

## **RESOLUTION NO. 19-**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING FINDINGS OF FACT, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code §§ 21000–21189), a Notice of Preparation (NOP) to prepare an environmental impact report (EIR) for the Integrated Wildlife Damage Management (IWDM) Program was circulated to agencies and the public from August 31, 2018 to October 1, 2018; and

WHEREAS, the Initial Study (IS) prepared for the proposed project was included as an attachment to the NOP; and

WHEREAS, the County held a NOP scoping meeting during the 30-day review period on September 18, 2018 for the purpose of receiving comments on the scope of the environmental analysis to be prepared for the proposed project; and

WHEREAS, the County prepared a Draft EIR and released it for public comment on June 13, 2019, public comments on the Draft EIR were received through August 12, 2019, and a public meeting on the Draft EIR was held on July 24, 2019 at the County of Mendocino Board of Supervisors Chambers to solicit public comments; and

WHEREAS, pursuant to Public Resources Code Section 21091(d)(2)(A) and CEQA Guidelines Sections 15088, 15089 and 15132, the County responded to all of the environmental comments that were submitted on the DEIR during the public review period and a Final EIR was completed that includes all such responses; and

WHEREAS, on November 27, 2019, the County published a “Notice of Public Hearing and Availability of the Final Environmental Impact Report For the Mendocino County Integrated Wildlife Damage Management Program and Notice of Public Hearing For Consideration of Adoption of the Integrated Wildlife Damage Management Program” in the following newspapers of general circulation: Fort Bragg Advocate-News, Anderson Valley Advertiser, Independent Coast Observer, Ukiah Daily Journal, and The Willits News, and mailed said notice to all responsible, trustee and other public agencies, as well as other parties and individuals who had requested notice. The Notice of Availability informed the public that the Final EIR, along with related project documents, would be available for public review prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mendocino County Board of Supervisors:

1. The recitals set forth above are true and correct and incorporated herein by this reference.

2. The Board of Supervisors hereby certifies the Final EIR, based upon the findings required by CEQA Guidelines Section 15090 as set forth in Exhibit 1 to this Resolution, “Integrated Wildlife Damage Management Program Findings of Fact and Statement of Overriding Considerations,” incorporated herein by this reference.

3. The Board of Supervisors finds that, for the reasons set forth in Section 10 of Exhibit 1,

"Integrated Wildlife Damage Management Program Findings of Fact and Statement of Overriding Considerations," general social, economic, policy, and/or other public benefits support the agency's informed conclusion to approve the IWDM Program, or any alternative thereto, despite the identification of significant and unavoidable impacts to biological resources and noise under the No Program Baseline.

4. The Board of Supervisors is taking action to certify the Final EIR for the IWDM Program, recognizing it as an informational document for assessment of the project. The CEQA Guidelines recognize that an environmental document is prepared for public disclosure of potential project impacts and that it is used as an informational document to guide decision-makers in considering project merits. Certification of the Final EIR, as presented, does not result in the approval of the IWDM Program or any alternative thereto. Any action by the Board to approve, or any future action by the Board to continue or modify a previously-approved, IWDM Program must be reviewed to determine whether it is consistent with the Final EIR and complies with CEQA, and whether the circumstances identified in Public Resources Code section 21166, as further described by CEQA Guidelines Sections 15162 to 15163, are present with respect to the IWDM Program to determine whether a Subsequent EIR, a Supplement to the EIR, or Addendum to the EIR need be prepared or if further environmental review under CEQA is not required. Certification of the Final EIR prior to consideration of and taking action on the IWDM Program does not prejudice or bias the Board's review or actions on the IWDM Program or any alternative thereto.

5. The Clerk of the Board is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Board's decisions herein are based. These documents may be found at the office of the Clerk of the Board of Supervisors, 501 Low Gap Road, Room 1010, Ukiah, California 95482.

The foregoing Resolution introduced by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and carried this 17th day of December, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
CARRE BROWN, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
Acting County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy

# **EXHIBIT 1**

## **INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM**

### **Findings of Fact and Statement of Overriding Considerations**

**December 2019**

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# 1 INTRODUCTION

The Integrated Wildlife Damage Management (IWDM) Program (proposed project) has been considered by the Mendocino County Board of Supervisors, as the decision-making body of Mendocino County (County), the lead agency for the project under the California Environmental Quality Act (CEQA). The environmental analysis contained in the Environmental Impact Report (EIR) for the project provides a thorough evaluation of significant and potentially significant effects on the environment that would occur as a result of the proposed IWDM Program. While the EIR evaluates two alternatives at an equal-weight to that of the proposed IWDM Program, defined in Section 2 below, these Findings of Fact have been prepared only for the proposed IWDM Program. The two equal-weight alternatives are the Non-Lethal Program Alternative and the Variation to the Non-Lethal Program Alternative.

The State CEQA Guidelines state the following regarding approving a project in Public Resources Code, Section 21081:

*No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:*

*(a) The public agency makes one or more of the following findings with respect to each significant effect:*

*(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*

*(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*

*(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*

*(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.*

Because the EIR identified significant effects that would occur as a result of the project under one of the baseline scenarios evaluated, and in accordance with the provisions of the State CEQA Guidelines, the Board of Supervisors hereby adopts these findings as part of the approval of the project.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the Draft EIR and adopted by the Board, and state the Board's findings on the significance of each impact after imposition of the adopted mitigation measures, accompanied by a brief explanation. Full explanations of these environmental findings and conclusions can be found in the Draft EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Board of Supervisors ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EIR and ratifies, adopts, and incorporates in these findings the determinations and

conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

### Baseline Scenarios Evaluated in EIR

According to CEQA Guidelines Section 15125, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project to provide the “baseline physical conditions” against which project-related changes could be compared. Normally under CEQA, the baseline condition is the physical condition that exists when the Notice of Preparation (NOP) is published. The NOP for the proposed project was published on August 31, 2018. Therefore, conditions existing at that time could be considered to be the baseline against which the proposed project’s effects to the physical environment are evaluated. However, the County has maintained previous agreements with WS-CA since 1989, and the provision of the IWDM Program throughout that time has resulted in the conditions that are present today. Furthermore, while the County’s Cooperative Services Agreement (CSA) with USDA’s Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS-CA) expired in 2015, WS-CA has continued to independently implement the program within Mendocino County. Therefore, at the time of publication of the NOP, WS-CA was implementing an IWDM Program within Mendocino County, albeit without County funding; and the on-going implementation of an IWDM Program would be considered a feature of the environmental baseline.

The CEQA baseline for the environmental analysis in the EIR, pursuant to Guidelines Section 15125, appropriately includes wildlife damage management operations. The IWDM Program does not represent a net change in proposed operations (i.e., methods), as the proposed project being evaluated in the EIR would not differ from the IWDM Program historically implemented by WS-CA within the County. An EIR is not required to assess the effects of actions already occurring as part of the baseline setting.

Notwithstanding this, given the public interest and concern regarding the proposed project, the County has opted to include a second baseline for informational purposes. This second baseline treats the IWDM Program as a new program and, thus, does not account for the fact that such a program is part of the baseline. Doing so enables the EIR to disclose the proposed project’s potential effects to the physical environment.

The two environmental baseline conditions evaluated in the EIR can be summarized as follows:

1. CEQA Baseline: This baseline scenario recognizes the fact that the County has had a wildlife damage management program since 1989, and as such, a wildlife damage management program in the County is part of the environmental baseline pursuant to CEQA Guidelines Section 15125. As noted previously, while the County’s most recent Work Plan with WS-CA expired in June of 2015, WS-CA has continued to implement the IWDM Program in Mendocino County without funding from the County.
2. No Program Baseline: The No Program Baseline treats the IWDM Program as a new program and, thus, does not account for the fact that such a program is part of the baseline. This approach enables the County to provide an informational analysis as to the potential environmental effects of the IWDM Program.

Significant physical environmental impacts attributable to implementation of the proposed IWDM Program were identified for the No Program Baseline, but not the CEQA Baseline.

## **2 DESCRIPTION OF THE PROJECT**

The proposed project is approval of the IWDM Program to protect agricultural and livestock commodities, human health and safety, natural resources, and property in the County from wildlife damage. The IWDM Program:

- (1) establishes the general purpose for and standards pursuant to which the Program will be implemented. For purposes of this EIR, the County is adopting and incorporating *WS Directive 2.105, The WS Integrated*

*Wildlife Damage Management Program*, March 1, 2004, as the IWDM Program standards, as further described below.

(2) authorizes the Department of Agriculture to:

- a. develop and/or adopt standards, either in the form of a guidance document or as part of a third-party service agreement, to implement the Program;
- b. negotiate third-party service agreements to implement the Program for approval by the Board of Supervisors;
- c. make recommendations to the Board of Supervisors concerning the Program, including but not limited to recommending approval of third-party service agreements;
- d. provide oversight for and monitor implementation of the Program;
- e. provide the public with information concerning the Program;
- f. take any other such actions as are necessary to effectively implement the Program in a manner consistent with its general purpose and standards.

As currently proposed, the Program would be implemented initially pursuant to a five-year Cooperative Service Agreement (CSA), including annual work plans (work and financial plans) required by the five-year CSA, with Wildlife Services California Office (WS-CA). Similar to previous agreements with WS-CA, the CSA would be a cost-share agreement under which the County would fund a portion of the WS-CA-estimated total cost of services, typically around two-thirds of the total cost. The CSA and annual work plans would require the approval of the Mendocino County Board of Supervisors. Yearly adjustments to the work plan would primarily be a function of personnel and equipment costs. Technical assistance data maintained by WS-CA through the Management Information System (MIS) for one year would also be used to help develop the work plan and budget for the subsequent year throughout the remaining term of the CSA. Activities performed under the IWDM Program would be implemented by WS-CA field specialists in accordance with the regulations, standards, and guidelines of the IWDM Program, including the WS Policy Manual, Directives, and standard operating procedures. The County would not be involved in any of the wildlife damage management activities, though would provide oversight of WS-CA's implementation of the IWDM Program.

While the CSA would fund an initial five-year term during which WS-CA would implement the IWDM Program in the County, the IWDM Program analyzed in the EIR is not limited to five-years. Rather, the proposed project would adopt and establish the IWDM Program for ongoing implementation in the County. Potential future renewal of the IWDM Program for subsequent five-year terms is considered a later activity of the proposed project, and is programmatically analyzed within the EIR. In conformance with CEQA Guidelines Section 15168(c), any future discretionary actions taken by the County necessary to implement the Program would need to be evaluated for consistency with the IWDM Program and conformance with the analysis included in the EIR.

The IWDM Program provides assistance to protect agricultural and livestock commodities, human health and safety, natural resources, and property from wildlife damage. The target species for the IWDM Program include coyote, raccoon, striped skunk, spotted skunk, badger, Virginia opossum, bobcat, feral dog, gray fox, red fox, black bear, cougar, feral swine, black-tailed deer, California ground squirrel/other squirrels, and avian species, including rock dove (pigeon) and European starling. The IWDM Program may be used for other species in Mendocino County, as in the past; however, the numbers of take are historically very low.



## **Integrated Approach**

The IWDM Program employs an integrated approach to wildlife damage management; hence the program title of “Integrated Wildlife Damage Management Program.” According to Wildlife Services Directive 2.105:<sup>1</sup>

The WS program applies the IWDM (commonly known as Integrated Pest Management) approach to reduce wildlife damage. As used and recommended by the WS program, IWDM encompasses the integration and application of all approved methods of prevention and management to reduce wildlife damage. The IWDM approach may incorporate cultural practices, habitat modification, animal behavior management, local population reduction, or a combination of these approaches. The selection of wildlife damage management methods and their application must consider the species causing the damage and the magnitude, geographic extent, duration, frequency, and likelihood of recurring damage. In addition, consideration is given to non-target species, environmental conditions and impacts, social and legal factors, and relative costs of management options.

Before wildlife damage management programs are undertaken, careful assessment should be made of the problem, including the impact to individuals, the community, and other wildlife species. Selected techniques should be incorporated that will be effective, biologically selective, and socially appropriate.

## **WS-CA Decision Model**

In recognition of the careful assessment that should be made of each wildlife damage problem, the WS-CA employs a Decision Model for its IWDM Program. The Decision Model provides a systematic approach to decision-making for wildlife management activities.

## **Selecting Wildlife Damage Management Methods**

When responding to requests for assistance under the terms of the IWDM Program CSA, WS-CA may provide technical assistance, direct control assistance, and/or research assistance. Technical and direct control assistance, as defined below, may involve the use of either lethal or non-lethal methods, or a combination of the two. WS Directive 2.101 states that when responding to requests for assistance, “Preference is given to non-lethal methods when practical and effective.” WS Directive 2.101 further states that the number of non-lethal methods available to the professional wildlife damage management specialist for some field applications may be limited as “...these non-lethal methods focus on management of the affected resource and not the offending animal. In these instances, WS involvement in using non-lethal methods may be limited to technical assistance recommendations which are more appropriately applied by the resource owner.”<sup>2</sup>

## **WS-CA Technical Assistance**

Technical assistance is defined as advice, recommendations, information, equipment, literature, instructions, and materials provided to others for use in managing wildlife damage problems and understanding wildlife damage management principles and techniques.<sup>3</sup> Technical assistance is the primary method used in responding to requests for assistance. Information related to the following types of management devices and techniques are provided through technical assistance from WS-CA.

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<sup>1</sup> U.S. Department of Agriculture Animal and Plant Health Inspection Service. *WS Directive 2.105, The WS Integrated Wildlife Damage Management Program*. March 1, 2004.

<sup>2</sup> U.S. Department of Agriculture, Animal and Plant Health Inspection Service. *WS Directive 2.101, Selecting Wildlife Damage Management Methods*. 07/20/09, Section 4, Policy.

<sup>3</sup> U.S. Department of Agriculture Animal and Plant Health Inspection Service. *WS Directive 2.101, Selecting Wildlife Damage Management Methods*. July 20, 2009.

- Animal Behavior Modification
  - Frightening devices
    - Propane exploders/cannons
    - Pyrotechnics
    - Distress/predator calls
    - Foxlights
    - E-Shepherd Collars
    - Critter Gitters
  - Chemical repellent methods
    - Tactile repellents
    - Olfactory repellents
- Livestock Guardian Animals
- Fencing
  - Barricades
  - Barrier fencing
  - Electric fencing
  - Fladry
- Modification of human behavior
  - Elimination of wildlife feeding
  - Husbandry changes
    - Night and seasonal enclosures
    - Timing of breeding
    - Altering herd composition
    - Herding/vigilance
- Habitat Management

## **WS-CA Direct Control Assistance**

Direct control assistance, also known as operational management, is defined as field activities conducted or supervised by WS-CA personnel. WS-CA Directive 2.101 states the following regarding the use of direct control assistance:<sup>4</sup>

1. Direct control assistance may be implemented when it has been determined that a problem cannot reasonably be resolved by technical assistance or that the professional skills of WS employees are required for effective problem resolution. Direct control assistance is often initiated when the wildlife damage involves several ownerships, sensitive species, application of WS restricted-use pesticides, or complex management problems requiring the direct supervision of a professional wildlife manager or biologist.
2. Direct control operations will be conducted upon request only with the written authorization of the landowner, cooperator, other authorized officials, or in accordance with another appropriate instrument such as a memorandum of understanding.

Types of direct control assistance that have been and could continue to be utilized by WS-CA in Mendocino County are listed below. Descriptions of these methods are provided on pages 3-27 to 3-36 of the EIR.

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<sup>4</sup> U.S. Department of Agriculture Animal and Plant Health Inspection Service. *WS Directive 2.101, Selecting Wildlife Damage Management Methods*. July 20, 2009.

## Field Application of Exclusion, Repellent, or Deterrent Actions<sup>5</sup>

### Live Capture Methods

- Traps
  - Cage/box traps
  - Corral traps
  - Decoy traps
  - Foothold trap
- Snares
  - Catch-pole snare
  - Collarum
  - Foot snare
  - Snares with stops
- Nets
  - Air cannon/rocket net
  - Drop net
  - Hand net
  - Net gun/launcher
  - Throw net
- Tracking Dogs or Trailing Dogs
  - Decoy dogs
  - Tracking/trailing dogs
- Chemical Immobilization methods
  - Injectable immobilizing drugs
    - Telazol
    - Xylazine
    - Yohimbine

### Lethal Damage Management Methods

- Trap Devices and Snares
  - Conibear
  - Snap traps
  - Neck snares without stops
- Euthanasia methods for wildlife (all as described and conditioned by the AVMA manual).
  - Carbon dioxide
  - Euthanasia solution
  - Gunshot
  - Physical euthanasia methods

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<sup>5</sup> WS-CA specialists may need to provide field application of exclusion, repellent, or deterrent methods for specialized equipment (e.g., turbo fladry, propane cannons, lasers, pyrotechnics). The cost and expertise or training often preclude members of the public from acquiring or successfully applying certain recommended exclusion, repellent, or deterrent methods. Wildlife specialists may make field visits to carry out any of the above technical assistance recommendations, including education on techniques and installation of loaned equipment (i.e., cage traps, culvert traps, turbo fladry), when they deem it needed to resolve wildlife conflicts.

## Adaptive Management

A premise of adaptive management is that because practitioners/managers do not have full knowledge of wildlife management issues, a management program and its practitioners must apply enough rigor to management activities to ensure that they learn and improve through experience. Stakeholders need to understand that a management program must be sufficiently flexible over time to adapt to what is learned as the program unfolds and managers gain experience.

Essential components of adaptive management include but are not necessarily limited to situational analysis, definition of goals and objectives, identification and selection of alternatives, management interventions, monitoring, and adjustment to approaches and management.<sup>6</sup> Monitoring is a critical step to better understanding current management systems and to forecast effects of management. Monitoring is not an end in itself; rather, results of monitoring inform necessary adjustments to management approaches if desired goals are not met.

Adaptive management is inherent to WS-CA's IWDM approach, as evidenced in select policy directives. For example, WS Directive 2.110 states in reference to Wildlife Services research and methods development, "While conducting assigned field activities, WS operational employees may evaluate modifications to existing WDM techniques, tools, and systems for the purpose of improving these techniques and tools."<sup>7</sup>

## Project Objectives

The following project objectives have been developed by the project applicant for the proposed project:

- 1) Provide an administrative mechanism for the private citizens and property owners in Mendocino County to request assistance for wildlife damage management services.
- 2) Facilitate access to on-site educational services (e.g., informational materials, advice, and demonstrations) provided by wildlife specialists regarding wildlife damage management specific to conditions in Mendocino County.
- 3) Implement an integrated approach to wildlife damage management that allows qualified professionals to consider the range of options available for wildlife damage management that take into account the species responsible, magnitude of the problem, environmental conditions, legal restrictions such as listed species and permitting, and other considerations to formulate an appropriate strategy for the situation.
- 4) Have a process through which professionals who specialize in wildlife damage management can continue to provide technical assistance to resource owners about the variety of non-lethal methods that can be used to resolve problems (e.g., animal husbandry practices, guard animals, fencing, frightening) and where it is appropriate for resource owners to resolve the problem themselves.
- 5) Ensure preference is given to non-lethal methods of wildlife damage management when practical and effective.
- 6) Ensure that methods and techniques for lethal control to handle wildlife damage situations that may be difficult or dangerous for the public to use are implemented by professionals who are specially trained in such methods and who provide those services in a legal manner that is protective of human health and the environment.
- 7) Provide a transparent process for monitoring and documenting wildlife damage management activities to ensure accurate reporting of the types of wildlife damage and number of wildlife species removed by lethal methods, and to help assess the impacts of wildlife damage and associated wildlife damage management activities in the County.

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<sup>6</sup> Shawn T. Riley et al. "The Essence of Wildlife Management." *Wildlife Society Bulletin*, Vol. 30, No. 2 pp. 585-593. Summer, 2002.

<sup>7</sup> U.S. Department of Agriculture, Animal and Plant Health Inspection Service. *WS Directive 2.110, Wildlife Services Research and Methods Development*. July 21, 2008.

- 8) Continue to provide wildlife damage management at similar funding levels and ensure County funds for wildlife damage management are used in a fiscally responsible manner.
- 9) Ensure that processes remain in place for the protection of public safety.

Based on its own review of the EIR and other information and testimony received in connection with the project application, the Board of Supervisors finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the project, the Board thus embraces these objectives virtually as the County's own, and accords them weight in considering the feasibility of alternatives set forth in the EIR, and in invoking overriding considerations in approving the project. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*).)

### **Lead Agency Approvals**

The following actions and approvals by Mendocino County would be required to implement the proposed project:

- 1) Mendocino County Board of Supervisors certification of the EIR.
- 2) Mendocino County Board of Supervisors adoption of the IWDM Program.
- 3) Mendocino County Board of Supervisors approval of five-year Program and Agreement between USDA APHIS-WS and Mendocino County and annual work and financial plans required by the five-year CSA for each of the five years, which would provide for the following:
  - Assignment of up to four APHIS-WS wildlife specialists for a maximum of 4,176 work hours distributed as needed among direct control activities, technical assistance, APHIS-WS required training and administrative tasks, and leave.
  - APHIS-WS procurement and maintenance of vehicles, tools, supplies, and other specialized equipment as deemed necessary to accomplish direct control activities.
  - APHIS-WS supervision of safe and professional use of approved wildlife damage management tools/equipment, including the use of firearms, advanced optics, assorted snaring devices, trailing hounds, all-terrain vehicles, leg-hold traps for the protection of endangered species and public safety, cage-type and other specialized traps, deterrent methods/devices (including pyrotechnics), Environmental Protection Agency approved chemicals (including immobilizing and euthanasia drugs), night vision equipment, and electronic calling devices.
  - Data reporting for inclusion in the APHIS-WS Management Information System, which would consist of the number and types of request for assistance, control methods, types of species, whether species causing damage or loss were removed or released, estimated value of loss, and other information used to document and monitor program activities.

State agency approvals are not required for the proposed project.

## **3 PROCEDURAL HISTORY**

A Notice of Preparation (NOP) to prepare an EIR for the IWDM Program was circulated to agencies and the public from August 31, 2018 to October 1, 2018. Mendocino County held a NOP scoping meeting during the 30-day review period on September 18, 2018 for the purpose of receiving comments on the scope of the environmental analysis to be prepared for the proposed project. The Initial Study (IS) prepared for the proposed project was included as an attachment to the NOP.

The County prepared a Draft EIR and released it for public comment on June 13, 2019. Public comments on the Draft EIR were received through August 12, 2019 and a public meeting on the Draft EIR was held on July 24, 2019 at the County of Mendocino Board of Supervisors Chambers to solicit public comments. Responses were prepared

to all environmental issues raised in public comments. on November 27, 2019, the County published a “Notice of Public Hearing and Availability of the Final Environmental Impact Report For the Mendocino County Intergrated Wildlife Damage Management Program and Notice of Public Hearing For Consideration of Adoption of the Integrated Wildlife Damage Management Program” in the following newspapers of general circulation: Fort Bragg Advocate-News, Anderson Valley Advertiser, Independent Coast Observer, Ukiah Daily Journal, and The Willits News, and mailed said notice to all responsible, trustee and other public agencies, as well as other parties and individuals who had requested notice. The Notice of Availability informed the public that the Final EIR, along with related project documents, would available for public review at least 10-days prior to the public hearing on the EIR.

The County gave due notice of the public hearing to be held by the Board of Supervisors to consider and act upon the Final EIR for the project, and a public hearing was held before the Board of Supervisors.

After closing the hearing to public comment, the Board of Supervisors, having considered the Final EIR as prepared for the project (which includes the Draft EIR dated June 2019 and the Final EIR dated November 2019), the comments of the public, both oral and written, and all written materials in the record connected with the Draft and Final EIR, and the project, makes the following findings:

1. The Final EIR has been prepared in accordance with all requirements of State CEQA Guidelines.
2. The Final EIR was presented to and reviewed by the Board of Supervisors. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.
3. The County finds that the Draft EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the Draft EIR is sufficient to carry out the purposes of such analysis under State CEQA Guidelines.
4. The Board of Supervisors hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the project approval and makes the following specific findings with respect thereto.
5. The Board of Supervisors agrees with the characterization of the Draft EIR and Final EIR with respect to those impacts identified as “less-than-significant” and finds that those impacts have been described accurately and are less-than-significant as so described in the Draft EIR and Final EIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced by mitigation measures to a level characterized in the Draft EIR and Final EIR as less-than-significant or impacts characterized in the Draft EIR and Final EIR as significant and unavoidable. Each of those impacts are dealt with specifically in the findings below.
6. The Board of Supervisors agrees with the characterization of the Draft EIR and Final EIR with respect to the following impacts under the No Program Baseline: Impact 4.2-1, "Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries;" Impact 4.2-7, "Cumulative impacts to biological resources within Mendocino County, including special-status species, riparian habitat, sensitive natural communities, and/or state or federally protected wetlands;" Impact 4.4-1, "Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to firearm discharge;" Impact 4.4-2, "Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or

noise ordinance, or applicable standards of other agencies due to electronic distress device noise exposure;” Impact 4.4-3, “Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from tracking dogs;” and Impact 4.4-4, “Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from frightening devices.” These impacts are identified as significant and unavoidable because feasible mitigation does not exist to fully reduce these specific project-level and cumulative impacts to a less-than-significant level.

7. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Draft EIR and Final EIR for a more complete description.
8. The Department of Planning and Building Services is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

## 4 GENERAL FINDINGS

The County has reviewed the Final EIR, including Responses to Comments on the Draft EIR, Revisions to the Draft EIR Text, and the MMRP. The County has also considered the public record on the project. In addition to this Statement of Findings, the public record for the project is composed of the following elements, as well as the mandatory elements of a record set forth in Public Resources Code section 21167.7, subdivision (e):

- The NOP, the IS, comments received on the NOP, NOA, and all other public notices issued by the County in relation to the IWDM Program EIR.
- The IWDM Program Final EIR, which consists of the Draft EIR, comment letters on the Draft EIR, responses to comments, revisions made to the Draft EIR text, and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by Mendocino County and consultants in relation to the EIR.
- Minutes of the discussions regarding the project and/or project components at public hearings held by the County.
- Staff reports associated with Planning Commission and Board of Supervisors meetings on the project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

In adopting these Findings, this Board finds that the Final EIR was presented to this Board, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the IWDM Project. By these findings, this County Board of Supervisors ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, revisions to DEIR text, and conclusions of the Final EIR. The Board of Supervisors finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment and analysis of the County.

The Board of Supervisors has relied on all of the documents listed in Chapter 8 of the Draft EIR to reach its decision on the project, even if not every document was formally presented to the Board of Supervisors or County staff as part of the County files generated in connection with the project. Without exception, any documents set forth in Chapter 8 not found in the project files fall into one of two categories. A number of them reflect prior planning or legislative decisions with which the Board of Supervisors was aware when it approved the proposed project (see *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.). The remainder of the documents influenced the expert advice provided to County staff or consultants, including the EIR preparer, who then provided advice to the Board of Supervisors. For that reason, such documents form part of the underlying factual basis for the Board of Supervisors’ decisions relating to the approval of the project. (See Pub. Resources Code, § 21167.6,

subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

After reviewing the public record, as composed of the aforementioned elements, the County hereby makes the following findings regarding the effects of the project, pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines.

## **5. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY**

Except as stated otherwise in certain cases below, the County agrees with the characterization in the IS with respect to all environmental effects initially identified as having “no” or a “less-than-significant” impact and finds that those impacts have been described accurately in the IS. This finding applies to the following effects:

- I.1 Have a substantial adverse effect on a scenic vista?**
- I.2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway?**
- I.3 Substantially degrade the existing visual character or quality of the site and its surroundings?**
- I.4 Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**
- III.1 Conflict with or obstruct implementation of the applicable air quality plan?**
- III.2 Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**
- III.3 Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**
- III.4 Expose sensitive receptors to substantial pollutant concentrations?**
- III.5 Create objectionable odors affecting a substantial number of people?**
- IV.8 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**
- V.1 Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5?**
- V.2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines, Section 15064.5?**
- V.3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**
- V.4 Disturb any human remains, including those interred outside of formal cemeteries?**
- VI.1 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
  - ii) Strong seismic ground shaking?**
  - iii) Seismic-related ground failure, including liquefaction?**
  - iv) Landslides?****
- VI.2 Result in substantial soil erosion or the loss of topsoil?**
- VI.3 Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**



- VI.4 Be located on expansive soils, as defined in Chapter 18 of the California Building Code, creating substantial risks to life or property?
- VI.5 Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- VII.1 Generate greenhouse gas emissions, either directly or indirectly, that may have a significant and/or cumulative impact on the environment?
- VII.2 Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?
- VIII.4 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- VIII.5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- VIII.6 For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area?
- VIII.7 Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- IX.1 Violate any federal, state or county potable water quality standards?
- IX.2 Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- IX.3 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- IX.4 Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- IX.5 Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
- IX.6 Otherwise substantially degrade water quality?
- IX.7 Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- IX.8 Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- IX.9 Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- IX.10 Inundation by seiche, tsunami, or mudflow?
- X1 Physically divide an established community?
- X.2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- X.3 Conflict with any applicable habitat conservation plan or natural community conservation plan?
- XI.1 Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- XI.2 Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?
- XIII.1 Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)?
- XIII.2 Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- XIII.3 Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**
- XIV.3 Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any schools?**
- XIV.4 Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any parks?**
- XIV.5 Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any other public facilities?**
- XV.1 Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- XV.2 Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**
- XVI.1 Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**
- XVI.2 Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**
- XVI.3 Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**
- XVI.4 Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**
- XVI.5 Result in inadequate emergency access?**
- XVI.6 Conflict with adopted policies, plan, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**
- XVII.1 Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- XVII.2 A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**
- XVIII.1 Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**
- XVIII.2 Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**
- XVIII.3 Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**
- XVIII.4 Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**
- XVIII.5 Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

- XVIII.6** Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- XVIII.7** Comply with federal, state, and local statutes and regulations related to solid waste?

## **6. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE DRAFT EIR**

As discussed in Section 1, Introduction, the EIR evaluates two baseline scenarios throughout all technical chapters of the EIR. The conclusions of each analysis are separated by scenario in the following sections.

### **A. CEQA BASELINE**

Under the CEQA Baseline, the IWDM Program would be equivalent to the past IWDM Program, which WS-CA has historically implemented in Mendocino County. Thus, the IWDM Program is part of the baseline, and net new impacts would not occur.

The County agrees with the characterization in the Draft EIR with respect to all environmental impacts initially identified as having “no” or a “less-than-significant” impact under the CEQA Baseline scenario and finds that those impacts have been described accurately in the Draft EIR. This finding applies to the following impacts:

- 4.1-1 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.**
- 4.1-2 Involve changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land to non-agricultural or non-forest use.**
- 4.1-3 Cumulatively convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, or involve other changes in the existing environment which, due to their location or nature, could result in cumulative conversion of Farmland or forest land to non-agricultural or non-forest use.**
- 4.2-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries.**
- 4.2-2 Have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations or by CDFW or USFWS.**
- 4.2-3 Have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal filling, hydrological interruption, or other means.**
- 4.2-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**
- 4.2-5 Conflict with any local policies or ordinance protecting biological resources.**
- 4.2-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.**
- 4.2-7 Cumulative impacts to biological resources within Mendocino County, including special-status species, riparian habitat, sensitive natural communities, and/or state or federally protected wetlands.**
- 4.3-1 Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials, or through reasonably**

- foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- 4.3-2 Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires, or be located in or near state responsibility areas or lands classified as very high fire hazard severity zones.
  - 4.3-3 Creation of a significant cumulative hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
  - 4.3-4 Cumulative exposure of people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.
  - 4.4-1 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to firearm discharge.
  - 4.4-2 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to electronic distress device noise exposure.
  - 4.4-3 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from tracking dogs.
  - 4.4-4 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from frightening devices.
  - 4.4-5 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from livestock protection dogs.
  - 4.4-6 Generation of a substantial temporary or permanent increase in ambient noise levels.
  - 4.4-7 Generation of a substantial temporary or permanent cumulative increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
  - 4.5-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.
  - 4.5-2 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services.
  - 4.5-3 Cumulative impacts on fire protection and law enforcement services.

## **B. NO PROGRAM BASELINE**

The No Program Baseline includes analysis of implementation of the same IWDM Program that has historically been implemented by WS-CA in the County, but does not account for the fact that the Program is part of the environmental baseline. Thus, under the No Program Baseline, the IWDM Program is considered a new program, and all potential effects of the IWDM Program are considered a change from the baseline setting.

Except as stated otherwise in certain cases below, the County agrees with the characterization in the Draft EIR with respect to all environmental effects initially identified as having “no” or a “less-than-significant” impact under the No Program Baseline Scenario and finds that those impacts have been described accurately in the Draft EIR. This finding applies to the following effects:

- 4.1-1 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- 4.1-2 Involve changes in the existing environment which, due to their location or nature, could result in conversion of Farmland or forest land to non-agricultural or non-forest use.
- 4.1-3 Cumulatively convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, or involve other changes in the existing environment which, due to their location or nature, could result in cumulative conversion of Farmland or forest land to non-agricultural or non-forest use.
- 4.2-2 Have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations or by CDFW or USFWS.
- 4.2-3 Have a substantial adverse effect on state or federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal filling, hydrological interruption, or other means.
- 4.2-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- 4.2-5 Conflict with any local policies or ordinance protecting biological resources.
- 4.2-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- 4.3-1 Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- 4.3-2 Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires, or be located in or near state responsibility areas or lands classified as very high fire hazard severity zones.
- 4.3-3 Creation of a significant cumulative hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- 4.3-4 Cumulative exposure of people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.
- 4.4-5 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from livestock protection dogs.
- 4.4-6 Generation of a substantial temporary or permanent increase in ambient noise levels.
- 4.4-7 Generation of a substantial temporary or permanent cumulative increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- 4.5-1 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services.
- 4.5-2 Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for law enforcement services.
- 4.5-3 Cumulative impacts on fire protection and law enforcement services.

## 7 SIGNIFICANT IMPACTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE – NO PROGRAM BASELINE ONLY

### 7.1 BIOLOGICAL RESOURCES

**SIGNIFICANT EFFECT:** HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL-STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH & WILDLIFE, U.S. FISH & WILDLIFE SERVICE OR NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES (IMPACT 4.2-1 UNDER THE NO PROGRAM BASELINE)

#### Finding

Of the 82 special-status animal species with potential to occur within the County, 20 would not be present in an area where IWDM Program activities would occur, such as in the airspace above the ocean, on cliffs, rocks, or sandy beaches. Fifty-six of the 82 special-status animal species would be relatively invulnerable to activities associated with the IWDM Program due to life histories and habitat conditions. The remaining six special-status animal species with potential to occur within the County could be vulnerable to IWDM Program-related injury or mortality. However, all six species would have a low potential to be impacted by the proposed project due to several factors, including: the low potential for burrowing owl to be confused with ground squirrel, the low potential for Point Arena mountain beavers to venture far from their habitat and be trapped, the low record of take of any red-winged and tricolored blackbirds, and the limited number of badgers present in Mendocino County. However, considering the conservative low population estimate for cougar used in the Draft EIR, historic cougar take records, and other human-caused mortality factors, the potential exists that the IWDM Program could result in a *significant* effect to cougars within the County.<sup>8</sup>

The County's approach to assessing the Program's potential adverse effect to cougars under the No Program Baseline in the EIR is further described below.

As discussed on page 4.2-33 of the EIR, given the spatial variability of cougar densities, the use of data obtained from the study population of concern, or from within the area of concern, is preferable. An exhaustive search of peer-reviewed literature conducted by Live Oak Associates revealed a single cougar study in the North Coast region (Allen et al. (2015)), which included population data.<sup>9</sup> That study reported a density of 0.68 cougars per 38.6 square miles in a Mendocino National Forest study area in which every resident cougar was believed to be accounted for. Assuming that cougars occur at this density in medium to high suitability habitats throughout the County, the County's cougar population could be as low as 55 individuals. This low estimate of 55 individuals within the County breaks down into an assumed 43 adults and 12 juveniles/subadults. Using the average density of 1.7 cougars per 38.6 square miles reported by Beausoleil et al. (2013) for a high population estimate, up to 130 cougars could occur in the County. Based on the foregoing population estimates, the County's cougar population would account for 2 to 4 percent of the California low population estimate.

Section 4.2 of the Draft EIR notes that, at the time of preparing the cougar analysis, the County was aware of CDFW's ongoing efforts of conducting a statewide population study of cougars; however, the results of the study

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<sup>8</sup> Based on the conservative estimates prepared by Live Oak Associates for cougar populations within Mendocino County, for the purposes of the EIR environmental analysis, cougars are considered "rare" in Mendocino County under CEQA Guidelines Section 15380. Thus, the EIR considers cougars to be special-status species in Mendocino County.

<sup>9</sup> Allen, M. L., L. M. Elbroch, D. S. Casady, and H. U. Wittmer. 2015. *Feeding and spatial ecology of mountain lions in the Mendocino National Forest*. California Fish and Game 101(1):51-65.

were not yet available for the County's use. In the absence of cougar population data from CDFW, the County decided to use the population data from Allen et al. given the study area's location being within the North Coast region. In doing so, however, the County recognized that the baseline population estimate for cougars, and thus the impact analysis within the Draft EIR, would be a worst-case, conservative analysis for purposes of CEQA. The County's understanding as to why using Allen et al.'s population data would be considered conservative is set forth on page 4.2-34 of the Draft EIR. The reasons are as follows:

- Allen et al. estimated 0.68 cougars/100 kilometers<sup>2</sup>, whereas other studies have shown higher cougar densities.
- Allen et al.'s study was broader than Mendocino County and also included portions of Tehama, Glenn, and Lake Counties.
- The trapping area used to estimate minimum cougar population density encompassed 402 km<sup>2</sup> of the 1,000 km<sup>2</sup> total study area, whereas the County of Mendocino encompasses approximately 10,000 km<sup>2</sup>.

The public comment letters submitted by CDFW and USDA WS-CA identify additional concerns regarding Allen et al.'s cougar population data, and the use of such data for estimating County-wide cougar population:

- Allen et al.'s study area encompassed higher elevation areas, which are found to be less suitable mountain lion habitat than adjacent lower elevation areas.<sup>10</sup> Thus, the higher elevations represent an area where density is at the lower end of the spectrum found in other parts of the County.
- While the Draft EIR lists 24<sup>11</sup> of the County's 37 native habitat types as medium to high suitability for mountain lions, Allen et al.'s study area included only nine of those suitable habitat types, with redwood forest – a predominant habitat type in the County, highly suitable for mountain lion – being absent from the study area.
- Allen et al. speculate that the low mountain lion densities in their study were likely a consequence of factors such as illegal hunting or interference competition with dominant scavengers such as black bears. CDFW, in their comment letter on the Draft EIR, refer to personal communication with Allen, who indicated his concern about poaching resulted from informal conversations with hunters and landowners, who acknowledged poaching illegally in the forest. CDFW reports that the author believes poaching behavior is less common outside of the national forest, which has a lack of enforcement, including Department wardens, compared to the rest of the County. CDFW expresses their concern that Allen et al.'s study had no direct evidence of poaching.

The County does not dispute these additional concerns about the use of Allen et al.'s study for purposes of estimating the cougar population in Mendocino County. Rather, the County acknowledges these additional concerns and believes they provide further substantial evidence in the record that the approach taken in the Draft EIR is a conservative, worst-case approach to assessing the impacts of the IWDMP Program and the Variation to the Non-Lethal Program Alternative on cougars.

The County contacted CDFW after receiving the Department's comment letter on the Draft EIR to ascertain whether the Dellinger et al. studies referenced in the letter as "In Press", "In Review", or "In prep", were available for the County's review. The CDFW provided the County with two studies in review at the *Journal of Wildlife Management*: "*Using mountain lion habitat selection to inform management in California*", and "*Towards identification of a minimum suitable habitat threshold for maintaining genetic diversity in California mountain lions*". These two studies present findings about habitat selectivity and genetic diversity based on substantial mountain lion data collection efforts throughout the State of California. However, the studies do not present specific cougar population density estimates derived from data collected in Mendocino County.

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<sup>10</sup> Dellinger et al. "Using mountain lion habitat selection to inform management in California", *Journal of Wildlife Management* (In Review), May 2019.

<sup>11</sup> Note: the WS-CA comment letter lists 25, but page 4.2-33 of the Draft EIR lists 24.

The County recognizes that, based upon other cougar population studies conducted in the western U.S., the cougar population within Mendocino County is likely higher than the estimate provided in the Draft EIR, based on Allen et al. This is suggested by CDFW in their comment letter on the Draft EIR. CDFW states that recent research suggests mountain lion densities are fairly stable across a wide variety of habitat types across the western U.S. at 1.7 adults per 100 km<sup>2</sup>, and refers to Beausoleil et al. (2013).<sup>12</sup> Using 1.7 adults/100 km<sup>2</sup>, and an estimate of 7,003 km<sup>2</sup> of suitable mountain lion habitat in Mendocino County, CDFW, in their comment letter, estimates that approximately 119 adult mountain lions could exist in the County.<sup>13</sup>

Beausoleil et al.'s study evaluated an approach for cougar management founded on behavior and social organization. While the study did not conduct original research on cougar population density, it recommends a harvest strategy based on a population growth rate of 14% and a resident adult density of 1.7 cougars/100 km<sup>2</sup> that represents probable average values for western populations of cougars.

In discussing cougar abundance and density, Beausoleil et al. reference several studies in Washington state where population densities were remarkably similar, ranging from 1.5 to 1.7 adult (>2-yr-old), cougars/100 km<sup>2</sup> with total densities of about 3.5 cougars/100 km<sup>2</sup>, including kittens and subadults. Beausoleil et al. also refer to unpublished data from two study areas in Washington state showing an average resident adult density of about 1.6/100 km<sup>2</sup> and a total density of about 3.4/100 km<sup>2</sup> (R. A. Beausoleil and B. N. Kertson, unpublished data). Beausoleil et al., after noting factors as to why presenting and comparing density estimates between studies is challenging, observe that there is remarkable consistency in the western U.S. and Canada where long-term research has been conducted; resident adult densities average 1.6 cougar/100 km<sup>2</sup>, while total densities including kittens and subadults average 2.6 cougar/100 km<sup>2</sup>. In support of this statement Beausoleil et al. reference Quigley and Hornocker 2010.<sup>14</sup>

Quigley and Hornocker (2010) provide an overview of densities for cougars, based on field studies in North America employing intensive capture-recapture and radiotelemetry techniques. It is instructive, however, that the authors note that the figures supply a framework for comparison with other species and between cougar field projects; however, until a reasonable approach to standardization of densities is developed and samples can be compared directly, only the most general comparisons can be performed on these data.

The County would like to emphasize that the cougar population density information presented above and summarized by Quigley and Hornocker (see Table 2.0-1 of Master Response #1 of the Final EIR), while showing similarity, is based upon studies performed in North America, most particularly in the western U.S. and Canada. No data is presented for California or the County of Mendocino. A select number of cougar population studies have been conducted in California, as noted on page 4.2-34 of the Draft EIR. Dellinger et al. (2018) evaluated data collected in the Sierra National Forest between 1983 and 1992 to study the species' spatial patterns in a location where migratory mule deer are its primary prey.<sup>15</sup> Due to seasonal shifts in home range size and, for part of the mountain lion population, in elevation, minimum density of mountain lions in the study area also differed seasonally

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<sup>12</sup> Beausoleil et al. "Research to Regulation: Cougar social behavior as a guide for management", *Wildlife Society Bulletin* 37 (3): 680-688, 2013.

<sup>13</sup> Based on personal communication between Nick Pappani, Vice President of Raney Planning & Management, Inc., and Justin Dellinger, Ph.D. California Department of Fish and Wildlife (September 9, 2019), the 7,003km<sup>2</sup> of suitable mountain lion habitat was interpolated from the statewide California research conducted by Dellinger et al. (2019b) in "Using mountain lion habitat selection to inform management in California" (In Review), *Journal of Wildlife Management*.

<sup>14</sup> Quigley, H., and M. Hornocker. 2010. *Cougar population dynamics*. Pages 59–75 in M. G. Hornocker, and S. Negri, editors. *Cougar ecology and conservation*. University of Chicago Press, Chicago, Illinois, USA.

<sup>15</sup> Justin A. Dellinger, Eric R. Loft, Ronald C. Bertram, Donald L. Neal, Marc W. Kenyon, and Steven G. Torres. 12 July 2018. *Seasonal Spatial Ecology of Mountain Lions (Puma concolor) in the Central Sierra Nevada* [pg. 143-156]. *Western North American Naturalist* 78(2). Available at <https://doi.org/10.3398/064.078.0205>.



(summer, 0.87 per 100 km<sup>2</sup>; winter, 1.42 per 100 km<sup>2</sup>). A study of the cougar population in the Santa Ana Mountain Range (1993) estimated 1.05/100 km<sup>2</sup> (0.7 females and 0.35 males).<sup>16</sup>

The County concludes that while the adult population of cougars in Mendocino County is likely higher than estimated in the Draft EIR, based upon the above summary of population studies (see also Master Response #1 of the Final EIR), given the lack of population data specific to Mendocino County, and the noted difficulty of comparing population densities, the County has opted to retain the conservative, worst-case approach utilized in the Draft EIR. This approach results in the determination that the proposed IWDM Program would have a significant effect to cougar populations under the No Program Baseline.

## Facts in Support of Finding

The County adopted the following measure that would reduce the project's potential to have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries, but not to a less-than-significant level. Implementation of the following improvement measure would allow issuance of a depredation permit only if three depredation incidents that appear to demonstrate the animal's affinity for the area are reported, and only after implementing non-lethal methods in response to the first two incidents. It should be noted that the CDFW has not amended the Department's depredation incident policy in Mendocino County. Such a process could reduce the number of depredation permits granted in Mendocino County, and, thus, reduce the number of cougars taken per year within the County, avoiding potentially significant effects to the population of cougars in Mendocino County. However, the CDFW grants depredation permits, and Mendocino County does not have the authority to place requirements on the CDFW's depredation permitting process within the County. Therefore, implementation of the depredation permitting process required by the following improvement measure cannot be assured, because the issuance of depredation permits within the County is not subject to control by Mendocino County. Therefore, the potential effect on cougar populations within Mendocino County resulting from implementation of the IWDM Program would remain *significant and unavoidable*.

4.2-1      *Except to address serious public safety concerns, direct control assistance related to cougars shall prioritize use of non-lethal methods. A cougar shall only be taken by WS-CA after the identified cougar has been involved in three depredation incidents in a specific area and non-lethal methods have failed, or if an attack on a human has occurred or appears imminent.*

*The following procedures shall be implemented for successive depredation events occurring in the same specific area within a time period strongly suggesting the cougar's affinity for that location:*

**First Depredation Event:** *After confirming that the depredation was caused by a cougar, the WS-CA technician shall educate the landowner on cougar behavior and discuss site-specific options for preventing future depredation. WS-CA shall provide instruction on non-lethal strategies to be implemented by the landowner and lend appropriate equipment if available. WS-CA shall communicate to the landowner that continued assistance will be conditional upon the landowner taking measures to reduce the potential for attracting cougars, such as (1) removing the carcasses of depredated animals, (2) installing or repairing fencing or other shelter designed to exclude cougars from the depredated resource, and (3) removing cover from the immediate vicinity by clearing brush or*

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<sup>16</sup> Beier, P., and R. H. Barrett. 1993. The cougar in the Santa Ana Mountain Range, California. *Final report. Orange County Cooperative Mountain Lion Study, Department of Forestry and Resource Management. University of California, Berkeley, California, USA.*

*removing lower limbs from shrubs. These conditions shall be identified in writing in WS-CA's work plan or other agreement with the landowner. If the cougar is still present at the time of WS-CA's first site visit, the technician may pursue or haze the cougar.*

***Second Depredation Event:*** *After confirming (1) that the depredation was most likely caused by the cougar involved in the first incident, (2) that the landowner implemented non-lethal strategies as instructed, and (3) that the landowner implemented the required conditions for continued assistance, WS-CA shall work with the landowner to develop a new set of non-lethal strategies to be employed and lend appropriate equipment if available. If there are additional measures that can be employed by the landowner to avoid attracting cougars onto the property, the WS-CA field technician shall identify these in writing as a condition of continued assistance. If the cougar is still present at the time of WS-CA's second site visit, the technician may pursue or haze the cougar.*

***Third Depredation Event:*** *After confirming (1) that the depredation was most likely caused by the cougar involved in the first and second incidents, (2) that the landowner implemented non-lethal strategies as instructed, and (3) that the landowner implemented the required conditions for continued assistance, WS-CA may take the cougar associated with the ongoing depredation.*

**SIGNIFICANT EFFECT: CUMULATIVE IMPACTS TO BIOLOGICAL RESOURCES WITHIN MENDOCINO COUNTY, INCLUDING SPECIAL-STATUS SPECIES, RIPARIAN HABITAT, SENSITIVE NATURAL COMMUNITIES, AND/OR STATE OR FEDERALLY PROTECTED WETLANDS (IMPACT 4.2-7 UNDER THE NO PROGRAM BASELINE)**

**Finding**

As discussed in Impact 4.2-1 of the Draft EIR, the IWDM Program would not have the potential to result in substantial adverse effects to special-status species, with the exception of potential effects to the Mendocino County cougar population under the same No Program Baseline scenario, for which the Draft EIR conservatively determined that the IWDM Program could have a significant and unavoidable effect. While other cumulative development would not be anticipated to meaningfully contribute to the project-level impact, given that cumulative development would largely be concentrated in urban areas, where conflicts, and direct effects, to cougars would be limited, the potential for other cumulative development to impact cougars cannot be eliminated. The EIR conservatively concludes that the IWDM Program's effects on cougars, in combination with other cumulative development effects, could be ***cumulatively considerable*** and ***significant***.

**Facts in Support of Finding**

Implementation of Improvement Measure 4.2-7 would reduce the number of depredation permits granted in Mendocino County, and, thus, reduce the number of cougars taken per year within the County, avoiding potentially significant effects to the population of cougars in Mendocino County. However, as discussed above, the CDFW grants depredation permits, and Mendocino County does not have the authority to place requirements on the CDFW's depredation permitting process within the County. Therefore, implementation of the depredation permitting process required by the following improvement measure cannot be assured, because the issuance of depredation permits within the County is not subject to control by Mendocino County. Therefore, the potential effect on cougar populations within Mendocino County resulting from implementation of the IWDM Program would remain ***cumulatively considerable*** and ***significant and unavoidable***.

## 7.2 NOISE

**SIGNIFICANT EFFECT: GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES DUE TO FIREARM DISCHARGE (IMPACT 4.4-1 UNDER THE NO PROGRAM BASELINE)**

### Finding

The project includes the use of firearms as one of the wildlife control methods to be implemented by WS-CA staff. The primary noise source associated with this method is the discharge of firearms. As noted previously, the No Program Baseline sections treat the IWDM Program as a new program and, thus, does not account for the fact that such a program is already occurring. Thus, under this No Program Baseline scenario, use of firearms under the IWDM Program would be considered a net change from existing conditions. Under the IWDM Program, firearm use on USFS land, USACE land, BLM land, and CA State Parks land would not conflict with applicable qualitative standards for reasons discussed in the EIR. However, within areas under the jurisdiction of Mendocino County or incorporated cities, firearms use associated with the IWDM Program and the variation to the Non-Lethal Program Alternative (suppressed or unsuppressed) could temporarily exceed the adjusted Mendocino County Zoning Code noise level standards and the conservative standards used for incorporated areas established in the Fort Bragg General Plan, if a sensitive receptor is located within the noise contours identified in Table 4.4-10 and Table 4.4-11 of the Draft EIR. Thus, the IWDM Program could result in temporary increases in noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and a *significant* effect could occur.

### Facts in Support of Finding

Implementation of the following improvement measure, which would include compliance with the Table 4.4-10 and Table 4.4-11 setback distances listed in the Draft EIR, would reduce noise exposure due to firearm discharge to a less-than-significant level within the jurisdiction of Mendocino County and incorporated cities. For incorporated cities, by complying with the Fort Bragg noise standards, use of firearms would be in compliance with the less stringent standards established by the cities of Willits, Point Arena, and Ukiah.

However, circumstances may occur in which wildlife specialists would be required to discharge firearms within the vicinity of sensitive receptors, and compliance with the recommended noise contours, or selection of an alternative non-noise generating wildlife control method, would be infeasible. Thus, the County has chosen a conservative approach to the No Program Baseline analysis by concluding *significant and unavoidable*.

#### 4.4-1 Mendocino County Jurisdiction

*To the extent feasible, firearm discharge shall occur outside of the noise contours shown in Table 4.4-10 of this EIR, as applicable to the corresponding time period and land use categories shown in Table 4.4-8.*

#### Incorporated Cities Jurisdiction

*To the extent feasible, firearm discharge shall occur outside of the daytime (75 dB) and nighttime (65 dB) noise contours shown in Table 4.4-11 of this EIR, if a sensitive receptor is located within those distances.*

OR

*Alternatively, if feasible, the wildlife specialist shall rely on a non-noise-generating wildlife control method if sensitive receptors are located within the distances shown in Table 4.4-10 (County jurisdiction) and Table 4.4-11 (incorporated cities jurisdiction) for the selected firearm.*

**SIGNIFICANT EFFECT: GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES DUE TO ELECTRONIC DISTRESS DEVICE NOISE EXPOSURE (IMPACT 4.4-2 UNDER THE NO PROGRAM BASELINE)**

**Finding**

The IWDM Program would include the use of electronic distress device sounds as one of the wildlife control methods to be implemented by WS-CA staff. This wildlife control method involves the playback of distress and alarm calls from either fixed or mobile equipment in the immediate or surrounding vicinity of a site. The primary noise source associated with the control method is the electronic playback of distress and alarm calls. It is important to note for this analysis that WS-CA would not be involved in the routine use of electronic distress devices as part of the IWDM Program. At most, at the request of the landowner, WS-CA may provide limited field demonstration of such equipment to the landowner. After demonstration, the ongoing use of the electronic distress device would be the sole responsibility of the landowner. Since Program funds would only be used for the short-term field demonstration by WS-CA, and not ongoing use of such equipment by the landowner, this noise analysis was focused on the very limited instances of WS-CA field demonstrations.

Based on the analysis within the Draft EIR, under the IWDM Program, use of electronic distress devices on USFS land, USACE land, BLM land, and CA State Parks land would not conflict with applicable qualitative standards for reasons discussed in the EIR. However, within areas under the jurisdiction of Mendocino County and incorporated cities, noise from such devices could temporarily exceed the adjusted Mendocino County Zoning Code noise level standards and the standards established in the Fort Bragg General Plan, if a sensitive receptor is located within the noise contours identified in Table 4.4-12 and Table 4.4-13 of the Draft EIR, respectively. Thus, the IWDM Program could result in a substantial temporary increase in ambient noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies electronic due to distress device noise exposure, and a *significant* effect could occur.

**Facts in Support of Finding**

Implementation of the following improvement measure, which would include compliance with the setback distances set forth in Table 4.4-12 and Table 4.4-13 of the Draft EIR, would reduce noise exposure due to the use of electronic distress devices to a less-than-significant level within the jurisdiction of Mendocino County and incorporated cities. For incorporated cities, by complying with the Fort Bragg noise standards, use of electronic distress devices would be in compliance with the less stringent standards established by the cities of Willits, Point Arena, and Ukiah.

However, circumstances may occur in which wildlife specialists would be required to employ use of electronic distress devices within the vicinity of sensitive receptors, and compliance with the recommended noise contours, or selection of an alternative non-noise generating wildlife control method, would be infeasible. Thus, the County has chosen a conservative approach to the No Program Baseline analysis by concluding *significant and unavoidable*.

Mendocino County Jurisdiction

*To the extent feasible, use of electronic distress devices shall occur outside of the noise contours shown in Table 4.4-12 of this EIR, as applicable to the corresponding time period and land use categories shown in Table 4.4-8.*

Incorporated Cities Jurisdiction

*To the extent feasible, use of electronic distress devices shall occur outside of the daytime (75 dB) and nighttime (65 dB) noise contours shown in Table 4.4-13 of this EIR, if a sensitive receptor is located within those distances.*

OR

*Alternatively, if feasible, the wildlife specialist shall rely on a non-noise-generating wildlife control method if sensitive receptors are located within the distances shown in Table 4.4-12 (County jurisdiction) and Table 4.4-13 (incorporated cities jurisdiction) for the selected equipment.*

**SIGNIFICANT EFFECT: GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES DUE TO NOISE FROM TRACKING DOGS (IMPACT 4.4-3 UNDER THE NO PROGRAM BASELINE)**

### Finding

The IWDM Program would include the use of tracking dogs as one of the wildlife control methods to be implemented by WS-CA staff. Specifically, trained dogs would be used to locate, pursue, or decoy animals. The primary noise source associated with use of tracking dogs is dog howling upon the discovery of the target animal. As discussed above, the No Program Baseline scenario treats the IWDM Program as a new program and, thus, does not account for the fact that such a program, including the use of tracking dogs, is already occurring. Thus, the use of tracking dogs under the IWDM Program would be considered a net change from existing conditions.

Under the IWDM Program, use of tracking dogs on USFS land, USACE land, BLM land, and CA State Parks land would not conflict with applicable qualitative standards for reasons discussed in the EIR. However, within areas under the jurisdiction of Mendocino County and incorporated cities, barking associated with use of tracking dogs could temporarily exceed the adjusted Mendocino County Zoning Code noise level standards and the standards established in the Fort Bragg General Plan, if a sensitive receptor is located within the noise contours identified in Table 4.4-14 and Table 4.4-15 of the Draft EIR, respectively. Thus, the IWDM Program could result in substantial generation of noise due to tracking dogs in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and a *significant* effect could occur.

### Facts in Support of Finding

Implementation of the following improvement measure, which would include compliance with the Table 4.4-14 and Table 4.4-15 setback distances, would reduce noise exposure due to tracking dogs to a less-than-significant level within the jurisdiction of Mendocino County and incorporated cities. For incorporated cities, by complying with the Fort Bragg noise standards, use of tracking dogs would be in compliance with the less stringent standards established by the cities of Willits, Point Arena, and Ukiah.

However, circumstances may occur in which wildlife specialists would be required to use tracking dogs within the vicinity of sensitive receptors, and compliance with the recommended noise contours, or selection of an alternative non-noise generating wildlife control method would be infeasible. Thus, the County has chosen a conservative approach to the No Program Baseline analysis by concluding *significant and unavoidable*.

#### 4.4-3 Mendocino County Jurisdiction

*To the extent feasible, use of tracking dogs shall occur outside of the noise contours shown in Table 4.4-14 of this EIR, as applicable to the corresponding time period and land use categories shown in Table 4.4-8.*

#### Incorporated Cities Jurisdiction

*To the extent feasible, use of tracking dogs shall occur outside of the daytime (75 dB) and nighttime (65 dB) noise contours shown in Table 4.4-11 of this EIR, if a sensitive receptor is located within those distances.*

OR

*Alternatively, if feasible, a WS-CA staff shall rely on a non-noise-generating wildlife control method if sensitive receptors are located within the distances shown in Table 4.4-14 (County jurisdiction) and Table 4.4-15 (incorporated cities jurisdiction).*

**SIGNIFICANT EFFECT: GENERATION OF A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES DUE TO NOISE FROM FRIGHTENING DEVICES (EFFECT 4.4-4 UNDER THE NO PROGRAM BASELINE)**

### Finding

The IWDM Program would include the use of frightening devices as one of the wildlife control methods to be implemented by WS-CA staff. Frightening devices are a type of equipment that creates impulsive bursts of sound to disperse animals from the area to be protected. It is important to note for this analysis that WS-CA would not be involved in the routine use of frightening devices as part of the IWDM Program. At most, at the request of the landowner, WS-CA may provide limited field demonstration of such equipment to the landowner. After demonstration, the ongoing use of the frightening devices would be the sole responsibility of the landowner. Since Program funds would only be used for the short-term field demonstration by WS-CA, and not ongoing use of such equipment by the landowner, the analysis within the Draft EIR focuses on the very limited instances of WS-CA field demonstrations. As noted previously, the No Program Baseline sections treat the IWDM Program as a new program and, thus, do not account for the fact that such a program is already occurring. Consequently, under the No Program Baseline scenario, use of frightening devices under the IWDM Program would be considered a net change from existing conditions.

Under the IWDM Program, use of frightening devices on USFS land, USACE land, BLM land, and CA State Parks land would not conflict with applicable qualitative standards for reasons discussed in the EIR. However, within areas under the jurisdiction of Mendocino County and incorporated cities, frightening device noise could temporarily exceed the adjusted Mendocino County Zoning Code noise level standards and the standards established in the Fort Bragg General Plan, if a sensitive receptor is located within the noise contours identified in Table 4.4-16 and Table 4.4-17 of the Draft EIR, respectively. Thus, the IWDM Program could result in generation of noise from frightening devices in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, and a temporary *significant* effect could occur.

## Facts in Support of Finding

Implementation of the following improvement measure, which would include compliance with the setback distances within Table 4.4-16 and Table 4.4-17 of the Draft EIR, would reduce noise exposure due to use of frightening devices to a less-than-significant level within the jurisdiction of Mendocino County and incorporated cities. For incorporated cities, by complying with the Fort Bragg noise standards, use of frightening devices would be in compliance with the less stringent standards established by the cities of Willits, Point Arena, and Ukiah.

However, circumstances may occur in which wildlife specialists would be required to employ use of frightening devices within the vicinity of sensitive receptors, and compliance with the recommended noise contours or selection of an alternative non-noise generating wildlife control method would be infeasible. Thus, the County has chosen a conservative approach to the No Program Baseline analysis by concluding *significant and unavoidable*.

### 4.4-4 Mendocino County Jurisdiction

*To the extent feasible, use of frightening device shall occur outside of the noise contours shown in Table 4.4-16 of this EIR, as applicable to the corresponding time period and land use categories shown in Table 4.4-8.*

### Incorporated Cities Jurisdiction

*To the extent feasible, use of frightening device shall occur outside of the daytime (75 dB) and nighttime (65 dB) noise contours shown in Table 4.4-17 of this EIR, if a sensitive receptor is located within those distances.*

OR

*Alternatively, if feasible, a WS-CA staff shall rely on a non-noise-generating wildlife control method if sensitive receptors are located within the distances shown in Table 4.4-16 (County jurisdiction) and Table 4.4-17 (incorporated cities jurisdiction) for the selected device.*

## 8 PUBLIC COMMENTS

Mendocino County received 89 comment letters on the Draft EIR during the public comment period and two additional letters after the close of the comment period. In considering specific recommendations from commenters, the County has been cognizant of its legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The County recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, or perhaps changed significantly, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The County is also cognizant, however, that the mitigation measures<sup>17</sup> recommended in the Draft EIR represent the professional judgment and long experience of the County's expert staff and environmental consultants. The County therefore believes that these recommendations should not be lightly altered without compelling justification or reason. Thus, in determining whether to accept commenters' suggested changes or additions to the Draft EIR, either in whole or in part, the County has considered the following factors, among others: (i) whether the suggestion relates to a significant and unavoidable environmental effect of the originally proposed

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<sup>17</sup> It should be noted that the term "improvement measure" is used in the EIR for significant program effects identified under the No Program Baseline, rather than the conventional term "mitigation measure." This is done in recognition of the fact that the No Program Baseline is an optional scenario included in the EIR, where it is assumed for purposes of analysis that the IWDM Program is a new program and not part of the baseline.

project or alternative; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the improvement measure as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint as CEQA requires; and (vi) whether the proposed language is consistent with the project objectives. In no instance did the County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

## 9 ALTERNATIVES

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. (Guidelines §15126(a)). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566). CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (Guidelines §15126.6(a)). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* (1992) 10 Cal.App.4th 908); and the Guidelines provide that an EIR need not consider alternatives that are infeasible. (CEQA Guidelines §15126.6(a)). The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” (CEQA Guidelines §15126.6(f)(1)). The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines §15126.6(f)).

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002 (*City of Santa Cruz*)).

The review of project alternatives is guided primarily by the need to substantially reduce significant and unavoidable impacts associated with the project, while still achieving the basic objectives of the project, which can be found in Section 2 of this document.

The detailed discussion in Section 7 demonstrates that improvement measures have been included to reduce impacts of the proposed project to the maximum extent feasible; however, with implementation of the project under the No Program Baseline, effects to biological resources and noise would remain significant and unavoidable.

The County can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to the project impacts identified in the EIR. (See *Laurel Hills Homeowners Assn. v. City Council* (1978) 83 Cal.App.3d 515, 520-521, 526-527; *Kings County Farm Bureau, supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403; see also Pub. Resources Code, Section 21002.) These Findings will



assess whether each alternative is feasible in light of the County's objectives for the project, which, as noted earlier, the Board of Supervisors finds to be acceptable.

As discussed in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase -- inclusion in the EIR -- the standard is whether the alternative is potentially feasible. (Guidelines, § 15126.6, subd. (a).) By contrast, at the second phase -- the final decision on project approval -- the decisionmaking body evaluates whether the alternatives are actually feasible. (See Guidelines, § 15091, subd. (a)(3).) At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as being potentially feasible, allowing for approval of the project on the basis of overriding considerations.

Typically, an EIR alternatives analysis focuses on only one "no project" alternative, with other alternatives consisting of off-site options or variations to the proposed project. In the case of the proposed project, the County is considering whether to approve an agreement for wildlife damage management services that the County would fund, but would not directly provide. As a departure from the typical EIR alternatives analysis approach, the County has chosen to independently evaluate six "no project" alternatives. This approach is a function of the nature of the IWDM Program: to approve or not approve an agreement with WS-CA for wildlife damage management comprising technical assistance and direct control measures that could result in removing animals by lethal means.

In general, there are four possible scenarios if the County does not approve an agreement with WS-CA: (1) the County does not approve the agreement and takes no further action to provide wildlife damage management services in the County (No Project/No Action); (2) the County does not approve the agreement with WS-CA but contracts with an outside governmental or nongovernmental agency for a fully non-lethal program; (3) the County does not approve the agreement with WS-CA but contracts with an outside governmental or non-governmental agency for a non-lethal program where the lethal method of gunshot (from the ground) could be utilized for public safety incidents only; and (4) the County does not approve the agreement, and instead would provide wildlife damage management services that would have otherwise been directed to WS-CA. This fourth option has three subcategories related to whether the program would include lethal methods or not, as enumerated below.

Consistent with CEQA Guidelines Section 15126.6(b), the comparison of alternatives should focus on those resource areas for which the proposed project could have a significant impact. As presented in Section 7 above, significant effects were identified for the proposed project under the No Program Baseline related to biological resources and noise. All other impacts, including all impacts under the CEQA Baseline scenario, were determined to be less than significant or no impact in the Initial Study and Draft EIR. Thus, the alternatives analysis for the proposed project is focused on how the alternatives could avoid or lessen the biological resources and/or noise impacts of the IWDM Program.

Because the proposed project under the CEQA Baseline would not have the potential to result in any significant environmental impacts, a comparison of alternatives to the IWDM Program under the CEQA Baseline is not required according to CEQA Guidelines Section 15126.6(b). Nevertheless, given that a few of the project alternatives would have a significant noise impact under the CEQA Baseline, as generally shown in Table 5-1 in the Draft EIR, the County has determined that a comparison of potential impacts related to noise under the CEQA Baseline should be included for informational purposes, for those alternatives where noise impacts could be increased, as compared to the IWDM Program.

As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior to the proposed project.

## 9.1 NO PROJECT/NO ACTION ALTERNATIVE

The proposed project under consideration is approval of an integrated wildlife damage management program by the County for implementation by WS-CA, pursuant to cooperative service agreements and work plans. Under the No Project/No Action Alternative, Mendocino County would not enter into an agreement with WS-CA for wildlife damage management services, and consequently WS-CA would not provide County-funded technical assistance of any kind (including direct control lethal and/or non-lethal methods) to the County, its residents, or resource owners. The County also would not provide any wildlife damage management services.

**Finding:** Under the No Project/No Action Alternative, the County would not implement a wildlife damage control program, nor would WS-CA be contracted to provide such services. As such, the No Project/No Action Alternative would not result in direct take of cougars, which, for the purposes of this analysis, are considered a special-status species in Mendocino County pursuant to CEQA Guidelines Section 15380.

Although the No Project/No Action Alternative would not involve direct take of cougars, take in Mendocino County is authorized independently by CDFW in response to depredation and to protect public health and safety. Such depredation permits sought by individual property owners and granted by CDFW would occur outside of the No Project/No Action Alternative. It should be noted that due to an existing contract between CDFW and WS-CA, CDFW may rely on WS-CA to take cougars identified as threats to public safety in Mendocino County even with implementation of the No Project/No Action Alternative. Furthermore, private landowners may request WS-CA personnel to administer the take allowed by CDFW under any depredation permit granted in Mendocino County despite the implementation of the No Project/No Action Alternative. Nevertheless, while take of cougars in Mendocino County would continue to occur, the No Project/No Action Alternative, for the purposes of this analysis, is not assumed to result in direct take of cougars, and, thus the No Project/No Action Alternative would not be considered to result in a significant effect to the cougar population in Mendocino County and effects to cougars would be less under the No Project/No Action Alternative.

Under the No Project/No Action Alternative, the County would not implement a wildlife damage control program, nor would WS-CA be contracted to provide such services. As such, the No Project/No Action Alternative would not result in County funds being used to support wildlife damage management operations having potential noise effects related to firearm discharge, electronic distress devices, tracking dogs, or frightening devices. Overall, noise effects under the No Project/No Action Alternative would be fewer.

The County has determined that specific economic, social, and environmental considerations render the No Project/No Action Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).) Under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As noted above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.) The No Project (No Build) Alternative would not promote the objectives of the project. In addition to not meeting the project objectives, the economic considerations that render this alternative infeasible relate to the ongoing damage to agricultural and livestock commodities, human health, natural resources, and property that would occur without wildlife damage management.

To the extent that the project has greater environmental impacts than the No Project/No Action Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

## 9.2 NON-LETHAL PROGRAM ALTERNATIVE

In addition to the analysis provided within the Draft EIR related to the IWDM Program, the Draft EIR includes an equal weight analysis of a Non-Lethal Program Alternative. The Non-Lethal Program Alternative would not use or recommend lethal methods to attempt to resolve wildlife damage. The Alternative assumes that Mendocino County would contract with an outside governmental or non-governmental agency to provide personnel who would give technical information and operational assistance, if needed, on non-lethal management methods to property owners reporting wildlife damage. The University of California Cooperative Extension is one such agency that could provide educational technical assistance to landowners on behalf of the County, as well as operational assistance in the form of specialized equipment demonstrations (e.g., electrified fladry, propane cannons, lasers, pyrotechnics). This Alternative could also involve cost sharing with property owners for reimbursement of management methods, such as building of new fences or repair of fences; purchasing new livestock protection animals; maintenance of livestock protection animals; and Foxlights. Under the Non-Lethal Program Alternative analyzed in this EIR, direct control assistance related to lethal methods would not be provided to land owners or other resource managers.

**Finding:** As noted above, under the CEQA Baseline, the Draft EIR did not identify any significant noise impacts for the IWDM Program. Unlike the IWDM Program, the Non-Lethal Program Alternative is anticipated to include a cost-share/reimbursement mechanism for the use of livestock protection dogs by private land owners. As a result, compared to the IWDM Program, provision of funding for use of livestock protection dogs under the Non-Lethal Program Alternative is considered a new control method. Thus, an evaluation of noise impacts associated with the (indirect) implementation of livestock protection dogs is provided in the EIR.

### CEQA Baseline

The County determined that the Non-Lethal Program Alternative could result in a significant and unavoidable impact related to generation of a substantial temporary increase in ambient noise levels due to noise from livestock protection dogs on lands within the jurisdiction of Mendocino County and in incorporated cities. The impact would occur as a result of barking and other noise associated with the use of livestock protection dogs in excess of the adjusted Mendocino County Zoning Code noise level standards and the standards established in the Fort Bragg General Plan. Improvement measures have been included in the EIR to reduce noise from use of livestock protection dogs under the Non-Lethal Program Alternative to the maximum extent feasible. Given that reimbursement/cost-sharing for use of livestock protection dogs would not occur under the IWDM Program, impacts would be greater under the Non-Lethal Program Alternative compared to the IWDM Program when considered in the context of the CEQA Baseline.

### No Program Baseline

Under the Non-Lethal Program Alternative, take of cougars would not be supported by the Non-Lethal Program Alternative or funds related to the program. However, lethal take of cougars may persist even with implementation of the Non-Lethal Program Alternative, due to the CDFW's role in granting cougar depredation permits to property owners. The level of continued take of cougars under depredation permits granted to private land owners in Mendocino County and for public safety reasons, both of which would occur outside of the Non-Lethal Program Alternative, is considered speculative. While take of cougars would be anticipated to persist within the County under the Non-Lethal Program Alternative, because the goal of the Non-Lethal Program Alternative would be to avoid the use of lethal management methods within the County, for the purposes of this analysis, the Non-Lethal Program Alternative is not assumed to result in direct take of cougars. Thus, the Non-Lethal Program Alternative would not be considered to result in a significant and unavoidable effect to the cougar population in Mendocino County and effects to cougars would be less under the Non-Lethal Program Alternative.

As discussed in Chapter 4.4, Noise, of the Draft EIR, and shown in Table 5-1 of the Draft EIR, the Non-Lethal Program Alternative could result in potentially significant noise effects related to use of the following control methods within the vicinity of sensitive receptors: electronic distress devices, frightening devices, and livestock

protection dogs. Even assuming implementation of Improvement Measures 4.4-2, 4.4-4, and 4.4-5, all identified effects are conservatively determined to be significant and unavoidable. The IWDM Program would similarly have significant impacts from the aforementioned non-lethal methods, with the exception of livestock protection dogs. However, the IWDM Program would have a significant noise impact related to firearms and tracking dogs. Thus, for purposes of this analysis, it is assumed that reduced noise exposure due to the prohibition of lethal methods such as firearms and tracking dogs under the Non-Lethal Program Alternative would be partly offset by increased noise due to use of livestock protection dogs. Overall, noise effects occurring under the Non-Lethal Program Alternative would be similar to the IWDM Program.

The County has determined that specific economic, social, and environmental considerations render the Non-Lethal Program Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As noted above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

This alternative is infeasible in part because its efficacy would be limited in Mendocino County, as compared to other counties. The nature of agricultural practices in Mendocino County is much different than that used in other counties, where such a program has been implemented. For example, the husbandry practices in Marin County, where a cost-share program was implemented, are fenced and contiguous in nature, whereas in Mendocino County, these types of practices occur on open rangeland where many non-lethal control methods, such as enclosures and guard animals, would not be as effective.

To the extent that the project has greater environmental impacts than the Non-Lethal Program Alternative under the No Program Baseline, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

### 9.3 VARIATION TO THE NON-LETHAL PROGRAM ALTERNATIVE

In addition to the analysis provided within the Draft EIR related to the IWDM Program and the Non-Lethal Program Alternative, the Draft EIR includes an equal weight analysis of a variation to the Non-Lethal Program Alternative. The variation to the Non-Lethal Program Alternative would be identical to the Non-Lethal Program Alternative, with the exception that this Alternative would allow the strictly limited use of gunshot (from the ground) as a lethal method. For the variation to the Non-Lethal Program Alternative, gunshot would only be used in exceptional cases where a risk to public health and safety is posed by wildlife. This can be generally defined as animal attacks on humans that result in injuries or death; disease threats from rabies and plague outbreaks where predators act as reservoirs.

**Finding:** As noted above, under the CEQA Baseline, the Draft EIR did not identify significant noise impacts for the IWDM Program. However, as shown in Table 5-1 of the Draft EIR, the County determined that the variation to the Non-Lethal Program Alternative could result in a significant and unavoidable impact related to generation of a substantial temporary increase in ambient noise levels due to noise from livestock protection dogs. Thus, the noise impacts and effects are discussed for both the CEQA Baseline and the No Program Baseline.

### CEQA Baseline

Given that reimbursement/cost-sharing for use of livestock protection dogs would not occur under the IWDM Program, impacts could be greater under the variation to the Non-Lethal Program Alternative compared to the IWDM Program, when considered in the context of the CEQA Baseline.

### No Program Baseline

As noted under the Non-Lethal Program Alternative above, the CDFW and WS-CA maintain a contract allowing CDFW to rely on WS-CA personnel to perform take of cougars as necessary to protect public health and safety. Because CDFW authorizes WS-CA to provide public safety responses to cougars irrespective of any County-specific cost-sharing agreements or IWDM Programs, WS-CA could continue to provide lethal and non-lethal management of cougars within Mendocino County, as needed to protect public health, under the variation to the Non-Lethal Program Alternative. Regardless of the contract between CDFW and WS-CA, the variation to the Non-Lethal Program Alternative would allow for the use of lethal gunshot to control wildlife that pose a threat to public health and safety. Thus, lethal control of cougars to protect public health and safety within the County could be implemented by WS-CA or the entity tasked with implementing the variation to the Non-Lethal Program Alternative. Although the lethal control of cougars posing an imminent threat to public health and safety would be allowed under the Alternative, such take would be anticipated to occur infrequently and in a highly restricted manner. For instance, between 1986 and 2014 only two verified cougar attacks occurred in Mendocino County. The Mendocino County attacks occurred at the same time and likely involved the same cougar; however, conservatively considering the attacks to be separate incidents yields a rate of about one attack in Mendocino County every 14 years. Even if the variation to the Non-Lethal Program Alternative results in the take of three times the number of individuals indicated by the attack rate in Mendocino County, to account for situations where an attack appears imminent, this only amounts to about one cougar every 5 years. This level of take would not have the potential to cause the Mendocino County cougar population to drop below self-sustaining levels, either individually or in combination with other stressors on this species. Consequently, the take of cougars under the variation to the Non-Lethal Program Alternative would not be anticipated to result in significant effects related to the lethal control of cougars.

In addition to the take of cougars within the County due to public health and safety concerns, individual property owners within Mendocino County would still be able to apply to the CDFW for depredation permits independent of the County's variation to the Non-Lethal Program Alternative. Although WS-CA would not regularly operate within the County under the variation to the Non-Lethal Program Alternative, WS-CA or other qualified individuals or entities could fulfill any depredation permits granted by CDFW for cougars within the County, as may be requested by private land owners. Such depredation permits sought by individual property owners would occur outside of the variation to the Non-Lethal Program Alternative.

Accordingly, while implementation of the variation to the Non-Lethal Program Alternative would limit direct take of cougars to instances where public health or safety is endangered and CDFW does not rely on WS-CA to ameliorate the issue, cougars could continue to be taken by property owners (after receiving a depredation permit from CDFW) to address depredation. Nevertheless, because the take of cougars related to public health and safety occurs infrequently, and the variation to the Non-Lethal Program Alternative would not directly involve the take of cougars within the County due to depredation, the variation to the Non-Lethal Program Alternative would not be anticipated to result in a significant and unavoidable effect to the Mendocino County cougar population; and effects to cougars would be less under the variation to the Non-Lethal Program Alternative.

As discussed in Chapter 4.4, Noise, of the Draft EIR, and shown in Table 5-1 of the Draft EIR, the variation to the Non-Lethal Program Alternative could result in potential noise effects related to use of the following control methods within the vicinity of sensitive receptors: firearm discharge, electronic distress devices, frightening devices, and livestock protection dogs. Even assuming implementation of Improvement Measures 4.4-1, 4.4-4, and 4.4-5, all identified effects are conservatively determined to be significant and unavoidable. The IWDM Program

would similarly have significant effects from the aforementioned non-lethal methods, with the exception of livestock protection dogs. However, the IWDM Program would have an additional significant noise effect related to tracking dogs. Thus, overall, noise impacts occurring under the variation to the Non-Lethal Program Alternative would be similar to the IWDM Program.

The County has determined that specific economic, social, and environmental considerations render the Variation to the Non-Lethal Program Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As noted above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

Among the reasons for infeasibility is that while gunshot euthanasia can be safely and effectively performed in some scenarios, urban settings can require WS-CA perform euthanasia within sound restrictions and where safe backstops for firearms use are not available. WS-CA responds to damage in both rural and urban settings within Mendocino County. Chemical euthanasia may also be the preferred method due to preservation of tissues for laboratory testing in the event of a public safety or outbreak of disease.

To the extent that the project has greater environmental impacts than the Variation to the Non-Lethal Program Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

## 9.4 MENDOCINO COUNTY WILDLIFE MANAGEMENT SERVICES ALTERNATIVE

Under the Mendocino County Wildlife Management Services Alternative, Mendocino County would not approve an agreement with WS-CA. Instead, the County would provide wildlife damage management services that would have otherwise been directed to WS-CA. Given that these services would be provided under the direction of the County, to implement this Alternative, the County would need to have qualified staff and/or enter into subcontracts with qualified professionals to provide the services formerly delivered by WS-CA field specialists. As with the existing agreement, the funded services would be used for addressing agricultural losses, public health and safety, and property damage, and would include technical assistance and direct control (non-lethal and lethal methods). Levels of take previously experienced in the County under the IWDM Program would be anticipated to continue at similar levels under the Alternative.

**Finding:** Given that the Alternative would involve the same non-lethal and lethal control methods, as well as the same level of take, as the IWDM Program, the same potential exists for the Alternative to result in a significant effect to the cougar population in Mendocino County. Similar to the IWDM Program, Improvement Measure 4.2-1 would be recommended under the Alternative. However, because the County does not have jurisdiction over CDFW’s issuance of take permits, implementation of Improvement Measure 4.2-1 cannot be ensured, and, consequently, the Mendocino County Wildlife Services Alternative would be anticipated to result in a significant and unavoidable effect related to cougar populations in the County and effects would be similar to the IWDM Program.

As noted above, the wildlife control methods associated with the Mendocino County Wildlife Management Services Alternative would be identical to the proposed project. Thus, the significant noise effects identified in the EIR for the project would remain significant and unavoidable under the Mendocino County Wildlife Management Services Alternative. Similarly, Improvement Measures 4.4-1 through 4.4-4 would still be recommended under the Alternative. However, as noted in Chapter 4.4, Noise, of the Draft EIR, the foregoing improvement measures

cannot, with certainty, be implemented in all possible wildlife damage situations to reduce noise impacts related to wildlife damage management methods under the IWDM Program to a less-than-significant level. Consequently, impacts would be similar to under the Mendocino County Wildlife Management Services Alternative compared to the IWDM Program.

The County has determined that specific economic, social, and environmental considerations render the Mendocino County Wildlife Management Services Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As noted above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

Given the additional funding that would be needed to hire and train new personnel and acquire vehicles, equipment, and materials, along with having to fully fund the cost of services rather than a cost-share, this alternative is deemed infeasible because the County would not be able to provide the same level of expertise and scope of services as APHIS-WS without burdening the County with additional costs. Beyond its practical and economic infeasibility, it is also considered infeasible because it would not avoid or substantially reduce any of the significant biological resources and noise effects.

In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

## **9.5 VARIATION TO THE MENDOCINO COUNTY WILDLIFE MANAGEMENT SERVICES NON-LETHAL ALTERNATIVE**

Under this Alternative, Mendocino County would not approve an agreement with WS-CA. Instead, the County would provide wildlife damage management services that would have otherwise been directed to WS-CA. The variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative would involve the same non-lethal control methods employed under the Mendocino County Wildlife Management Services Non-Lethal Alternative discussed above. However, in addition, the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative would involve strictly limited use of gunshot in exceptional cases where a risk to public health and safety is posed by wildlife. This can be generally defined as animal attacks on humans that result in injuries or death; disease threats from rabies and plague outbreaks where predators act as reservoirs.

**Finding:** As noted above, under the CEQA Baseline, the Draft EIR did not identify significant impacts for the IWDM Program. However, similar to the variation to the Non-Lethal Program Alternative, this alternative would include reimbursement/cost-share for use of livestock protection dogs by agencies and private entities within the County. Thus, the noise impacts and effects are discussed for both the CEQA Baseline and the No Program Baseline.

### CEQA Baseline

Given that reimbursement/cost-sharing for use of livestock protection dogs would occur under this alternative, but not under the IWDM Program, and livestock protection dogs could generate noise levels in excess of County standards, impacts would be greater under the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative compared to the IWDM Program, when considered in the context of the CEQA Baseline.

## No Program Baseline

While implementation of the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative would limit direct take of cougars to instances where public health or safety is endangered, and CDFW does not rely on WS-CA to ameliorate the issue, cougars could continue to be taken by property owners (after receiving a depredation permit from CDFW) to address depredation. Nevertheless, because the take of cougars related to public health and safety occurs relatively infrequently, and the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative would not directly involve the take of cougars within the County due to depredation, this Alternative would not be anticipated to result in a significant and unavoidable effect to the Mendocino County cougar population; and effects to cougars would be less under the variation to the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative.

The wildlife control methods associated with the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative would be identical to the variation to the Non-Lethal Program Alternative. Thus, the significant noise effects identified in the EIR for the variation to the Non-Lethal Program Alternative would remain significant and unavoidable under the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative. The IWDM Program would similarly have significant impacts from the aforementioned non-lethal methods, with the exception of livestock protection dogs. However, the IWDM Program would have an additional significant noise impact related to tracking dogs. Thus, for purposes of this analysis, it is assumed that noise impacts occurring under the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative would be similar to the IWDM Program.

The County has determined that specific economic, social, and environmental considerations render the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative infeasible. (See CEQA Guidelines, Section 15091, subd. (a)(3).). Under CEQA, “Feasible” means “[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, Section 15364.) As noted above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *City of Santa Cruz, supra*, 177 Cal.App.4th at pp. 992, 1000-1003.)

Given the additional funding that would be needed to hire and train new personnel and acquire vehicles, equipment, and materials, along with having to fully fund the cost of services rather than a cost-share, this alternative is deemed infeasible because the County would not be able to provide the same level of expertise and scope of services as APHIS-WS without burdening the County with additional costs.

Also among the reasons for infeasibility is that while gunshot euthanasia can be safely and effectively performed in some scenarios, urban settings can require WS-CA perform euthanasia within sound restrictions and where safe backstops for firearms use are not available. WS-CA responds to damage in both rural and urban settings within Mendocino County. Chemical euthanasia may also be the preferred method due to preservation of tissues for laboratory testing in the event of a public safety or outbreak of disease.

To the extent that the project has greater environmental impacts than the variation to the variation to the Mendocino County Wildlife Management Services Non-Lethal Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a public agency may approve [ ] a project once its significant adverse effects have been reduced to an acceptable level - that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)



## 10 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section 7 of these CEQA Findings, the EIR concludes that the project, even with the incorporation of all feasible improvement measures and consideration of alternatives, will nonetheless cause direct significant and unavoidable effects related to the following, only under the No Program Baseline:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Wildlife, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries;
2. Cumulative impacts to biological resources within Mendocino County, including special-status species, riparian habitat, sensitive natural communities, and/or state or federally protected wetlands;
3. Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to firearm discharge;
4. Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to electronic distress device noise exposure;
5. Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from tracking dogs; and
6. Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies due to noise from frightening devices.

Mendocino County, through the Board of Supervisors, has also considered all feasible improvement measures which further lessens the impacts, but would not reduce them to below a level of significance. Feasible improvement measures do not exist which would reduce the impacts to less than significant. The County will work with the entity or agency selected to implement the IWDMM Program to implement the improvement measures to the extent feasible.

Under CEQA, before a project which is determined to have a significant, unmitigated environmental effect can be approved, the public agency must consider and adopt a “statement of overriding considerations” pursuant to CEQA Guidelines Sections 15043 and 15093. As the primary purpose of CEQA is to fully inform the decisionmakers and the public as to the environmental effects of a project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, that agency must explain and justify its conclusion to approve such project through the statement of overriding considerations, setting forth the project’s general social, economic, policy, or other public benefits that support the agency’s informed conclusion to approve the project.

The Board of Supervisors has balanced the benefits of the project against its unavoidable environmental risks in determining whether to approve the project, and has determined that the benefits of the project outweigh the unavoidable adverse environmental effects. The reasons set forth below are based on the EIR and other information in the record. As set forth in the preceding sections, approving the Project will result in several significant adverse environmental effects that cannot be reduced to a less-than-significant level, even with the adoption of all feasible improvement measures. As determined above, however, there are no additional feasible measures, nor are there feasible alternatives, that would mitigate or substantially lessen the effects to a less-than-significant level. Therefore, despite these significant environmental effects, the Board of Supervisors, in accordance with Public Resources Code Sections 21001, 21002.1(c), 21081(b) and CEQA Guidelines Section 15093, chooses to approve the Project because, in its judgment, the following economic, social, and other benefits that the Project will produce will render the significant effects acceptable.

Substantial evidence supporting the benefits cited in this Statement of Overriding Considerations can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the record of proceedings. Any one of the following reasons is sufficient to demonstrate that the benefits of the project outweigh its unavoidable adverse environmental effects, thereby justifying approval of the proposed project. There is substantial evidence that these public benefits outweigh the significant effects of the project and therefore are acceptable to Mendocino County.

Throughout the Draft EIR, two baselines were used to analyze the impacts of the project. The CEQA Baseline recognizes the fact that the County has had a wildlife damage management program since 1989, and as such, a wildlife damage management program in the County is part of the environmental baseline pursuant to Section 15125 of the CEQA Guidelines. Under the CEQA Baseline, significant and unavoidable impacts were not found. Thus, pursuant to CEQA Guidelines Section 15043 and 15093, a “statement of overriding considerations” is not required for the proposed project under the CEQA Baseline. However, because the No Program Baseline was also analyzed throughout the EIR, which treated the IWDM Program as a new program, and did not account for the fact that such a program is part of the baseline, and significant and unavoidable effects were identified, a Statement of Overriding Considerations has been prepared for the project under the No Program Baseline.

Mendocino County finds that the proposed IWDM Program provides substantial social, economic, policy and other public benefits – justifying its approval and implementation, notwithstanding the fact that five environmental effects were not fully reduced below a level of significance:

1. Protect agricultural and livestock commodities that are most vulnerable to predation;
2. Protect human health and safety;
3. Protect property;
4. Protect natural resources; and
5. Ensure regulated, safe methods and techniques are used for protection of livestock and humans.

With respect to Item 1, the existing IWDM Program provides assistance to protect agricultural and livestock commodities. Cattle, calves, and sheep are most vulnerable to predation while damage to agricultural operations can occur through disturbance by badgers, ground squirrels, coyotes, and raccoons. The impacts of such disturbance can cost thousands of dollars in losses to the farmer or land owner, as shown most notably in Tables 3-3 and 3-5 of the EIR. Without implementation of the IWDM Program, damages could be much higher and create devastation for land owners throughout Mendocino County. As shown in Table 3-4 of the EIR, wildlife damage to agricultural and livestock commodities has resulted in costs of \$2,058,474.83 over the course of the last ten fiscal years.

With respect to Item 2, animal attacks, disease threats from rabies and plague outbreaks, threats from parasite transmission, and odor and noise nuisances can pose a threat to human health and safety within the County. With the existing IWDM Program in place, WS-CA plays an active role in surveillance and monitoring of wildlife diseases and works to protect human health and safety. Because the IWDM Program is currently in place, the threats to human health and safety are regulated through the IWDM Program. The existing IWDM Program has protocols and procedures in place to guarantee the maximum protection of special-status species, while ensuring human health and safety is maintained.

With respect to Item 3, the IWDM Program would help alleviate property damage from coyotes, raccoons, skunks, badgers, moles, and ground squirrels including, but not limited to: damage to roofing, building wiring, attacks on pets, consumption or destruction of landscaping, turf or nursery plants, and damage to irrigation systems from coyotes biting holes in lines. Feral swine are non-native to the Mendocino County area. The species’ behavior during feeding and the search for feed is termed rooting. Rooting turns sod and topsoil over which often leaves the area bare of vegetation and susceptible to erosion and colonization of invasive weeds. Feral swine dig or root in the

ground with their nose in search of desired roots, grubs, earthworms, and other food sources. When this activity takes place in developed areas, it results in damage to landscaping, golf courses, roads, drainage ditches, and can lead to erosion issues. As shown in Table 3-3 of the EIR, in Mendocino County, damages to property totaled \$480,238 over the ten-year period from 2007-2017 and averaged \$45,314.30 per year.

With respect to Item 4, in Mendocino County, WS-CA participates in the control of invasive feral swine to protect natural resources. Feral swine foraging behavior includes rooting, which results in soil disturbance. Such disturbance can cause damage to wetlands, watersheds, and native habitats. From 2007 to 2017, WS-CA responded to 58 requests for assistance related to feral swine causing damage to natural resources within the County.

With respect to Item 5, the IWDM Program currently regulates the handling of predators and potential threats to livestock and agriculture. Without the Program in place, a greater potential could exist for individuals to handle predators on their own, which could result in greater impacts to wildlife species and human health and safety. With the IWDM Program in place, the regulation of the use of lethal and non-lethal methods would ensure that the handling of wildlife and threats to livestock and agriculture be done safely, properly, and effectively.

As explained earlier, the Board of Supervisors has balanced these benefits and considerations against the significant unavoidable adverse environmental effects of the project. The Board of Supervisors hereby concludes that those impacts are outweighed by these benefits, among others. After balancing the environmental risks against project benefits, the County concludes and therefore finds that the project benefits outlined above outweigh the significant and unavoidable environmental costs associated with the project.

## **11 CONCLUSION**

Based on the foregoing Findings and the information contained in the record, it is determined that:

1. All significant effects on the environment due to the approval of the project under the No Program Baseline have been eliminated or substantially lessened where feasible; and
2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 10, above.