memoranda related to actions need to recovery from the Rim Fire of 2013.

The first EIS, completed in 2014, is called the Rim Fire Recovery Final EIS and was conducted to cover salvage logging, biomass removal and road construction activities. Other decision letters were prepared to cover rangeland improvement projects in areas affected by the Rim Fire. Activities detailed in this EIS and earlier decision memoranda to be funded by the FWHP have already been exempted from CEQA by the California Natural Resources Agency (see Exhibit A for a list of activities already exempted from CEQA for Rim Fire Recovery with accompanying documentation as well as http://resources.ca.gov/legal_affairs/b-23-13/).

In 2016, USFS completed the Rim Fire Reforestation Final EIS to cover deep tilling, tree planting, weed abatement and thinning activities. Pages 64-65 of the Rim Fire

Reforestation EIS state how it meets most of the requirements of CEQA¹. HCD is requesting an exemption to CEQA for activities outlined in the Rim Fire Reforestation Final EIS, a portion of which will be funded by HCD. HCD is also seeking to have CEQA waived for rangeland infrastructure projects in the Rim Fire burn area. The Rim Fire destroyed natural barriers that previously limited access to sensitive areas and assisted in managing livestock. The rangeland infrastructure projects are designed to address the new conditions created by the Rim Fire through the construction of new fences, troughs, and other structures.

Exhibit B contains a detailed list of projects to be funded by HCD that have not been previously exempted from CEQA by the Natural Resources Agency, but have been thoroughly reviewed by USFS. HCD will only fund a portion of the activities approved by USFS and shown on the maps included in Exhibit C. Exhibit D contains a map of proposed rangeland infrastructure projects to be funded by HCD. The projects shown in blue have already been exempted from CEQA by the Natural Resources Agency. HCD is only seeking a waiver for projects shown in red in Exhibit D.

Justification for use of CEQA waiver:

HCD is requesting that the Secretary for the California Natural Resources Agency issue a waiver from CEQA under the authority granted to him by the Governor's Executive Order B-23-13 (see <https://www.gov.ca.gov/news.php?id=18277>). This executive order expressly permits the Secretary to waive "state statutes, rules, regulations and requirements...to the extent they apply to the following activities: (a) removal, storage, transportation, and disposal of hazardous and non-hazardous solid waste and debris resulting from the Rim Fire...and (b) necessary restoration and rehabilitation of timberland, streams, rivers, and other waterways."

Emergency conditions persist nearly four years since the Rim Fire burned over 250,000 acres. For example, precipitation from this past winter's storms have caused unprecedented road damage in the Stanislaus National Forest (estimated to exceed \$10 million) and significant debris flow from the Rim Fire burn scar. Reforestation and other restoration activities can ameliorate the effects of heavy precipitation by stabilizing soil and retaining water. Activities funded by HCD are designed to address unmet recovery needs as well as the ongoing threat to private property, public safety, and public goods derived from ecosystem services.

The Sierra Nevada Conservancy (SNC) serves as the project manager for forest and watershed health projects funded by HCD's CDBG-NDR program. SNC has discussed the projects and the proposed use of the CEQA waiver with the California Department of Fish and Wildlife (CDFW) and the Central Valley Regional Water Quality Control Board (Water Board). These agencies raised no objections to the projects or the use or granting of the CEQA waiver provided that best management practices previously agreed upon by USFS are followed. CDFW was actively engaged in the development of the Rim Fire Reforestation EIS and continues to participate in reforestation and restoration projects in the Rim Fire area.

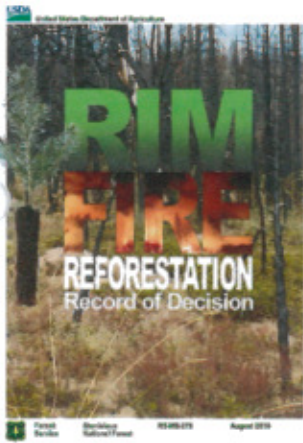
¹ The Rim Reforestation EIS digital file is too large to distribute easily. A copy can be found at: <https://www.fs.usda.gov/project/?project=45612>

In conclusion, Secretary Laird has already issued one waiver from CEQA for Rim Fire recovery (see Exhibit A). HCD requests a second waiver to complete Rim Fire restoration activities using federal funds obtained from the CDBG-NDR program.

EXHIBIT B

Activity	Description	Acreage/ Output	NDRC Budget Available	Priority and link to disaster	Estimated Start
Rim Fire Reforestation EIS - complete - link to EIS: https://www.fs.usda.gov/project/?project=45612					
Reforestation	Planting native conifers to restore and create a resilient forest. Site preparation through mechanical (deep tilling) or manual herbicide application (glyphosate); pile burning; native conifer planting at various patterns and densities; followed by hand grubbing or chemical release.	up to 25,310	\$9.1 million+	Very High - Reforestation will help stabilize soil, reduce flood/erosion risk, and protect the watershed.	Site prep beginning Summer 2017, planting in 2018
Plantation Thinning	Hand and mechanical treatments within plantations that survived the Rim Fire to create desired forest structure (individuals, clumps and groups) and enhance species diversity. In addition, prescribed fire will be done within these plantations prior to cutting trees to maintain fire on this landscape.	up to 12,756	Budgeted with above	High - Necessary to reduce fuel loading and inter-tree competition, improving individual tree vigor and the ability of trees to repel pests and survive drought. This work reduces the risk of re-burning in the Rim Fire area.	Summer 2017
Noxious Weed Eradication	Eradicate weeds to promote native vegetation and natural landscapes. Methods include burning, targeted grazing, hand grubbing, herbicides, and hand pulling.	up to 5,714	\$1.6 million+	Very High - These sites overlap or are adjacent to the reforestation areas and are critical to eliminating non-native species within this landscape.	Summer 2017
Decision Memo (incomplete, likely categorical exclusion or EA under NEPA)					
Rangeland Infrastructure	Second phase of replacing rangeland infrastructure destroyed in the Rim Fire or during fire suppression efforts. Project includes fence reconstruction, wildlife friendly trough replacement/installation, and corral reconstruction. All occurring either on pre-fire footprints, or adjacent to these facilities (relocated to more environmentally friendly locations ie outside archaeological sites). Less than 10% change in pre-footprint.	13 miles of fencing, 4 troughs, and 2 corrals	\$1.3 million+	High - Range infrastructure is necessary to control livestock and prevent damage to water courses, meadows, springs and other sensitive areas (such as archaeological sites).	Summer 2018

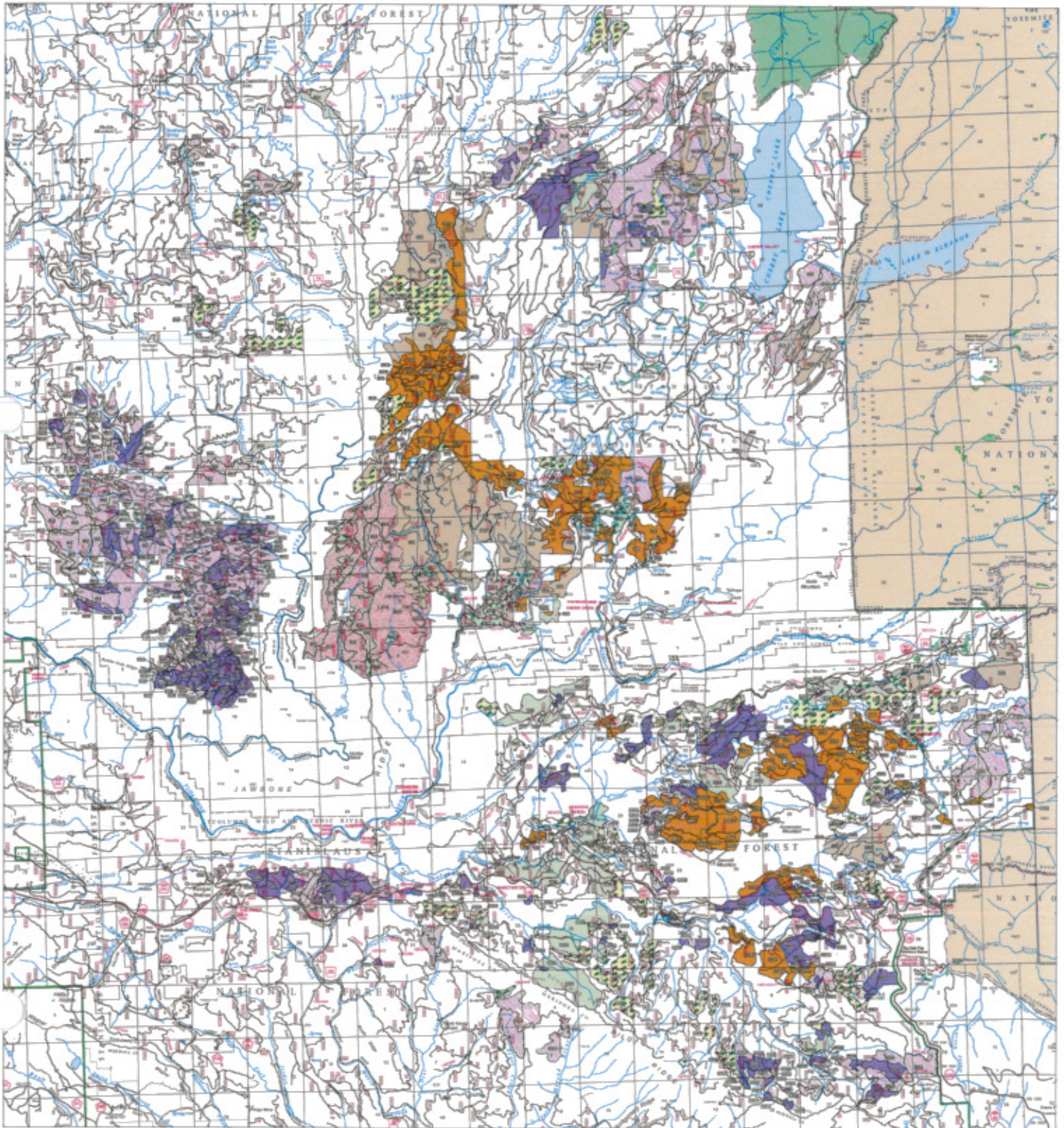
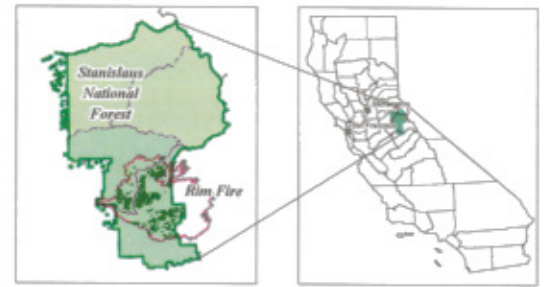
EXHIBIT C




Rim Fire Reforestation (45612)

Record of Decision Map

- Alternative 1 Reforestation
- Alternative 3 Reforestation
- Alternative 4 Reforestation
- Alternative 5 Reforestation
- Deer Cover Stands
- Deer Habitat Enhancement
- Natural Regeneration
- Thin



	P1 Troughs, Completed NEPA, Replace Existing Structure
	P1 Fences, Completed NEPA, Replace Existing Structure
	P2 Cattle Guards: New NEPA, New Structure
	P2 Fences: New NEPA, New Structure
	P2 Troughs: New NEPA, New Structure
	P2 Corrals: New NEPA, New Structure

