
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Monique Limón, Chair
2025 - 2026 Regular

Bill No:	AB 1456	Hearing Date:	July 16, 2025
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Version:	April 10, 2025 Amended		
Urgency:	No	Fiscal:	Yes
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Subject: California Environmental Quality Act: California Vegetation Treatment Program

SUMMARY

This bill would require the State Board of Forestry and Fire Protection to update the Final Program Environmental Impact Report (FPEIR) for the California Vegetation Treatment Program by January 1, 2027. This bill also specifies that a public agency may partner with a federally recognized California Native American tribe to conduct a project under the FPEIR.

BACKGROUND AND EXISTING LAW

State Board of Forestry and Fire Protection (Board). In 1885, the Governor of California approved an act that authorized the appointment of a three-man State Board of Forestry, the first such body in the nation. That original Board was abolished in 1893. In 1905, an “Act of March 18, 1905,” became law, creating a new Board of Forestry and the first State Forester.

The Board consists of nine members appointed by the Governor and approved by the Senate. There are five public members, three members from the forest products industry, and one member from the range livestock industry. The Governor designates the chair of the Board, who continues to serve in that capacity at the pleasure of the Governor, and the vice chair is elected by the members. The members serve four-year terms.

The Board is responsible for developing the general forest policy of the state, determining the guidance policies of the Department of Forestry and Fire Protection (Department), and representing the state's interest in federal forestland in California. Together, the Board and the Department work to carry out their mandate to protect and enhance the state's unique forest and wildland resources.

State Responsibility Area (SRA). The SRA is the areas of the state where the state has the financial responsibility for preventing and suppressing wildfires (Public Resources Code (PRC) § 4102). The Board is required to classify all lands within the state to determine the SRA (PRC § 4125). Lands in the SRA include:

- Lands covered wholly or in part by forests or by trees producing or capable of producing forest products.
- Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard

runoff of water or accelerate water percolation, if such lands are sources of water which is available for irrigation or for domestic or industrial use.

- Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described above (PRC § 4126).

Lands which are not in SRA are in local or federal responsibility areas (LRA and FRA), as applicable.

California Vegetation Treatment Program (CalVTP). The CalVTP, developed by the Board and approved on December 30, 2019, is a critical component of the state's multi-faceted strategy to address California's wildfire crisis. The CalVTP includes the use of prescribed burning, mechanical treatments, manual treatments, herbicide application, and prescribed herbivory as tools to reduce hazardous vegetation around communities in the Wildland-Urban Interface (WUI), to construct fuel breaks (shaded or non-shaded), and to promote ecological restoration. The CalVTP FPEIR provides a powerful California Environmental Quality Act (CEQA) compliance tool to expedite the implementation of wildfire resilience projects.

Project proponents can use the CalVTP to comply with CEQA for vegetation treatments consistent with the CalVTP FPEIR. A project proponent is any local or state agency providing funding or having land ownership and/or management or other regulatory responsibility in the treatable landscape. This includes the Department, Counties, Cities, Water Agencies, Special Districts, Open Space Districts, State Parks, California Department of Fish and Wildlife (CDFW), Universities, Conservancies, and many other state and local public agencies.

According to the Governor, 106 projects have been approved to date under CalVTP.

CalVTP Treatable Landscape. Geographic area is one of the factors identified in CEQA Guidelines that agencies may consider when determining whether a project is within the scope of a PEIR. The geographic area analyzed in the CalVTP FPEIR is the treatable landscape. The treatable landscape consists of land primarily within the SRA and some areas of the LRA, and some FRA. Therefore, areas of a treatment project outside the treatable landscape are not within the scope of the CalVTP FPEIR.

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 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'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 California Natural Resources Agency (CNRA) and Environmental Protection Agency (EPA) boards, departments, and offices in order expedite critical fuel reduction projects, specifically including CEQA and the California Coastal Act. 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.

In that emergency proclamation, the Governor acknowledged that even with the success of CalVTP, more is needed to expedite critical fuels reduction projects in more areas of the state, including those not yet covered by CalVTP, to protect the lives and property of Californians. The proclamation directs the Board to take immediate steps to update the CalVTP FPEIR, in consultation with CNRA and others as appropriate, to increase CalVTP's efficiency and utilization, in order to continue promoting rapid environmental review for large wildfire risk reduction treatments.

Existing law:

- 1) Pursuant to CEQA (Public Resources Code (PRC) §§ 21000 *et seq.*):
 - a) Authorizes the preparation and certification of an environmental impact report (EIR) for a program, plan, policy, or ordinance, commonly known as a "program EIR" or PEIR, and requires a lead agency to examine later activities in the program in light of the PEIR to determine whether an additional environmental document is required to be prepared.
 - b) Provides that when an EIR has been prepared for a project, no subsequent or supplemental EIR is to be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:
 - i) Substantial changes are proposed in the project that will require major revisions of the EIR;
 - ii) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR; and/or,

- iii) New information, which was not known and could not have been known at the time the EIR was certified as complete, becomes available. (PRC § 21166)
- 2) Defines, under the CEQA Guidelines, a PEIR as an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either geographically, as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (Title 14 California Code of Regulations § 15168)
- 3) Requires, to the extent feasible, the FPEIR to serve, in addition to any identified entities in the report, as a programmatic environmental document for prescribed fires initiated by a third party for a public purpose.
 - a) Provides that this does not apply to a prescribed fire activity that is exempt from CEQA.
 - b) Provides that vegetation treatments in chaparral or sage scrub shall only occur if the Department finds the activity will not cause type conversion. (PRC § 4483)

PROPOSED LAW

This bill would:

- 1) Require the Board to update the CalVTP by January 1, 2027.
 - a) Require the update to expand the treatable landscape.
 - b) Require a project under the FPEIR to incorporate the disposition of biomass in the project description.
 - c) Require the update to include cultural burning.
- 2) Authorize a public agency to enter into an agreement with a federally recognized California Native American tribe to conduct a project under the FPEIR.

ARGUMENTS IN SUPPORT

According to the author, “The California Vegetation Treatment Program was developed and approved by the Board of Forestry in 2019 to streamline CEQA for greatly-needed vegetation management projects across the state to reduce our wildfire risk. To facilitate getting more vegetation management done, and consistent with the Governor’s executive order, this bill requires the Board to expand the program to more area covered under the Programmatic Environmental Impact Report. The bill also integrates indigenous knowledge and tribal ecological knowledge by including provisions that recognize the dual objectives of cultural and ecological restoration through vegetation management activities.”

Writing in support, the San Luis Obispo Fire Safe Council says, “As I write this letter the Madre fire is a 35,000 acre wildfire burning in our county that started yesterday afternoon and spread at the rate of over 3,000 acres an hour (5 square miles per hour).

These fires are only stoppable when they burn into areas that have been treated to reduce fuel loading. AB 1456 will help in that effort.”

Rural County Representatives of California (RCRC) writes, “AB 1456 seeks to improve the VTP EIR by expanding it to include ecological restoration, fuel breaks, and fuel reduction projects in both state and local responsibility areas. The bill also requires projects to describe how resulting biomass will be handled and integrate tribal knowledge and cultural burning. Together, these changes will expand the utility of the VTP EIR and help local agencies reduce fire risk in a more timely manner.”

ARGUMENTS IN OPPOSITION

Writing in an “oppose unless amended” position, the Center for Biological Diversity states “The Center objects to AB 1456 because it will substantially expand the area subject to the California Vegetation Treatment Program without detailed environmental review, and may, as written, enhance the destruction of California forest lands for commercial use but without any fire suppression or environmental benefits or analysis.[...]”

“Particularly when the environmentally damaging commercial use of forest biomass is on the table, there should be *more* environmental review of local projects, not less. **We suggest that the bill be amended to require a full EIR for any substantial addition to the program area, and to any proposed sale of forest biomass.** [emphasis in original]. [...]”

“We agree with the bill’s provision that a project under the FPEIR must “incorporate in its project description the disposition of biomass generated by vegetation treatments.” But the following clause, “including any commercial sale of biomass for the purpose of cost recovery,” is a dangerous suggestion that the door is open for forest biomass sales for the production of electricity and for other commercial purposes. And merely incorporating a feature into the project description does not ensure that it will be analyzed, especially given CalFire’s encouragement to project proponents to use a non-public project-specific analysis to avoid application of CEQA.”

COMMENTS

Specific guidance to the Board. This bill provides more specific guidance to the Board regarding how to best implement the Governor’s Proclamation. The Proclamation states:

The Board of Forestry and Fire Protection shall take immediate steps to update the [CalVTP FPEIR], in consultation with [CNRA] and others as appropriate, to increase CalVTP’s efficiency and utilization, in order to continue promoting rapid environmental review for large wildfire risk reduction treatments. In addition to accessing expertise from all appropriate state agencies, this process should also include public workshops with practitioners to solicit feedback on experiences during implementation in the first five years of the CalVTP and suggested improvements.

This bill specifies some of the changes the Board must make to the FPEIR, and places a statutory deadline on the Board for completing those updates.

The Committee may wish to amend this subdivision to authorize the Board to make other changes to the FPEIR to address the Proclamation for elements not otherwise specified in statute, as necessary. **[See AMENDMENT #1, proposed (b)(4)]**

Specify enduring applicability of the FPEIR. The Committee may wish to amend the bill to specify that the existing FPEIR remains in effect while updates are being undertaken. This will provide certainty to project proponents wishing to use the CalVTP FPEIR that it will still be available for projects. **[See AMENDMENT #1, proposed (d)]**

Type conversion. Since the Board certified the CalVTP FPEIR in late 2019, it has been under litigation from environmental organizations concerned about the FPEIR's impacts to type conversion. On May 30, 2025, the Appellate Court reversed the Superior Court's decision upholding the FPEIR's type conversion analysis. There are currently ongoing conversations between the plaintiffs, State Board, and other stakeholders to develop a consensus solution regarding how to best address type conversion in the FPEIR.

The author may wish to amend this bill in the future, if necessary, to address any agreement or consensus reached on the issue of type conversion in the FPEIR.

SUGGESTED AMENDMENTS

AMENDMENT 1

Section 21088.1 is added to the Public Resources Code, to read:

21088.1. (a) For purposes of this section, "FPEIR" means the Final Program Environmental Impact ~~Report~~. Report for the California Vegetation Treatment Program, certified by the State Board of Forestry and Fire Protection (state board) on December 30, 2019.

(b) On or before January 1, 2027, the ~~State Board of Forestry and Fire Protection~~ state board shall update the ~~California Vegetation Treatment Program FPEIR, certified by the state board in December 2019,~~ FPEIR in accordance with Section 21166. The update shall, at a minimum, do all of the following:

- (1) Expand the area that is treatable landscape under the FPEIR to portions of the state suitable for vegetation treatment consistent with the FPEIR, including for the treatment types of ecological restoration, fuel breaks, and wildland-urban interface fuel reduction, regardless of fire suppression responsibility designation.
- (2) Require a project under the FPEIR to incorporate in its project description the disposition of biomass generated by vegetation treatments, as necessary, including any commercial sale of biomass for the purpose of cost recovery.
- (3) Include provisions that recognize the dual objectives of cultural and ecological restoration through vegetation management activities that integrate indigenous knowledge and tribal ecological knowledge, and recognize cultural burning conducted pursuant to Section 4505 as a covered treatment activity.

(4) Undertake any amendments necessary to implement the objectives stated in the Governor's Proclamation of a State of Emergency, dated March 1, 2025.

(d) The FPEIR shall remain in full effect and may continue to serve as the basis for later project-specific environmental analyses to support vegetation treatment projects while the update pursuant to subdivision (c) is being prepared.

(e) A public agency may partner with a federally recognized California Native American tribe to conduct a project under the FPEIR in the agency's jurisdiction.

SUPPORT

American Society of Civil Engineers-Region 9
Auten Resource Consulting
California Forestry Association
California Licensed Foresters Association
Rural County Representatives of California (RCRC)
San Luis Obispo County Fire Safe Council

OPPOSITION

Center for Biological Diversity (unless amended)

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