

Date of Hearing: July 2, 2024

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1159 (Dodd) – As Amended June 24, 2024

Policy Committee: Natural Resources

Vote: 10 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill requires the Office of Planning and Research (OPR), by January 1, 2026, to evaluate, and the secretary of the Natural Resources Agency (NRA) to consider, creating a categorical exemption from the California Environmental Quality Act (CEQA) for roadside projects no more than five road miles from a municipality or census-designated place if the project is solely for wildfire risk reduction.

Specifically, this bill:

- 1) Requires OPR to consult with the Department of Fish and Wildlife, Department of Forestry and Fire Protection, State Water Resources Control Board and “other relevant state agencies.”
- 2) Requires OPR, in consultation with the same agencies, to consider criteria for a roadside project to be eligible for the categorical exemption.
- 3) Provides that a project eligible for a categorical exemption under this bill is not relieved from compliance with all other applicable state and federal laws such as endangered species statutes.

FISCAL EFFECT:

OPR reports estimated General Fund costs of \$450,000 for two full-time positions for three years – one Attorney III to adopt, or at least to evaluate adopting, an additional CEQA exemption within the guidelines and go through the regulatory process, and one senior level Environmental Planner to consider appropriate eligibility criteria for the specified projects.

NRA reports \$1 million for staff ongoing and \$1 million one-time, both General Fund, for coordination, workshops, consulting and assessment to implement this bill.

According to the Legislative Analyst’s Office, the General Fund faces a structural deficit in the tens of billions of dollars over the next several fiscal years.

COMMENTS:

- 1) **Purpose.** According to the author:

Many fires are caused by sparks and burning debris from cars that ignite dry brush near our roads. We must make it easier for firefighters to clear this vulnerable land and remove these flammable materials. It will help keep the public safe and defend our exposed forests. This legislation aims to streamline the process for roadside vegetation management projects, crucial for wildfire risk reduction. By considering these projects for categorical exemption from CEQA, we seek to expedite essential preventative measures while minimizing bureaucratic hurdles.

- 2) **Background.** CEQA requires a lead agency to evaluate environmental impacts of a proposed project and issue a negative declaration, mitigated negative declaration, or environmental impact report, unless a project is exempt from CEQA. OPR is required to issue CEQA guidelines for public agencies to follow in evaluating projects. CEQA review is not required for a specific project if a statutory exemption applies or if the project falls within a categorical exemption. OPR develops categorical exemptions as part of the CEQA guidelines process, and they become part of the CEQA guidelines when certified and adopted by the NRA secretary.

A CEQA exemption can greatly reduce the timeline for project deployment. This bill seeks to expedite projects only if they are undertaken solely for the purpose of wildfire risk mitigation, in recognition of the urgent need for government action to prevent wildfires that have plagued California in recent years. However, unlike a statutory exemption, this bill does not guarantee that outcome. It merely requires OPR and NRA to evaluate and consider whether to adopt a categorical exemption for these roadside wildfire risk mitigation projects.

- 3) **Prior Legislation.**

AB 211 (Committee on Budget), Chapter 574, Statutes of 2022, extended the sunset from January 1, 2023, to January 1, 2028, for the CEQA exemption for prescribed fire, thinning, or fuel reduction projects undertaken on federal lands that have been reviewed under the National Environmental Policy Act, as specified, and expanded this exemption for reforestation and habitat restoration projects undertaken on federal lands that have been reviewed under the National Environmental Policy Act, as specified.