



Midpeninsula Regional
Open Space District

R-21-32
Meeting 21-07
February 25, 2021

AGENDA ITEM 1

AGENDA ITEM

Public Hearing to Receive Public Comment on the *Wildland Fire Resiliency Program Draft Program Environmental Impact Report*

GENERAL MANAGER'S RECOMMENDATION

Receive public comment on the *Wildland Fire Resiliency Program Draft Program Environmental Impact Report*. Pertinent comments will be collected and responded to as part of the Final Environmental Impact Report document and forwarded to all commenters and interested parties.

SUMMARY

The purpose of this public hearing is to satisfy the requirement of the California Environmental Quality Act (CEQA) to receive comments on the Draft Program Environmental Impact Report (Draft EIR), which analyzes the potential environmental impacts related to the proposed Wildland Fire Resiliency Program (Program). No action from the Midpeninsula Regional Open Space District's (District) Board of Directors (Board) is required at this meeting. The District released the Draft EIR on January 15, 2021 for a 45-day public review. The comment period ends on March 1, 2021. The District will collect all comments and then prepare and assemble a Final Environmental Impact Report (Final EIR) with responses to comments received during the public review period on the environmental analysis. The Board will consider certification of the Final EIR and approval of the proposed Program in spring 2021.

The Draft EIR identifies mitigation measures to reduce all potentially significant environmental impacts to less than significant levels, with the exception of impacts to aesthetics, air quality, and greenhouse gas emissions (GHGs). These environmental impacts have the potential to be significant and unavoidable with the implementation of the proposed Program. Prior to adopting the Final EIR, the Board will deliberate on the overriding considerations, examining the tradeoffs to these impacts as they relate to the benefits of implementing the Program.

DISCUSSION

Wildland fire prevention, preparation, and response are a part of the District's current, ongoing land stewardship. California's fire season is now longer and more intense due in part to dense regrowth of historically logged forests, more than a century of fire suppression, an increase in development in wildland areas, and a changing climate. **These human-created challenges threaten the District's ability to "protect and restore the natural environment"**. To meet these growing challenges, the District is proactively establishing the proposed Program to allow for an increase in its environmentally sensitive vegetation management, the majority of which is

specifically to reduce fuel loads for ecosystem resiliency, while also addressing a strategic Board objective of working with wildland fire agencies and surrounding communities to strengthen the prevention of, preparation for, and response to wildland fires.

The objectives of the proposed Program are as follows:

- Manage vegetation to establish healthy, resilient, fire-adapted ecosystems, which will further the District’s mission to protect and restore the diversity and integrity of the ecological processes and facilitate post-fire recovery;
- Integrate Native American cultural practices of vegetation management, particularly as they relate to prescribed fire¹;
- Manage vegetation and infrastructure on District lands to reduce wildland fire risks, improve wildland fire fighting capabilities and coordination, and improve safety to reduce the harmful effects of wildland fire on natural resources, people, and property; and
- Provide an adaptive framework for the District’s periodic review and revision of implementation decisions in response to a changing climate and to incorporate improved knowledge and technology.

Management actions and projects will also be included and organized into the following major Program elements:

- Policy Review and Recommended Updates;
- Vegetation Management Plan (VMP);
- Prescribed Fire Plan (PFP);
- Wildland Fire Pre-Plan/Resource Advisor Maps; and
- Monitoring Plan.

To date, the District has engaged with the public during the development of the proposed Program as described in the table below:

Date	District Action	Meeting Number	Objective
June 27, 2018	Board Meeting	R-18-72	Award of Contract for Fire Ecology Services
October 24, 2018	Board Meeting	R-18-120	Authorized a contract for Environmental Review Services
February 13, 2019	Board Meeting	R-19-16	Informational Update on the Development of the Prescribed Fire Program
April 24, 2019	Board Meeting	R-19-52	Amend Contract for Fire Ecology Services
May 22, 2019	Board Meeting	R-19-69	Amend a Contract for Environmental Review Services
Week of August 19, 2019	Three Public Open Houses at Los Gatos, Half Moon Bay, and Woodside.	N/A	Communicate the District’s proposed Program components and invite early public comments on its development
September 24, 2019	Planning and Natural Resources Committee	R-19-127	Policy analysis and recommendation for changes
October 29, 2019	Planning and Natural Resources Committee	R-19-141	Review vegetation management area locations and prioritization criteria

¹ The Society for Ecological Restoration recognizes the practice, known officially as Traditional Ecological Knowledge, as not only ecological restoration, but also “merits acknowledgement in the conduct of restoration.”

<i>Date</i>	District Action	Meeting Number	Objective
<i>April 8, 2020</i>	Board Study Session	R-20-08	Overview for proposed Program and receive feedback
<i>April 27, 2020 – June 18, 2020</i>	Notice of Preparation	N/A	Inform agencies, neighbors, interested parties and the public of the intent to prepare a Program EIR and solicit comments on the scope of the Program EIR
<i>May 13, 2020</i>	Special Board Meeting	R-20-42	CEQA Scoping Session for the proposed Program

On January 15, 2021, the District released the Draft EIR for a 45-day public review and comment period. The public comment period will conclude on March 1, 2021. Although written comments on the Draft EIR are strongly encouraged, this public meeting will allow the public to provide oral comments on potential environmental impacts of the proposed Program. Oral and written comments pertaining to environmental impacts are being compiled at this time. Responses will be subsequently prepared and included in writing in the Final EIR. All commentors and interested parties will receive a notice with links and physical repository locations to access the Final EIR when it is made available. Public comments received on the Program that do not relate to environmental impacts do not require written responses in the Final EIR.

FISCAL IMPACT

The District entered into contracts with two consultants in the summer of 2018 for fire ecology and related environmental review services: Spatial Informatics Group, Inc., (SIG) and Panorama Environmental, Inc., (Panorama). These contracts were subsequently amended to increase the scope of services for developing a more comprehensive, robust, and strategic Wildland Fire Resiliency Program that aligns with the District’s mission and Resource Management Policies (R-19-52, R-19-69).

Receiving public comments on the *Wildland Fire Resiliency Program Draft Program Environmental Impact Report* item has no direct fiscal impact. The Fiscal Year 2020-21 (FY21) budget includes sufficient funds to cover project costs for the development of the Program and draft EIR through the end of the fiscal year. Each Plan element includes a proposed implementation plan, which the Board will consider as part of the Program’s review and adoption process. Funding for future year budgets will be proposed as part of the annual Budget and Action Plan process. Grants that are applicable to the Program will be presented to the Board for authorization as they become available.

BOARD COMMITTEE REVIEW

On September 24, 2019, District staff presented the Program background and development process to the Planning and Natural Resources (PNR) Committee (R-19-127). The PNR Committee recommended several Resource Management Policy changes and areas for clarification. The PNR Committee subsequently recommended forwarding the proposed changes to the full Board.

On October 29, 2019, District staff presented the VMP for ecosystem resiliency and fire management/public safety to the PNR Committee (R-19-141). The VMP does not specify

specific areas for treatment nor specific methods to use; the VMP lays out the criteria in which specific areas may be treated as well as how to prioritize these areas based on the current sciences and professional opinions of acknowledged fire and vegetation specialists. During this meeting, the PNR Committee confirmed the recommended sites and prioritization matrix of project locations under the VMP. The PNR Committee recommended forwarding the proposed changes to the full Board.

PUBLIC NOTICE

Public notice of this Agenda Item was provided as required by the Brown Act. Approximately 9,000 additional notices were provided to neighbors, residents within 1,000 feet of Preserve boundaries, and other interested parties.

A copy of the Draft Program and Draft EIR was provided to all responsible and trustee agencies, selected interested parties, and posted on the District website (<https://www.openspace.org/wfrp>) on January 15, 2021. Hard copies can be found at the District's main Administration Office (330 Distel Circle, Los Alto), the Foothills Field Office (222500 Cristo Rey Dr, Cupertino), and the Skyline Field Office (21150 Skyline Ranch Road, La Honda). Selected Fire Stations within the District's Boundary have also agreed to display a hard copy of the document for public review and are shown on Attachment 2: Locations of DEIR Hard Copies Available for Review. The District and Fire Stations request that the public call ahead of time to review the documents in person due to the ongoing pandemic.

CEQA COMPLIANCE

In accordance with the State CEQA Guidelines (Title 14 California Code of Regulations [CCR] Section 15082), the District prepared a Notice of Preparation (NOP) of a Draft EIR for the Wildland Fire Resiliency Program to inform agencies and interested parties that an EIR will be prepared. The District held a study session on the Program details at the April 08, 2020 Board meeting (R-20-08), issued the NOP on April 27, 2020, and held a CEQA Scoping session for the Proposed Program at the May 13, 2020 Board meeting (R-20-42). Public hearings, including this hearing on the Draft EIR, are encouraged but are not required under state law as an element of the CEQA process.

The Draft EIR indicates that the proposed Program has the potential to result in significant project impacts associated with the following environmental resources or topics: aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, recreation, and transportation.

Significant, Unavoidable Impacts

A project impact is considered significant and unavoidable if it would result in a substantial adverse change in the environment that cannot be feasibly avoided or mitigated to a less-than-significant level if the project is implemented. If a lead agency proposes to approve a project with significant unavoidable impacts, it must still mitigate to the extent feasible and adopt a statement of overriding considerations to explain its actions (CEQA Guidelines, Sections 15092(b)(2)(A) and 15093(b)).

The Draft EIR identifies mitigation measures to reduce all impacts to a less-than-significant level with the exception of potentially significant visual impacts from vegetation thinning and tree removal, as viewed from scenic viewpoints, trails, corridors or roads (see section 4.2.5 within the Draft EIR) as well as from generation of air pollutants (section 4.3.5) and greenhouse gas emissions (section 4.7.5), primarily emitted during prescribed burning. Implementation of all feasible mitigation measures would not reduce the Program's potential impacts to aesthetics, air quality, or greenhouse gas emissions, below the threshold of significance. These potential impacts remain significant and unavoidable. Prior to adopting the Final EIR, the Board will deliberate on the overriding considerations, examining the tradeoffs to these impacts as they relate to the benefits of implementing the Program.

NEXT STEPS

The 45-day public comment period for the Draft EIR will close on March 1, 2021. Comments will be addressed in the Final EIR, which will be brought to the Board at a public hearing for certification with the consideration of Program approval in spring 2021.

Action	Date
Public Draft Program and Public Draft EIR released for review	January 15, 2021
EIR Public Comment Period	January 15, 2021 - March 1, 2021
Draft EIR Hearing	February 25, 2021
Board of Directors considers EIR certification and approval of the Program	May/June 2021

Staff will evaluate the potential environmental impacts of Phase II, the Prescribed Fire Plan, within a tiered EIR from the Phase I Program EIR, as well as the recently adopted California Vegetation Treatment Program by CAL FIRE. Staff anticipates the certification of the tiered EIR in spring of 2022.

Attachments

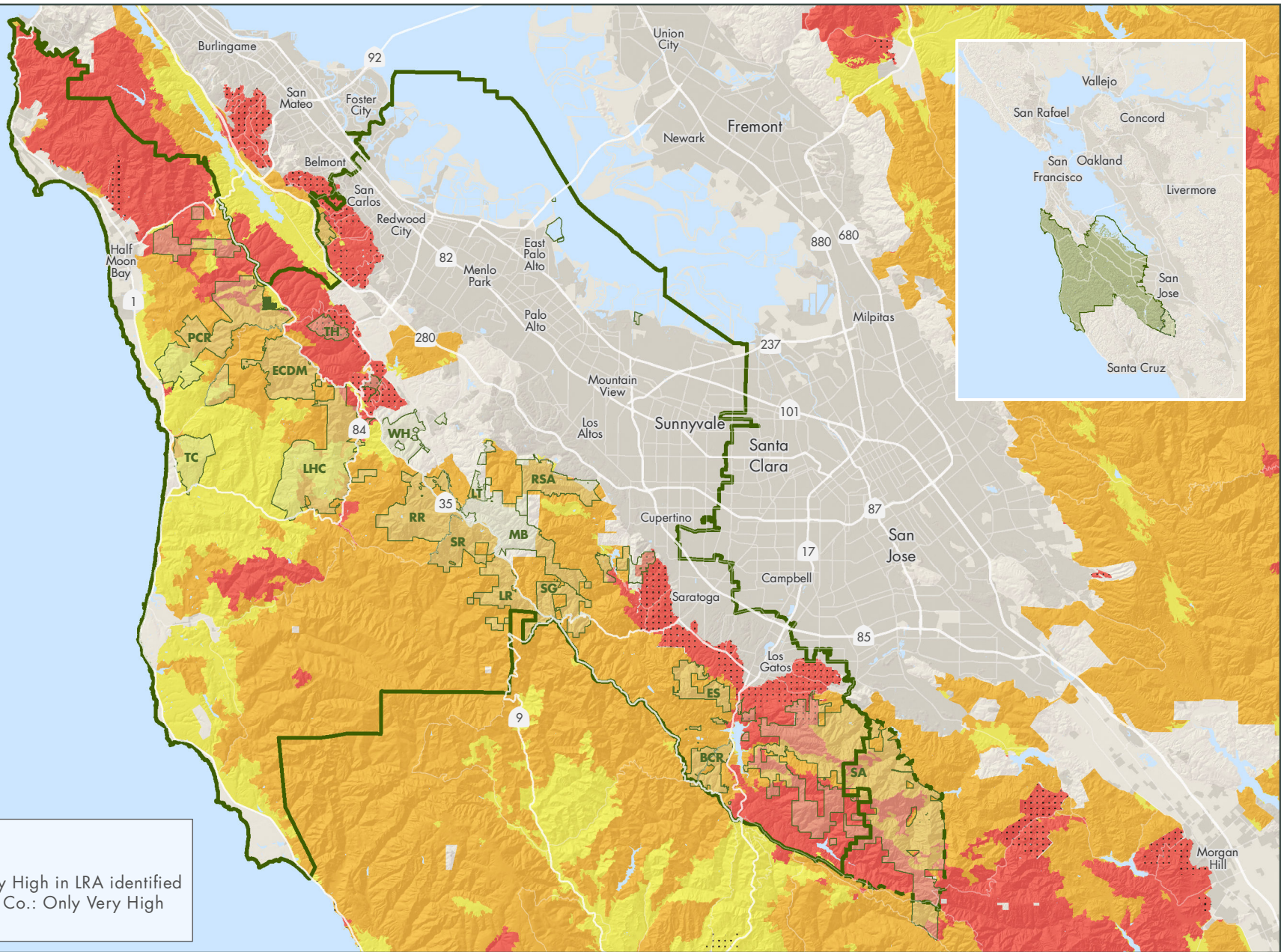
1. Wildland Fire Resiliency Program Area of Analysis Map
2. Locations of DEIR Hard Copies Available for Review

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Notes:
 FHSZ Source: CAL FIRE
 Santa Cruz Co.: No Very High in LRA identified
 San Mateo/Santa Clara Co.: Only Very High in LRA identified

Wildland Fire Resiliency Program Area of Analysis

Area of Analysis includes

- Midpen District boundary
- Midpen sphere of influence
- Midpen preserve

Fire Hazard Serveryity Zone

- Very High
- High
- Moderate

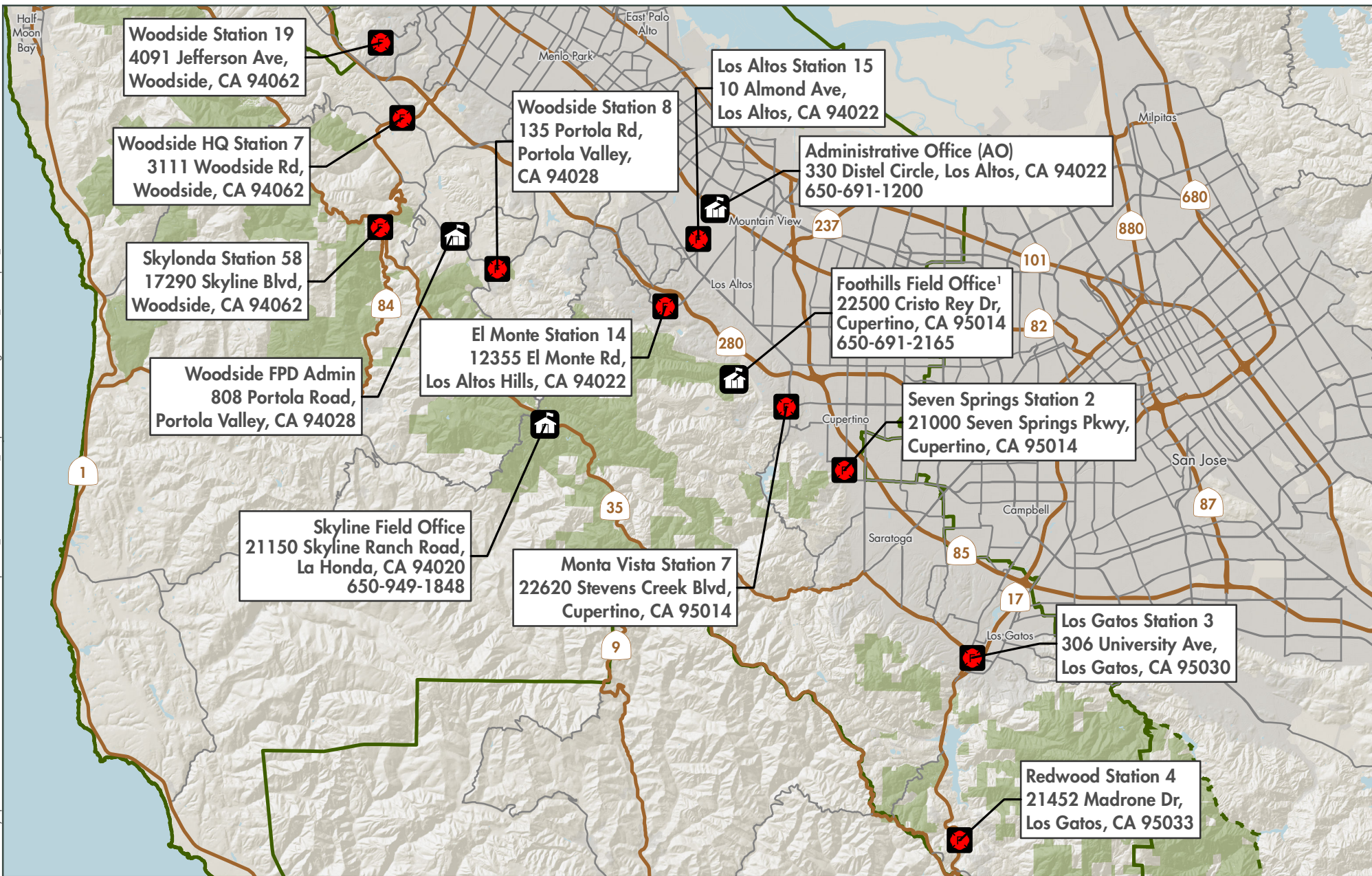
- Local Responsibility Area
- State Responsibility Area

ATTACHMENT 1

Midpeninsula Regional
 Open Space District
 (Midpen)
 2/12/2021



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.



Wildland Fire Resiliency Program DEIR Hard Copies for Review

ATTACHMENT 2 Midpeninsula Regional Open Space District

-  Fire station
-  Administrative or field office

Public must call ahead of time to book appointment at all locations.

1. FFO is only accessible via a 0.8 mile hike or bike from the main Rancho San Antonio parking area.



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