



PUBLIC NOTICE
Board Meeting of the:
Honey Lake Valley Resource Conservation District
170 Russell Ave. Suite C
Susanville, CA 96130
5302574127 ext. 100

Attachments available 09/20/21 at www.honeylakevalleyrcd.us

Date: Thursday, September 23rd, 2021

Location: HELD REMOTELY Via ZOOM

This Virtual Meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 that directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. Executive Order N-33-20, prohibits people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment.

Note: Pursuant to the Brown Act, Section 54953(b)(2). Section (b) (2) requires that all votes taken during a teleconference meeting shall be by roll call. Any agenda item may be discussed in a different order, if necessary. The Board may take action whether items are listed as action, information or discussion. The meeting is being held solely by remote means and will be made accessible to members of the public seeking to attend and address the Board solely through the phone number set forth below.

Join us on Zoom with information below:

Join Zoom Meeting

<https://us02web.zoom.us/j/87580229551?pwd=aIMwZTFXRDRXRZyWGFIVTdNUXhMUT09>

Meeting ID: 875 8022 9551

Passcode: 935401

One tap mobile

+16699006833,,87580229551#,,,,*935401# US (San Jose)

+12532158782,,87580229551#,,,,*935401# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Time: 5:30 PM

AGENDA

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED ABOVE AT LEAST A DAY BEFORE THE MEETING.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

II. APPROVAL OF AGENDA

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

III. PUBLIC COMMENT

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting, any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

IV. CONSENT ITEMS

- A. Approval of Meeting Minutes: 6/24/2021 (previously tabled 07/29/2021), 07/29/2021, 08/11/2021 (attachments)
- B. Treasurer's Report
- C. Correspondence

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

V. REPORTS

- A. District Manager Report – Stuemky
- B. NRCS Agency Report – Stephens
- C. SWAT - Hanson
- D. WAC Report – Langston
- E. Modoc Regional RCD/CARCD Report – Tippin
- F. Fire Safe Council Report – Johnson
- G. IRWMP Report – Claypool
- H. Unagendized reports by board members

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

VI. ITEMS FOR BOARD ACTION AND/OR DISCUSSION – RCD

- A. Consideration and approval of CEQA lead agency Cooperative Agreement between Honey Lake Valley RCD and Lassen Fire Safe Council, Inc. Hog and Sheep Fire Restoration Project. (attachment) – Tim Keesey

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- B. Consideration and approval of Hog and Sheep Fire Restoration Project CEQA Environmental Review

and Notice of Exemption (NOE). (attachment) – Tim Keeseey

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- C. Consideration and approval of Larry Bain, CPA invoice for 2020 Audit (invoice to be split between RCD and Watermaster accounts) of \$6,850.00. (attachment)

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- D. Consideration and discussion regarding board members potential resolutions to submit to CARCD for member district approval.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- E. Identification and authorization of a HLVRCD board member to be the HLVRCD's delegate for the CARCD officers to present resolutions and other decision items at the CARCD annual conference (via Zoom, week of 11/15/21).

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- F. Consideration and discussion regarding board members potential interest in the Modoc Plateau Regional RCD Chair position.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- G. Consideration and approval to continue remote board meetings due to the COVID-19 pandemic, in regards to the governor's signing of Assembly Bill 361 (Rivas). (attachment)

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

VII. ITEMS FOR BOARD ACTION AND/OR DISCUSSION– WATERMASTER

- A. Consideration and Approval to pay BBK August 2021 Invoices #911300- 911301 and September 2021 Invoices #913495-913496 (totaling \$22,830.49). (attachments)

Tie to the Strategic Plan: Strategic Issue 1.4 – Watermaster services are professionally provided.

- B. First reading of the Draft Annual Use Report for 2021/2022

Tie to the Strategic Plan: Strategic Issue 1.4 – Watermaster services are professionally provided.

VIII. ADJOURNMENT

The next Honey Lake Valley RCD meeting will be **October 28th, 2021, at 5:30 PM.** The location is the USDA Service Center, 170 Russell Avenue, Suite C, Susanville, CA.

I certify that on Monday, September 20th, 2021 agendas were posted as required by Government Code Section 54956 and any other applicable law.

X 

Andrea Stuemky
District Manager



PUBLIC NOTICE
Regular Board Meeting of the:
Honey Lake Valley Resource Conservation District
170 Russell Ave. Suite C
Susanville, CA 96130
530-257-7271 ext. 100
Attachments available 6/21/21 at www.honeylakevalleyrcd.us

Date: Thursday, June 24th, 2021

Location: HELD REMOTELY Via ZOOM

This Virtual Meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 that directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. Executive Order N-33-20, prohibits people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment.

Note: Pursuant to the Brown Act, Section 54953(b)(2). Section (b) (2) requires that all votes taken during a teleconference meeting shall be by roll call. Any agenda item may be discussed in a different order, if necessary. The Board may take action whether items are listed as action, information or discussion. The meeting is being held solely by remote means and will be made accessible to members of the public seeking to attend and address the Board solely through the phone number set forth below.

Time: 5:30 PM

MEETING MINUTES
votes taken via role call

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED ABOVE AT LEAST A DAY BEFORE THE MEETING.

I. CALL TO ORDER. PLEDGE OF ALLEGIANCE. ROLL CALL

Board member Jesse Claypool called the meeting to order at 5:37 pm, and a quorum was noted. Laurie Tippin and Will Johnson were not present.

ii. **APPROVAL OF AGENDA**

Board member Robin Hanson made a motion to approve agenda, Board member Wayne Langston seconded, and the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

iii. **PUBLIC COMMENT - NONE**

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting, any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

iv. **CONSENT ITEMS**

- A. Approval of Meeting Minutes: 5/27/2021 (attachment)
- B. Treasurer’s Report
- C. Correspondence

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

- Board member Robin Hanson made a motion to approve the consent items, Wayne Langston seconded, the motion passed. All.

v. **REPORTS**

- A. District Manager Report – Stuemky
 - Reported on current grants and any expected report due dates, upcoming vacation time, updates on potential partnership with LFSC and CalTrans.
- B. NRCS Agency Report – Stephens
 - Reported that 3 contracts have been pre-approved/designated, with the addition of 60+ applications for future CSP and EQIP contracts. Also mentioned a new biologist position and range technician position to be flown.
- C. SWAT – Hanson
 - NONE.
- D. WAC Report – Langston
 - Langston reported that there was no WAC meeting this month, apportionment letters went out on time, still working on parcelquest remapping of water users.
- E. Modoc Regional RCD/CARCD Report – Tippin
 - NONE
- F. Fire Safe Council Report – Johnson
 - NONE
- G. IRWMP Report – Claypool
 - Reported that the RCD needs a meeting for the Johnsonville Dam, reached out to Joe Egan, but has not heard back.

- H. Unagendized reports by board members
- Claypool mentioned that there are legislation issues coming up for Special Districts, and that new legislation within the state has \$100 million slated for Special Districts.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

VI. ITEMS FOR BOARD ACTION AND/OR DISCUSSION – RCD

- A. FY 21/22 RCD/WM Final Budget Review and Approval (attachment).
- Board member Wayne Langston made a motion to approve the final FY 21/22 budget, Robin Hanson seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- B. Consideration and approval of SDRMA Property/Liability Insurance Invoice (\$7509.88). (attachment)
- Board member Robin Hanson made a motion to approve the SDRMA invoice, Wayne Langston seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- C. Consideration and approval of SDRMA Worker's Compensation Insurance Invoice (\$3634.87). (attachment)
- Board member Robin Hanson made a motion to approve the SDRMA invoice, Wayne Langston seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- D. Consideration and approval of Management Representation Letter from Larry Bain.
- Board member Wayne Langston made a motion to approve the management Representation Letter, Robin Hanson seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- E. Consideration and discussion of draft Audit findings and management report.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- F. Consideration and discussion about Board Treasurer position and duties. Previously tabled from 5/27/21.
- Board member Claypool and Langston discussed adding additional measures to add transparency to the position and for the district as a whole.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

- G. Consideration and discussion on posting an advertisement for the local bookkeeping position. Previously tabled from 5/27/21.

- Board member Claypool directed staff to bring this topic back for September meeting. Claypool also suggested that staff check with Lassen Career Network and the costs/associated needs after hiring a CPA.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity

VII. ITEMS FOR BOARD ACTION AND/OR DISCUSSION– WATERMASTER

- A. Consideration and Approval to pay BBK June 2021 Invoices #906730 - 906732 (\$4,050.41). (attachments)
- Board member Wayne Langston made a motion to approve the BBK invoices #906730 - 906732, Robin Hanson seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1.4 – Watermaster services are professionally provided.

VIII. ADJOURNMENT – 06/24/2021 at 6:27PM

The next Honey Lake Valley RCD meeting will be **July 22nd, 2021, at 5:30 PM.** The location is the USDA Service Center, 170 Russell Avenue, Suite C, Susanville, CA.

Respectfully Submitted,



Andrea Stuenkel
District Manager

APPROVED: _____
Jesse Claypool, RCD Board
Chairperson

DATE: 7/29/2021



PUBLIC NOTICE
Regular Board Meeting of the:
Honey Lake Valley Resource Conservation District
170 Russell Ave. Suite C
Susanville, CA 96130
530-257-7271 ext. 100

Attachments available 7/28/21 at www.honeylakevalleyrcd.us

Date: Thursday, July 29th, 2021

Location: HELD REMOTELY Via ZOOM

This Virtual Meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 that directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. Executive Order N-33-20, prohibits people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment.

Note: Pursuant to the Brown Act, Section 54953(b)(2). Section (b) (2) requires that all votes taken during a teleconference meeting shall be by roll call. Any agenda item may be discussed in a different order, if necessary. The Board may take action whether items are listed as action, information or discussion. The meeting is being held solely by remote means and will be made accessible to members of the public seeking to attend and address the Board solely through the phone number set forth below.

Join us on Zoom with information below:

Topic: HLVRCD July Special Meeting

Time: Jul 29, 2021 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87568581938?pwd=bEswNUZsc20ySnRENk5tdld0OEVHdz09>

Meeting ID: 875 6858 1938

Passcode: 392974

One tap mobile

+13462487799,,87568581938#,,,,*392974# US (Houston)

+16699006833,,87568581938#,,,,*392974# US (San Jose)

Dial by your location

+1 253 215 8782 US (Tacoma)

Time: 5:30 PM

MEETING MINUTES

votes taken via role call

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED ABOVE AT LEAST A DAY BEFORE THE MEETING.

I. CALL TO ORDER. PLEDGE OF ALLEGIANCE. ROLL CALL

Board member Will Johnson called the meeting to order at 5:36 pm, and a quorum was noted. Wayne Langston & Jesse Claypool were not present.

II. APPROVAL OF AGENDA

Board member Robin Hanson made a motion to approve agenda, Board member Laurie Tippin seconded, and the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

III. PUBLIC COMMENT - NONE

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting, any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

IV. CONSENT ITEMS

- A. Approval of Meeting Minutes: 6/24/2021 (attachment)
- B. Treasurer's Report
- C. Correspondence

Consent Items tabled until August board meeting.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

- Board member Robin Hanson made a motion to approve the consent items, Wayne Langston seconded, the motion passed. All.

V. REPORTS

- A. District Manager Report – Stuemky
- Reported on current grants and any expected report due dates, new grants including CalRecycle and potential NRCS grant.
- B. NRCS Agency Report – Stephens

- Reported new positions that are to be flown for the field office and current contracts under obligation.
- C. SWAT – Hanson
- NONE.
- D. WAC Report – Langston
- NONE
- E. Modoc Regional RCD/CARCD Report – Tippin
- Reported that the CARCD board meeting will be occurring August 9th-13th, and that the Annual Conference will be held in person (potentially) November 30th – December 1st or 3rd in Santa Barbara and that we need to complete the survey for attendance. In Sept. or October HLVRCD board meeting we will need to vote on the delegate to attend along with DM.
- F. Fire Safe Council Report – Johnson
- NONE
- G. IRWMP Report – Claypool
- Stuemky reported on the updates of the DACI grant and that the RCD is on track to close out the grant in November.
- H. Unagendized reports by board members
- Hanson reported that they will be running for the board of Lassen Community College this fall. Johnson reported that there is a Go-Fund me account for folks who have lost their homes in the Dixie Fire, including ED for Feather River RCD. Tippin reported that DM has been at the RCD for almost 1 year, and will need to have an annual review and performance evaluation that could result in an increase in pay.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCD leadership & organizational capacity.

VI. ITEMS FOR BOARD ACTION AND/OR DISCUSSION– WATERMASTER

- A. Consideration and Approval to pay BBK June 2021 Invoices #908555 - 908557 (\$2,122.88). (attachments)
- Board member Laurie Tippin made a motion to approve the BBK invoices #908555 - 908557, Robin Hanson seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1.4 – Watermaster services are professionally provided.

VIII. ADJOURNMENT – 07/29/2021 at 6:33PM

The next Honey Lake Valley RCD meeting will be **August 26th, 2021, at 5:30 PM.**
The location is the USDA Service Center, 170 Russell Avenue, Suite C, Susanville,
CA.

Respectfully Submitted,



Andrea Stuemky
District Manager

APPROVED: _____
Jesse Claypool, RCD Board
Chairperson

DATE: 09/23/2021



PUBLIC NOTICE
Special Board Meeting of the:
Honey Lake Valley Resource Conservation District
170 Russell Ave. Suite C
Susanville, CA 96130
530-257-7271 ext. 100

Attachments available 08/10/21 at www.honeylakevalleyrcd.us

Date: Thursday, August 11th, 2021

Location: HELD REMOTELY Via ZOOM

This Virtual Meeting is held pursuant to Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 that directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still satisfying state transparency requirements. Executive Order N-33-20, prohibits people from leaving their homes or places of residence except to access necessary supplies and services or to engage in specified critical infrastructure employment.

Note: Pursuant to the Brown Act, Section 54953(b)(2). Section (b) (2) requires that all votes taken during a teleconference meeting shall be by roll call. Any agenda item may be discussed in a different order, if necessary. The Board may take action whether items are listed as action, information or discussion. The meeting is being held solely by remote means and will be made accessible to members of the public seeking to attend and address the Board solely through the phone number set forth below.

Time: 5:45 PM

MEETING MINUTES
votes taken via role call

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED ABOVE AT LEAST A DAY BEFORE THE MEETING.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

Board member Jesse Claypool called the meeting to order at 5:52 pm, and a quorum was noted. Laurie Tippin was not present.

ii. **APPROVAL OF AGENDA**

Board member Will Johnson made a motion to approve agenda, Board member Laurie Robin Hanson seconded, and the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1 – Build HLVRCDC leadership & organizational capacity.

iii. **PUBLIC COMMENT - NONE**

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting, any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

vi. **ITEMS FOR BOARD ACTION AND/OR DISCUSSION– WATERMASTER**

A. Consideration and Approval to certify the Watermaster Apportionment Billing List. (attachments)

- Board member Will Johnson made a motion to approve the Watermaster Apportionment Billing List, Robin Hanson seconded, the motion passed. All.

Tie to the Strategic Plan: Strategic Issue 1.4 – Watermaster services are professionally provided.

viii. **ADJOURNMENT – 07/29/2021 at 6:16PM**

The next Honey Lake Valley RCD meeting will be **September 23rd, 2021, at 5:30 PM.** The location is the USDA Service Center, 170 Russell Avenue, Suite C, Susanville, CA.

Respectfully Submitted,



Andrea Stuemky
District Manager

APPROVED: _____
Jesse Claypool, RCD Board
Chairperson

DATE: 09/23/2021

Hog and Sheep Fire Restoration CEQA
Cooperative Agreement Between
Honey Lake Valley Resource Conservation District
&
Lassen Fire Safe Council, Inc. (LFSC)
September 23, 2021

Project Identification:

This agreement is for the Honey Lake Valley Resource Conservation District (HLVRCD) to serve as the lead agency, in accordance with CEQA Guidelines Section 15051 (b) (1), for the proposed Hog and Sheep Restoration Project.

HLVRCD and LFSC Responsibilities:

LFSC will prepare the necessary documentation for meeting the goal of full compliance under the California Environmental Quality Act (CEQA), and all CEQA process documentation for the Hog and Sheep Fire Restoration Project. HLVRCD will review, organize, file and adopt all necessary documentation in compliance with CEQA Guidelines. All products will be delivered in accordance with the attached Standard Clauses (Exhibit A).

Duration of Contract:

The duration of this Contract will extend from September 23, 2021 through December 31, 2021.

Project Managers:

The project manager for Lassen Fire Safe Council, Inc. is Tom Esgate. Project manager for the HLVRCD is Andrea Stuemky.

Method of Payment:

Payment will be for CEQA County Clerk Processing fee of \$50 plus \$2,000 for RCD staff time, not to exceed \$2,050.

Standard Provisions:

Exhibit A, containing standard provisions are included below and by this reference incorporated herein.

Execution:

Honey Lake Valley RCD

_____	_____	68-0003580
Mr. Jesse Claypool, RCD Chairman	Date	Tax ID#

Lassen Fire Safe Council, Inc.

_____	_____
Mr. Tom Esgate, Managing Director	Date

Standard Clauses
Exhibit A

Worker's Compensation Clause

Vendor agrees to comply with provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, before commencing the performance of the work under this Contract. Lassen Fire Safe Council, Inc. will make its contractors and subcontractors aware of this provision and determine that they have complied with it before commencing work on the project. Volunteer laborers are exempt from the worker's compensation provision of the California Labor Code.

National Labor Relations Board Clause

In accordance with Public Contract Code Section 10296, Lassen Fire Safe Council, Inc. declares under penalty of perjury that no more than one final, unappealable finding of contempt of court by a federal court has been issued against the Lassen Fire Safe Council, Inc. within the immediately preceding two-year period because of Lassen Fire Safe Council, Inc.'s failure to comply with an order of a federal court which orders Lassen Fire Safe Council, Inc. to comply with an order of the National Labor Relations Board.

Nondiscrimination Clause

During the performance of this Contract, Lassen Fire Safe Council, Inc., its contractors, and subcontractors shall not deny the Contract's benefit to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age (over 40), or sex. Lassen Fire Safe Council, Inc. shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Lassen Fire Safe Council, Inc., its contractor, and subcontractor shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.) and the regulations promulgated thereunder (California Administrative Code, Title 2 Sections 7285.0 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Government Code Section 11135-11139.5), and the regulations or standards adopted by the awarding State agency to implement such article.

Lassen Fire Safe Council, Inc., its contractors, and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

Lassen Fire Safe Council, Inc. shall include the nondiscrimination and compliance provision of this clause in all subcontracts to perform work under the Contract.

Lassen Fire Safe Council, Inc., its contractors, and subcontractors shall permit access by representatives of the Department of Fair Employment and Housing and the awarding State agency, upon reasonable notice, at any time during the normal business hours, but in no case less than 24 hours notice, to such of its books, records, accounts, other sources of information, and its facilities as said Department or Agency shall require to ascertain compliance with this clause. The Lassen Fire Safe Council, Inc.'s signature on this contract shall constitute a certification under the penalty of perjury under the laws of the State of California that the Lassen Fire Safe Council, Inc. has, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and Title 2, California Code of Regulations Section 8103.

Hold Harmless

The Vendor and Landowner agree to mutually save harmless, Landowners and Vendor, their agents or employees and to hold the same free and harmless from any and all claims, demands, damages, losses, costs, expenses or liability due or incident to, either in whole or in part, and whether directly or indirectly, related to the project resulting from any and all contractors, subcontractors, materialmen, laborers and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this contract, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by the Landowner or Vendor in the performance of this contract, except all claims due to willful negligence or fraud. The hold harmless damages shall include damages from floods, fires or other Acts of Nature, as well as, any upstream or downstream effects.

Compliance With Laws, Regulations, Permit Requirements

The Lassen Fire Safe Council, Inc. shall at all times comply with, and require its contractors and subcontractors to comply with, all applicable federal and State laws, rules and regulations, permit and all applicable local ordinances, specifically including but not limited to environmental, procurement and safety laws, rules, regulations, permits and ordinances.

Successors and Assigns

This Contract and all of its provisions shall apply to and bind the successors and assigns of the parties hereto. No assignment or transfer of this Contract or any part hereof, rights hereunder or interest herein by the Lassen Fire Safe Council, Inc. shall be valid unless and until it is approved by the Landowners and made subject to such reasonable terms and conditions as the Landowners may impose.

Audit Requirement

Pursuant to Government Code Section 10532, the contracting parties shall be subject to the examination and audit of the State and the State Auditor General for a period of three years after final payment under this Contract with respect to all matters connected with the performance of this Contract, including but not limited to the cost of administering this Contract. All records of the Lassen Fire Safe Council, Inc. shall be preserved for this purpose for at least three years after completion of the project.

Remedies Not Exclusive

The use by either party of any remedy specified herein for the enforcement of this Contract is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.

Amendments

This Contract may be amended at any time by mutual agreement of the parties, except insofar as any proposed amendments are in any way contrary to applicable law. Requests by the Lassen Fire Safe Council, Inc. for amendments must be in writing stating the amendment request and the reason for the request.

Waiver of Rights

It is the intention of the parties hereto that from time to time either party may waive any of its rights under this Contract unless contrary to law. Any waiver by either party hereto of rights arising in connection with this Contract shall not be deemed to be a waiver with respect to any other rights or matters.

Notices

All notices that are required either expressly or by implication to be given by one party to the other under this Contract shall be signed for the Lassen Fire Safe Council, Inc. and for the Landowners by such officers as from time to time may be authorized in writing to so act. All such notices shall be deemed to have been given if delivered personally or if enclosed in a properly addressed, postage paid envelope and deposited in a United States Post Office for delivery by registered or certified mail.

NOTICE OF CEQA EXEMPTION

To: Lassen County Clerk
220 South Lassen Street
Susanville, CA 96130

From: Honey Lake Valley RCD
170 Russel Avenue
Susanville, CA 96130
530-257-7271

Date: September 23, 2021

Project Title:

Hog and Sheep Fire Restoration Project

Project Location:

Mount Diablo Base and Meridian (MDBM) Township 28N, Range 11E, portions of Sections 9, 10, 15 & 16; T29N, Range 10E, portions of Section 1; T29N, R11E, portions of Sections 6, 7, 22, 25-27, & 35; T29N, R12E, portions of Sections 27-30, & 32-34; T30N, R10E, portions of Sections 27 & 36; and T30N, R11E, portions of Section 31

Project Description:

The project will result in 5,440 acres of site preparation to remove dead and dying trees and shrubs and regrowth of competing vegetation in the Hog and Sheep Fire footprints; and 14,000 acres of tree planting of seedlings to reforest areas prepped as a result of this project and other areas previously cleared by private landowners. The project proposes removal of standing dead biomass material for site preparation in burned stands of Eastside Pine (EPN), Sierra Mixed Conifer (SMC), and Montane Hardwood Conifer (MHC) habitats on private lands near the communities of Lake Forest and Susanville, CA that were impacted by the Hog and Sheep Fires (2020) (*See Project Vicinity and Project Area Map*). Clearing dead and dying trees which will fall down over time and become a fuel hazard to the reforested area is a key step in ensuring successful regeneration and protecting the investment from reburning. Long-term, downed fire-killed trees inhibit reforestation treatments, increase watershed degradation, decompose and increase fuel loads for a highly probable reburn event. Both occurrences release excess greenhouse gases into the atmosphere.

Site preparation will begin as soon as possible and will remain continuous as weather permits. Variable prescriptions will be applied to promote Habitat Retention Areas (HRA). HRAs will be established to preserve some snag and thicket structure where appropriate. Up to 10% of the total area would be left untreated as HRA. The largest tree snags (over 20" DBH) will be left onsite for habitat value. Watercourses and steep draws will not be treated. To complete site preparation, all areas cleared will have follow-up herbicide treatment to remove resprouting woody vegetation and grasses from competition with the new conifer seedlings. Herbicide treatments will occur in early summer to fall. Watercourses and springs will be buffered per herbicide label requirements.

The spring after site preparation, trees will be planted. Variable density silviculture prescriptions will be used to promote a mixture of tree sizes and structural diversity throughout the project area. "Islands" of area will be

NOTICE OF CEQA EXEMPTION

established using native plant seed. These seeded patches will vary in size, from two up to ten acres. The seed mix is certified weed free and composed of native grasses, forbs, and brush. Seed will be broadcast in the fall, and seeding will be accomplished on up to 300 acres total. Residual stands will be more open, increasing the amount of available soil moisture and sunlight for individual trees. Allowing some shrub cover in regenerating forests, in balance with tree seedlings, will increase the resilience and habitat diversity of reforested areas. Erosion control will be installed on disturbed areas and all roads used for hauling and yarding per Forest Practice Rules (14 CCR §943).

Much of the thinning activity and removal of trees >11” dbh will be conducted under California Forest Practice Exemptions. The balance of the treatment activities, including the mastication of brush and small trees, hand treatments of brush and small trees, prescribed fire, herbicide treatments, and tree planting will be conducted under this Notice of Exemption (NOE).

Exempt Status (Guidelines Section and Class): Categorical Exemption:

15304, which exempts minor alterations in the condition of land, water, and/or vegetation.

Reasons Why Project is Exempt:

This review for forest restoration activities within the Hog and Sheep Fire footprints concludes that project implementation as designed would have less than significant impact in each resource area. Class 4 exemption (CCR Section 15304) covers minor alterations to vegetation such as fuel reduction and restoration activities. The Honey Lake Valley Resource Conservation District (RCD) has determined that the objective of fuel reduction and forest restoration and the implementation activities as designed for this project will result in minor alterations to land and therefore fit within the CCR Section 15304 exemption. Additional environmental analysis was conducted by Registered Professional Foresters and Environmental Specialists regarding proposed project effects on rare, threatened and endangered plants; threatened, endangered and special status wildlife species; and cultural resources. The Honey Lake Valley Resource Conservation District (HLVRCD) has reviewed these reports and determined that the project’s implementation will result in multiple benefits, including restoration of private forest lands impacted by the Hog and Sheep fires in 2020. There will be no significant adverse impacts on endangered, rare, or threatened species or their habitats. There are no hazardous materials at or around the project site. The project will avoid all archeological resource sites. The project will not result in cumulatively significant impacts. The Project will have no significant adverse effect on the environment.

Public Agencies that will be involved with the project:

California Department of Forestry and Fire Protection
Honey Lake Valley Resource Conservation District
Lassen Fire Safe Council, Inc.

NOTICE OF CEQA EXEMPTION

Lead Agency Contact Person:

Andrea Stuemky, District Manager
Honey Lake Valley Resource Conservation District
530-257-7271

Signature: _____ Date: _____

Jesse Claypool, Chairman
Honey Lake Valley Resource Conservation District

ATTEST:

I, Andrea Stuemky, Clerk of the Board of Directors, Honey Lake Valley Resource Conservation District, do hereby certify that the Honey Lake Valley Resource Conservation District approved this Notice of Exemption on the 23rd day of September, 2021 by the following vote:

Ayes: _____ Abstentions: _____
Noes: _____ Absent: _____

Andrea Stuemky, Clerk of the Board of Directors
Honey Lake Valley Resource Conservation District

Environmental Review Report for an Exempt Project

Note: This report form is intended for use by Honey Lake Valley Resource Conservation District (RCD) staff to document a limited environmental impact analysis supporting the filing of a Notice of Exemption (NOE) document for a proposed Honey Lake Valley RCD project. Although the project appears to fit within the descriptions for allowable Categorical Exemptions, this report presents Honey Lake Valley RCD's review for possible "Exceptions" that would preclude finding the project to be categorically exempt as discussed in CEQA Guidelines Section 15300.2. This report will be filed with the CEQA administrative record for this project to document the environmental impact analysis conducted by the District.

Author:	Tim Keeseey
Title:	Ecologist/RPF #3134
Address:	1012 Bryant Ave., Chico, CA 95926
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Email:	timkeeseey@tkeecological.com

Project Name:	Hog and Sheep Fire Restoration Project
Project Number:	CCI CAL FIRE #8GG20619
Program Type:	Forest Health
CAL FIRE Unit:	Lassen/Plumas/Modoc Unit
County:	Lassen
Acres:	14,000 acres
Legal Location:	Mount Diablo Base and Meridian (MDBM) Township 28N, Range 11E, portions of Sections 9, 10, 15 & 16; T29N, Range 10E, portions of Section 1; T29N, R11E, portions of Sections 6, 7, 22, 25-27, & 35; T29N, R12E, portions of Sections 27-30, & 32-34; T30N, R10E, portions of Sections 27 & 36; and T30N, R11E, portions of Section 31
Name of USGS 7.5' Quad Map(s): Roop Mountain, Diamond Mountain, and Janesville	
<input checked="" type="checkbox"/> Project Vicinity Map Attached <input checked="" type="checkbox"/> Project Location Map Attached	

Other Public Agency Review/Permit Required:		
Would the project result in:	YES	NO
Alterations to a watercourse (DFW - Lake and Stream Alteration Agreement)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Conversion of timberland (CAL FIRE - Conversion Permit or Exemption)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Demolition (Local Air District - Demolition Permit)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soil disturbance over 1 acre (RWQCB - SWPPP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fill of possible wetlands (404 Permit - USACE)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discuss any above-listed topic item checked Yes and consultation with agencies:		
<p>There is no planned work within watercourses, or alterations to watercourses within this project. There is no timberland conversion as part of this project. There will be no soil disturbance greater than 1 acre, nor major soil disturbance beyond minor alteration to the vegetation composition, and there is no disturbance or fill to wetlands as part of this project. The project is not located within any transportation right-of-way or scenic highway designation boundary.</p>		

Project Description and Environmental Setting (Describe the project activities, project site and its surroundings, its location, and the environmental setting):
<p>Proposed Project Location</p> <p>The project area is located on 14,000 acres of private land west and south of the City of Susanville in Lassen County, CA impacted by the Hog Fire (2020) and Sheep Fire (2020). The project area is within the: Papoose Creek (8637.200201); Goat Mountain (8637.200202); Lower Willard (8637.200301); Cheney Creek (8637.200400); Upper Gold Run (8637.200803); Lassen Creek (8637.200802); and Sand Slough (8637.200901) watersheds. The project area ranges in slope from flat to very steep with elevation ranges from 4,300 – 6,800 feet, and average annual precipitation of 12 inches at the lower elevations on the east side of the project to 30 inches in the higher elevations on the west and south sides of the project. The project area lies within a wildland urban interface zone (WUI), which is an area where human habitation is mixed with areas of flammable wildland vegetation. The majority of the project area burned at medium to high severity during the Hog and Sheep Fires in 2020.</p>
<p>Existing Condition/Need for Proposed Project</p> <p>The Hog Fire began on July 18, 2020 from an unknown source and was contained by Cal Fire on August 17, 2020. The wildfire burned 6,621 private acres and a little over 2,946 on federally-managed lands for a total of 9,567 acres. The Sheep</p>

Fire was a lightning-caused wildfire that burned 9,134 acres of federally-managed land in the Diamond Mountains and spread onto 19,023 acres of private land at the base of the mountains toward the city of Susanville, CA. The Sheep Fire began in the lightning siege on August 17, 2020 and spread across Plumas into Lassen County burning federal (Forest Service) and private land until September 4, 2020. The Hog and Sheep Fire Restoration project areas were primarily comprised of upland Eastside Pine (EPN) stands with Jeffrey and ponderosa pine as the dominant conifer vegetation along with Sierran Mixed Conifer (SMC) consisting of pine, Douglas fir, white fir, sugar pine and incense cedar. Understory vegetation was thick in portions of the project area prior to the fire with brush including, bitterbrush (*Purshia tridentata*) and sagebrush (*Artemisia sp.*). Areas of unburned eastside pine and Sierran mixed conifer forest remain within the fire footprint and adjacent areas and are overly dense with high levels of ladder fuels, primarily white fir, in the understory. The project is needed to remove the abundant standing, fire-killed trees adjacent to these areas to reduce fire risk. Restoration of vegetation within the project is needed to remove dead and dying vegetation and restore these areas in a way that provides safe conditions for fire fighters and safety personnel to fight future catastrophic wildfires threatening the communities of Lake Forest, Susanville, and associated inhabited areas.

The project is also needed to address the potential for increased surface runoff and erosion. Post-Hog and Sheep Fires, the Plumas and Lassen National Forests prepared Burned Area Emergency Response (BAER) Reports reviewing the severity and likelihood of post-fire disasters. These reports are used as a proxy for post-fire conditions on all lands within the Hog and Sheep Fire footprints. The Hog Fire burned in a highly mosaic pattern where nearly 50% of the fire burned with moderate to high soil severity; the Sheep Fire burned in the same pattern, nearly 59% with moderate to high soil severity. Due to hillslope gradient and loss of vegetation, the first, large runoff-producing storms will likely increase surface flows in many streams within the Hog and Sheep Fire. The highest increases are predicted at Lassen Creek immediately upstream of a constriction at the base of an agricultural valley and Gold Run Creek above privately owned bridges. These areas are included in the project for site preparation and reforestation.

For the Hog Fire, threats to hydrologic function, and water quality were considered high due to the likelihood of degraded channel condition and bank erosion from increased flows and the potential of significant sediment contributions and degraded water quality. In the Sheep Fire, threats to watershed condition and water quality were considered very high due to the disturbance to recovering soils impairing recovery from erosion and sedimentation within affected watersheds with moderate and high burn severity; increased runoff resulting in higher concentrations of runoff on roads, resulting in exacerbated erosion of road fill slopes, and surrounding land; sedimentation of streams, increasing magnitude of flooding and potential for debris flows; reduction in water quality; and degraded channel condition and bank erosion from increased flows.

Currently, the remaining fire-killed trees pose risk to life and property that will be replaced by stand-replacing hazardous fuels. Urgent concerns such as unstable slopes call for active remediation to avoid flooding and erosion toward downstream users and infrastructure. Only a narrow window of opportunity exists to restore complex forest conditions in a cost-effective manner to reduce risks of insect epidemics and future fires. Delays in decision-making and implementation will likely lead to loss of the most intensely burned area to cycles of shrubs, hardwoods, and recurring fires for many decades (Sessions et al. 2004).

Proposed Action

The project will result in 5,440 acres of site preparation to remove dead and dying trees and shrubs and regrowth of competing vegetation in the Hog and Sheep Fire footprints; and 14,000 acres of tree planting of seedlings to reforest areas prepped as a result of this project and other areas previously cleared by private landowners. The project proposes removal of standing dead biomass material for site preparation in burned stands of Eastside Pine (EPN), Sierra Mixed Conifer (SMC), and Montane Hardwood Conifer (MHC) habitats on private lands near the communities of Lake Forest and Susanville, CA that were impacted by the Hog and Sheep Fires (2020) (*See Project Vicinity and Project Area Map*). Clearing dead and dying trees which will fall down over time and become a fuel hazard to the reforested area is a key step in ensuring successful regeneration and protecting the investment from reburning. Long-term, downed fire-killed trees inhibit reforestation treatments, increase watershed degradation, decompose and increase fuel loads for a highly probable reburn event. Both occurrences release excess greenhouse gases into the atmosphere.

Site preparation will begin as soon as possible and will remain continuous as weather permits. Variable prescriptions will be applied to promote Habitat Retention Areas (HRA). HRAs will be established to preserve some snag and thicket structure where appropriate. Up to 10% of the total area would be left untreated as HRA. The largest tree snags (over 20" DBH) will be left onsite for habitat value. Watercourses and steep draws will not be treated. To complete site preparation, all areas cleared will have follow-up herbicide treatment to remove resprouting woody vegetation and grasses from competition with the new conifer seedlings. Herbicide treatments will occur in early summer to fall. Watercourses and springs will be buffered per herbicide label requirements.

The spring after site preparation, trees will be planted. Variable density silviculture prescriptions will be used to promote a mixture of tree sizes and structural diversity throughout the project area. “Islands” of area will be established using native plant seed. These seeded patches will vary in size, from two up to ten acres. The seed mix is certified weed free and composed of native grasses, forbs, and brush. Seed will be broadcast in the fall, and seeding will be accomplished on up to 300 acres total. Residual stands will be more open, increasing the amount of available soil moisture and sunlight for individual trees. Allowing some shrub cover in regenerating forests, in balance with tree seedlings, will increase the resilience and habitat diversity of reforested areas. Erosion control will be installed on disturbed areas and all roads used for hauling and yarding per Forest Practice Rules (14 CCR §943).

Much of the thinning activity and removal of trees >11” dbh will be conducted under California Forest Practice Exemptions. The balance of the treatment activities, including the mastication of brush and small trees, hand treatments of brush and small trees, prescribed fire, herbicide treatments, and tree planting will be conducted under this Notice of Exemption (NOE).

1.1. Mastication and Hand Treatment of Brush and Small Trees

Mastication involves the pulverization of brush, slash, and excessive natural tree regeneration to improve forest health and redistribute understory fuels in order to maintain an average spacing of trees of 17’ by 17’ (150 trees per acre). Trees that are over 18” in height and less than 8” diameter at breast height (dbh) will be treated. Brush greater than 18” in height will be treated. Snags less than 12” dbh will be treated, unless they show signs of use by wildlife or are marked with an “L”, “W”, or tag identifying them as a “Wildlife Tree”. Woody debris less than 12” diameter which extends greater than 12” from the ground will be treated. Areas with concentrations of activity fuels (i.e. logging slash) will be treated. Treated materials will not extend greater than 12” from the ground.

Good form should be considered when selecting leave trees in order to reduce the number of trees with crooks, doglegs, multiple tops, or other defects. Trees exhibiting poor vigor, mechanical damage, or disease and or insect infestation shall not be retained unless they are the best available tree. Trees that have a likelihood of creating a “ladder” for fire to move into the crowns of overstory trees have a lower priority as leave trees. Trees that do not exceed the maximum size and that are within 10’ of roads that have the potential to affect vehicular traffic use or to allow a fire to spread across the road shall be treated. Leave trees will be prioritized in the following order: 1) incense cedar; 2) ponderosa pine; 3) white fir; and 4) sugar pine

1.2. Emergent Brush Treatments:

Emergent brush treatment involves the use of herbicides to treat emergent vegetation in order to remove competition from planted conifer seedlings and maintain forest spacing established by the mastication and hand thinning.

After brushfields and dense tree stands are cleared, native and non-native woody species aggressively reoccupy the site, regardless of the method of initial brush removal. The regrowth is typically from both old, vigorously sprouting plants and new dense stands of small seedlings, but in certain situations either seedlings or sprouts alone make up most of the regrowth. Control of this brush regrowth has been the most persistent and perplexing problem in converting dense stands of small diameter, unhealthy trees and shrubs that are subject to stand replacing and dangerous fire conditions to productive timber stands that can withstand a low to medium intensity fire and provide increased wildfire protection to communities. Sprouts from previously dormant buds on root crowns, stems, or roots left after initial brush removal have been most difficult to control. Herbicides have been shown to be an efficient cost-effective method of meeting this objective.

The following alternatives were considered, in addition to the one selected, and were disregarded for the following reasons:

- 1) Do Nothing. Loss of vegetation control investments, loss of property values due to associated fire hazard, and watershed impacts from anticipated wildfire.
- 2) Mechanical or Manual Treatment. Mechanical and manual treatments alone are not cost effective and would require multiple re-entries to re-treat the re-sprouting brush. This method would result in scarification of additional weed seeds that would result in ongoing germinate brush.
- 3) Biological Treatment. There is no known effective biological treatment. Cattle and sheep are grazers and not browsers and would not effectively forage on the target brush species. Goats are browsers and could be used to forage on the target brush species; however, the brush would re-sprout resulting in the need for ongoing treatments. There are very few goat herds available for brush control in the region. Goats can be very selective on which brush species they will browse.

4) Other Herbicides. Of the herbicides registered for this use, these were determined to be the most appropriate when considering cost-effectiveness and safety to desirable crop trees and the environment.

All vegetation control shall be with the use of herbicides. The landowner does not have any other cost-effective alternative to consider.

1.3. Prescribed Fire

Prescribed fire is a very cost and time efficient management tool. The native species within the project boundary have all evolved with and are adapted to frequent fire intervals. Using low intensity, more frequent prescribed fires allows native species to thrive and can also reduce invasive species populations. Prescribed burning, in this project, will be used to reduce the fuel load of ground fuels, coarse woody debris, as well as a portion of the above ground biomass. The purpose of the fire is to reduce the risk of large damaging fires by creating conditions that increase effectiveness of fire suppression.

Through prescribed fire, land managers can have a say in the timing and intensity of the fire. Land managers can also lessen the impacts or provide benefits for other environmental resources. Fire hazard reduction may be an objective of prescribed fire; however, there are other objectives such as wildlife habitat improvement, range improvement, enhancement of the project areas appearance, and improved safety by reducing the amount of dead and dying vegetation. If a wildfire does happen to enter an area that was treated, the wildfire may be contained sooner with reduced area burned at high intensity. The reduced number of acres or fire intensity will have benefits to other resource, including environmental resources, public health, and public and firefighter safety.

All prescribed fires will be subject to local and state regulation to maintain air quality and reduce fire escape risk. Prescribed burning is regulated by the Lassen County Air Pollution Control District (LCAPCD) in compliance with the state smoke management plan, Title 17. Prescribed burn projects must submit a Smoke Management Plan to LCAPCD for review and approval. The plan is developed to minimize air quality impacts of the project. Burning is done on approved burn days as determined by LCAPCD. This process ensures that there are no significant smoke impacts to public health from the project.

The desired fire intensity is low to moderate. A prescribed burn plan will be developed for prescribed fires within the project area prior to implementation that outlines the parameters (timing, weather, fuel moisture, etc.) necessary to implement the project to ensure that the fire remains low to moderate intensity and does not escape the project perimeter. In addition the plan will identify protocols should the fire escape. All prescribed fire activities carry a risk of fire escape, but the project design has reduced this risk below a significant level. By conducting burns in the off-season and with highly trained fire professionals (CAL FIRE) on site, the project reduces the risk of wildfire below the level of risk associated with the no-project alternative. Spotting outside of fire lines should not be a problem with correct firing methods and weather patterns as prescribed in the burn plan. By reducing fuels while leaving slope and other factors unchanged, the project will reduce, not exacerbate the effects of any future wildfire.

1.4. Erosion Control

Erosion control may include reseeding with native seed for stabilization of degraded areas and installation of brow logs to trap sediment from entering waterways. Erosion control will be installed on disturbed areas and all roads used for hauling and yarding per Forest Practice Rules (14 CCR §934 and §943).

1.5. Tree Planting

Bare root/containerized seedlings from the appropriate seed zone (732, 760, and 771) will be hand planted when soils are moist, not saturated or dry. Variable density silviculture prescriptions will be used to promote a mixture of tree sizes and structural diversity throughout the project area.

Environmental Impact Analysis

Aesthetics

- This topic does not apply to a project of this type and was not evaluated further.
 This topic could apply to a project of this type, and results of the assessment are provided below:

The existing visual character of the site and its surroundings is expected to improve as burned dead and dying material is removed and replaced with conifer seedlings. The proposed project does not contain any scenic vistas, nor is the project area visible from an established scenic vista.

Agriculture and Forest Resources

- This topic does not apply to a project of this type and was not evaluated further.
 This topic could apply to a project of this type, and results of the assessment are provided below:

- Yes No Would any trees be felled? If yes, discuss protection of nesting birds and compliance with FPRs.
 Yes No Would the project convert any prime or unique farmland?
 Yes No Would the project result in the conversion of forest land or timberland to non-forest use?

The majority of the trees removed will be standing dead or dying trees that are unlikely to provide nesting habitat. Tree felling of larger trees (>11" dbh) will be conducted under California Forest Practice Rules (FPR) Emergency Notice of Emergency Timber Operation (14 CCR §1052) or other FPR Exemption and will abide by FPR's regarding the protection of nesting birds. Proposed activities, as designed under this exemption will not affect nesting birds. If nesting birds are identified on or adjacent to the project area during implementation, all identified nests will be protected with buffers and Limited Operating Periods (LOP's), similar to those within the FPRs.

Air Quality

- This topic does not apply to a project of this type and was not evaluated further.
 This topic could apply to a project of this type, and results of the assessment are provided below:

- Yes No

The local Air Quality Management District, Lassen County Air Pollution Control District (LCAPCD), guidelines for dust abatement and other air quality concerns were reviewed for this project. The project proposes underburning and pile burning within the project area. Creation of smoke will occur as a result of this project. All burn operations will occur in compliance with all standards set forth by the LCAPCD Smoke Management Plan and the LCAPCD Air Pollution Permit issued for the proposed burn activities to mitigate air quality impacts to a level of less than significant.

Biological Resources

- This topic does not apply to a project of this type and was not evaluated further.
 This topic could apply to a project of this type, and results of the assessment are provided below:

- Yes No Will the project potentially effect biological resources?
 Yes No Was a current CNDDDB review completed? Results discussed below.
 Yes No Was a biological survey of the project area completed? Results discussed below.

An assessment of potential threatened, endangered, and rare (California Native Plant Society Rank 1 and 2) vascular plants, bryophytes, lichens, and fungi, was conducted, and surveys for species with potential habitat in the project area was conducted. (See Attachment A – Biological Assessment – Wildlife and Botany). This assessment included a CNDDDB 3-mile search around the project area, and a nine-quad search for rare plants using the California Department of Fish and Wildlife (CDFW) BIOS system (<https://wildlife.ca.gov/Data/BIOS>). This includes searching for rare plants identified within the area of the 7.5' quadrangles where the project is primarily located (Diamond Mountain) along with the eight surrounding quads. The Calflora (<https://www.calflora.org/>), and California Native Plant Society inventory of rare plants (<http://www.rareplants.cnps.org/>) were also used, as well as consideration to past experience in the area.

No endangered, threatened, candidate, or rare species were identified within the project area. Habitat for rare plant species does exist within the project area, but will be protected with Water course Lake Protection Zones (WLPZs) per Forest Practice Rules (14 CCR §936). Any special status plant species identified during project implementation will be flagged and avoided. It has been determined that the proposed project as designed will have no impact on threatened, endangered, candidate, or rare botanical species.

An assessment of potential threatened, endangered, and wildlife species of special concern was conducted, and a survey was conducted of the project area (See Attachment A - Biological Assessment – Wildlife and Botany). This assessment included a 3-mile CNDDDB search, a search of the CDFW BIOS system for sensitive wildlife species identified within the 9 quad search, and consideration of past experience in the area.

Habitat for the Southern long-toed salamander (*Ambystoma macrodactylum sigillatum*) and the Mountain sucker (*Catostomus platyrhynchus*) exists within the project area, but will be protected by the WLPZ. Known occurrences of Northern goshawk (*Accipiter gentilis*), Cooper's hawk (*Accipiter cooperii*) and California spotted owl (*Strix occidentalis occidentalis*) will be

monitored and, if active, protected per CA Forest Practice rules. The CDFW Gray wolf (*Canis lupus*) website at <https://www.wildlife.ca.gov/Conservation/Mammals/Gray-Wolf> will be monitored to determine if planned activities will intersect with known wolf locations. If so, CDFW will be consulted prior to the commencement of project activities. In addition, if any wolves, dens, or rendezvous sites are found prior to or during project operations, operations shall be suspended and consultation with CDFW shall occur immediately. It has been determined that the proposed project as designed will have no impact on threatened, endangered, candidate, or wildlife species of special concern.

Cultural Resources

- This topic does not apply to a project of this type and was not evaluated further.
 This topic could apply to a project of this type, and results of the assessment are provided below:

Yes No Was a current archaeological records check completed?

Yes. The Northeast Information Center (NEIC) Archaeological Records Search identified 9 prehistoric and 29 historic previously recorded resources within the project area, and 6 prehistoric and 11 historic resources adjacent to the project area.

Yes No Was a Staff or Contract Archaeologist consulted? Yes.

An RPF with CALFIRE Archaeological Training for Resource Professionals Certification conducted background research and surveys of the project area.

Yes No Was an archaeological survey of the project area completed?

Yes (*See Attachment B - Hog and Sheep Fire Restoration Project Archaeological Survey Coverage Map*)

Yes No Will the project effect any historic buildings or archaeological site?

No. The project will have no effect on any cultural resources. All identified sites and any additional sites discovered during implementation will be documented, flagged and avoided.

Geology and Soils

- This topic does not apply to a project of this type and was not evaluated further.
 This topic could apply to a project of this type, and results of the assessment are provided below:

Mastication treatments are expected to result in an increase in effective soil cover and fine organic matter as masticated debris is broadcasted away from the machine.

Effective soil cover and surface organic matter standards would be met with hand treatment because the forest floor is substantially less disturbed relative to mechanical thinning and because hand piling limits the amount of slash that can be cost-effectively removed from the treated units. Soil compaction and topsoil displacement caused by hand thinning treatments would be practically nonexistent since no heavy equipment traffic is involved. Pile burning would decrease soil cover to zero under the pile and there is a risk of nutrient pollution in ash moving off site to water bodies. The small areal extent of burn piles on the landscape would ensure that runoff in the treated areas would not be substantially increased and soil nutrients not significantly impacted.

Prescribed fire can decrease soil cover since the duff layer and fine organic matter will be partially consumed by fire, but prescribed fire treatments would be designed and timed to burn at low severity so that effective soil cover and surface organic matter are not heavily impacted. Additionally, specifications would be included in contracts or direction to crews to ensure that minimum soil cover and surface organic matter standards and desired conditions are met. BMPs used during prescribed burning are highly effective at preventing water quality impacts.

In summary, vegetation treatments proposed under this project would not significantly impair soil quality. Water quality would effectively be protected by BMPs and project design elements, assuring that State-defined beneficial uses of water would not be significantly affected. Soil hydrologic function would be protected, and vegetation treatments would not significantly affect project area hydrology.

Greenhouse Gas Emissions

- This topic does not apply to a project of this type and was not evaluated further.
- This topic could apply to a project of this type, and results of the assessment are provided below

Yes No Would the project generate significant greenhouse gas (GHG) emissions?

Not when considered over the life of the project. This project would include underburning and pile-burning which may cause an immediate release of carbon, and hence a small and short-term impact to GHG emissions. This project's modest release of GHGs should be weighed alongside the potential for catastrophic wildfire, with its extreme release of greenhouse gases, which the project is designed to make less likely. California's Forest Carbon Action Plan describes how Sierran forests were and are able to act as a long-term carbon sink even as they burned regularly, but forests that experienced long-term fire suppression eventually became net carbon sources. Thus, GHG releases from low-intensity fire are not inconsistent with net GHG reductions; in fact, they may be necessary to achieve them. In conclusion, this project, as proposed, will have no significant adverse impact on the annual release of GHGs.

Yes No Would these GHG emissions result in a significant impact on the environment?

No. See above.

Yes No Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No, this project does not conflict with the State of CA plan to reduce carbon or greenhouse gas emissions, and is a permissible practice within the LCAPCD.

Hazards and Hazardous Materials

- This topic does not apply to a project of this type and was not evaluated further.
- This topic could apply to a project of this type, and results of the assessment are provided below:

Hydrology and Water Quality

- This topic does not apply to a project of this type and was not evaluated further.
- Yes No Will the project potentially affect any watercourse or body of water?
- This topic could apply to a project of this type, and results of the assessment are provided below:

Mastication equipment will be utilized for hazardous fuel reduction activities. For the protection of water quality, existing drainage patterns, and to minimize surface runoff and surface erosion, the project incorporates FPR WLPZ protection buffers where mechanical equipment is excluded (14 CCR §936).

The project entails treatment of suppressed trees, dead and dying trees, woody vegetation and brush, and will have no effect on groundwater supplies. Through the establishment of the WLPZs, existing drainage patterns will be protected. The project will not alter the course of any stream or river.

Land Use and Planning

- This topic does not apply to a project of this type and was not evaluated further.

This project does not conflict with any land use or planning or change the land use designation for any parcel.

This topic could apply to a project of this type, and results of the assessment are provided below:

Mineral Resources

- This topic does not apply to a project of this type and was not evaluated further.

There are no known or related mineral resources or extraction as part of this project, and the project does not restrict access for any future mineral extraction activities.

This topic could apply to a project of this type, and results of the assessment are provided below:

Noise

- This topic does not apply to a project of this type and was not evaluated further.
- This topic could apply to a project of this type, and results of the assessment are provided below:

The proposed project will entail the use of mechanical equipment. Equipment operations will be within the allowable limits established by the County of Lassen. During the actual fuel reduction activities, there could be an increase in normal noise levels due to activity associated with the operation of masticators and chainsaws. The project is not located within an airport land use plan or within two miles of a public airport. The project is not located within the vicinity of a private airstrip. The project area is rural and sparsely inhabited and over 2 miles from any school, hospital, or daycare center.

Population and Housing

- This topic does not apply to a project of this type and was not evaluated further.

This project has no applicability to population and housing issues in Lassen County, CA.

- This topic could apply to a project of this type, and results of the assessment are provided below:

Public Services

- This topic does not apply to a project of this type and was not evaluated further.

This project has no applicability to public services or infrastructure in Lassen County, CA. Involvement of police protection, schools, parks, and other public services are not required for project implementation. As such, no adverse impacts to public services are expected from project implementation.

- This topic could apply to a project of this type, and results of the assessment are provided below:

Recreation

- This topic does not apply to a project of this type and was not evaluated further.

This project is not located within any special or designated recreation areas. As such, adverse impacts to recreational resources as a result of implementation of the proposed project are not expected.

- This topic could apply to a project of this type, and results of the assessment are provided below:

Transportation/Traffic

- This topic does not apply to a project of this type and was not evaluated further.
- This topic could apply to a project of this type, and results of the assessment are provided below:

Minimal increases in traffic along adjacent public roads could occur as a result of project implementation as the project coordinators, equipment operators, fire crews, and hand thinning crew will be accessing project units. This increase in traffic will be minor and insignificant as the regional roads have been designed to accommodate the anticipated level of traffic. Smoke management plans for prescribed fires and pile burning will provide mitigation measures to reduce smoke to a level that does not impact local road visibility. As such, the project as proposed will not cause significant changes in current transportation traffic patterns and frequencies.

Utilities and Service Systems

- This topic does not apply to a project of this type and was not evaluated further.

This project will have no bearing or effect on public utilities or service systems.

- This topic could apply to a project of this type, and results of the assessment are provided below:

Project Design Features That Avoid Environmental Impacts:

Adverse environmental impacts have been avoided through careful review of site conditions prior to treatment method determination. Site soils, slope, habitat, and water resources were thoroughly examined during project design and layout. Equipment has been excluded from slopes over 40% and all Class I, II and III Watercourse Protection Zones to provide for soil and water resource protection as well as to protect sensitive aquatic life. All water features have been afforded protection

from equipment operations through the establishment of WLPZs. Sensitive plants and wildlife have been identified during the scoping process and surveyed for and the project as designed will not adversely affect them. Sensitive cultural resources have been surveyed for and the project has been designed to have no impact on them.

Mandatory Findings of Significance:

YES **NO**

(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)

(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Justification for Use of a Categorical Exemption (discuss why the project is exempt, cite exemption number(s), and describe how the project fits the class): Based on no effects, negative, or cumulative impacts to natural resources, and a greenhouse gas benefit, this project fits within a Categorical Exemption.

This review for forest restoration activities within the Hog and Sheep Fire footprints concludes that project implementation as designed would have less than significant impact in each resource area. Class 4 exemption (CCR Section 15304) covers minor alterations to vegetation such as fuel reduction and restoration activities. The Honey Lake Valley Resource Conservation District (RCD) has determined that the objective of fuel reduction and forest restoration and the implementation activities as designed for this project will result in minor alterations to land and therefore fit within the CCR Section 15304 exemption. Additional environmental analysis was conducted by Registered Professional Foresters and Environmental Specialists regarding proposed project effects on rare, threatened and endangered plants; threatened, endangered and special status wildlife species; and cultural resources. The Honey Lake Valley Resource Conservation District (HLVRCD) has reviewed these reports and determined that the project’s implementation will result in multiple benefits, including restoration of private forest lands impacted by the Hog and Sheep fires in 2020. There will be no significant adverse impacts on endangered, rare, or threatened species or their habitats. There are no hazardous materials at or around the project site. The project will avoid all archeological resource sites. The project will not result in cumulatively significant impacts. The Project will have no significant adverse effect on the environment.

Conclusion:

After assessing potential environmental impacts and evaluating the description for the various classes of Categorical Exemptions to CEQA, Honey Lake Valley County RCD has determined that the project fits within one or more of the exemption classes and no exceptions exist at the project site which would preclude the use of this exemption. The District considered the possibility of (a) sensitive location, (b) cumulative impact, (c) significant impact due to unusual circumstances, (d) impacts to scenic highways, (e) activities within a hazardous waste site, and (f) significant adverse change to the significance of any historical resource. A Notice of Exemption will be filed with the Lassen County Clerk-Recorder.



After assessing potential environmental impacts and evaluating the description for the various classes of Categorical Exemptions to CEQA, Honey Lake Valley County RCD has determined that the project does not fit within the description for the various exemption classes or has found that exceptions exist at the project site which precludes the use of a Categorical Exemption for this project. Additional environmental review will be conducted and the appropriate CEQA document used may be a Negative Declaration or a Mitigated Negative Declaration.

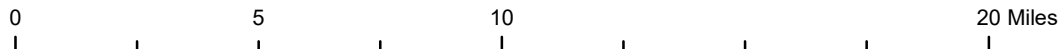
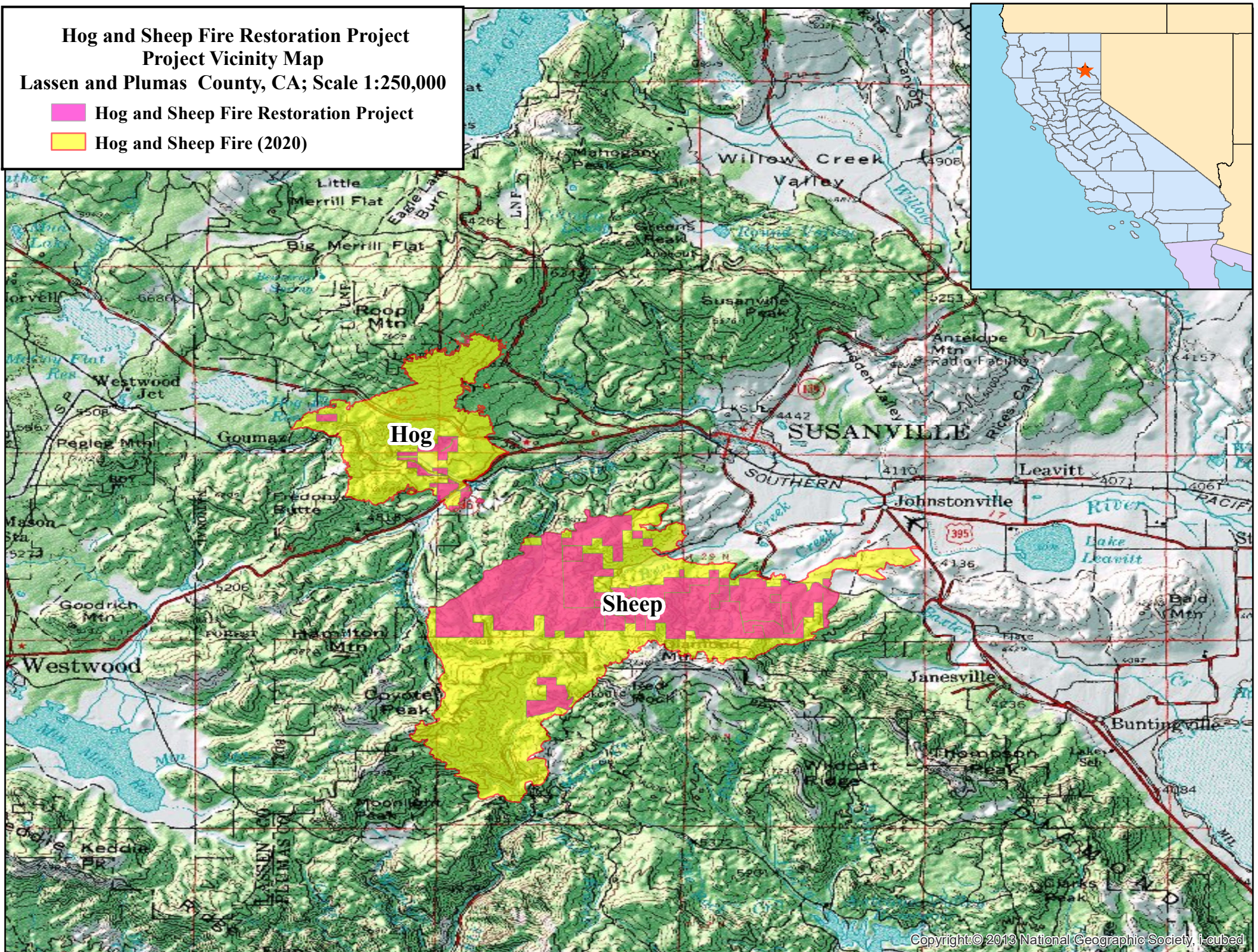
Signed:

 Jesse Claypool, Chairman, Board of Directors
 Honey Lake Valley Resource Conservation District

 Date

**Hog and Sheep Fire Restoration Project
Project Vicinity Map
Lassen and Plumas County, CA; Scale 1:250,000**







-  Hog and Sheep Fire Restoration Project
-  Hog and Sheep Fire (2020)

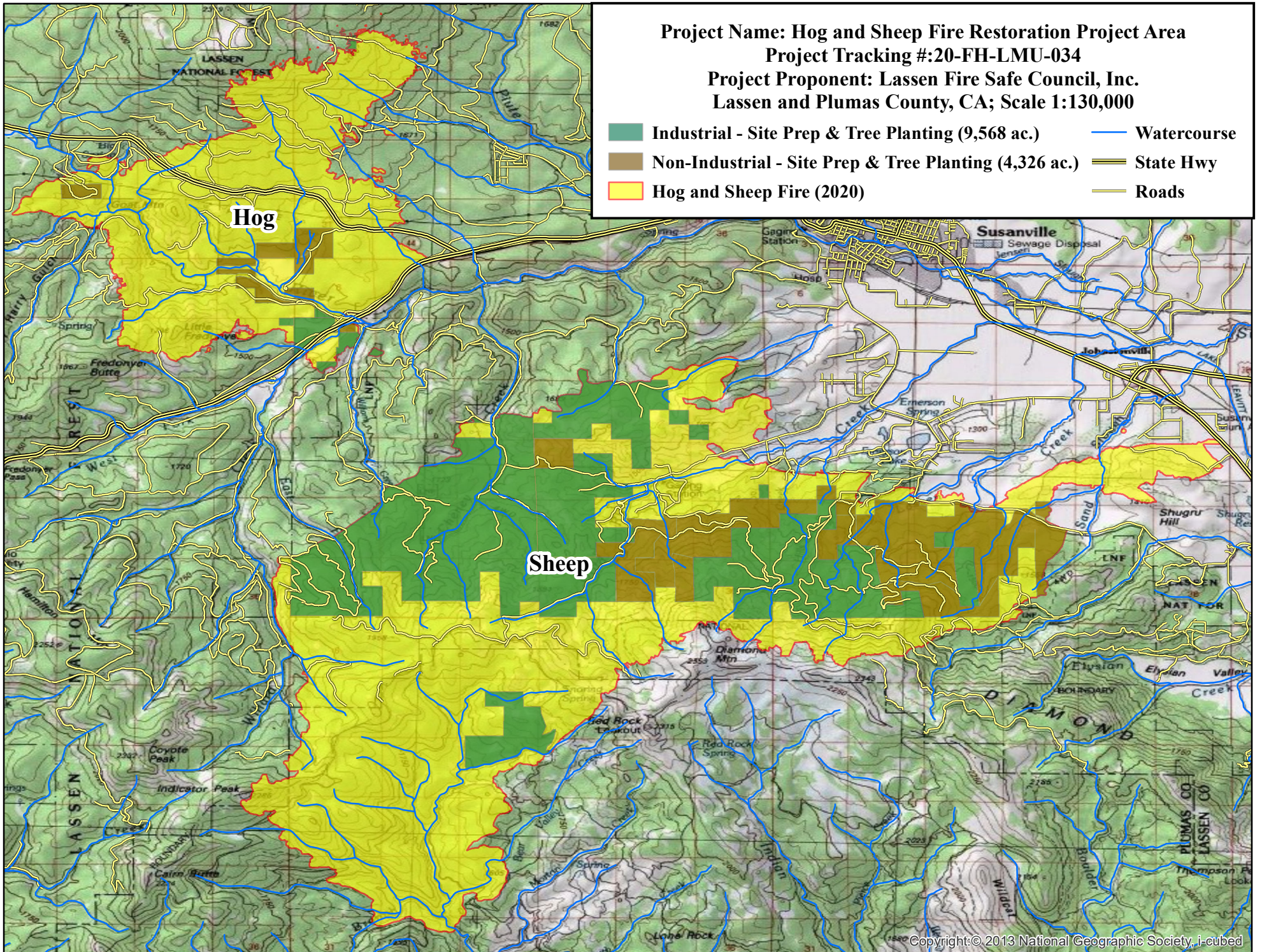


Project Name: Hog and Sheep Fire Restoration Project Area

Project Tracking #:20-FH-LMU-034

**Project Proponent: Lassen Fire Safe Council, Inc.
Lassen and Plumas County, CA; Scale 1:130,000**

- | | |
|--|---|
|  Industrial - Site Prep & Tree Planting (9,568 ac.) |  Watercourse |
|  Non-Industrial - Site Prep & Tree Planting (4,326 ac.) |  State Hwy |
|  Hog and Sheep Fire (2020) |  Roads |



0 2.5 5 10 Miles

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TCKEcological 09202021

Attachment A: Biological Assessment

Wildlife and Botany

Scientific Name	Common Name	Federal Status	State Status	Habitat	Habitat in the Project Area	Potential Impact
Insects						
<i>Bombus occidentalis</i>	Western bumblebee	None	Candidate Endangered	Three basic habitat requirements: suitable nesting sites for the colonies, nectar and pollen from floral resources available throughout the duration of the colony period (spring, summer and fall), and suitable overwintering sites for the queens. Nests occur primarily in underground cavities such as old squirrel or other animal nests and in open west-southwest slopes bordered by trees.	Yes	Habitat will benefit from project by increasing foraging habitat through clearing and plantings.
Fish						
<i>Catostomus platyrhynchus</i>	Mountain Sucker	None	Species of Special Concern (SSC)	Mountain suckers are characteristically found in shallow water and have a high tolerance for organic pollution and warm temperatures. Mountain suckers, unlike most stream-dwelling fishes in western North America, spawn in summer (June to early August) rather than spring. In California, adults have been observed moving into small streams during later July to feed on algae and to spawn. Spawning probably occurs at night in riffles located immediately below pools. Mountain suckers feed primarily on algae and diatoms but will feed on aquatic invertebrates as well.	Yes	Habitat within Watercourse Lake Protection Zone (WLPZ)- will be protected
Amphibians						
<i>Rana sierrae</i>	Sierra Nevada yellow-legged frog	Endangered	Threatened	Associated with streams, lakes and ponds in montane riparian, lodgepole pine, subalpine conifer, and wet meadow habitats at elevations from 4,500 - 11,980 ft. Aquatic species usually found within a few feet of water. Eggs are usually laid in shallow water attached to gravel or rocks. Tadpoles may require up to two over-wintering periods to complete their aquatic development.	Yes	No known occupied habitat within the project area. Habitat within Watercourse Lake Protection Zone (WLPZ)- will be protected

Scientific Name	Common Name	Federal Status	State Status	Habitat	Habitat in the Project Area	Potential Impact
<i>Rana boylei</i>	Foothill yellow-legged frog	None	Endangered	They inhabit partially shaded, rocky perennial streams and their life cycle is synchronized with the seasonal timing of streamflow conditions. They breed in streams with riffles containing cobble-sized or larger rocks as substrate. These frogs need perennial water where they can forage through the summer and fall months. Usually found within a few feet of water.	Yes	No known occupied habitat within the project area. Habitat within Watercourse Lake Protection Zone (WLPZ)- will be protected.
<i>Ambystoma macrodactylum sigillatum</i>	Southern Long-Toed Salamander	None	SSC	Adults spend much of their lives underground, often utilizing the tunnels of burrowing mammals such as moles and ground squirrels. Transformed adults are rarely found outside of the breeding season. They are mostly found under wood, logs, rocks, bark and other objects near breeding sites which can include ponds, lakes, and streams, or when they are breeding in the water.	Yes	Habitat within Watercourse Lake Protection Zone (WLPZ)- will be protected.
Birds						
<i>Haliaeetus leucocephalus</i>	Bald Eagle	Delisted	Endangered	Occupy various woodland, forest, grassland, and wetland habitats. Large nests are normally built in the upper canopy of large trees, and snags typically conifers near water sources with fish.	No	No known nest sites within the project area; may forage or fly over.
<i>Strix occidentalis occidentalis</i>	California Spotted Owl	None	SSC	This species is closely related to the Northern spotted owl and has a similar life history utilizing mature forests for habitat.	Yes	Known nest sites within the project area will be monitored and protected per Forest Practice Rules.

Scientific Name	Common Name	Federal Status	State Status	Habitat	Habitat in the Project Area	Potential Impact
<i>Accipiter gentilis</i>	Northern Goshawk	None	SSC	Generally, prefer dense forests with large trees and relatively high canopy closures like late successional forest stands.	Yes	Known nest sites within the project area will be monitored and protected per Forest Practice Rules.
<i>Accipiter cooperii</i>	Cooper's hawk	None	WL		Yes	Known nest sites within the project area will be monitored and protected per Forest Practice rules.
<i>Aquila chrysaetos</i>	Golden Eagle	None	Fully Protected (FP), Watch List (WL)	Live in open and semi open country; avoid developed areas and uninterrupted stretches of forest. Canyonlands, rimrock terrain, and riverside cliffs and bluffs. Nest on cliffs and steep escarpments in grasslands, chaparral, scrublands, forest, and other vegetated areas.	Marginal	No known nest sites within the project area; may forage or fly over.
<i>Falco mexicanus</i>	Prairie Falcon	None	WL	Distributed from annual grasslands to alpine meadows, but associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. Usually nests in a scrape on a sheltered ledge of a cliff overlooking a large, open area.	No	No known nest sites within the project area; may forage or fly over,
<i>Antigone canadensis tabida</i>	Greater Sandhill Crane	None	Threatened, FP	Winter in the Central Valley and nest in six northeastern CA counties. Nest in healthy undisturbed wetland ecosystems.	No	No known nesting areas located within the project area. Potential habitat

Scientific Name	Common Name	Federal Status	State Status	Habitat	Habitat in the Project Area	Potential Impact
						within WLPZ will be protected.
<i>Riparia riparia</i>	Bank Swallow	None	Threatened	A neotropical migrant found primarily in riparian and other lowland habitats in California west of the deserts during the spring-fall period. In summer, restricted to riparian, lacustrine, and coastal areas with vertical banks, bluffs, and cliffs with fine-textured or sandy soils, into which it digs nesting holes. Predominantly a colonial breeder.	No	No known nesting colonies within the project area. Potential habitat within WLPZ will be protected.
<i>Agelaius tricolor</i>	Tricolored Blackbird	None	Threatened	Forms the largest breeding colonies of any North American landbird. Breeding sites are open accessible water; a protected nesting substrate, including either flooded or thorny or spiny vegetation; and a suitable foraging space providing adequate insect prey within a few kilometers of the nesting colony.	No	No known nesting areas within the project area. Potential habitat within WLPZ will be protected.
<i>Pandion haliaetus</i>	Osprey	None	WL	Nests on platform of sticks at the top of large snags, dead-topped trees, on cliffs, or on human made structures. Nest usually within 400 m of fish-producing water.	No	No known nest sites within the project area; may forage or fly over.
<i>Empidonax traillii</i>	Willow Flycatcher	None	Endangered	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats at 600-2500 m (2000-8000 ft) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows. Nesting site usually near languid stream, standing water, or seep.	No	No known nesting areas within the project area. Potential habitat within WLPZ will be protected.
Mammals						
<i>Pekania</i>	Fisher	None	SSC	High cover and structural complexity in large tracts	No	Project outside

Scientific Name	Common Name	Federal Status	State Status	Habitat	Habitat in the Project Area	Potential Impact
<i>pennanti</i>				of mature and old growth forests		current range. No recent detections within or adjacent to the project area.
<i>Vulpes vulpes necator</i>	Sierra Nevada Red Fox	None	Threatened	High mountains of the Sierra Nevada in open conifer woodlands and mountain meadows near treeline.	No	Project area outside of current range and elevation. No recent detections within or adjacent to the project area.
<i>Canis lupus</i>	Gray Wolf	Endangered	Endangered	Wolves have historically occupied diverse habitats in North America, including tundra, forests, grasslands, and deserts (Mech 1970). As a consequence, and because they travel long distances and require large home ranges, wolves are considered habitat generalists (Paquet and Carbyn 2003).	Yes	Has been detected within project area; will be monitored during project implementation.
<i>Antrozous pallidus</i>	pallid bat	None	SSC	Wide variety of habitats is occupied, including grasslands, shrublands, woodlands, and forests from sea level up through low elevation mixed conifer forests. Most common in open, dry habitats with rocky areas for roosting. Day roosts are in caves, crevices, mines, and occasionally in hollow trees and buildings.	Yes	No known roosting sites in the project area and no activity detected.
<i>Aplodontia rufa californica</i>	Sierra Nevada	None	SSC	Not related to true beavers, this nocturnal rodent prefers moist cool deciduous and coniferous forests.	Yes	Based on the species preferred

Scientific Name	Common Name	Federal Status	State Status	Habitat	Habitat in the Project Area	Potential Impact
	Mountain Beaver			Burrows usually consist of a network of tunnels built in deep soil. Burrow entrances often contain clumps of wilted vegetation which the animal likely uses as a kind of food cache as well as a source of nesting material.		habitat, not likely to be impacted by the current project
<i>Taxidea taxus</i>	American badger	None	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils	Yes	Based on the species preferred habitat, not likely to be impacted by the current project.

Biological Assessment – Botany

Scientific Name	Common Name	Federal Status	State Status	Flowering Period	Elevation (m)	Habitat/Ecology	Impact	Rationale
<i>Alisma gramineum</i>	Grass alisma	None	2B.2	June-Aug	1200-1800	Occurs in wetlands; wetland-riarian; Ponds	No	Protected by WLPZ
<i>Lomatium roseanum</i>	Adobe lomatium	None	1B.2	June-July	1460-2250	Openings, gravelly or rocky; Great Basin scrub; Lower montane coniferous forest	No	Habitat not likely to occur in treatment areas.
<i>Artemisia tripartita</i> ssp. <i>tripartita</i>	Threetip sagebrush	None	2B.3	Aug	2200-2600	Rocky, volcanic; Upper montane coniferous forest (openings)	No	Open areas at higher elevations not affected by proposed project.
<i>Oreostemma elatum</i>	Tall alpine-aster	None	1B.2	June-Aug	1000-2100	Mesic habitat within bogs and fens; meadows and seeps; Upper montane coniferous forest	No	Protected within WLPZ, no occurrences within project area.
<i>Pyrrocoma lucida</i>	Sticky pyrrocoma	None	1B.2	July-Oct	700-2050	Alkaline clay flats; sagebrush scrub; openings in lower montane coniferous forest; meadows and seeps	No	No known occurrences within the project area; habitat not likely to occur in treatment area.
<i>Mertensia longiflora</i>	Long bluebells	None	2B.2	Apr-June	1500-2200	Open, general spring-moist, drying places of plains, foothills, especially sagebrush or sparse ponderosa pine forest	No	No occurrences in the project area
<i>Brasenia schreberi</i>	Watershield	None	2B.3	June-Sept	<2200	Wetlands; Wetland-riparian; Ponds; slow streams; marshes; swamps	No	Protected within WLP
<i>Carex davyi</i>	Davy's sedge	None	1B.3	May-Aug	1400-3300	Usually in wetlands; sub-alpine and red fir forests	No	Protected within WLPZ; usually found higher than

Scientific Name	Common Name	Federal Status	State Status	Flowering Period	Elevation (m)	Habitat/Ecology	Impact	Rationale
								project area.
<i>Carex sheldonii</i>	Sheldon's sedge	None	2B.2	May-Aug	1200-2000	Wetlands; riparian; Lower montane coniferous forest (mesic); marshes and swamps	No	Protected within WLPZ
<i>Astragalus pulsiferae</i> var. <i>pulsiferae</i>	Pulsifer's milk-vetch	None	1B.2	May-June	1300-1900	Sandy or rocky soil, often with pines, sagebrush	No	Not observed within the project area
<i>Juncus dudleyi</i>	Dudley's rush	None	2B.3	July-Aug	<2000	Wet areas in montane coniferous forest	No	Protected within WLPZ
<i>Juncus luciensis</i>	Santa Lucia dwarf rush	None	1B.2	Apr-July	300-2040	Wet, sandy soils of seeps, meadows, vernal pools, streams, roadsides, chaparral, lower montane coniferous forest	No	Protected within WLPZ
<i>Scutellaria galericulata</i>	Marsh skullcap	None	2B.2	Jun-Sept	1000-2100	Occurs in wetlands in Pine forests, freshwater wetlands, wet meadows, wetland-riparian	No	Protected within WLPZ
<i>Botrychium ascendens</i>	Upswept moonwort	None	2B.3	July-Aug	1500-3200	Moist meadows, open woodlands near streams and seeps	No	Protected within WLPZ
<i>Botrychium crenulatum</i>	Scalloped moonwort	None	2B.2	June-Sept	1500-3600	Saturated hard water seeps and stream margins, moist meadow, seeps, bogs, fens	No	Protected within WLPZ
<i>Botrychium minganense</i>	Mingan moonwort	None	2B.2	July-Sept	1500-3100	Wet soils in forests, along streams	No	Protected within WLPZ
<i>Botrychium montanum</i>	Western goblin	None	2B.1	July-Sept	1500-2100	Shady conifer woodland, especially under <i>Calocedrus</i> along streams	No	Protected within WPLZ
<i>Ortocarpus bracteosus</i>	Rosy orthocarpus	None	2B.1	June-Aug	500-2000	Moist meadows	No	Protected within WLPZ
<i>Penstemon janishiae</i>	Janish's beardtongue	None	2B.2	May-July	1065-2350	Generally igneous-clau soils in sagebrush scrub, juniper/shrub savanna, ponderosa pine forests	No	Not observed during surveys within project area
<i>Phlox muscoides</i>	Squarestem phlox	None	2B.3	Jun-Aug	1400-2700	Open rocky area; alpine rock	No	Habitat within project area will not be disturbed by project activities.

Scientific Name	Common Name	Federal Status	State Status	Flowering Period	Elevation (m)	Habitat/Ecology	Impact	Rationale
Eriogonum ochrocephalum var. ochrocephalum	Ochre-flowered buckwheat	None	2B.2	May – June	1300-1700	Volcanic or clay; Great Basin scrub, pinyon and juniper woodland	No	Not observed during project surveys; marginal habitat in project area.
Rumex venosus	Winged dock	None	2B.3	May-June	1200-1800	Dry, sandy places; Great Basin scrub	No	Lack of suitable habitat in project area.
Potamogeton praelongus	White-stemmed pondweed	None	2B.3	July-Aug	1800-3000	Wetlands; freshwater marsh, swamps, lakes (deep water)	No	Aquatic
Rhamnus alnifolia	Alder buckthorn	None	2B.2	May – July	1370-2130	Wetlands, red fir, lodgepole pine, wetland-riparian	No	Protected by WLPZ
Geum aleppicum	Aleppo avens	None	2B.2	June-Aug	1000-1600	Meadows in sagebrush scrub and ponderosa pine forest	No	Not observed within project area, observation west of Susanville and Horse Lake
Ivesia sericoleuca	Plumas ivesia	None	1B.2	May – Oct	1300-2320	Vernally mesic, generally volcanic meadows, vernal pools, Great Basin scrub, lower montane coniferous forest, freshwater wetlands, wetland-riparian	No	Protected by WLPZ

State Status

CNPS Rare Plant Rank

1B – Plant rare, threatened, or endangered in CA and elsewhere

2B – Plant rare, threatened, or endangered in CA, but common elsewhere

.1 - Seriously threatened in CA



.2 – moderately threatened in CA

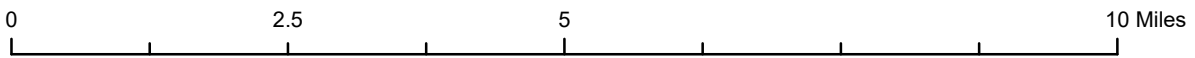
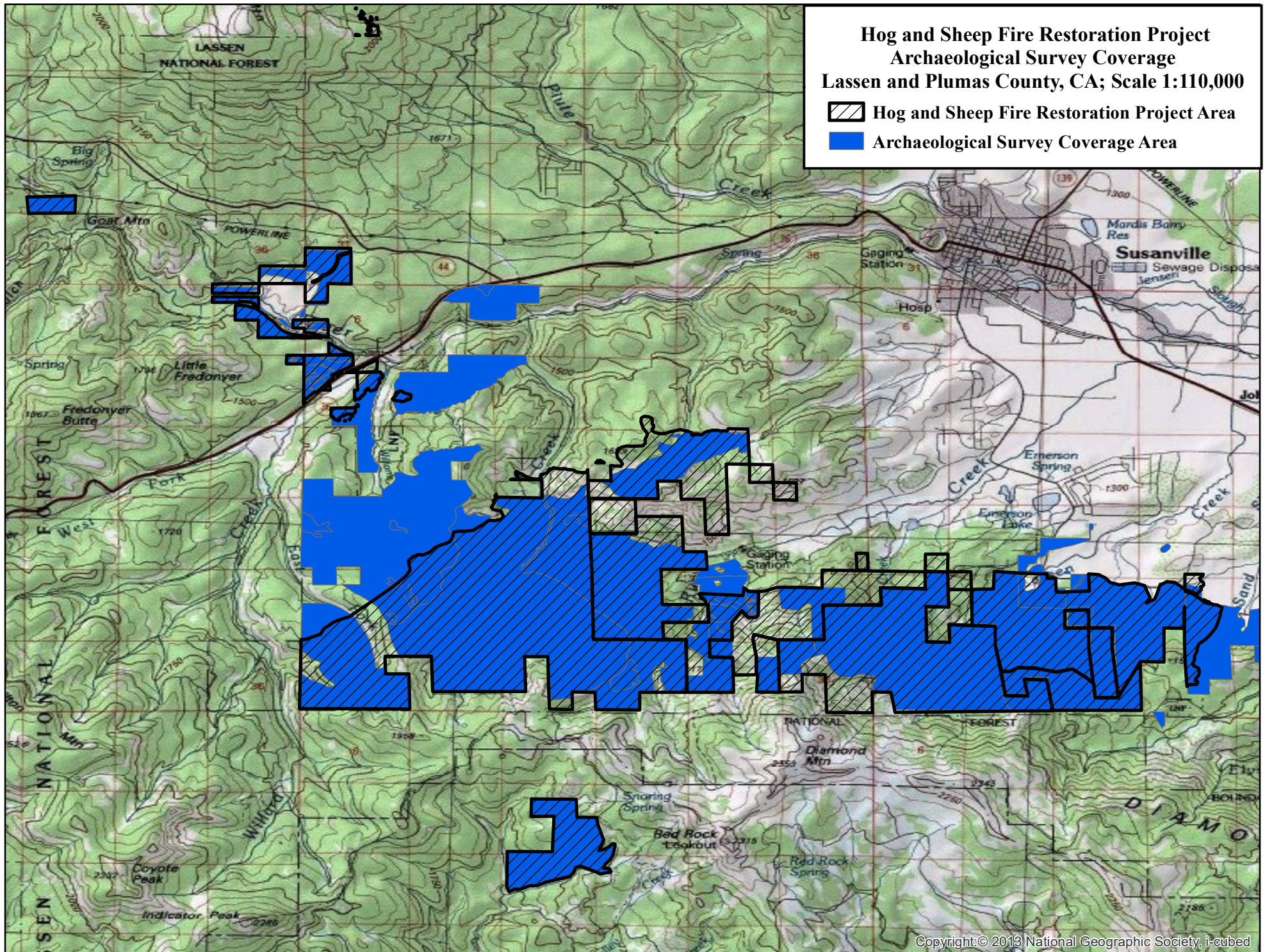
.3 – not very threatened in CA

Attachment B

Archaeological Survey Coverage Map

**Hog and Sheep Fire Restoration Project
Archaeological Survey Coverage
Lassen and Plumas County, CA; Scale 1:110,000**

-  Hog and Sheep Fire Restoration Project Area
-  Archaeological Survey Coverage Area



INVOICE

**Larry Bain, CPA,
An Accounting Corporation
2148 Frascati Drive
El Dorado Hills, CA 95762
(916) 601-8894**

August 12, 2021

To: Honey Lake Valley Resource Conservation District

Complete the June 30, 2020 audit	\$ 6,500.00
Complete the June 30, 2020 SCO FTR and GCC reports	<u>350.00</u>
Total Due	\$ <u>6,850.00</u>

Attn: Andrea Stuemke
Honey Lake Valley Resource Conservation District
170 Russell Ave. Suite C
Susanville, CA 96130



**California Special
Districts Association**
Districts Stronger Together

AB 361 Implementation Guide



California Special Districts Association

Districts Stronger Together

AB 361 – Brown Act: Remote Meetings During a State of Emergency

Background – the Governor’s Executive Orders:

Starting in March 2020, amid rising concern surrounding the spread of COVID-19 throughout communities in the state, California Governor Gavin Newsom issued a series of Executive Orders aimed at containing the novel coronavirus. These Executive Orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) collectively modified certain requirements created by the Ralph M. Brown Act (“the Brown Act”), the state’s local agency public meetings law.

The orders waived several requirements, including requirements in the Brown Act expressly or impliedly requiring the physical presence of members of the legislative body, the clerk or other personnel of the body, or of the public as a condition of participation in or for the purpose of establishing a quorum for a public meeting.¹² Furthermore, the orders:

- waived the requirement that local agencies provide notice of each teleconference location from which a member of the legislative body will be participating in a public meeting,
- waived the requirement that each teleconference location be accessible to the public,
- waived the requirement that members of the public be able to address the legislative body at each teleconference conference location,
- waived the requirement that local agencies post agendas at all teleconference locations, and,
- waived the requirement that at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Under the orders, local agencies were still required to provide advance notice of each public meeting according to the timeframe otherwise prescribed by the Brown Act, and using the means otherwise prescribed by the Brown Act. Agencies were – for a time – required to allow members of the public to observe and address the meeting telephonically or otherwise electronically. Local agencies were eventually explicitly freed from the obligation of providing a physical location from which members of the public could observe the meeting and offer public comment.³

In each instance in which notice of the time of the meeting was given or the agenda for the meeting was posted, the local agency was required to give notice of the manner members of the public could observe the meeting and offer public comment. In any instance in which there was a change in the manner of public observation and comment, or any instance prior to the issuance of the executive orders in which the time of the meeting had been noticed or the agenda for the meeting had been posted without also including notice of the manner of public observation and comment, a local agency would be able to satisfy this requirement by

¹ **Executive Order N-25-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>

² **Executive Order N-29-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf>

³ *Ibid*



California Special Districts Association

Districts Stronger Together

advertising the means of public observation and comment using "the most rapid means of communication available at the time" within the meaning of California Government Code, section 54954(e); this includes, but is not limited to, posting the manner in which the public could participate on the agency's website.

The orders also provided flexibility for a legislative body to receive a "serial" or simultaneous communication outside of an open meeting, allowing all members of the legislative body to receive updates (including, but not limited to, simultaneous updates) relevant to the emergency (including, but not limited to, updates concerning the impacts of COVID-19, the government response to COVID-19, and other aspects relevant to the declared emergency) from federal, state, and local officials, and would be allowed to ask questions of those federal, state, and local officials, in order for members of the legislative body to stay apprised of emergency operations and the impact of the emergency on their constituents. Members of a local legislative body were explicitly not permitted to take action on, or to discuss amongst themselves, any item of business that was within the subject matter jurisdiction of the legislative body without complying with requirements of the Brown Act.⁴

The Brown Act Executive Orders Sunset – September 30, 2021

On June 11, 2021, the Governor issued Executive Order N-08-21 which rescinds the aforementioned modifications made to the Brown Act, effective September 30, 2021.⁵ After that date, local agencies are required to observe all the usual Brown Act requirements *status quo ante* (as they existed prior to the issuance of the orders). Local agencies must once again ensure that the public is provided with access to a physical location from which they may observe a public meeting and offer public comment. Local agencies must also resume publication of the location of teleconferencing board members, post meeting notices and agendas in those locations, and make those locations available to the public in order to observe a meeting and provide public comment.

AB 361 – Flexibility for Remote Open Meetings During a Proclaimed State Emergency

Assembly Bill 361, introduced in February 2021 by Assembly Member Robert Rivas (D-30, Hollister), and sponsored by the California Special Districts Association, provides local agencies with the ability to meet remotely **during proclaimed state emergencies** under modified Brown Act requirements, similar in many ways to the rules and procedures established by the Governor's Executive Orders.

Important Note: *AB 361's provisions can only be used in the event that a gubernatorial state of emergency 1) has been issued AND 2) remains active. It is not sufficient that county and/or city officials have issued a local emergency declaration – the emergency declaration must be one that is made pursuant to the California Emergency Services Act (CA GOVT § 8625).*

⁴ **Executive Order N-35-20**, <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20.pdf>

⁵ **Executive Order N-08-21**, <https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>



Specifically, AB 361 suspends the requirements located in California Government Code, section 54953, subdivision (b), paragraph (3). What does this mean for local agencies? This means that, during a state of emergency, under specified circumstances, local agencies can meet pursuant to modified Brown Act requirements. Each of these modifications is broken out below.

The provisions enacted by AB 361 providing flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.

AB 361 IMPACTS ON LOCAL AGENCY COMPLIANCE WITH THE BROWN ACT

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.	<ul style="list-style-type: none"> Agendas not required to be posted at all teleconference locations Meeting must still be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency

In the context of an emergency, members of the legislative body of a local agency may be teleconferencing from less-than-ideal locations – e.g., the private domicile of a friend or relative, a hotel room, an evacuation shelter, from a car, etc. The nature of the emergency may further compound this issue, as was the case during the COVID-19 outbreak and the necessity to implement social distancing measures. To address this issue, AB 361 provides relief from the obligation to post meeting agendas at all conference locations.

Although local agencies are relieved from this obligation, local agencies should endeavor to post meeting agendas at all usual locations where it remains feasible to do so.

Important Note: *Local agencies must still provide advance notice of public meetings and must still post meeting agendas consistent with the provisions of the Brown Act. AB 361 does nothing to change the fact that meetings must still be noticed and agendized in advance.*

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.	<ul style="list-style-type: none"> Agendas are not required to identify each teleconference location in the meeting notice/agenda Local agencies are not required to make each teleconference location accessible to the public

Emergencies can – and often do – happen quickly. As was the case with the 2018 Camp Fire, individuals fleeing a disaster area may end up in disparate locations throughout the state. These impromptu, ad hoc locations are not ideal for conducting meetings consistent with the usual



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Brown Act requirements, which may impede local agencies seeking to meet promptly in response to calamity. To that end, AB 361 removes the requirement to document each teleconference location in meeting notices and agendas. Similarly, local agencies are not required to make these teleconference locations accessible to the public.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, during the teleconferenced meeting, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.	<ul style="list-style-type: none"> No requirement to have a quorum of board members participate from within the territorial bounds of the local agency's jurisdiction

The purpose of AB 361 is to assist local agencies with continuing their critical operations despite facing emergencies that pose a risk to human health and safety – emergencies which oftentimes correspond with advisory or mandatory evacuation orders (e.g., wildfires, earthquakes, gas leaks, etc.). An emergency which drives individuals from an area could make meeting within the bounds of a local agency impossible to do feasibly or safely. Accordingly, AB 361 allows for local agencies to disregard quorum requirements related to members of a legislative body teleconferencing from locations beyond the local agency's territory.

Brown Act Requirement	Requirement under AB 361
If the legislative body of a local agency elects to use teleconferencing, the agenda shall provide an opportunity for members of the public to address the legislative body directly at each teleconference location.	<ul style="list-style-type: none"> In each instance in which notice of the time of the teleconferenced meeting is given or the agenda for the meeting is posted, the legislative body shall also give notice of the manner by which members of the public may access the meeting and offer public comment The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option The legislative body shall allow members of the public to access the meeting, and the agenda shall include an opportunity for members of the public to address the legislative body directly In the event of a disruption which prevents the local agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local



	<p>agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored</p> <ul style="list-style-type: none">• Written/remote public comment must be accepted until the point at which the public comment period is formally closed; registration/sign-up to provide/be recognized to provide public comment can only be closed when the public comment period is formally closed
--	--

The right of individuals to attend the public meetings of local agencies and be face-to-face with their elected or appointed public officials is viewed as sacrosanct, only able to be abrogated in the most extraordinary of circumstances. Under normal conditions, local agencies are required to allow members of the public to participate in a public meeting from the very same teleconference locations that other board members are using to attend that meeting.

AB 361 solves the specific problem of what to do in circumstances when local agencies are holding their meetings remotely during an emergency and it would be unsafe to permit access to members of the public to the remote teleconference locations. AB 361 permits local agencies to meet without making teleconference locations available to members of the public, **provided that** members of the public are afforded the opportunity to provide public comment remotely as well.

Importantly, local agencies must ensure that the opportunity for the public to participate in a meeting remains as accessible as possible. This means that local agencies cannot discriminate against members of the public participating either remotely or in-person. In practice, this means:

- Local agencies must clearly advertise the means by which members of the public can observe a public meeting or offer comment during a meeting remotely, via either a call-in or internet-based option

Importantly, local agencies are required to provide the relevant remote access information to members of the public looking to attend a meeting of a local agency legislative body. This information includes, but is not limited to: phone numbers, passwords, URLs, email addresses, etc. Using this information, members of the public must be able to attend the meeting remotely. Any of the information related to participation must be included in the relevant meeting notice(s) and meeting agenda(s). If an agency fails to provide one or more of these key pieces of



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information in a meeting notice or agenda, the agency should not proceed with the meeting as-is, as it could result in any subsequent action being rendered null or void.

- Agencies whose meetings are interrupted by technological or similar technical disruptions must first resolve those issues before taking any other action(s) on items on the meeting agenda

In a notable departure from the terms of the Governor's orders, AB 361 explicitly requires that local agencies must first resolve any remote meeting disruption before proceeding to take further action on items appearing on a meeting agenda. In the event that a public comment line unexpectedly disconnects, a meeting agenda was sent out with the incorrect web link or dial-in information, the local agency's internet connection is interrupted, or other similar circumstances, a local agency is required to stop the ongoing meeting and work to resolve the issue before continuing with the meeting agenda.

Local agencies should ensure that the public remains able to connect to a meeting and offer public comment by the means previously advertised in the meeting notice or agenda. This may require directing staff to monitor the means by which the public can observe the meeting and offer comment to ensure that everything is operating as intended.

In the event that a meeting disruption within the control of the agency cannot be resolved, a local agency should not take any further action on agenda items; the local agency should end the meeting and address the disruption in the interim, or it may risk having its actions set aside in a legal action.

Important Note: *Test, test, test! Local agencies should be testing their remote meeting setup in advance of (and during) every meeting to ensure that there are no apparent issues. Local agency staff should attempt to attend the meeting in the same way(s) made available to members of the public and demonstrate that everything is working as intended. The fact that staff tested the system before and during a meeting and failed to detect any problems may become a key factor in any potential legal action against the agency.*

- Local agencies cannot require that written comments be submitted in advance of a meeting

It is not permissible to require that members of the public looking to provide public comment do so by submitting their comment(s) in advance of a meeting – in fact, not only is this a violation of AB 361's terms, it is also a violation of the Brown Act generally. Both AB 361 and the Brown Act explicitly require that members of the public be given the opportunity to provide public comment **directly** – that is, live and at any point prior to public comment being officially closed during a public meeting. Until such time during a meeting that the chairperson (or other authorized person) calls for a close to the public comment period, members of the public are allowed to submit their public comments directly or indirectly, orally, written, or otherwise.

- Local agencies may only close registration for public comment at the same time the public comment period is closed, and must accept public comment until that point



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Local agencies cannot require that individuals looking to provide public comment register in advance of a meeting (though agencies may extend the **possibility** of advance registration or commenting as a **non-mandatory** option). Nor may local agencies require that individuals looking to provide public comment register in advance of the agenda item being deliberated by a local agency. Local agencies may only close registration for public comment at the same time that they close the public comment period for all. Until the public comment period is completely closed for all, members of the public must be permitted to register for, and provide, public comment.

Local agencies that agendize a comment period for each agenda item cannot close the public comment period for the agenda item, or the opportunity to register to provide public comment, until that agendized public comment period has elapsed.

Local agencies that do not provide an agendized public comment period but instead take public comment separately on an informal, ad hoc basis on each agenda item must allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register or otherwise be recognized for the purpose of providing public comment.

Local agencies with an agendized general public comment period that does not correspond to a specific agenda item (i.e., one occurring at the start of a meeting, covering all agenda items at once) cannot close the public comment period or the opportunity to register until the general public comment period has elapsed.

Brown Act Requirement	Requirement under AB 361
<p>A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.</p> <p>If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.</p>	<ul style="list-style-type: none"> An individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body that requires registration to log in to a teleconference, may be required to register as required by the third-party internet website or online platform to participate

“Zoom meetings” became ubiquitous during the COVID-19 pandemic – for good reason. The Zoom video teleconferencing software was free (with some “premium” features even made temporarily free to all users), easily deployed, and user-friendly. All one needed was a Zoom



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account and then they'd be able to make use of the platform's meeting services, hosting and attending various meetings as they pleased.

Unfortunately, the Brown Act has long prohibited the use of mandatory registration or "sign-ups" to attend public meetings or to provide public comment. Privacy and good governance concerns prohibit such information gathering from members of the public seeking to remain anonymous while also engaging with their government. Accordingly, it would normally be a concern to use any teleconference platform which may require participants to register for an account even when it is not the local agency establishing that requirement.

AB 361 resolves this issue by explicitly allowing local agencies to use platforms which, incidental to their use and deployment, may require users to register for an account with that platform so long as the platform is not under the control of the local agency.

Important Note: Just because you "can" doesn't mean you "should." There are products on the market that do not require individuals to sign up for/sign in to an account to participate in a remote meeting. Local agencies are heavily discouraged from contacting their remote meeting platform vendor in an attempt to uncover information about meeting attendees.

RESOLUTIONS: ENACTING ASSEMBLY BILL 361

A local agency wishing to rely on the provisions of AB 361 must meet one of the following criteria:

- (A) The local agency is holding a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; or
- (B) The local agency is holding a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- (C) The local agency is holding a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

These criteria permit a local agency to schedule a remote meeting to determine whether meeting in-person during the state of emergency would pose imminent risk to the health or safety of attendees. At that remote meeting, a local agency may determine by majority vote that sufficient risks exist to the health or safety of attendees as a result of the emergency and pass a resolution to that effect. These criteria also permit a local agency to meet remotely in the event that there is a state of emergency declaration while state or local officials have recommended or required measures to promote social distancing.

If a local agency passes a resolution by majority vote that meeting in-person during the state of emergency would present imminent risks to the health or safety of attendees, the resolution would permit meeting under the provisions of AB 361 for a maximum period of 30 days. After 30



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days, the local agency would need to renew its resolution, consistent with the requirements of AB 361, if the agency desires to continue meeting under the modified Brown Act requirements, or allow the resolution to lapse.

Important Note: Consider referencing [the initial sample resolution linked on this page \(click here\)](#) in crafting your agency's initial resolution effecting the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

After 30 days, a local agency is required to renew its resolution effecting the transition to the modified Brown Act requirements if it desires to continue meeting under those modified requirements.

Importantly, the ability to renew the resolution is subject to certain requirements and conditions. In order to renew the resolution, a local agency must:

- Reconsider the circumstances of the state of emergency
- Having reconsidered the state of emergency, determine that either
 - The state of emergency continues to directly impact the ability of the members to meet safely in person, or
 - State or local officials continue to impose or recommend measures to promote social distancing

AB 361 requires that the renewal of the resolution effecting the transition to the modified Brown Act requirements must be based on findings that the state of emergency declaration remains active, the local agency has thoughtfully reconsidered the circumstances of the state of emergency, and the local agency has either identified A) ongoing, direct impacts to the ability to meet safely in-person or B) active social distancing measures as directed by relevant state or local officials.

Important Note: Consider referencing [the subsequent adoption sample resolution linked on this page \(click here\)](#) in crafting your agency's renewal resolution renewing the transition to these modified Brown Act requirements. While this sample resolution is provided for the benefit of local agencies, consult your legal counsel to review your agency's resolution before its consideration at a public meeting.

Important Note: If your agency does not meet again before the 30 day period during which the resolution remains active, the resolution will lapse for lack of action by the agency. After a resolution has lapsed, if the agency seeks to meet remotely again under the modified Brown Act requirements, it must pass a new initial resolution effecting the transition to the modified Brown Act requirements, subject to the same substantive and procedural requirements as before.



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AB 361 PROCESS: AN EXECUTIVE SUMMARY

1. An emergency situation arises. The specific nature of the emergency produces an imminent risk to public health and safety.
2. A state of emergency is declared (pursuant to CA GOVT § 8625).
3. A local agency wishes to meet remotely via teleconferencing as a result of the emergency. A meeting notice/agenda are produced and posted, with an agenda item dedicated to consideration of a resolution to transition to teleconferenced meetings consistent with the terms of CA GOVT § 54953, subdivision (e). For this meeting, the modified Brown Act requirements apply (e.g., meeting notices/agendas do not need to be posted at all teleconference locations).
4. A resolution is passed consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (1), subparagraph (B) (i.e., a resolution passed by majority vote determining that meeting in person would present imminent risks to the health or safety of attendees).¹ This resolution is valid for 30 days.
5. 30 days later: if the state of emergency remains active, a local agency may act to renew its resolution effecting the transition to teleconferenced meetings by passing another resolution, consistent with the terms of CA GOVT § 54953, subdivision (e), paragraph (3) (i.e., a resolution which includes findings that legislative body has both 1) reconsidered the circumstances of the state of emergency, and 2) the state of emergency continues to directly impact the ability of the members to meet safely in person.²

¹ Alternatively, in lieu of a resolution finding that meeting in person would present imminent risks to the health or safety of attendees, a local agency may use modified Brown Act procedures when state/local officials recommend/require measures to promote social distancing.

² Should state/local officials continue to impose or recommend measures to promote social distancing, this may instead be used as a basis for renewing a resolution (as opposed to the fact that the state of emergency continues to directly impact the ability of the members to meet safely in person).

This communication is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues and attorneys should perform an independent evaluation of the issues raised in these communications.

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ANDREA STUEMKY, RCD DISTRICT MANAGER
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170 RUSSELL AVENUE
SUSANVILLE, CA 96130

August 4, 2021
Invoice 911301
AMS
Page 1

INVOICE SUMMARY

For Professional Services Rendered Through July 31, 2021:

Our Matter # 83697.00003
Re: DOW V. HONEY LAKE VALLEY RCD (CASE NO. C091965)

Current Fees:	\$	6,425.50
Current Reimbursable Costs:		<u>1.19</u>
Total Current Billings For This Matter:	\$	6,426.69
Balance from Previous Statement:		3,581.23
Payments and Other Credits Received:		<u>(3,424.19)</u>
Prior Outstanding Balance:		157.04
Total Amount Due:	\$	<u><u>6,583.73</u></u>

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ANDREA STUEMKY, RCD DISTRICT MANAGER
HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT
170 RUSSELL AVENUE
SUSANVILLE, CA 96130

August 4, 2021
Invoice 911300
AMS
Page 1

INVOICE SUMMARY

For Professional Services Rendered Through July 31, 2021:

Our Matter # 83697.00002
Re: DOW V. HONEY LAKE VALLEY RCD (CASE NO. C090304)

Current Fees:	\$	176.50
Current Reimbursable Costs:		<u>35.07</u>
Total Current Billings For This Matter:	\$	211.57
Balance from Previous Statement:		2,163.34
Payments and Other Credits Received:		<u>(342.50)</u>
Prior Outstanding Balance:		1,820.84
Total Amount Due:	\$	<u><u>2,032.41</u></u>

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September 2, 2021
Invoice 913495
AMS
Page 1

INVOICE SUMMARY

For Professional Services Rendered Through August 31, 2021:

Our Matter # 83697.00002
Re: DOW V. HONEY LAKE VALLEY RCD (CASE NO. C090304)

Current Fees:	\$	85.00
Total Current Billings For This Matter:	\$	85.00
Balance from Previous Statement:		2,032.41
Payments and Other Credits Received:		<u>0.00</u>
Prior Outstanding Balance:		2,032.41
Total Amount Due:	\$	<u><u>2,117.41</u></u>

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September 2, 2021
Invoice 913496
AMS
Page 1

INVOICE SUMMARY

For Professional Services Rendered Through August 31, 2021:

Our Matter # 83697.00003
Re: DOW V. HONEY LAKE VALLEY RCD (CASE NO. C091965)

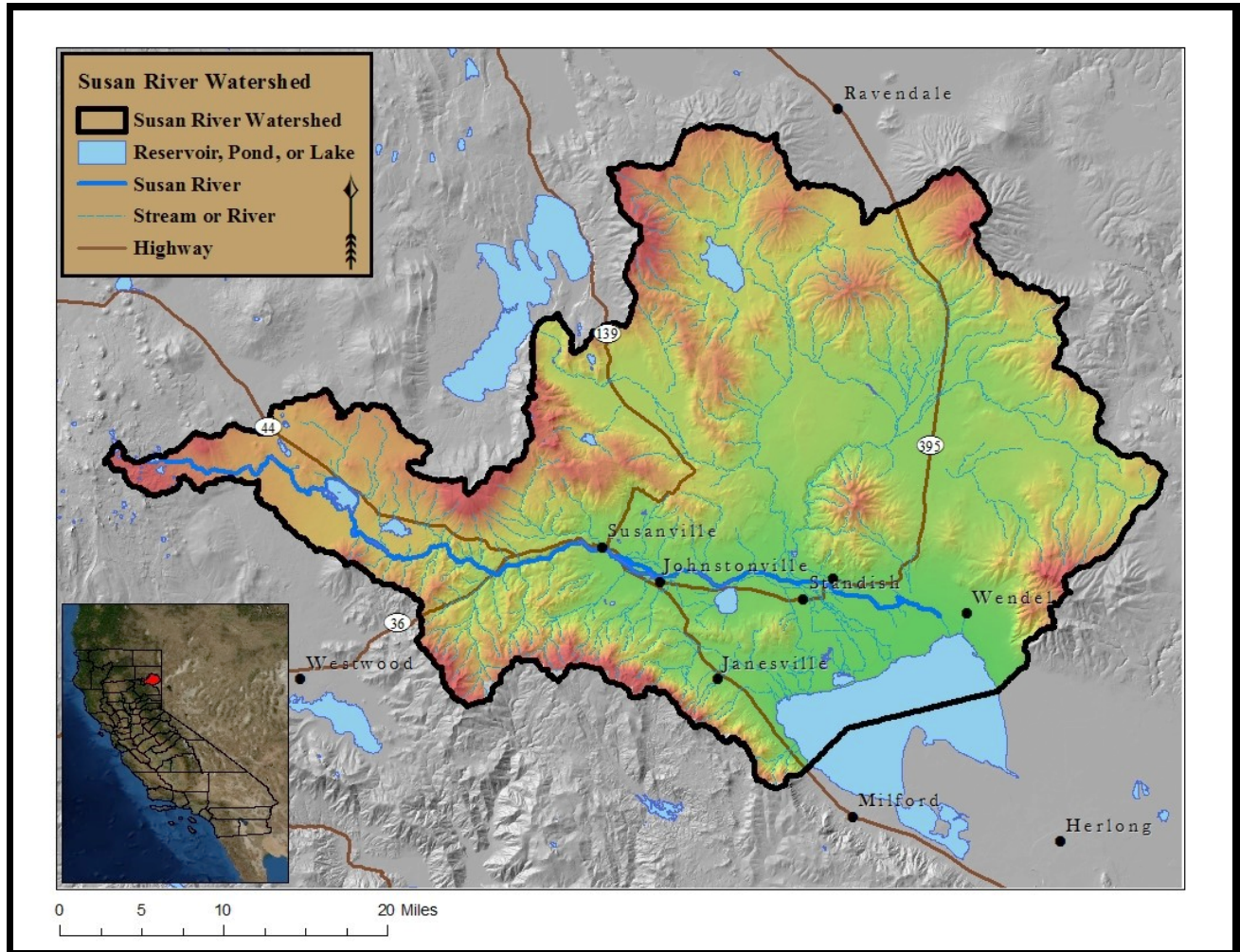
Current Fees:	\$	13,314.00
Current Reimbursable Costs:		<u>815.35</u>
Total Current Billings For This Matter:	\$	14,129.35
Balance from Previous Statement:		6,583.73
Payments and Other Credits Received:		<u>0.00</u>
Prior Outstanding Balance:		6,583.73
Total Amount Due:	\$	<u><u>20,713.08</u></u>

INVOICE IS DUE AND PAYABLE UPON RECEIPT



HONEY LAKE VALLEY
RESOURCE
CONSERVATION
DISTRICT

SUSAN RIVER WATERMASTER SERVICE AREA



ANNUAL USE REPORT - 2020/21

Susan River

Watermaster Service Area

Annual Use Report- 2020/2021

Fiscal Year: July 1, 2020- June 30, 2021
Irrigation Season: March 1, 2021- October 31, 2021
Storage Season: November 1, 2020- February 29, 2021

Lassen County, California
Decree No.'s 4573, 8174 and 8175
Submitted by December 31, 2021 to
The Presiding Judge, Lassen County Superior Court



Prepared By:

Honey Lake Valley Resource Conservation District
170 Russell Ave.
Susanville, CA 96130

Contents

General Description:	4
Water Supply:	5
Methods of Distribution:	5
Watermaster Service Fiscal Information:	6
2020/2021 Water Allocation and Distribution:	6
Appendices A-E	10
Appendix A: Department of Water Resources, Digital Gauge Data	11
Appendix B: McCoy Flat Reservoir Outflow	14
Appendix C: Hog Flat Reservoir Outflow	15
Appendix D: Susan River Watermaster Spot Checks	16
Appendix E: Susan River Flow Graphs	22

General Description:

The Susan River service area is located in the southern part of Lassen County in the vicinity of the town of Susanville. There are approximately 246 water right owners in the service area with total continuous allotments of 351.922 cubic feet per second in addition to storage rights held by several users. The source of supply consists of three stream systems as follows: Susan River, Baxter Creek, Parker Creek and their associated tributaries.

Susan River has its sources on the east slope of the Sierra Nevada Mountains in the southwesterly portion of Lassen County immediately east of Lassen National Park at an elevation of about 7,900 feet. Its channel runs easterly from Silver Lake through McCoy Flat Reservoir, through Susanville, and easterly on to Honey Lake.

Susan River has four major tributaries: Paiute Creek (entering from the north at Susanville), Gold Run and Lassen Creeks (entering from the south between Susanville and Johnstonville), and Willow Creek (entering from the north above Standish). Gold Run Creek and Lassen Creek rise on the north slope of Diamond Mountain at an elevation of about 7,600 feet. The watersheds of Paiute Creek and Willow Creek are lower and they rise on the south slopes of Round Valley Mountains.

A short distance below the confluence of Willow Creek and Susan River the river channel divides into three branches known as Tanner Slough Channel on the north, Old Channel in the middle, and Dill Slough Channel on the south. Two channels which take off of Dill Slough on the south are known as Hartson Slough and Whitehead Slough.

The Baxter Creek stream system is situated in Honey Lake Valley on the east slope of the Sierra Nevada about 10 miles southeast of Susanville in the southern portion of Lassen County. The principal streams in the Baxter Creek stream system are Baxter Creek (which rises in the extreme western portion of the basin and flows in an easterly direction), Elysian Creek, Sloss Creek, and Bankhead Creek (a tributary to Baxter Creek from the south). Elysian Creek has three tributaries: North Fork Elysian Creek, South Fork Elysian Creek, and Kanavel Creek.

Parker Creek is situated in Honey Lake Valley on the east slope of the Sierra Nevada about 15 miles southeast of Susanville in the southern portion of Lassen County. Its source is on the east slope of Diamond Mountain and flows in an easterly direction for about 5 miles into Honey Lake. The primary area of water use in the Susan River service area is in Honey Lake Valley between Susanville and the northwest shore of Honey Lake, 25 miles in length. The valley floor is at an elevation of about 4,000 feet.

Water Supply:

The water supply in the Susan River service area comes from two major sources: snowmelt runoff and springs. The snowpack on the Willow Creek Valley and Paiute Creek watersheds, which embrace more than half of the Susan River stream system, melts early in the spring and usually is entirely depleted by the first of May. The irrigation requirements from this portion of the stream system after the first of May are almost entirely dependent upon the flow of perennial springs which remain constant throughout the year. Under normal conditions, the flows of Lassen Creek, Gold Run Creek, Baxter Creek, Parker Creek, and the Susan River above Susanville are well sustained by melting snows until early June. The flow from perennial springs in this portion of the water system is comparatively small. The Lassen Irrigation Company stores supplemental water in Hog Flat Reservoir and McCoy Flat Reservoir, located on the headwaters of the Susan River. This stored water is released into the Susan River, which is used as a conveyance and commingled with the natural flow usually during June and July. It is then diverted into the A and B Canal leading to Lake Leavitt for further distribution by the irrigation district.

Methods of Distribution:

Irrigation in the Susan River service area is accomplished by placing diversion dams in the main channel of the stream system, to raise the water to the level required to divert into the canals, sloughs and ditches. These dams for diversion are relatively large on the Susan River compared to those on the smaller tributaries. Various methods of irrigation are practiced; the most common approach is by flooding. With this technique, water is transported by a main conveyance channel along the high point of the lands to be irrigated. It is then dispersed by

laterals along the higher ridges of the tract from which it can be distributed over the area to be irrigated by the smaller laterals of the ditch system. Sub-irrigation occurs in some areas incidental to surface irrigation or because of seepage from ditches or creek channels. During the past several years, numerous users have increased the usage of sprinkler irrigation by wheel lines to improve the efficiency of their irrigation systems.

Watermaster Service Fiscal Information:

The FY 2020/2021 Watermaster Service Budget was adopted on June 9, 2020 in the amount of \$225,000; increasing from the previous 2019/2020 Fiscal Year total assessment amount of \$180,000. The Budget was increased due to high legal fees experienced by the District over three active water right litigation cases. A courtesy letter notifying the water users of the upcoming increase was mailed in May 2020. The required notification regarding the budget, apportionment and individual assessments were mailed to the users and filed with the Lassen County Superior Court before June 15, 2020. There were no filed objections to the budget or apportionment within 15 days or thereafter; and thus, deemed approved by the Court without further hearing. The approved budget, apportionment, and individual assessments were certified to the Lassen County Auditor and the Lassen County Board of Supervisors prior to August 10, 2020.

An audit for Fiscal Year starting July 1, 2019 thru June 30, 2020, has been completed and is available on the Honey Lake Valley RCD website.

2020/2021 Water Allocation and Distribution:

The Susan River Watermaster Service Area experienced extremely light precipitation compared to the area's average. Based on California Cooperative Snow Surveys for the Susanville area, October 2020 through September 2021, the area received only XX% of the average precipitation amount. The general availability of water for the various stream systems are described below.

Parker Creek: First priority water rights were served through early May.

Baxter/Elysian Creek: Users of both Baxter Creek and Elysian Creek could divert at prorated rates through late May.

Paiute Creek: The water supply in Paiute Creek was dry for most of year, with low flows in March and April.

Lassen Creek: There was sufficient water in Lassen Creek to provide prorated water amounts until mid-May.

Hills Creek: The water supply in Hills Creek continued into mid-May.

Gold Run Creek: The water supply in Gold Run Creek supplied prorated water right amounts through mid- May.

Upper Susan River: At the start of Irrigation Season, March 1, the Upper Susan was at approximately 17% water availability of the Schedule 5, 2nd priority water right allotments. Full water right allotments were never met with the highest flows reaching 65-70cfs out of the 100%, 72.45cfs for a few days in early April. Thus, users were prorated most of the season with flows quickly decreasing in early May, only leaving stock water available come mid-May. Stock water availability through the irrigation season and into the storage season was very limited; this caused farther downstream users to rely on well pumping, the majority of users to supplement with well pumping, and neighboring users to rotate the water use.

Lower Susan River Below the Confluence of Willow Creek: The Lower Susan started off the season below 100% of the Schedule 3, 2nd priority water rights. These users were prorated until only stock water was available in late April. Due to low flow, stock water was only available to those higher upstream, or closer to the channel. Users relied on well pumping either completely or as supplement.

Willow Creek: Prorated allocations were available through late May. Flows were sufficient enough for stockwater into August.

Bankhead/Sloss Creek: Irrigation water was available until late April.

Lassen Irrigation Company Storage Reservoirs: By the start of irrigation season, McCoy Flat stored to a stage height of 0.9 feet, equaling approximately **XXX acre-feet** of water. LIC began diverting water from McCoy on April 19, 2021, utilizing completely by April 23, 2021. Hog Flat reserved to a stage height of 2.5 feet, equaling approximately **1,350 acre-feet** of water. This water was utilized starting on April 19, 2021 and was completely drained by approximately May 4, 2021.

Miscellaneous notable events:

1. The District Manager, Kayla Meyer, left the organization on June 26, 2020. Andrea Stuemky was hired as District Manager, starting on August 17, 2020. Andrea possesses a Bachelor's of Science in Biology, and a Master's of Science in Horticulture, Specialty Crops. She resides here in Susanville, and previously worked for the local Bureau of Land Management Eagle Lake Field Office, on the Botany team.
2. On April 30, 2021 the California Court of Appeals, Third Appellate District decided on the Dow- Bonomini 2013 Family Trust Appeal of the June 3, 2019 Lassen County Superior Court decision; siding with the RCD on the interpretation of the phrase "and, or" of paragraph 21 of the 4573 Decree, allowing Lassen Irrigation Company the ability to store and release water simultaneously. The Dow party appealed this decision to the US Supreme Court, of which it has not yet been denied or accepted.
3. Briefs are due to the California Court of Appeals, Third Appellate District on October 1, 2021 for the RCD appeal of the Lassen County Superior Court March 9, 2021 decision which sided with the Dow-Bonomini 2013 Family Trust on the issues of transferring Schedule 4- Gold Run Creek, and Schedule 5- Upper Susan River water rights, for use below the confluence of the Susan River and Willow Creek; and the use of 740 acre-feet of water described in the Barham Kelly 3037 Judgment argued to be additional water rights to the 4573 Decree.

4. The RCD Board Vacancy was filled by Robin Hanson, taking the Oath of Office on October 22, 2020. Robin is a part of the local Lassen County Cattlemen's Association and previously served on the Yolo County RCD Board. This position is a 4-year term.
5. The RCD as Watermaster, changed legal representation from William P. Curley of Harper & Burns, LLP. and Mark Waterman of Lozano Smith, to Gene Tanaka and Steven M. Anderson of Best, Best, and Krieger LLP. This was filed with the California Court of Appeal, Third Appellate District in early December 2020.

Appendices A-E

Numerical values are in cubic feet per second (cfs)

- = No Reading