**Weir 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 Weir Canyon Invasive Tree Pest Mitigation and Fuels Reduction 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 creating a fire safe condition in the area.

### Project Location:

The Proposed Project would occur within Weir Canyon Nature Preserve, an unincorporated forested area on the northeastern edge of Orange County, California. The Proposed Project site comprising of 142.13 acres of forested land, incorporates portions of the Weir Canyon area, in the northern part of the greater Irvine Ranch Open Space and spreads across both sides of State Route (SR) 241.

### 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. The Proposed Project site is located within these Zones of Infestation. Trees treated as a result of the Proposed Project are in areas designated as Very High Fire Hazard Severity Zones (VHFHSZ) within the County’s State Responsibility Area (SRA) (CalFire 2007). The Land Use designation of the Proposed Project site is Open Space Reserve. The Zoning of the site is General Agricultural Zoning District (A1) (County of Orange 2015).

### Description of Project:

The OCFA, under the CalFire Fire Prevention Grant Program, proposes to treat infested trees located on both County- and privately-owned properties with a contact insecticide to prevent the spread of resident beetles to neighboring trees and re-infestation of current host trees. In addition, trees lacking pest exit holes, but within approximately 100 meters of trees with exit holes, would be treated preventatively with a barrier spray. These trees may either be infested from eggs laid during the previous flight season or may be un-infested but vulnerable due to their proximity to infested trees.

Ongoing maintenance activities following insecticide application may require limited mechanized removal of dead, dying, and diseased tree material. If tree material removal is deemed necessary, crew members would fall, limb, buck, and chip targeted trees and in some cases, stump grind. All root structures would remain intact underground, and a buffer zone encompassing six feet outside the tree canopy will be established in order to protect tree root structures. Within this buffer zone no parking will be allowed, there will be no change in the soil grade, and no material will be stockpiled. The felled tree parts will be hand-carried and chipped at predetermined locations that will not cause limiting ground disturbance to that which results from haul trucks driving through the site. For The beetle infested trees, tree material will be chipped into green waste bins and hauled away in a covered bin to green waste facilities or chipped onsite at the predetermined locations to be solarized. 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.

Trees are an important component of natural ecosystems in California and treatment of infested trees would eliminate pests and slow the spread rate, enhancing the survival rate of existing tree populations. A decrease in tree mortality would ultimately reduce the wildfire risks to habitable structures by reducing potential fuel within parks and adjacent to roads, homes, and HOAs.

### 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:

1. **Location.** The Project activities will occur within portions of the Weir Canyon Nature Preserve. 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 twenty-seven rare and listed plant, twenty-nine rare and sensitive wildlife species but no critical habitat within or adjacent to the Weir Canyon 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.
2. **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.
3. **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 Weir Canyon area of the Irvine Ranch Open Space. As a part of ongoing subsequent fuel reduction activities, limited mechanized removal of trees might be required, including felling, limbing, bucking, and chipping 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.
4. **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.
5. **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.
6. **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 an uninhabited forested portion of the Weir Canyon Nature Preserve 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:

CalFire

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

County of Orange

2015 Orange County General Plan. Land Use Map. Available online at: <http://www.ocpublicworks.com/civicax/filebank/blobdload.aspx?blobid=58442>