

## **Aliso Viejo Invasive Pest Mitigation And Fuels Reductions Project Notice of Exemption (NOE)**

The Orange County Fire Authority (OCFA), as the lead agency under the California Environmental Quality Act (CEQA), has proposed the Aliso Viejo Invasive Pest Mitigation And Fuels Reductions Project (Proposed Project or Project) which involves the spraying of barrier insecticide to eliminate and slow the spread rate of pests, enhancing the survival rate of existing tree populations and removal of dead, dying and decaying vegetation, thus creating a fire safe condition in the area.

### **Project Location:**

The Proposed Project would occur within southwestern Orange County (OC or County) and would consist of portions of the City of Aliso Viejo (Aliso Viejo), the City of Laguna Beach (Laguna Beach), the City of Laguna Niguel (Laguna Niguel) and unincorporated County land. The Proposed Project site consists of trees along road edges within developed neighborhoods in Aliso Viejo along with trees within the uninhabited Aliso and Wood Canyons Wilderness Park, spreading across Laguna Beach, Laguna Niguel and Unincorporated County lands. The Project site, including both the developed and uninhabited areas, covers a total of approximately 6,054 acres. Trees treated as a result of the Proposed Project are in areas designated as Very High Fire Hazard Severity Zones (VHFHSZ).

### **Existing Conditions:**

Approximately 163,992 acres throughout the County are experiencing high tree mortality due to a recent severe drought conditions and tree pests. The Gold Spotted Oak Borer (GSOB) and Invasive Shot Hole Borer (ISHB) are weakening and killing native hardwood and ornamental species in the southern California wildland and urban landscapes. The California Board of Forestry and Fire Protection has declared some areas in the County as Zones of Infestation (ZOI) for the GSOB and ISHB. The Proposed Project site is located within the Zones of Infestation for the ISHB. Trees treated as a result of the Proposed Project are in areas designated as VHFHSZ within the County's State Responsibility Area (SRA) (CalFire 2007) and spreads across portions of the City of Aliso Viejo, City of Laguna Beach, City of Laguna Niguel and Unincorporated Orange County lands. The zoning of the portion of the site within Aliso Viejo consists of a wide range of designations, including Residential (Low, medium, High, Very High) Density, Community Facilities, Open Space Recreation, Professional Office, and Business Park – 1 (Aliso Viejo 2014). The zoning of the rest of the site is mainly Open Space. The Laguna Beach portions of the Project site is zoned as a mixture of Open Space/Passive (OS-P) and Open Space/Conservation (OS-C) (Laguna Beach 2020). The Laguna Niguel portions of the site is zoned as Specific Plan and is included under the Aliso Creek and South Laguna Local Coastal Programs (Laguna Niguel 2011). The portions of the site within Unincorporated County jurisdiction is zoned as Open Space (OS) (County of Orange 2016).

### **Description of Project:**

The Proposed Project site is designated as ZOI for the Invasive Shot Hole Borer (ISHB). The pest mitigation and fuels reduction activities would include tree removals, branch removals, stump grinding, possible insecticide spray and soil injections. Insecticides would be applied either as soil injection or trunk sprays. For reproductive host trees, with low to moderate levels of infestation, the insecticide Imidicloprid is applied as a soil injection followed by spray of Bifenthrin. For non-reproductive host trees, only the trunk spray will be applied. The spray activities will involve the use of one to two diesel trucks that have attached booms with pressurized spray rigs. Contact spray would be applied to completely cover the trunk and any branches greater than 8 inches in diameter. Barrier spray application will be evaluated annually and, with consultation, be repeated as necessary. Contact insecticides kill adult beetles when ingested at emergence

and also kill eggs laid on the bark surface. These sprays will not control larvae feeding in the tree but are effective at killing adult beetles as they directly contact the insecticide on the bark surface.

The insecticide products would be applied by a registered pesticide applicator (Qualified Applicator Certificate or License) licensed for Forestry (Category E). IRC staff, as well as qualified contractors, have a Category E certification and the associated Operator IDs with the County Agricultural Commissioner to apply restricted chemicals. All pesticide applications would strictly follow label and label supplement specifications, and all pesticide use would be reported to the landowner and the Orange County Agricultural Commissioner at the end of each application month.

#### **Applicability of Exempt Status:**

The proposed activity is a project subject to CEQA. However, it is exempt from further environmental review under the following CEQA categorical exemption classes:

##### Minor Alterations to Land (Class 4)

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes (CEQA Guidelines §15304(a)).

##### Actions By Regulatory Agencies For Protection Of Natural Resources (Class 7)

Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption (CEQA Guidelines §15307).

##### Actions By Regulatory Agencies For Protection Of The Environment (Class 8)

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption (CEQA Guidelines §15308).

#### **Exceptions to Use of a Categorical Exemption (CEQA Guidelines Section 15300.2):**

The proposed activity is a project subject to CEQA. However, it is exempt from further environmental review under the following CEQA categorical exemption classes:

- (a) Location.** The Proposed Project would occur within southwestern Orange County and would consist of portions of the City of Aliso Viejo, the City of Laguna Beach, the City of Laguna Niguel, and unincorporated County land. The Project site, from a review of federal and state standard and supplemental hazardous site databases, is not assumed to be within a hazardous area. A review of biological records of reported occurrences of federal- or state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise sensitive species or habitats, and critical habitat that may occur within or in the immediate vicinity of the Proposed Project site, revealed the presence of thirty-seven rare and listed plant, twenty-nine rare and sensitive wildlife species, and critical habitat for thread-leaved brodiaea, upstream of the confluence with Wood Canyon Creek. However, the Proposed Project activities would comply with all parameters for operational constraints and employ best management practices to avoid impacts to any biological

resources or associated habitats. Minor ground disturbance would occur during the Project activities but would not result in any significant erosion or sedimentation of creeks or long-term impacts. The Proposed Project would not impact environmentally sensitive areas or an environmental resource of hazardous or critical concern. This exception does not apply to the Proposed Project.

- (b) Cumulative Impact.** As further discussed below under (c) Significant Effects, the Proposed Project would not have a significant effect on the environment, including those due to unusual circumstances. The potential for cumulative impacts occurs when the independent impacts of the Proposed Project are combined with the impact of related projects in proximity to the Project such that impacts occur that are greater than the impacts of the Project alone. As discussed above, it has been determined that the Project would have no impact, or impacts would be less than significant, with respect to the environmental issues. Where the Project would have no impact or a less than significant impact, it would not contribute to cumulative impacts. The Project is only for maintenance activities and not growth-inducing; thus, it would not contribute to the cumulative effects of population growth. This exception does not apply to the Proposed Project.
- (c) Significant Effect.** The Proposed Project involves the spraying of insecticide, using up to two large diesel trucks with attached pressurized rigs, on beetle-infested trees in the designated Project area. As a part of Project activities, removal of trees or branches might be required, including felling, limbing, bucking, chipping or stump grinding of infested trees. As a result of the Project activities, as analyzed in the Initial Study, the Project would have no impacts, or less than significant impacts, with respect to the environmental issues. In some cases, the Project activities would be beneficial to improve the visual quality, access and safety in the site and its surroundings. None of the impacts on the environment, due to the implementation of the Project, will be significant or will require mitigation measures. Therefore, this exception does not apply to the Proposed Project.
- (d) Scenic Highways.** The Proposed Project activities would result in the treatment and subsequent removal of beetle-infested vegetation in the Project site and would not directly or indirectly affect an officially designated scenic highway or scenic resources near a scenic highway. Therefore, this exception does not apply to the Project.
- (e) Hazardous Waste Sites.** The Proposed Project site has not been identified as a hazardous waste site pursuant to Section 65962.5 of the Government Code. Therefore, this exception does not apply to this Project.
- (f) Historical Resources.** The Proposed Project activities comprise of spraying of barrier insecticide and limited mechanized removal of beetle-infested trees, based on their types, as assessed by an OCFA hand crew or a qualified contractor. Subsequent fuel reduction and maintenance activities might require limited mechanized removal of dead and decaying trees. The Proposed Project is located in a forested portion of Aliso Viejo and will not include any construction or modification of buildings or structures of historical significance. Thus, this exception does not apply to the Project.

#### References:

2007 Fire Hazard Severity Zones in SRA. Available online at:  
[https://osfm.fire.ca.gov/media/5899/county30\\_orange\\_vhfsz2\\_unincorp3.pdf](https://osfm.fire.ca.gov/media/5899/county30_orange_vhfsz2_unincorp3.pdf)

City of Aliso Viejo (Aliso Viejo)

2014 Zoning Map. Available online at: <https://avcity.org/DocumentCenter/View/162/Zoning-Map-PDF>

City of Laguna Beach (Laguna Beach)

2009 Zoning Map. Available online at:  
[http://webapp.scag.ca.gov/scsmaps/Maps/Orange%20County/Subregion/OCCOG/Laguna%20Beach/image/LagunaBeach\\_ZN.pdf](http://webapp.scag.ca.gov/scsmaps/Maps/Orange%20County/Subregion/OCCOG/Laguna%20Beach/image/LagunaBeach_ZN.pdf)

City of Laguna Niguel (Laguna Niguel)

2012 Zoning Map. Available online at:  
<https://www.cityoflagunaniguel.org/DocumentCenter/View/702/Zoning-Map?bidId=>

County of Orange

2016 Zoning Map. Available online at:  
<http://www.ocpublicworks.com/civicax/filebank/blobdload.aspx?blobid=52866>