

Notice of Exemption**Appendix E**

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____


Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

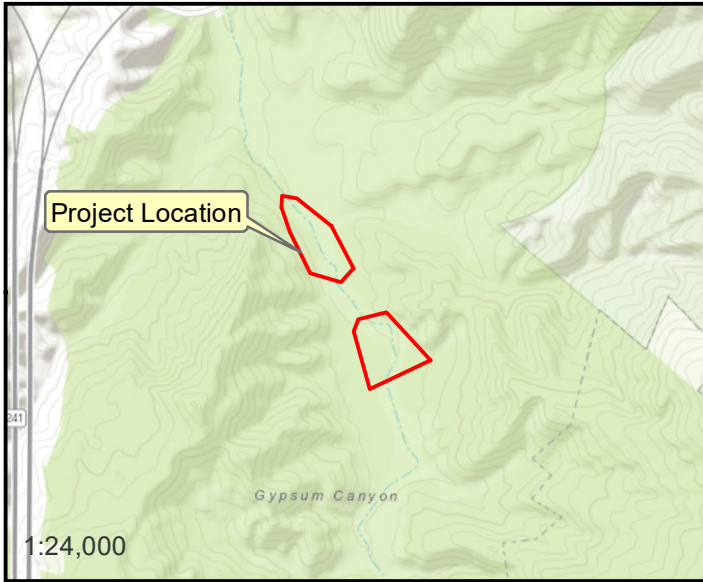
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



Legend

 Project Locations

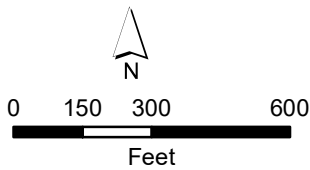


Figure 1
Project Location & Vicintiy

Gypsum Canyon 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 Gypsum Canyon 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 is located in northeastern Orange County (OC or County), within the limits of the City of Anaheim (City). The Project site consists of trees within Gypsum Canyon, located within the northwest corner of the Santa Ana Mountains. The Santa Ana Mountains are part of the Cleveland National Forest (CNF); however, Gypsum Canyon is located approximately 2 miles west of the CNF boundary. The Proposed Project site is however, within the 911-acre Anaheim Conservation Easement owned by The Nature Conservancy (TNC) and managed by Orange County Parks (OC Parks). The total Project site area is approximately 16.14 acres (Figure 1). All the trees are located within forested, undeveloped areas following Jeep Trail Road off of Gypsum Canyon Road. Within the Proposed Project site, Gypsum Creek runs adjacent to Jeep Trail Road at an average distance of 200 feet, east of the road. Trees treated as a result of the Proposed Project are located 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 GSOB. Trees treated as a result of the Proposed Project are in areas designated as VHFHSZ within the County's State Responsibility Area (SRA) (CAL FIRE 2007) and spreads across portions of the TNC Anaheim Conservation Easement. The Project site is zoned by the City as Mountain Park Specific Plan Area and is designated within the Mountain Park Specific Plan as Low-Medium Hillside Residential and Open Space (City 2004). Uses permitted in the TNC Anaheim Conservation Easement include: existing roads and trails; environmental enhancement activities; passive recreational activities; and limited slope stabilization and infrastructure activities needed to support development. These permitted uses are subject to specific provisions outlined in the TNC Anaheim Conservation Easement and approval of TNC (City 2005). The Proposed Project is considered an environmental enhancement activity and is therefore consistent with the TNC's permitted uses.

Description of Project:

The Proposed Project site is designated as ZOI for the Gold Spotted Oak Borer (GSOB). The GSOB pest mitigation and fuels reduction activities would include tree removal, branch removal, stump grinding, and insecticide spraying. Insecticides would be applied either as soil injection or trunk sprays. A combination of the insecticide Bifenthrin and the surfactant Nu Film 17 will be applied. A surfactant is used to change the surface tension of the insecticide so that the liquid will better adhere to the plant. Nu Film 17 reduces pesticide loss from rainfall, wind erosion, heat, and ultraviolet (UV) radiation (Greenbook 2021a). The surfactant will increase the efficacy of the Bifenthrin, reducing the amount of pesticide needed and reduce overspray and drift.

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. Carbaryl is a restricted chemical and its use would be reported to the Orange County Agricultural Commissioner in advance of treatment.

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 Project activities will occur within forested, undeveloped areas following Jeep Trail Road off of Gypsum Canyon Road in the northeastern portion of the County. 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 19 rare and listed plant, 25 rare and sensitive wildlife species, and no critical habitat within or adjacent to the Project site. 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. The Project activities, as mentioned previously, would avoid ground disturbance and 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 pesticide, 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 include spraying of barrier pesticide 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. All felled tree parts will be hand-carried and chipped at predetermined locations that will not cause ground disturbance. Chippers onsite would remain on pavement or would be used off-pavement only on previously disturbed ground, when the ground is not wet, in order to avoid ground disturbance. Haul trucks required for the removal of tree material and green waste bins would remain on existing roadways, also avoiding ground disturbance. The Proposed Project is located along roads in both habited and uninhabited areas but will additionally not include any construction or modification of buildings or structures of historical significance. Thus, this exception does not apply to the Project.

References:

CAL FIRE

- 2007 Fire Hazard Severity Zones in SRA. Available online at:
https://osfm.fire.ca.gov/media/5899/county30_orange_vhfhsz2_unincorp3.pdf

City of Anaheim (City)

- 2004 General Plan. Available online at: <https://anaheim.net/712/General-Plan>
- 2005 Mountain Park Specific Plan No. 90-4. Available online at:
<https://www.anaheim.net/1040/Mountain-Park>

County of Orange (County)

- 2005 General Plan. Available online at:
<https://www.ocgov.com/civicax/filebank/blobdload.aspx?blobid=8588>
- 2021 Public Works Land Records Map. Accessed January 2021. Available online at:
<https://www.ocgis.com/ocpw/LandRecords/>

Department of Toxic Substances Control (DTSC)

- 2021 EnviroStor. Accessed January 2021. Available online at:
<https://www.envirostor.dtsc.ca.gov/public/>

Greenbook

- 2021a Label: Nu Film 17. Available online at: https://assets.greenbook.net/19-37-16-23-05-2019-L118393_Nu_Film_17.pdf

State Water Resources Control Board (SWRCB)

- 2021 GeoTracker. Accessed January 2021. Available online at: <https://geotracker.waterboards.ca.gov/>