
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 1227 (Ellis) - Wildfire safety: fuels reduction projects

Version: July 17, 2025

Urgency: No

Hearing Date: August 25, 2025

Policy Vote: E.Q. 8 - 0, N.R. & W. 7 - 0

Mandate: Yes

Consultant: Ashley Ames

Bill Summary: This bill would exempt from the California Environmental Quality Act (CEQA) certain critical fuels reduction projects, and would require specified reporting.

Fiscal Impact:

- The California Environmental Protection Agency (CalEPA) estimates limited-term costs of approximately \$265,000 annually for two years (General Fund) for one limited-term position to coordinate the work of various departments and agencies to implement the requirements of this bill.
- The California Natural Resources Agency (CNRA), the Department of Forestry and Fire Protection (CalFire), and other affected departments anticipate minor and absorbable costs.

Background: 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 7th, 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.

Proposed Law: This bill would exempt from CEQA certain critical fuels reduction projects, and require CNRA and CalEPA to report to the Legislature on the implementation of Governor Newsom’s March 1, 2025, state of emergency proclamation. Specifically, 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 and iii above to only apply if the vegetation removed for the critical fuels reduction project meets all of 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. Provide that, 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.
 - a. Require the lead agency to provide notice of the public meeting on its internet website at least 30 days before the public meeting.
4. Provide that, 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.
5. Sunset this exemption on January 1, 2028.
6. Require 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.
7. Require 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.
8. Require the report be submitted by January 31, 2026.

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) would exempt from CEQA certain road construction projects to facilitate emergency evacuation.

AB 623 (Dixon, 2025) would exempt fuel modification projects for maintaining defensible space from CEQA.

AB 687 (Patterson, 2025) would authorize 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.

Staff Comments: 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.

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