

COASTAL CONSERVANCY

Staff Recommendation
June 7, 2021

Dry Creek Rancheria Fire Resilience Project

Project No. 21-038-01
Project Manager: Peter Jarausch

RECOMMENDED ACTION: Authorization to disburse up to \$299,253 to the Dry Creek Rancheria Band of Pomo Indians to reduce fire-fuels created by the 2019 Kincade Fire and restore approximately 57 acres of the Rancheria in Sonoma County, and adoption of findings pursuant to the California Environmental Quality Act.

LOCATION: Dry Creek Rancheria, Sonoma County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [2019 Kincade Fire Burned Area Emergency Response Plan](#)
- Exhibit 3: [Mitigated Negative Declaration for the Rancheria Creek Restoration Project and Mitigation, Monitoring and Reporting Program](#)

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two hundred ninety nine thousand two hundred and fifty-three dollars (\$299,253) to the Dry Creek Rancheria Band of Pomo Indians (“the grantee”) to reduce the fire-fuels created by the 2019 Kincade Fire and restore approximately 57 acres of the Rancheria in Sonoma County.

1. Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:
 - a. A detailed work program, schedule, and budget.

Dry Creek Rancheria Fire Resilience Project

- b. Evidence that all permits and approvals required to implement the project have been obtained.
2. If the grantee uses the grant funds to purchase equipment costing \$5,000 or more, the grantee shall use such equipment for wildfire-related purposes for the duration of the useful life of the equipment.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 3 of Division 21 of the Public Resources Code, regarding the Climate Ready Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Conservancy has independently reviewed and considered Mitigated Negative Declaration for the Rancheria Creek Restoration Project adopted by Sonoma County on December 28, 2019 pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 3. The Conservancy finds that the 20-acre restoration portion of the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence based on the record as a whole that the project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant for up to \$299,253 to the Dry Creek Rancheria to reduce fire-fuels created by the 2019 Kincade Fire and restore approximately 57 acres of the Rancheria in Sonoma County. This project will expand the 20-acre area currently being treated to encompass the entire Rancheria (see Exhibit 1: Project Map).

The Kincade fire came through 42 acres of the Rancheria in 2019. The fire did not burn a majority of the vegetation but the heat from the fire killed much of it. This has left the Rancheria more vulnerable to fire because the standing dead fuel has less moisture and is therefore more likely to burn. Invasive species have also taken advantage of the newly created space and have started to colonize much of the former oak woodland, which created more fuel. The remaining 25 acres to be treated under this grant are along Rancheria Creek where vegetation from the surrounding burned areas has fallen into the stream corridor. This additional fuel needs to be removed so that it does not damage the creek.

In order to tackle the newly increased fuel loads and the incursion of invasive species, the Rancheria received a grant from the North Coast Resource Partnership to develop a

Dry Creek Rancheria Fire Resilience Project

demonstration program that will bolster western approaches to fuel management with Traditional Ecological Knowledge (TEK). The new management approach relies on restoring native fire-resistant species and traditional methods for managing the oak woodland on the Rancheria. Through the demonstration project the Rancheria has developed a method for using TEK to manage the area and is currently preparing materials and trainings for people who want to use this approach elsewhere in California. The TEK will vary from place to place as it is dependent on knowledge of the local landscape.

When the tribal elders were consulted for the demonstration project, they quickly pointed out that the current overgrown and fire prone conditions on the landscape would make it impossible to use traditional approaches. The vegetation has not been managed for decades, allowing fuels to build up, and the forest conditions are far from healthy. The proposed project will tackle the issue of reducing fuel loads to both protect the Rancheria from fire and to make it possible to use traditional management techniques going forward.

The proposed project will reduce the fuel load on approximately 57 acres of the Rancheria. When combined with the previously-funded demonstration project, this will treat all of the oak woodland on the Rancheria. The thinning will first target non-native species and then wood less than eight inches in diameter. The work will largely be done by hand crews and much of the woody debris will be chipped on site. Chipping will save both time and money as the debris will not need to be hauled to a new location or burned during the rainy season. Working with hand crews will also let the Rancheria combine the fuel reduction with the restoration work. The area damaged by the Kincade Fire has started to re-grow and the crews will be carefully selecting the native species that should remain and are useful in the long-term management of the Rancheria. The Rancheria may undertake some modest planting of native species, but very little planting is expected because the area has experienced so much new growth since the Kincaid fire.

Site Description: Settlement in the Dry Creek area by the Southern Pomo, called the Mihilakawna and Makahmo, was evident by 500 A.D. Descendants of these ancient inhabitants survive and continue to live as a tribe in Sonoma County, and are known as the Dry Creek Rancheria Band of Pomo Indians. The Dry Creek Rancheria Band of Pomo Indians is a federally-recognized Indian tribe. The Dry Creek Rancheria was established on June 1, 1915, and consists of 93 acres, located north of Healdsburg and southeast of Geyserville in the Russian River watershed. Loss of traditional lands was a direct result from the decades of forcible relocation and today, the original Dry Creek Pomo habitation area is flooded by the water from the Warm Springs Dam and Lake Sonoma.

The project will take place on 57 acres oak woodland all of which is located on the Rancheria. 42 acres of the project will be in an area directly damaged by the Kincade Fire and the remaining 25 acres is along Rancheria Creek. This will allow the project to evaluate which techniques work best for areas recently damaged by fire and which techniques are more suited to areas which have not seen a recent fire.

Dry Creek Rancheria Fire Resilience Project

Grant Applicant Qualifications: The Grantee is currently implementing a fuels reduction and restoration demonstration project on 20 acres of the Rancheria. Based on this initial work Rancheria staff have developed management techniques for reducing the fuels and for setting the area up for long term management. The proposed project will expand the demonstration project to include all of the natural areas on the Rancheria. The crews hired to treat the first 20 acres have the time and expertise to tackle the new acreage the summer of 2021.

PROJECT FINANCING

Coastal Conservancy	\$299,253
Project Total	\$299,253

The anticipated source of funding is a Fiscal Year 2020-21 special appropriation from the General Fund to the Conservancy. This appropriation was part of a package of funding for the purpose of urgent wildfire risk reduction. The proposed project is consistent with the anticipated funding source.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The recommended project would be undertaken pursuant to Section 31113 of Chapter 3 of Division 21 of the Public Resources Code, which authorizes the Conservancy to address the impacts and potential impacts of climate change on resources within the Conservancy's jurisdiction (Section 31113(a)).

Pursuant to Section 31113(b), the Conservancy is authorized to award grants to nonprofit organizations and public agencies to undertake projects that include reducing greenhouse gas emissions, and addressing extreme weather events, sea level rise, flooding, and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.

Pursuant to Section 31113(c), the Conservancy must prioritize grants for projects that maximize public benefits and have one of several purposes, including reducing emissions of greenhouse gases.

Consistent with these sections, the proposed project maximizes public benefits and is a priority because it facilitates the reduction of greenhouse gas emissions from increased wildfires due to climate change. Besides reducing greenhouse gas emissions, the public benefits include improvement of forest health and protection of life, property, public health, water quality, and natural resources.

The proposed project addresses resources within the Conservancy's jurisdiction by improving forest health and reducing the risks of wildfire that would adversely impact water quality and habitat in a coastal watershed (Chapter 5.5 of Division 21 of the Public Resources Code) that is also within one of the nine counties of the San Francisco Bay Area (Chapter 4.5 of Division 21 of the Public Resources Code).

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 8, Objective C** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will implement projects to increase resilience to climate change impacts using nature-based solutions and other multi-benefit strategies.

Consistent with **Goal 16, Objective A**, the proposed project benefits a disadvantaged community.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:**

The proposed project will help implement:

- [California's Wildfire and Forest Resilience Action Plan](#) (Governor's Forest Management Task Force, January 2021), which calls for activities such as fuels reduction, forest thinning, vegetation management, prescribed fire, shaded fuel breaks, defensible space, and enhancement of fire-prone habitats to reduce fire risk.
- The [California Forest Carbon Plan](#) (CNRA, 2018), which calls for restoration of natural fire regime and forest composition through a multitude of approaches including thinning, prescribed burns, invasive vegetation management, and shaded fuel breaks.
- The [Community Wildfire Prevention & Mitigation Report](#) (Cal Fire, 2019), which urges state and local agencies to implement the goals of the Carbon Forest Plan and lays out recommendations to agencies to increase the scale and pace of management and mitigation actions to improve forest health and resiliency.
- The [Forests and Rangelands Companion Plan, California State Wildlife Action Plan Update](#) (CDFW 2015), which encourages projects that seek to create a healthier and more resilient forest ecosystem.
- The [Environmental Goals and Policy Report "A Strategy for California @ 50 Million, Supporting California's Climate Change Goals"](#) (OPR, 2015), Goal 6 of the Steward and Protect Natural and Working Landscapes section, which calls on the State to "Build resilience into natural systems and prioritize natural and green infrastructure solutions".

Dry Creek Rancheria Fire Resilience Project

4. **Support of the public:** There is enormous public support for wildfire risk reduction. A statewide poll last fall found that 74% of surveyed voters believe that wildfire threat is greater now than in the past.
5. **Location:** The proposed project is located in a county within the Coastal Conservancy's jurisdiction.
6. **Need:** California is facing unprecedented fire risk due to climate change and a growing populace. The proposed funding was approved to accelerate fire risk reduction projects in advance of next year's fire season. This funding is needed to initiate this work as soon as possible.
7. **Greater-than-local interest:** Minimizing wildfire risk is of statewide significance.
8. **Sea level rise vulnerability:** The subject land is situated well above current and projected Year 2100 sea levels.

Additional Criteria

9. **Urgency:** California is facing unprecedented fire risk due to climate change and a growing populace. The 2020 fire season broke numerous records. The proposed project is urgently needed to reduce fire risk in advance of the upcoming fire season.
10. **Resolution of more than one issue:** This project addresses three major issues: it seeks to reduce wildfire risk, improve forest health, and will be focused on areas where homes and communities are most at risk, the wildland-urban interface (WUI).
11. **Readiness:** The project is ready to begin work immediately.
12. **Vulnerability from climate change impacts other than sea level rise:** The project will address fire resiliency in the context of anticipated climate change. Fire resilience is a critical issue due to increased average temperatures, reduced marine fog and longer and more severe droughts.
13. **Minimization of greenhouse gas emissions:** This project seeks to mitigate GHG emissions from catastrophic wildfires by lessening the fire risk, improving resilience to fire, and improving carbon sequestration.

CEQA COMPLIANCE:

Fuels reduction and revegetation actions on the 40 acres damaged by the Kincade are exempt from California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 4799.05(d), which exempts from CEQA state funding of projects undertaken on federal lands that consist of prescribed fire, thinning, or fuel reduction to reduce the risk of high-severity wildfire. This exemption is applicable only for projects that have been reviewed under the National Environmental Protection Act (NEPA) and if the Secretary for Natural Resources has certified that NEPA and laws that affect management of federal forest lands in California have not been substantially amended since August 31, 2018. On April 12, 2021, the Secretary for Natural Resources made the necessary certification. (<https://resources.ca.gov/-/media/CNRA-Website/Files/Programs-and-Projects/Forestry/SB-901-Certification.docx>). The 40-acre portion

Dry Creek Rancheria Fire Resilience Project

proposed project was reviewed in the 2019 Kincade Fire Burned Area Response Plan (Exhibit 2) approved by the BIA on November 14, 2019 and found categorically exempt pursuant to 42 C.F.R. 46.210(1). (Exhibit 2, App. II, p. 30). Accordingly, Conservancy funding of the proposed project on the 40 acres damaged by the Kincade Fire is exempt from CEQA under Section 4799.05.

The 2-acre restoration components along Rancheria Creek were reviewed under a Mitigated Negative Declaration for the Rancheria Creek Restoration Project (MND), adopted on December 28, 2016 (Exhibit 3). The Initial Study found a potential for significant impacts with respect to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards, Water Quality, and Noise and Traffic. A summary of the mitigations for each of these impacts is provided:

Air Quality

The project will not cause significant long-term emissions of criteria pollutants. The project will require temporary use of construction equipment. Therefore the effect on air quality will be limited to the project construction period. The use of diesel equipment will be minimized by turning machinery off when not in use and equipment will be properly maintained. All portable equipment with independent generation capacity on site will be registered with the California Air Resources Board. Dust control measures will be included in the project to minimize particulate emissions.

Biological Resources:

In addition to conservation measures and conditions for required permits, the project includes limitations on construction periods and techniques to avoid impacts to sensitive habitats. . Only the minimum amount of vegetation will be pruned or removed that is necessary to construct the project.

The project also has the potential to adversely affect Threatened and Endangered Species habitat and wetlands within and surrounding the creek. In order to avoid filling wetlands all surplus soils that cannot be used on the project site will be disposed of at an acceptable disposal site. To avoid impacts to sensitive species mitigation monitoring of all the biological impact will be required by the environmental regulatory agencies as part of the environmental permitting process.

Cultural Resources

There are no known archaeological or paleontological resources on the site, but the project could uncover such materials during construction. If archaeological or paleontological resources are found, all earthwork in the vicinity of the find shall cease, and Permit Sonoma staff and the Tribe shall be notified so that the find can be evaluated by a qualified paleontologist. In the event that human remains are unearthed during construction, state law requires that the County Coroner be notified to investigate the nature and circumstances of the discovery.

Geology and Soils

Dry Creek Rancheria Fire Resilience Project

All of Sonoma County is subject to seismic shaking that would result from earthquakes along the San Andreas, Healdsburg-Rodgers Creek, and other faults. The project does not include structures that require building permits, nor would it bring more people to the area. Moreover, the project is designed to increase stability in Rancheria Creek, so although parts of the project are located in areas prone to landslides, the project is specifically designed to alleviate landslides. The design of earthwork, cuts and fills, drainage, pavements, utilities, foundations and structural components will conform with the specifications and criteria contained in the project geotechnical report. Prior to final of the grading permit the geotechnical engineer will also inspect the construction work and shall certify that the improvements have been constructed in accordance with the geotechnical specifications. The applicant will submit an Erosion and Sediment Control Plan prepared by a registered professional engineer as an integral part of the grading plan and provide inspection if more than 1 inch of rain is received on the project site within a 24-hour period.

Hazards and Hazardous Waste

Construction will require use of fuels and other hazardous materials and pesticides may be used during construction. During construction, hazardous materials shall be stored away from drainage or environmentally sensitive areas, on non-porous surfaces. Storage of flammable liquids will be in accordance with Sonoma County Fire Code. All pesticides will be properly used and stored. Vehicle storage, fueling and maintenance areas will be designated and maintained to prevent the discharge of pollutants to the environment.

Water Quality

The majority of the project will involve restoration of wetlands and riparian areas along Rancheria Creek, including minor drainages into Rancheria Creek. Additionally, Rancheria Creek is a tributary to the Russian River, which is a 303d listed impaired waterway (sediment and temperature). The project would have a beneficial impact to the Russian River through reduced sediment loads and reduced temperatures. During construction, the project will be subject to requirements of the State Water Resources Control General Permit for Construction Projects. To reduce the possibility of spills or other deleterious impacts to Rancheria Creek and the Russian River

Noise

The construction portion of the project has the possibility of creating attendant noise. The construction must comply with Sonoma County General Plan 2020, Policy NE-1c. to ensure that the project will not result in excessive noise generation or expose persons to noise levels in excess of County standards. Limitations on construction hours are imposed and Sonoma County permit staff will ensure that the mitigation measures are followed as well investigating complaints of excessive noise.

Traffic

The project includes two temporary changes to traffic flow during the installation of culverts underneath road crossings of Rancheria Creek as well as disrupting to traffic from the construction. Traffic safety guidelines compatible with Section 12 of the Caltrans Standard Specifications, "Construction Area Traffic Control Devices" will be followed during construction

Dry Creek Rancheria Fire Resilience Project

and mitigation specific to the passage of emergency vehicles during construction will be implemented.

Staff has independently evaluated the Mitigated Negative Declaration for the Rancheria Creek Restoration Project and Mitigation Monitoring and Reporting Program adopted by Sonoma County on December 28, 2019 and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the 20-acre restoration portion of the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. §15382

Upon approval of the project, Conservancy staff will file a Notice of Determination.