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# SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair  
2025 - 2026 Regular

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<b>Bill No:</b>	AB 1227	<b>Hearing Date:</b>	July 16, 2025
<b>Author:</b>	Ellis		
<b>Version:</b>	June 19, 2025 Amended		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** Wildfire safety: fuels reduction projects

## SUMMARY

This bill would exempt from the California Environmental Quality Act (CEQA) certain critical fuels reduction projects, and require the California Natural Resources and Environmental Protection Agencies (CNRA and EPA, respectively) to report to the Legislature on the implementation of Governor Newsom's March 1, 2025, state of emergency proclamation.

## BACKGROUND AND EXISTING LAW

**CEQA.** The Senate Environmental Quality Committee summarizes CEQA as follows:

*CEQA was enacted by the Legislature and signed into law by Governor Ronald Reagan in 1970. While it has evolved into a very complex Act over the past 55 years, at its core the basic principles of CEQA are relatively simple. It is designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project, (b) ensure the public can take part in the review process, and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment. CEQA is self-executing statute that is enforced by civil lawsuits that can challenge any project's environmental review. Public agencies, as well as private individuals and organizations, can file lawsuits under CEQA.*

CEQA statutes are found in Division 13 of the Public Resources Code (PRC), and CNRA adopts regulations known as the CEQA Guidelines.

**Categorical Exemptions.** In addition to statutory exemptions, CEQA Guidelines include categorical exemptions that apply to some fuel reduction projects, including fuel management activities within 30 feet of structures to reduce the volume of flammable vegetation, provided that the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. This exemption applies to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

Unlike statutory exemptions, categorical exemptions are not absolute. A categorical exemption may be denied or challenged if any of the following apply:

- The project results in damage to scenic resources within a highway officially designated as a state scenic highway.

- The project site is on a hazardous waste site.
- The project may cause substantial adverse change in the significance of a historical resource.
- There is a reasonable possibility of significant effect on the environment due to unusual circumstances;
- Significant cumulative impacts from projects of the same type will result; or
- For certain categorical exemptions, the project will have impacts on a uniquely sensitive environment.

**January 2025 Los Angeles Wildfires.** The new year started ominously in southern California, when during its first week a strong high-pressure system over the Great Basin triggered powerful Santa Ana winds. The Los Angeles area hadn't seen any measurable rainfall for eight months and was in a state of moderate drought. On January 6, the National Weather Service (NWS) issued a red flag warning predicting hurricane strength winds.

Around 10:30 the next morning, dispatch officers began receiving reports of a fast-moving fire in the mountains near Pacific Palisades. Eventually the Palisades Fire became the most destructive fire in City of Los Angeles history – 12 people were killed, 23,448 acres burned, and according to the Department of Forestry and Fire Protection's damage assessment report, 6,833 structures were damaged or destroyed.

Later in the evening on the 7<sup>th</sup>, a fire began in the San Gabriel Mountains and Santa Ana winds pushed the flames into the foothill communities of Altadena, Pasadena, and Sierra Madre. The Eaton Fire burned 14,021 acres and damaged or destroyed 10,488 structures. 18 people, all from the predominantly Black neighborhood in west Altadena, were killed. The fire became the fifth most deadly and second most destructive in California history.

**Administration's response.** Governor Newsom, in response to the Los Angeles wildfires, issued a number of executive orders and proclamations to aid recovery, protect victims, fast-track wildfire safety regulations, and facilitate wildfire prevention projects.

Notably, the State of Emergency Proclamation on March 1, 2025 (Proclamation) suspended state statutes, rules, regulations, and requirements under the jurisdiction of CNRA and EPA boards, departments, and offices in order to expedite critical fuel reduction projects, specifically including CEQA and the California Coastal Act. These projects include:

- Removal of hazardous, dead, and/or dying trees;
- Creation of strategic fuel breaks;
- Community defensible space;

- Roadside fuel reduction;
- Cultural burning or prescribed fire; or
- Maintenance of established fuel breaks.

Individuals or entities who wish to conduct fuel reduction projects under this Proclamation must first seek a determination from the CNRA and/or EPA Secretaries that the proposed activity is eligible for this suspension. These projects must be initiated before the end of calendar year 2025.

**2020 Statewide Fires-Environmental Protection Plan.** This document comprises the Environmental Protection Plan (EPP) to support Private Property Debris Removal (PPDR) program for the 2020 statewide fires. Executive Orders and related Proclamations authorize the suspension of state statutes with “waivers” authorized by the EPA and CNRA Secretaries to expedite the recovery of the counties impacted by the fires. This EPP is the basis for each Agency Secretary to approve Environmental Waivers for the performance of the PPDR.

The purpose of the EPP is to document how the PPDR will be managed to comply with applicable environmental laws and regulations by implementation of Post Fire Statewide Best Management Practices (BMPs) developed by each agency.

#### ***Existing Law:***

- 1) Establishes the maintenance of a quality environment for the people of the state now and in the future as a matter of statewide concern (PRC §21000).
- 2) Declares that it is the policy of the state that public agencies should not approve projects without feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects (PRC §21002).
- 3) Declares that in the event specific economic, social, or other conditions make infeasible project alternatives or mitigation measures, individual projects may be approved despite one or more significant effects (PRC §21002).
- 4) Exempts from CEQA certain wildfire risk reduction projects (PRC §21080.49).
- 5) Establishes a “Class 4” Categorical Exemption from CEQA for “minor alterations to lands” include fuel management activities within up to 100 feet of structures (14 CCR 15304).

#### **PROPOSED LAW**

This bill would:

- 1) Exempt from CEQA a critical fuels reduction project that:
  - a) Is located in a very high fire hazard severity zone (VHFHSZ);
  - b) Does one of the following:
    - i) Removes hazardous, dead, or dying trees;
    - ii) Creates a strategic fuel break;

- iii) Removes vegetation along roadways;
  - iv) Removes vegetation using cultural burning or prescribed fire; or
  - v) Maintains previously established fuel breaks.
- 2) Require a critical fuels reduction project under ii) - iv) above to meet the following requirements:
- a) The vegetation is a nonnative species;
  - b) The vegetation is 8 inches or less in diameter; and
  - c) The vegetation is a common species.
- 3) Sunsets this exemption on January 1, 2028.
- 4) Requires CNRA and EPA to submit a report to the Legislature on the implementation of the Governor's state of emergency proclamation issued on March 1, 2025.
- 5) Requires the report to include all of the following information:
- a) A list of all entities that requested the secretary of the reporting agency to make a determination that the requested activity is eligible for the suspension as a critical fuels reduction project under the proclamation.
  - b) A list of all entities that used the suspension provided under the proclamation.
  - c) The projects of each entity for which the suspension was provided.
  - d) How the project for which suspension was provided advances the state's wildfire mitigation and forest health treatment goals.
  - e) Instances in which any project for which suspension was provided failed to comply with the 2020 Statewide Fires–Environmental Protection Plan and to what extent the noncompliance is known.
- 6) Requires the report be submitted by January 31, 2026.

### ARGUMENTS IN SUPPORT

According to the author, "With California facing increasingly devastating wildfires year after year, timely wildfire prevention projects have never been more important. CEQA has consistently proven to be a roadblock for effective wildfire prevention projects, causing costly and time-consuming delays. AB 1227 will exempt wildfire prevention projects from the requirements of CEQA, ensuring that California is able to prevent and mitigate future wildfires."

### ARGUMENTS IN OPPOSITION

None received.

### COMMENTS

**Double referral.** This bill is double referred to the Senate Committee on Environmental Quality. The Environmental Quality Committee heard this bill on July 2, 2025, and pass the bill 8-0. Comments regarding issues under the jurisdiction of the Environmental Quality Committee are included here for context and thoroughness only.

**Other recent CEQA exemptions.** This year's resources budget trailer bill, SB 131 (Chapter 24, Statutes of 2025), also exempts from CEQA certain wildfire risk reduction projects:

- Prescribed fire or fuel reduction.
  - These projects must meet additional requirements such as size limitations; Department of Fish and Wildlife (CDFW) consultation; avoiding impacts to riparian areas and water quality; and protecting tribal cultural resources.
- Defensible space fire clearance of up to 100 feet around a public roadway, as specified.
- Residential home hardening or defensible space within 200 feet of a legal structure located in a high or VH FHSZ.
- A fuel break up to 200 feet from structures.

***Inadvertently excludes the cultural burning it aims to promote.*** This bill would require that projects using cultural traditional ecological knowledge should only apply to nonnative vegetation species. This requirement would be incongruous with certain cultural burning objectives. For example, in the Klamath region, conifers such as firs are encroaching on oak woodland habitat, crowding out plants used for basketry, food, and other items of cultural importance. Cultural fire can help remove small diameter young firs, preventing them from growing larger and overtaking the oaks. Cultural burning to restore oak woodlands would not be eligible for this exemption, as conifers are native species. The Committee may wish to amend this bill to exclude cultural burning from the requirements related to vegetation species. **[See AMENDMENT #1]**

***Clarify applicability of requirements.*** For certain projects, they must meet three requirements – that the vegetation is a nonnative species, is 8 inches or less in diameter, and is a common species. The Committee may wish to amend the bill to clarify that those vegetation standards apply to the vegetation being removed for the project. **[See AMENDMENT #1]**

***Public notification and tracking.*** In the Governor's Proclamation, agencies wishing to use the CEQA exemption must request such permission to do from the Secretaries of CNRA and/or EPA, and both agencies are required to maintain on their website a list of all suspensions approved under the Proclamation. This provides a "second opinion" on a project's suitability for this exemption, and allows the public to track its use around the state.

Projects requesting to use the exemption in the Proclamation must be initiated by the end of this calendar year. This bill, by and large, extends the Governor's Proclamation exemption by two years, but does not contain provisions for that "second opinion" or public posting of projects being undertaken pursuant to this Proclamation.

The Committee may wish to amend the bill to incorporate a public meeting so that public can be made aware of and comment on the proposed project, in lieu of the Secretaries approving the exemption. The Committee may also wish to require lead agencies to file a notice of exemption to the Office of Land Use and Climate Innovation, as well as the county clerk, so that the use of this exemption can be tracked over time to understand the effectiveness of this exemption. These amendments are largely aligned

with the proposed requirements in AB 66 (Tangipa), which is set to be heard in this Committee on July 16, 2025. **[See AMENDMENT #2]**

### ***Related Legislation***

SB 131 (Committee on Budget and Fiscal Review, Chapter 24, Statutes of 2024), a budget trailer bill, exempts from CEQA certain wildfire risk reduction projects.

AB 66 (Tangipa, 2025) exempts from CEQA certain road construction projects to facilitate emergency evacuation. This bill is pending before this committee

AB 623 (Dixon, 2025) exempts fuel modification projects for maintaining defensible space from CEQA. This bill was referred to, but never heard in, the Assembly Natural Resources Committee.

AB 687 (Patterson, 2025) authorizes projects exclusively for noncommercial wildfire fuels reduction in timberland, paid for in part or in whole with public funds, to prepare a timber harvesting plan as an alternative to complying with CEQA. This bill is pending before this committee.

## **SUGGESTED AMENDMENTS**

### **AMENDMENT 1**

Sec. 21080.06 is amended to read:

[...]

(b) For purposes of paragraphs (2) and (3) to (4), inclusive, subdivision (a) only applies if the vegetation removed for critical fuels reduction project meets all of the following requirements:

- (1) The vegetation is a nonnative species.
- (2) The vegetation is eight inches or less in diameter.
- (3) The vegetation is a common species.

### **AMENDMENT 2**

Sec. 21080.06 is amended to read:

[...]

(c) Before determining that a project is not subject to this division pursuant to this section, the lead agency shall hold a noticed public meeting on the project to hear and respond to public comments. The lead agency shall provide notice of the public meeting on its internet website at least 30 days before the public meeting.

(d) If the lead agency determines that a project is not subject to this division pursuant to this section, and the lead agency determines to approve or carry out that project, the lead agency shall file a notice of exemption with the Office of Land Use and Climate Innovation and the county clerk in the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21152.

(e) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

**SUPPORT**

Associated General Contractors, California Chapters  
Independent Insurance Agents & Brokers of California, INC.  
Rural County Representatives of California (RCRC)

**OPPOSITION**

None Received

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