

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: County of Lake

255 N. Forbes Street

Lakeport, CA 95453

From: (Public Agency): City of Clearlake - Planning Dept.
14050 Olympic Drive
Clearlake, CA 95422

(Address)

Project Title: City of Clearlake - Very High FHSZ Fuels Reduction

Project Applicant: City of Clearlake

Project Location - Specific:

15900, 15910, 15920, and 15920 Dam Road; Clearlake, CA 95422

Project Location - City: City of Clearlake, CA **Project Location - County:** Lake County

Description of Nature, Purpose and Beneficiaries of Project:

The City of Clearlake has entered into an agreement with the California Department of Forestry and Fire Protection (CalFire) to help remove hazardous vegetation in CAL FIRE's highest priority areas in Lake County, where Wildland Urban Interface (WUI) fuel loads have created dangerous conditions and increased risk of catastrophic wildfire. The project includes fuel reduction to improve emergency access and reduce the continuity of fuels on City owned properties as there are critical values at risk in the immediate area including but not limited to a Hospital, Elementary School, Public Community College, County Court Facility, County Public Health Facility, Big Box Retail, High Density Housing Projects, and Disabled Living Facilities. It is also in the Yolo County Water Shed that serves thousands of people and thousands of acres of agricultural land. Fuel reduction activities will be carried out using a variety of methods including mastication, hand crews, chipping, grazing, dozers, hand/machine piling and brush burning. Overall ground disturbance will be kept to a minimum.

Name of Public Agency Approving Project: City of Clearlake

Name of Person or Agency Carrying Out Project: City of Clearlake

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:

This project is exempt pursuant to Emergency Exemption(s) - 14CCR 15269 (a)(b)(c) as the project focuses on the management of the excessive fuel loads around the Wildland Urban Interface within the City of Clearlake to prevent and/or mitigate an emergency, including protecting critical infrastructure in the immediate area including a Hospital, Elementary School, Public Community College, County Court Facility, County Public Health Facility, Big Box Retail, High Density Housing Projects, and Disabled Living Facilities.

• Emergency Exemption - 14CCR 15269 (a) - Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Stadium 8550 of the Government Code.

• Emergency Exemption - 14CCR 15269 (b) - Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare. Emergency repairs include those that require a reasonable amount of planning to address an anticipated emergency.

• Emergency Exemption - 14CCR 15269 (c) - Specific actions necessary to prevent or mitigate an emergency.

Lead Agency
Contact Person: Mark Roberts - Senior Planner **Area Code/Telephone/Extension:** (707) 994-8201

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:** March 15, 2021 **Title:** Senior Planner

☐ 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: _____

NOTICE OF EXEMPTION (NOE)

CITY OF CLEARLAKE

To: County of Lake
Attn: County Clerk's Office
255 N. Forbes Street
Lakeport, CA 95453

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

From: City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

Project Title: City of Clearlake - Very High FHSZ Fuels Reduction

Project Location: 15900 (APN 010-050-32), 15910 (APN 010-050-30), 15920 (APN 010-050-42) and 15970 (APN 010-050-40) Dam Road, Clearlake, California 95422.

Project Description:

The City of Clearlake has entered into an agreement with the California Department of Forestry and Fire Protection (Calfire) to help remove hazardous vegetation in CAL FIRE's highest priority areas in Lake County, where Wildland Urban Interface (WUI) fuel loads have created dangerous conditions and increased risk of catastrophic wildfire. The project includes fuel reduction to improve emergency access and reduce the continuity of fuels on City owned properties as there are critical values at risk in the immediate area including but not limited to a Hospital, Elementary School, Public Community College, County Court Facility, County Public Health Facility, Big Box Retail, High Density Housing Projects, and Disabled Living Facilities. It is also in the Yolo County Water Shed that serves thousands of people and thousands of acres of agricultural land. Fuel reduction activities will be carried out using a variety of methods including mastication, hand crews, chipping, grazing, dozers, hand/machine piling and brush burning. Overall ground disturbance will be kept to a minimum.

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**COOPERATIVE AGREEMENT/LICENSE**

For Prevention and Suppression of Forest Fires

CAL FIRE 719 (03/11) (page 1 of 2)

CAL FIRE # 1T139287

(No. assigned by HQ TS, Lands Unit)

PROJECT	City of Clearlake – Very High FHSZ Fuels Reduction	COUNTY	Lake
Designated LICENSOR (Controls/Owns Prop.)	City of Clearlake	Designated LICENSEE: Real Property Manager	Department of Forestry and Fire Protection
AUTHORITY CITED:	<p><u>Public Resources Code 4141.</u> <i>The Department may, for the prevention and suppression of forest fires, enter into cooperative agreements with any person, firm, association, or corporation that owns or controls any forest, brush, grass, or grain lands, under such terms as the Department deems advisable, and may renew, revise, or terminate these agreements.</i></p> <p><u>Government Code 14662.5.</u> <i>In any agreement entered into whereby the state obtains a grant of easement, lease, license, right-of-way entry (including without limitation, a right-of-way, or right of entry on or over property of any railroad), the state agency or its director entering into the agreement on behalf of the state may agree to indemnify and hold harmless the grantor, lessor, or licensor and may agree to repair or pay for any damage proximately caused by reason of the uses authorized by such easement, lease, license, right-of-way, or right of entry agreement.</i></p>		
<p>THIS AGREEMENT: (dated for reference purposes, _____)</p> <p>By and between LICENSOR and LICENSEE, named above, in consideration of public services to be performed by LICENSEE for the prevention and suppression of forest fires, hereby licenses to the LICENSEE, use of the property under the ownership and/or control of LICENSOR, described as follows:</p>			
PROPERTY DESCRIPTION <small>Provide address, APN and/or portion of Section/Township/ Range, and/or other identifier(s):</small>	Roads and Lands under the control of the City of Clearlake. These are in the newly recognized LRA Very High FHSZs. In the area of Dam Road, See attached map.		
PURPOSE	Said Agreement on the above described premises will be as follows: Cal Fire will assist the City of Clearlake with fuels reduction. This will take place on lands and street on Dam Road in the City of Clearlake in 2021 and until complete and then maintenance will then be ongoing.		
SUBJECT TO	<p>To the extent that they can legally do so, both parties to this agreement agree to hold each other harmless against any and all claims for injury to the person or damage to the property, arising from the uses herein stated, except where such injury or damage is proximately caused by the negligent or willful acts of others, its servants, agents, or employees.</p> <p>The LICENSEE shall have the right to terminate this Agreement with 90 days written notice, and in event of and prior to such termination, reserves the right to remove any improvement erected by it upon the said premises.</p> <p>Attachments if needed: (Total number of pages attached _____, including the following checked items)</p> <p><input type="checkbox"/> Legal description <input checked="" type="checkbox"/> Location map <input type="checkbox"/> Site plan <input type="checkbox"/> Other</p>		
LICENSOR: City of Clearlake		LICENSEE: State of California Department of Forestry and Fire Protection	
Signature _____		Signature _____	
Property control type _____		Title <u>Real Property Manager</u>	
Date <u>February 9, 2021</u>		Date _____	
WITNESS NAME: _____		Date _____	



COOPERATIVE AGREEMENT/LICENSE (CAL FIRE 719) INSTRUCTIONS

This form replaces the previous A-19 form, which was developed by DGS for our use under their delegation. We have determined that CAL FIRE has its own organic authority to enter into agreements with property owners for the prevention and suppression of forest fires, including, but not limited to: fire access truck trails, fuel breaks, weather telemetry stations, access roads, utilities, water facilities, training sites, fire control staging areas, communications, etc.

Unit to fill in the form according to the following instructions:

Submit completed form, along with the CEQA document that is being used for the project, via email, to the Real Property Manager/Real Property Analyst, Sacramento Headquarters, Technical Services, Lands Unit, for review, assignment of CAL FIRE number, and approval.

1. Once approved and returned to you via email, print three (3) originals, obtain "Licensor's" signature and date on all three (3) originals.
2. Have all three (3) originals signed and dated by an appropriate CAL FIRE Witness (normally staff in charge of the project), on the "Witness" line.
3. Return all three (3) completed originals with wet signatures to the Real Property Analyst, Sacramento Headquarters, Technical Services, Lands Unit.
4. When received by Sacramento Headquarters, Technical Services, Lands Unit, the Real Property Manager will sign and date all three (3) originals, as the Licensee for the State of California.
5. Two (2) fully executed originals will be returned to the Unit for distribution. One original for Unit, one original for "Licensor".
6. One (1) fully executed original will be retained by Sacramento Headquarters, Technical Services, Lands Unit.
7. If payment is involved, Sacramento Headquarters, Technical Services, Lands Unit, will notify accounting to schedule payment(s).

FIELDS TO BE FILLED:

CAL FIRE NUMBER: Provided by Sacramento Headquarters, Technical Services, Lands Unit.

PROJECT: Provide Project Name. (Location, Purpose, i.e. Redding AAB, Air Attack Management Class).

COUNTY: Provide Project County.

LICENSOR: Provide Name of Property Owner.

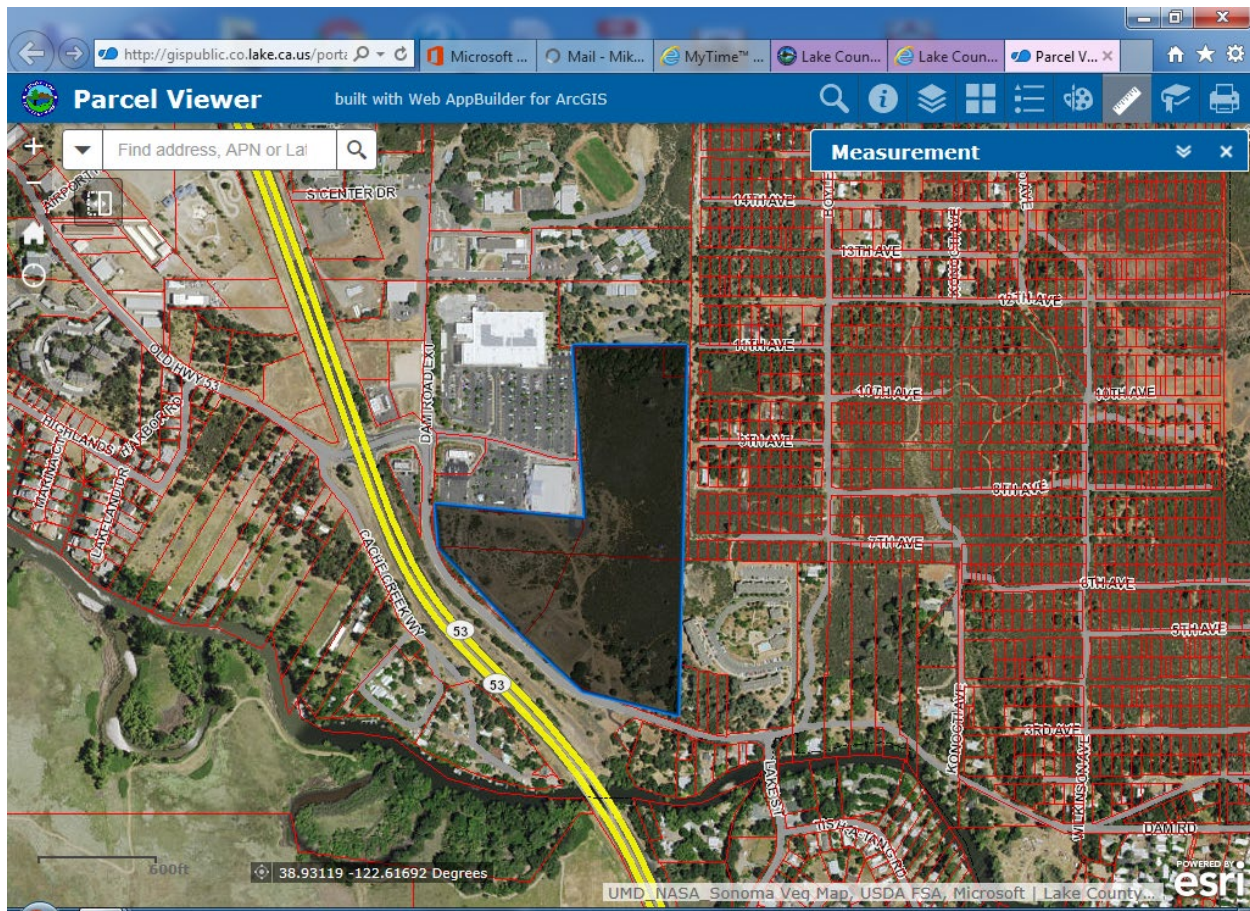
THIS AGREEMENT: Enter date Agreement is to begin. (Allow 1-2 weeks for review and approval).

PROPERTY DESCRIPTION: Provide Address, APN, and/or portion of Section/Township / Range, and/or any other identifier(s).

PURPOSE: Provide specific details of what property is to be used for.

ATTACHMENTS IF NEEDED: If applicable, enter the number of pages of attachments to be submitted. Double click on box that applies if including an attachment. Under "default value" choose "checked". When checking "other", please provide brief description (i.e. Fee and Schedule, additional detail, etc.).

City of Clearlake, Mutual Threat Zone Project – 2021



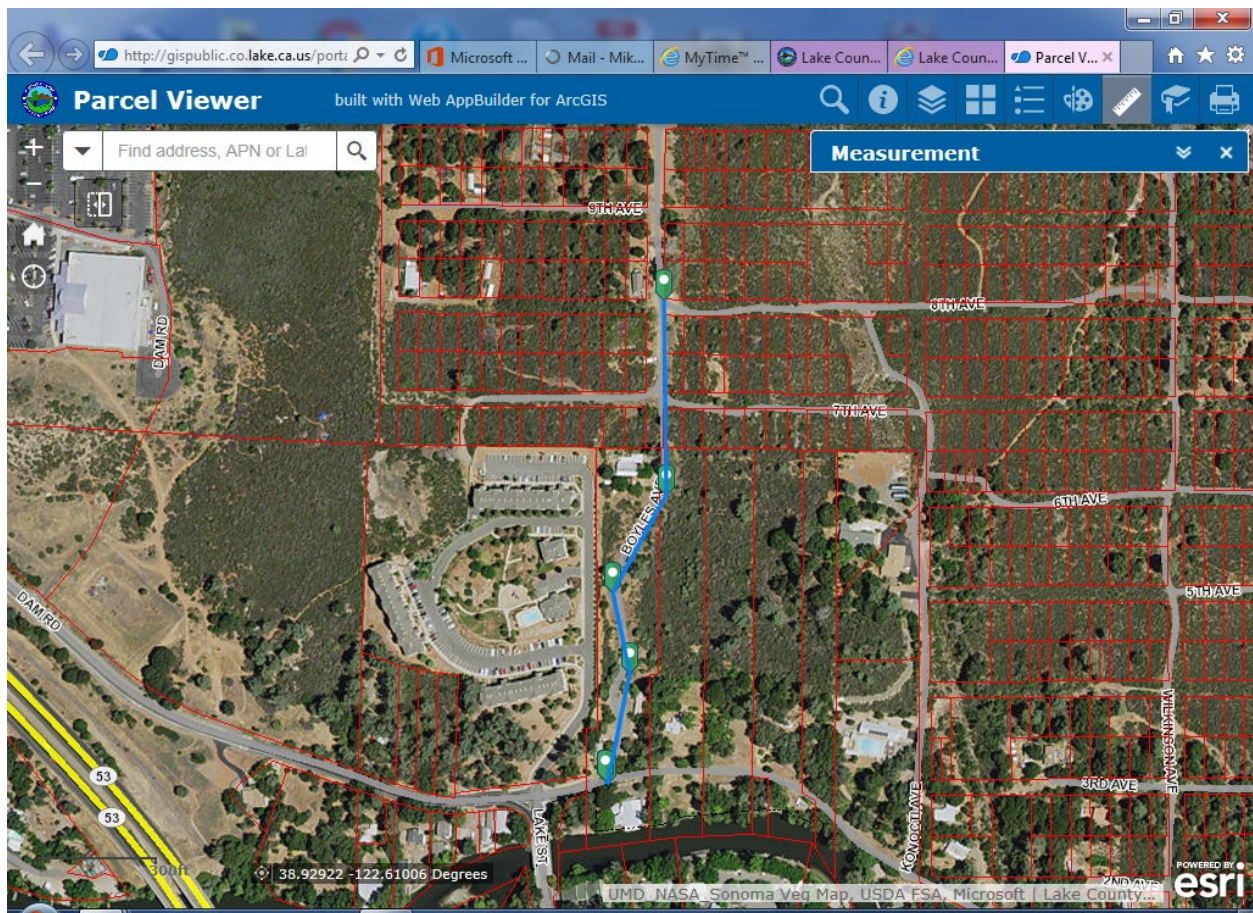
30.02 acres of fuel treatment area
2,710 feet from the SRA
City of Clearlake
Within the 2011 MTZ Agreement

Property Owner / City of Clearlake
All four parcels equal 30.02 acres
15970 Dam Road – APN 010-050-40
15900 Dam Road – APN 010-050-32
15920 Dam Road – APN 010-050-42
15910 Dam Road – APN 010-050-30
City of Clearlake, Ca. 94586

Scope of work is to improve emergency access to, and reduce the continuity of fuels on City owned property. This is to protect the Live Property and Environment for the First Responders and Citizens in the Mutual Threat Zone near the SRA.

While this project is in the LRA (MTZ), it is consistent with a "VERY HIGH" – FHSZ area that is the nearest SRA. There are critical values at risk in the immediate area including a Hospital, Elementary School, Public Community College, County Court Facility, County Public Health Facility, Big Box Retail, High Density Housing Projects, and Disabled Living Facilities. It is also in the Yolo County water shed that serves thousands of people and thousands of acres of agricultural land.

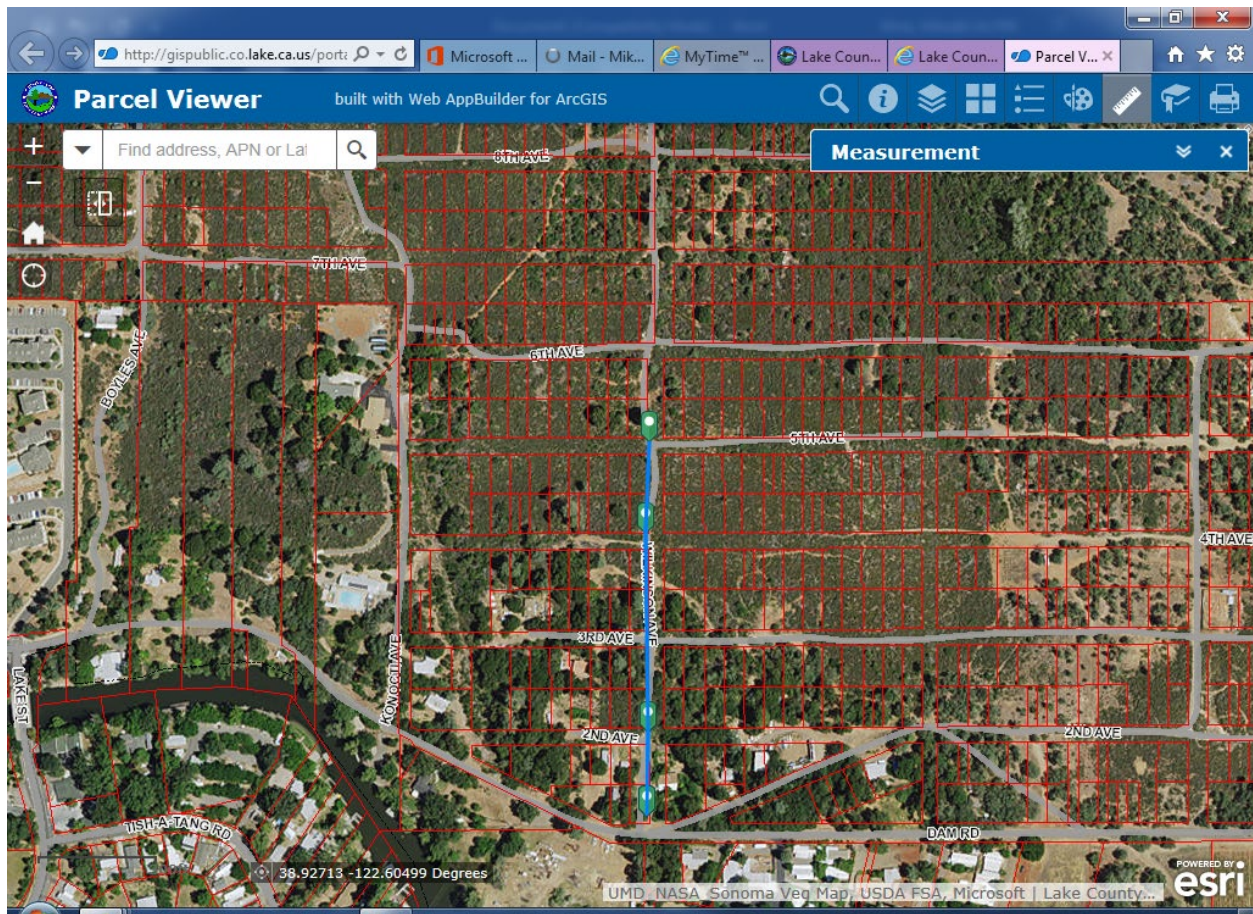
City of Clearlake, Mutual Threat Zone Project – 2021



Boyles Ave
Dirt Road
City of Clearlake
1287 feet long
1988 feet from the SRA
Scope of work is to improve emergency access to City Road

While this project is in the LRA (MTZ), it is consistent with a “VERY HIGH” – FHSZ area that is the nearest SRA. There are critical values at risk in the immediate area including a Hospital, Elementary School, Public Community College, County Court Facility, County Public Health Facility, Big Box Retail, High Density Housing Projects, and Disabled Living Facilities. It is also in the Yolo County water shed that serves thousands of people and thousands of acres of agricultural land.

City of Clearlake, Mutual Threat Zone Project – 2021



Wilkinson Avenue
Dirt Road
City of Clearlake
988 feet long
702 feet from the SRA
Scope of work is to improve emergency access to City Road

While this project is in the LRA (MTZ), it is consistent with a “VERY HIGH” – FHSZ area that is the nearest SRA. There are critical values at risk in the immediate area including a Hospital, Elementary School, Public Community College, County Court Facility, County Public Health Facility, Big Box Retail, High Density Housing Projects, and Disabled Living Facilities. It is also in the Yolo County water shed that serves thousands of people and thousands of acres of agricultural land.