

Kidder Creek Orchard Camp Final Environmental Impact Report

1.0 INTRODUCTION

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The County of Siskiyou (County) is the lead agency for the environmental review of the proposed Kidder Creek Orchard Camp Project (Proposed Project, Project). The County has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and implementation of the proposed project, as well as responds to comments received on the DEIR (DEIR).

1.1 Background and Purpose of the EIR

Overview of CEQA Requirements For Preparation of an EIR

The County, serving as the lead agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed project. As set forth in the provisions of CEQA and implementing regulations, public agencies are charged with the duty to consider the environmental impacts of proposed development and to minimize these impacts where feasible while conducting an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

State CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an environmental impact report prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term *project* refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the Proposed Project, the County has determined that the proposed Kidder Creek Orchard Camp Zone Change and Use Permit Project is a project within the definition of CEQA.

Background of Environmental Review Process of the Project

The following is an overview of the environmental review process for the proposed Kidder Creek Orchard Camp Zone Change and Use Permit Project that has led to the preparation of this FEIR.

Draft Initial Study/Mitigated Negative Declaration

On September 9, 2016, the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Draft Initial Study/Mitigated Negative Declaration (IS/MND, State Clearinghouse (SCH) #2016092016) was circulated by the County for a 30-day public review period.

Kidder Creek Orchard Camp Final Environmental Impact Report

CEQA Guidelines Section 15204 recommends that in reviewing negative declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant. Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to State CEQA Guidelines § 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

The County received 233 letters and post cards commenting on the IS/MND. The comments were both for and against the Proposed Project. While many of the comments did not raise concerns with the adequacy of the environmental analysis, there were a number that raised environmental concerns. These comments fall into the following general categories:

- Agriculture - loss of timber resources
- Hazards - wildland fires
- Noise - construction noise, project noise
- Traffic - emergency access, roadway safety, traffic increase
- Water - water quality, stream diversion/water allocation usage

As a result of comments on the Draft IS/MND, the County determined that an EIR level of analysis was required for specific impact areas. Those areas include agriculture (project and cumulative), hazards (project and cumulative), noise (project and cumulative), traffic (project and cumulative), and water (project and cumulative). These impact areas are the subject of this EIR. All other impact analysis areas defined in Appendix G of the CEQA Guidelines and analyzed in the 2016 Draft IS/MND will not be included in this EIR. However, all mitigation measures identified in these sections, as shown below, will be included as mitigation in this EIR and in the Mitigation Monitoring and Reporting Program (MMRP).

Notice of Preparation

In accordance with CEQA Guidelines § 15082, the County prepared a Notice of Preparation (NOP) of an EIR for the Proposed Project that was distributed to responsible agencies and the public for a 30-day comment period, beginning on August 31, 2018, and concluding on September 29, 2018. One public scoping meeting was held on September 13, 2018, at the Fort Jones Town Hall in order to receive additional comments and input from the public as to the scope and content of the EIR. Comments received in response to the NOP were considered during preparation of the DEIR.

DEIR

The DEIR was released for public and agency review on August 7, 2019, with the review period set to end on September 20, 2019. The DEIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as

Kidder Creek Orchard Camp Final Environmental Impact Report

well as an analysis of Project alternatives. The DEIR was provided to interested public agencies and the public and was made available for review at the County offices and on the County's website.

Partial Recirculated DEIR

The Partial Recirculated DEIR was released for public and agency review on April 5, 2022, with the review period set to end on June 20, 2022.

The County received a large number of public comment letters and postcards on the DEIR. The County determined that some of the comments received on the DEIR required further analysis of the Project's potential impact to specific resource areas. As such, in accordance with Section 15088.5 of the CEQA Guidelines, the County determined that the new information brought to light by this analysis merits recirculation of portions of the DEIR. As defined under CEQA Guidelines Section 15088.5(c), "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified". Therefore, only those portions related to wildfires, hydrology and water quality, and noise were revised and included in the Partial Recirculated DEIR.

2nd Partial Recirculated DEIR

The 2nd Partial Recirculated DEIR was completed to address an unintentional error in traffic average daily trips (ADT) provided in the original and update Environmental Noise Assessment for the Proposed Project. The original 2017 noise assessment as well as the 2021 updated noise assessment used traffic ADTs of 1,067. This error in ADTs was commented on in a letter commenting on the DEIR. However, the comment was not decerned until after the Partial Recirculated DEIR was circulated for public review. The actual ADT for the Project is 1,448. As such, the 2nd Partial Recirculated DEIR has been completed to address this increase in traffic ADTs. All other sections of the DEIR use 1,448 ADTs to evaluate the potential for impact to the environment. Therefore, only those section of the DEIR that are affected by the incorrect ADT count, Section 3.4 Noise and Section 4.0 Alternatives, were recirculated as a part of this 2nd Partial Recirculated DEIR.

Final EIR

The County received 160 comment letters from interest groups, government agencies, and the public regarding the DEIR, 12 comment letters on the Partial Recirculated DEIR and 39 comment letters on the 2nd Partial Recirculated DEIR. This document responds to the written comments received as required by CEQA. This document also contains minor edits to the DEIR, which are included in Section 5.0, Minor Revisions to the DEIR. This document constitutes the FEIR.

Certification of the Final EIR/Project Consideration

The County will review and consider the FEIR. If the County finds that the FEIR is *adequate and complete*, the County may certify the FEIR. The rule of adequacy generally holds that the EIR can be certified if (1) it shows a good faith effort at full disclosure of environmental information, and (2) it provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Kidder Creek Orchard Camp Final Environmental Impact Report

Upon review and consideration of the Final EIR, the County may take action to adopt, revise, or reject the Proposed Project. A decision to approve the Proposed Project would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a MMRP to describe measures that have been adopted or made a condition of Project approval in order to mitigate or avoid significant effects on the environment.

1.2 Intended Use of the EIR

This EIR is intended to evaluate the environmental impacts of the Kidder Creek Orchard Camp Project. In its final form, this EIR will be used by the County of Siskiyou in considering approval of the Proposed Project. In accordance with CEQA Guidelines § 15126, the EIR will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the Project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

County of Siskiyou

The EIR is intended to be used by the County as a tool in evaluating the Proposed Project's environmental impacts and can be further used to modify, approve, or deny approval of the Proposed Project based on the analysis provided in the EIR. A description of any requested entitlements and subsequent approvals associated with approval and implementation of the Proposed Project are described in Section 2.0, Project Description, of the DEIR.

Known Trustee And Responsible Agencies

For the purpose of CEQA, the term *trustee agency* means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. In CEQA, the term *responsible agency* includes all public agencies other than the lead agency that may have approval authority in some regard associated with the Proposed Project. Interested agencies may have a general interest in the proposal with respect to issues germane to their organization. The following agencies have been identified as potential responsible, trustee, or interested agencies with direct or indirect interest in the Project:

- California Department of Transportation (Caltrans), District 2
- California Department of Fish and Wildlife (CDFW), Region 1
- California Department of Forestry and Fire Protection (CAL FIRE)
- Regional Water Quality Control Board (RWQCB), Region 1
- Siskiyou County Air Pollution Control District
- Siskiyou County Environmental Health
- State Water Resources Control Board (SWRCB)
- U.S. Army Corps of Engineers (USACE)

1.3 Organization and Scope of the Final EIR

This document is organized in the following manner:

Section ES – Executive Summary

Section ES includes an updated Executive Summary that provides a brief project description and presents a summary table of probably environmental effects of the Project.

Section 1.0 – Introduction

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

Section 2.0 – Comments and Responses to Comments on the DEIR

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the DEIR.

Section 3.0 – Comments and Responses to Comments on the Partial Recirculated DEIR

Section 3.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the Partial Recirculated DEIR.

Section 4.0 – Comments and Responses to Comments on the 2nd Partial Recirculated DEIR

Section 4.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the 2nd Partial Recirculated DEIR.

Section 5.0 – Minor Revisions to the DEIR

Section 5.0 provides a list of minor edits made to the DEIR as a result of comments received and other staff-initiated changes.

**Kidder Creek Orchard Camp
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