

# NOTICE OF EXEMPTION

**TO:** County Clerk  
County of Nevada  
950 Maidu Avenue  
Nevada City, CA 95959

Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814-3044

**FROM:** City of Nevada City  
317 Broad Street  
Nevada City, CA 95959

**PROJECT TITLE:** Deer Creek Hazardous Fuels Reduction Project

**PROJECT LOCATION:** The project area is primarily situated in the western portions of Sections 12 and 13, T16N., R8E., Nevada City USGS 7.5' quadrangle. The project area encompasses approximately 312.6 acres of both private property and city owned lands. Appendix A shows the project area. The majority of the project area lies within city limits of the City of Nevada City (166.7 acres total). Three large parcels that are within the project area are outside of city limits and in Nevada County's jurisdiction (145.88 acres total).

**PROJECT DESCRIPTION:** In an effort to create resiliency against catastrophic wildfire, the City of Nevada City is undertaking a fuel reduction and fuel treatment project to protect life and property in Nevada City by creating a fuel break along the western edge of Nevada City.

A fire assessment and fuel treatment prescription has been provided by registered professional forester (RFP), Kevin Whitlock (RFP #2436). The project area has been divided into fuel treatment units with specific treatment methods and recommendations within each treatment unit.

The treatment units are as follows with their respective treatment prescription.

Fuel Treatment Unit 1: Work in these 54 acres consists of hand cutting, piling, burning, and/or chipping; no heavy equipment operations except on established roadways. Cutting, piling, and burning and/or chipping of all downed wood material less than 12" diameter at breast height (DBH). All burn piles will be constructed at a minimum of 15ft from the edge of the trails, residual trees, fences, and roads. Piles will not be created within riparian zones. Chipping will occur as site specific conditions allow and material will be pulled to chipper location on existing access roads. Thinning of conifers 1-12" DBH to a minimum 20 ft spacing between stems. Thinning of hardwoods 1-6" DBH to a minimum 30 ft spacing between stems. All Scotch broom to be treated by manually hand pulling/cutting and burning. Mid-story fuels will be treated with manual thinning of trees 12"-16" DBH. Trees shall be removed to create horizontal distances between residual trees from 30 feet between trunks. Prune residual trees to a height of 10 ft or 50% of the live crown.

Fuel Treatment Units 2, 3, 4: Work in these 183 acres consists of both manual thinning and mastication and will require removing understory fuels and tree removal. Mastication is the preferred method of treatment of understory fuels and the masticator shall have a footprint of less than 7 pounds per square inch of surface area. Treatment includes removal of approximately 80% of smaller conifers (1"-10" DBH), small hardwoods (1"-6" DBH), and brush that could act as ladder fuels. Achieve minimum 30 foot spacing between conifer stems and 40 foot spacing between hardwood stems. Aim for less than 100 stems per acre combined conifer and hardwoods within the diameter range stated above (1-10" conifer and 1-6" hardwoods) in fuel treatment areas 2, 3, and 4. All residual trees pruned to a height of 10 feet or 50% of the live crown. All scotch broom shall be treated by manual pulling or cut/burn method (no mastication of scotch broom). Mid-story fuels will be treated by removing trees that are between 12"-24" DBH to create horizontal distances of 35 feet between trunks. Removal of ladder fuels within the

driplines of all trees over 24" DBH. All residual trees in the mid-story layer shall be pruned to a height of 10 feet or 50% of the live crown.

Fuel Treatment Unit 5: Work in these 2 acres consists of cutting, piling, and burning and/or chipping of all downed wood material less than 10" DBH. This area does not lend itself to mastication and must be worked by hand. Treatment includes thinning of conifers 1-10" DBH to a minimum of 30 foot spacing between stems, thinning of hardwoods 1-6" DBH to a minimum of 40 foot spacing between stems, pruning residual trees to a height of 10 feet or 50% of the live crown, cut/pile/burn scotch broom and aim for less than 100 stems per acre combined conifer and hardwoods within the diameter range stated above (1-10" conifer and 1-6" hardwoods).

Fuel Treatment Unit Class II and III Watercourse: Work in these 30 acres consists of hand cutting, piling, and/or chipping; with no heavy equipment use within the protection zone. Protection zones are located on both sides of the watercourse and measure 50 feet for Class III and 75 feet for Class II. Deer Creek has a protection zone of 100 feet with no treatment within 100 feet. Cutting and chipping of conifers 1-10" DBH to a minimum 30 ft spacing between stems. No treatment/tree removal in the mid-story as required to maintain shade canopy. All residual trees to be pruned to a height of 10 ft or 50% of the live crown. All Scotch broom to be treated by manually hand pulling or cut/burn method.

Fuel Treatment Unit Transmission Line: PG&E crews will perform work within their 3 acre transmission line easement which shall include cutting and chipping conifers 1-10" DBH to a minimum 30 foot spacing between stems, cutting and chipping hardwoods 1-6" DBH to a minimum of 40 foot spacing between stems, residual trees pruned to a height of 10 feet or 50% of the live crown, and all scotch broom treated by manually hand pulling or cut/burn method.

Fuel Treatment Unit Special Treatment Areas: Work in these 38 acres will require hand cutting, piling, burning and/or chipping; no heavy equipment use within the special treatment areas. Treatment includes removing understory fuels over one foot in height (individual plants or groups of plants may be retained if there is adequate horizontal separation and not within the dripline of an overstory tree). Materials shall be cut and pulled outside of the unit boundary prior to chipping or piling. Work also includes cutting and chipping of conifers 1-10" DBH to a minimum 30 foot spacing between stems, cutting and chipping (or pile/burn outside of treatment area) hardwoods 1-6" DBH to a minimum of 40 foot spacing between stems, removal of all downed woody debris, all residual trees pruned to a height of 10 feet or 50% of the live crown, all scotch broom to be treated by manually hand pulling or cut/burn method, aim for less than 100 stems per acre combined conifer and hardwoods within the diameter range stated above (1-10" conifer and 1-6" hardwoods).

**NAME OF PUBLIC AGENCY APPROVING PROJECT (LEAD AGENCY):** City of Nevada City

**NAME OF PUBLIC AGENCY CARRYING OUT PROJECT:** City of Nevada City

**NAME OF RESPONSIBLE AGENCY:** County of Nevada

**EXEMPT STATUS:** Categorical Exemption CEQA Guidelines Section 15304, Class 4 Minor Alterations to Land

**REASONS WHY PROJECT IS EXEMPT:** The entire project area has been evaluated by the RFP for sensitivity relating to biological and cultural resources. Minimization and avoidance measures have been identified and will be incorporated into project implementation to ensure that no impacts to biological or cultural resources occur as a

result of the project. By integrating the avoidance and minimization measures specified within each fuel treatment area, it has been determined that no impacts to the environment could occur as a result of the proposed project.

Pursuant to the CEQA guidelines, categorical exemption Section 15304, Class 4 minor alterations to land consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of mature, scenic trees except for forestry and agricultural purposes. The minor land alterations proposed by the project consist of forestry treatments to reduce hazardous fuels and improve forest health. Project activities will not result in the taking of endangered, rare, or threatened plant or animal species, or sedimentation to surface waters. City staff has concluded that no significant environmental impact would occur to aesthetics, agriculture and forest/timberland, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, utilities and service systems or to wildfire (all environmental factors considered under CEQA). This project will not convert forestland to non-forest uses. No healthy, mature, scenic trees will be removed by this project pursuant to section 15304 of the CEQA guidelines.

The project has also been reviewed under CEQA Guidelines 15300.2 Exceptions, for any characteristics or circumstances that might invalidate findings that the project is exempt from CEQA.

Each exception from the CEQA Guidelines is listed below followed by an assessment of whether that exception applies to the project.

- (a) Location. Class 4 exemptions are qualified by consideration of where the project would be located, a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies.

The project area includes lands that are City owned open space parcels or sparsely developed private property containing forest resources. The Treatment Plan has been designed to avoid impacts to sensitive resources by using several different methods of treatment within fuel treatment areas (for example only hand clearing within 100' of a waterway and no piling or chipping within 100' of a waterway). No mapped wetlands exist on the sites. Additionally, there is no risk of hazardous materials or substances on the sites (see section (e) below). Therefore, this exception does not apply to the project.

- (b) Cumulative Impacts. All exemptions for class 4 are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

No other fuel mitigation or other significant projects are ongoing within the project area. There are no other known successive projects-planned, approved, or under construction-of the same type at or near the sites that when combined with the project will result in a cumulative environmental impact. This exception does not apply to the proposed project.

- (c) Significant Effects. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There is no reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. Proposed improvements will not alter the capacity of the sites or existing uses. The project manager will execute activities per current local, state, and federal laws, regulations, construction Best Management Practices, and city standards and guidelines. This includes burning regulations regarding

air quality and city ordinances. No unusual circumstances are present on or near the site, and project implementation will not cause significant impacts due to unusual circumstances. This exemption does not apply to the proposed project.

- (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings or similar resources, within a highway officially designated as a state scenic highway.

There are no designated state scenic highways near or within the project area. No parts of the project area are within city scenic corridor zoning areas. The project will not affect scenic resources along any officially designated or eligible scenic highways. Therefore, this exception does not apply to the proposed project.

- (e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Government Code § 65962.5. California Government Code Section 65962.5 requires the compiling of lists of the following types of hazardous materials sites: hazardous waste facilities subject to corrective action; hazardous waste discharges for which the State Water Quality Control Board has issued certain types of orders; public drinking water wells containing detectable levels of organic contaminants; underground storage tanks with reported unauthorized releases; and solid waste disposal facilities from which hazardous waste has migrated.

Five environmental databases were searched for hazardous materials sites on the site and within a quarter mile radius on October 2, 2023:

- Geo Tracker. State Water Resources Control Board
- EnviroStor. Department of Toxic Substances Control
- EJScreen. US Environmental Protection Agency
- EnviroMapper. US Environmental Protection Agency
- Solid Waste Information System. California Department of Resources Recycling and Recovery (CalRecycle)

No sites within the project area are identified on any of the databases; therefore, the project will not create a hazard to the public. Since no fuel treatment work will be done within a hazardous waste cleanup area, the project will not create a hazard to the public. This exception does not apply to the proposed project.

- (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of historical resources. Under Public Resource Code § 21084.1, a historical resource is a resource listed in or determined to be eligible for listing in the California Register of Historical Resources. Additionally, historical resources included in a local register of historical resources are presumed to be historically or culturally significant, and a lead agency can determine whether the resource may be an historical resource.

The City of Nevada City was incorporated in 1856 and is generally considered a historic city. The City has a Historic District that is part of the National Registry of Historic Places. No sections of the project area are within the city's Historic District and no properties with structures that are considered a historical resource are within the project area. Project implementation will not cause off-site impacts and will not cause impacts to historical resources, and the historical resources exception will not apply to this project.

**LEAD AGENCY CONTACT PERSON:** Lisa McCandless, City Planner 530-265-2496 ext. 130

**SIGNATURE:**



**8/28/2024**