

# 1 Introduction

## 1.1 Purpose of this Program Environmental Impact Report

Midpeninsula Regional Open Space District (Midpen) proposes to implement a Wildland Fire Resiliency Program (WFRP or Program), which would serve as a planning and implementation document to manage vegetation and infrastructure on Midpen lands as well as planning, response, and monitoring to reduce wildland fire risks. This Draft Program Environmental Impact Report (Program EIR) has been prepared to evaluate the potential environmental effects of implementing the Program. This chapter provides introductory information to orient the reader to the Program and the environmental analysis.

The Program EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before acting on those projects. CEQA requires that each public agency avoid or mitigate to less-than-significant levels, wherever feasible, the significant environmental effects of projects it approves or implements. The purpose of an EIR, under the provisions of CEQA, is “to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided” (Public Resources Code [PRC] § 21002.1[a]). If a project would result in significant and unavoidable environmental impacts that cannot be feasibly mitigated to less-than-significant levels, the project can still be approved, but the lead agency’s decision-maker (e.g., Board of Directors) must issue a “statement of overriding considerations” explaining, in writing, the specific economic, social, or other considerations that they believe make those significant effects acceptable (PRC § 21002; California Code of Regulations [CCR] § 15093 of the State CEQA Guidelines).

The relevant statute and regulations guiding the preparation of this Program EIR are:

- PRC §§ 21000 et seq.
- CCR, Title 14, Division 6, Chapter 3, § 15000 et seq.

This Program EIR evaluates the significant or potentially significant adverse effects on the physical environment resulting from the implementation of the Program; describes feasible measures, if needed, to mitigate any significant or potentially significant adverse effects; and considers alternatives that may lessen one or more of the significant or potentially significant adverse effects.

### 1.2 Scope of the Draft Environmental Impact Report

#### 1.2.1 Program EIR Approach

This EIR has been prepared as a Program EIR. As described in State CEQA Guidelines section 15168(a)(3), a Program EIR “may be prepared on a series of actions that can be characterized as one large project and are related either:

- Geographically,
- As logical parts in the chain of contemplated actions,
- In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program, or
- As individual activities carried out under the same statutory authority and having generally similar environmental effects which can be mitigated in similar ways.

The use of a Program EIR can provide the following advantages. The Program EIR can:

- Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,
- Ensure consideration of cumulative impacts that might be overlooked in a case-by-case analysis,
- Avoid duplicative reconsideration of basic policy considerations,
- Allow the lead agency to consider broad policy alternatives and program-wide mitigation measures early when the agency has greater flexibility to deal with basic problems or cumulative impacts, and
- Allow a reduction in paperwork.

A Program EIR is most helpful in addressing subsequent activities if it analyzes the effects of the program as specifically and comprehensively as possible. With a thorough analysis of the program, many subsequent activities can be found to be within the scope of the plan described in the Program EIR, and no further environmental documents are required to carry out the plan.

It is intended that this Program EIR focuses on the overall effects of the WFRP. The Vegetation Management Plan (VMP) is presented in considerable detail, and therefore, actions under the VMP are expected to proceed without further CEQA review upon certification of the EIR. The Prescribed Fire Plan (PFP) and infrastructure additions under the Wildland Fire Pre-Plans may require additional CEQA review that can be tiered from this Program EIR if the effects of these actions are not fully covered here.

#### 1.2.2 Scope of Program EIR and Key Resource Topics Addressed

Pursuant to CEQA, the discussion of potential effects on the physical environment from the implementation of the Program is focused on impacts that may be significant or potentially significant. CEQA allows a lead agency to limit the discussion of environmental effects that are not considered potentially significant (PRC § 21100, CCR §§ 15126.2[a], and section 15128 of the State CEQA Guidelines). CEQA requires that the discussion of any significant effect on the

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environment be limited to substantial, or potentially substantial, adverse changes in physical conditions that exist within the affected area, as defined in PRC § 21060.5 (statutory definition of “environment”).

On April 27, 2020, Midpen issued a Notice of Preparation (NOP) (refer to Appendix 1.0) to inform agencies and the general public that a Program EIR was being prepared and invited comments on the scope and content of the document and participation at a public scoping meeting. The NOP was posted with the State Clearinghouse, on Midpen’s website, and was distributed to public agencies, interested parties, and organizations.

The scope of this Draft Program EIR includes the resource topics for which potentially significant impacts could occur, as listed below. This list is based on a review of background information, comments received during the scoping process, and professional judgement.

- Aesthetics
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards, Hazardous Materials, and Wildland Fire
- Hydrology and Water Quality
- Noise
- Recreation
- Transportation

Areas of controversy (CEQA Guidelines section 15123 (b)) raised during scoping that are relevant to the environmental analysis are noted at the beginning of each resource section in Chapter 4: Environmental Setting, Impacts, and Mitigation Measures of this Program EIR, as applicable. Chapter 4: Environmental Setting, Impacts, and Mitigation Measures begins with a brief description of the remaining resources for which effects were found not to be significant and further analysis is not required.

### 1.3 Public Review and Participation Process

#### 1.3.1 Public and Agency Participation in Preparation of the Program

The Program development process included numerous public meetings, in-person meetings, phone calls and email feedback from partners and stakeholders, including cooperating and collaborative agencies, local fire agencies, tribes, and the public (including non-governmental organizations). The Program was reviewed by the Board’s Planning and Natural Resources Committee. During the week of August 19, 2019, public meetings were held in the communities of Half Moon Bay, Los Gatos, and Woodside. The objective of these meetings was to communicate Midpen’s Program components and invite early public comments on its

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development. Communication with local fire departments was also a critical component of the Program development. Numerous fire departments were also contacted.

### 1.3.2 Scoping for the EIR Process

Consistent with the requirements of CEQA, Midpen contacted affected federal, State, and local agencies; organizations; and individuals who may have an interest in the Program. Outreach actions beyond those previously described for the development of the Program included the circulation of the NOP on April 27, 2020, as previously mentioned, issuing a press release on the public scoping meeting, and holding the public scoping meeting via teleconference on May 13, 2020.

### 1.3.3 Draft EIR Program Review and Public Information Meeting

Midpen has filed a Notice of Completion with the State Clearinghouse of the Governor's Office of Planning and Research, indicating that the Draft Program EIR is available for review and comment by the public. The public review period will last 45 days, beginning January 15, 2021 and ending March 1, 2021.

A public information meeting on the Draft Program EIR will be held during the review period. The meeting will be held via teleconference on February 25, 2021 at 5:00pm (as allowable by Executive Order N-25-20).

A Public Notice of Availability of the Draft Program EIR, which also includes the date, time, and format for the public meeting, has been published during early January 2021 in the San Jose Mercury News, Half Moon Bay Review, Palo Alto Weekly, The Almanac, Los Gatos Weekly Times, Saratoga News, Cupertino Courier, Sunnyvale Sun, and San Mateo County Daily News.

### 1.3.4 Written Comments on the Draft Program EIR

Comments on the Draft Program EIR may be made in writing before the end of the comment period (March 1, 2021). Written comments should be mailed or e-mailed to the address provided below. After the close of the public comment period, responses to the comments received on the Draft Program EIR will be prepared and published, and this Draft Program EIR will be updated with any revisions based on the response to comments, which will constitute the Final Program EIR.

Please mail, e-mail, or fax comments on the Draft Program EIR by the March 1, 2021 deadline to:

Midpeninsula Regional Open Space District  
Attention: Coty Sifuentes-Winter, Senior Resource Management Specialist  
Mailing Address: 330 Distel Circle, Los Altos, CA 94022  
Email: [csifuentes@openspace.org](mailto:csifuentes@openspace.org) (Subject line: WFRP EIR Comment)  
Fax: (650) 691-0485

Hard copies of the Draft Program EIR can be reviewed at the location listed below and an electronic version can be viewed online at <https://www.openspace.org/our-work/projects/wfrp>.

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To view the hard copies at the Administrative Office, members of the public must first call or email ahead to schedule a review time given COVID-19-related office closures and limited staff presence in the office. Midpen's COVID-19 safety protocols must be followed, including face masks and physical distancing of 6 feet, for entry into the Administrative Office and for duration of reviewing the document.

Midpeninsula Regional Open Space District Administrative Office  
330 Distel Circle  
Los Altos, CA 94022-1404  
(650) 691-1200

Typical office hours: 8:30 a.m. to 5:00 p.m., Monday through Friday (except holidays)

Go here for directions to this office: [http://www.openspace.org/contact\\_us.asp](http://www.openspace.org/contact_us.asp)

The Draft Program EIR is also available at the following locations for review:

- *Seven Springs Station 2*: 21000 Seven Springs Parkway, Cupertino, CA 95014
- *Los Gatos Station 3*: 306 University Avenue, Los Gatos, CA 95030
- *Redwood Station 4*: 21452 Madrone Drive, Los Gatos, CA 95033
- *Monta Vista Station 7*: 22620 Stevens Creek Boulevard, Cupertino, CA 95014
- *Los Altos Station 15*: 10 Almond Avenue, Los Altos, CA 94022
- *San Carlos Station 16*: 1286 Alameda de las Pulgas, San Carlos, CA 94070
- *Woodside Fire Protection District Administration Office*: 808 Portola Rd #C, Portola Valley, CA 94028
- *Woodside HQ Station 7*: 3111 Woodside Road, Woodside, CA 94062
- *Woodside Station 19*: 4091 Jefferson Avenue, Woodside, CA 94062
- *Woodside Station 8*: 135 Portola Road, Portola Valley, CA 94028
- *Skylonda Station 58*: 17290 Skyline Boulevard, Woodside, CA 94062

### 1.3.5 Final EIR Program Review and Public Information Meeting

A public hearing to consider the Final Program EIR has been tentatively scheduled for Spring 2021. The meeting will be held via teleconference or in the Board Room of the Midpeninsula Regional Open Space District Administrative Office located at 330 Distel Circle Los Altos, CA 94022 depending on COVID-19-related shelter-in-place restrictions for public gatherings that may still be in place in Spring 2021. Notices of the upcoming meeting will be sent to all interested parties. Information about the Final Program EIR public hearing will be available online at [www.openspace.org/fire](http://www.openspace.org/fire).

### 1.4 Agency Roles and Responsibilities

#### 1.4.1 Lead Agency

Midpen is the lead agency under CEQA, as defined in Section 15367 of the State CEQA Guidelines. The Program has been developed in collaboration and consultation with other Responsible Agencies and the general public.

#### 1.4.2 Responsible and Trustee Agencies

Responsible and trustee agencies are consulted by the lead agency to ensure the opportunity for input during the environmental review process. Under CEQA, a responsible agency is a public agency other than the lead agency that has legal responsibility for carrying out or approving a project or elements of a project (PRC § 21069). For example, the project may be subject to the permitting requirements of the San Francisco Bay Regional Water Quality Control Board (RWQCB) or the Central Coast RWQCB for any activities that would result in discharges to waters of the State.

Under CEQA, a trustee agency is a state agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California (PRC § 21070). The California Department of Fish and Wildlife (CDFW) is a trustee agency with jurisdiction over fish and wildlife and their habitats that may be affected by the Program. Midpen also serves as a Trustee Agency, as defined by State CEQA Guidelines Section 15386 for affected resources within units of Midpen lands.

### 1.5 Document Organization

This Program EIR has been organized into the following chapters:

- **Acronyms and Abbreviations.** Provides a list of all acronyms and abbreviations used in the Program EIR. Refer to Appendix 1.0-2 for a glossary of key terms used throughout the Program EIR.
- **Chapter 1: Introduction.** Introduces the environmental review process; describes the purpose of the Program EIR; identifies lead, responsible, and trustee agencies; and outlines the organization of the Draft Program EIR.
- **Chapter 2: Executive Summary.** Summarizes the EIR process and the objectives of the Program, provides a brief overview of the project description, describes the Program alternatives, identifies areas of controversy, and summarizes the next steps in the public review process. The Executive Summary also contains a table that summarizes the significance of the environmental impacts that would result from the Program.
- **Chapter 3: Project Description.** Describes the background, Program location and summary of Midpen lands and existing treatments, history of fuel management on Midpen lands, need for the Program, Program objectives, and provides a detailed description of the Program, its components, and implementation.

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- **Chapter 4: Environmental Setting, Impacts, and Mitigation Measures.** Summarizes effects not found to be significant. Describes the existing environmental setting (i.e., baseline conditions) and regulatory framework, presents significance criteria or thresholds for determining the significance of impacts, evaluates environmental impacts on the physical environment associated with the Program, identifies mitigation for any potentially significant and significant impacts, and identifies the level of significance following the implementation of the mitigation for all resource topics carried forward for detailed analysis.
- **Chapter 5: Other CEQA Considerations.** Discusses cumulative impacts that could result from implementing the Program in combination with other past, present, and reasonably foreseeable future programs in the area, discusses the potential for the Program to induce growth, discloses any significant and unavoidable impacts identified in the environmental impact analysis, and describes the potential for the Program to result in a significant and irreversible commitment of resources.
- **Chapter 6: Alternatives to the Program.** Describes alternatives to the Program, including the No Project Alternative and potentially feasible alternatives that would avoid, reduce, or eliminate significant impacts identified in Chapter 3: Project Description, and identifies the environmentally superior alternative. Alternatives that have been rejected from further consideration are also identified, along with an explanation of the reasons for their rejection. Impacts of alternatives are not analyzed at the same level of detail as those of the Program, consistent with the provisions of CEQA Guidelines section 15126.6(d).
- **Chapter 7: Document Preparation.** Identifies the preparers of the Program EIR and the public agencies, organizations, and tribes consulted during the preparation of the Program EIR.
- **Chapter 8: References.** Provides the references for each chapter and section.