

Date of Hearing: January 12, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 623 (Dixon) – As Amended April 21, 2025

SUBJECT: Fire prevention projects: California Environmental Quality Act: coastal development permits: exemptions

SUMMARY: Provides exemptions from the California Environmental Quality Act (CEQA) and the California Coastal Act for fuel modification projects that maintain defensible space. Additionally exempts electrical grid resilience projects from CEQA.

EXISTING LAW:

- 1) Pursuant to CEQA (Public Resources Code (PRC) 21000-21189.70.10):
 - a) Requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.
 - b) Requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.
 - c) Defines “project” as an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: an activity directly undertaken by any public agency; an activity undertaken by a person that is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; and, an activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
 - d) Provides specified exemptions for wildfire risk reduction projects.
- 2) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, to at all times maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. (PRC 4291.5)
- 3) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone (VHFHSZ) designated by the local agency to, at all times, maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as provided. Requires the Board of Forestry (Board) to adopt

regulations for an ember-resistant zone for the elimination of materials that would likely be ignited by embers. (Government Code 51182)

- 4) Authorizes the director of the Department of Forestry and Fire Protection (CAL FIRE) to provide grants to, or enter into contracts or other cooperative agreements with, entities, including, but not limited to, private or nongovernmental entities, Native American tribes, or local, state, and federal public agencies, for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. (PRC 4799.05)
- 5) Requires each electrical corporation to annually prepare and submit a wildfire mitigation plan (WMP) to the Wildfire Safety Division for review and approval. Defines 23 variables a WMP is required to contain, including a description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks. (Public Utilities Code 8386)
- 6) Pursuant to the California Coastal Act (PRC 30000 *et seq.*):
 - a) Requires a person wishing to perform or undertake any development in the coastal zone, other than a specified facility, to obtain a coastal development permit (CDP).
 - b) Exempts the following from CDP requirements:
 - i) Immediate emergency work necessary to protect life or property or immediate emergency repairs to public service facilities necessary to maintain service as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor.
 - ii) Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway except for a highway designated as an official state scenic highway within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage.
 - c) Authorizes, to promote greater efficiency with planning, public works plans (PWP) as an alternative to project-by-project CDP review for public works projects carried out by public agencies.

THIS BILL:

- 1) Exempts the following from CEQA:
 - a) A fuel modification project to maintain defensible space of 500 feet from each side and from the front and rear of a building or structure or a fuel reduction project to prevent and contain the spread of wildfires.
 - b) An electrical grid resilience or hardening project.
- 2) Exempts the following from the Coastal Act:

- a) A fuel modification project to maintain defensible space of 500 feet from each side and from the front and rear of a building or structure.
 - b) A fuel reduction project to prevent and contain the spread of wildfires.
- 3) Provides that no reimbursement is required by this bill pursuant to the California Constitution.

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's statement:**

AB 623 would exempt both fuel modification and fuel reduction projects that are meant to maintain a defensible space of 500 feet from a building or structure from the requirements of CEQA and the California Coastal Act. This common sense solution will help streamline existing regulations and empower individuals to do their part in reducing wildfire risk in California. With wildfires making up a large portion of annual statewide greenhouse gas emissions, it is as important as ever that we reduce as much combustible fuel as we're able, especially near structures. By giving power back to property owners and individuals to undertake these projects we bolster our states preventative efforts to reduce the risk of wildfires.

- 2) **Defensible space.** Defensible space is the buffer created between a building on a property and the grass, trees, shrubs, or any wildland area that surrounds it. This space is needed to slow or stop the spread of wildfire, and it helps protect structures from catching fire. A 2019 analysis done by CAL FIRE of the relationship between defensible space compliance and destruction of structures during the seven largest fires that occurred in California in 2017 and 2018 concluded that the odds of a structure being destroyed by wildfire were roughly five times higher for noncompliant structures compared to compliant ones.

The defensible space for all structures within the state responsibility area (SRA) and VHFHSZs in local responsibility areas is 100 feet from a structure.

- 3) **Existing CEQA exemptions for defensible space.** Homeowners and property owners are responsible for maintaining defensible space, and are not subject to CEQA unless they have received state funding (i.e., a grant) or are working with a local agency to conduct a vegetation management project.

CEQA does apply to public agencies, and generally requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible.

There are two types of CEQA exemptions: (1) statutory exemptions and (2) categorical exemptions. There are more than a dozen statutory exemptions to CEQA in PRC 21080 (among other stand-alone statutory exemptions), including the following exemptions approved in SB 131 (Committee on Budget and Fiscal Review), Chapter 24, Statutes of 2025:

- A project consisting of “defensible space” fire clearance of up to 100 feet, as measured from the center line of the roadway, for a public roadway identified as an egress and evacuation route for a subdivision or community of 30 or more dwelling units, to remove flammable vegetation or trees of less than 12 inches in diameter as measured at chest height.
- A project consisting of the establishment or enhancement of residential home hardening or defensible space for wildfire risk reduction within 200 feet of a legal structure located in a high or VHFHSZ.
- A project consisting of a fuel break that extends up to 200 feet from structures, including the clearance of flammable vegetation and trees less than 12 inches in diameter as measured at chest height.

For categorical exemptions, the CEQA statutes require the Office of Land Use and Climate Innovation to develop CEQA guidelines for implementation by public agencies, which include criteria for public agencies to follow in determining whether or not a proposed project may have a “significant effect on the environment.” Under the current guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations (CCR)), there are two categorical exemptions available:

- Class 1 exemption covers the repair, maintenance, or minor alteration of existing public or private facilities, or topographical features, such as maintenance of existing landscaping, and involving negligible or no expansion of existing or former use. (CCR 15301) This exemption has been used by local agencies to perform strategic fuels reduction work to remove dead, dying, or hazardous trees along roads and around structures to provide defensible space and a wildfire calming zone, and clear vegetation that encroaches into the roadway prism.
- Class 4 exemption is for minor public or private alterations which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. This includes, but is not limited to, 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. (CCR 15304) This exemption has been used by state and local agencies to reduce roadside fuels along well-used public roads, improve fuel break function, and vegetation removal on private roads.

In addition, CEQA does not apply to prescribed fire, reforestation, habitat restoration, thinning, or fuel-reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the National Environmental Protection Act if the primary role of a state or local agency is providing funding or staffing for those projects. (PRC Section 4799.05(d)(1))

Furthermore, the California Vegetation Treatment Program (CalVTP) – a CEQA-compliant program for wildfire resilience projects— was developed by the Board for prescribed burning, mechanical treatments, manual treatments, herbicides, and prescribed herbivory as tools to reduce hazardous vegetation around communities in the wildland-urban interface, to construct fuel breaks, and to restore healthy ecological fire regimes. The Board certified a

CalVTP-related Final Program EIR (FPEIR) prepared pursuant to CEQA. The FPEIR is used by more than 200 public agencies with land ownership or land management responsibilities in the treatable landscape. The FPEIR provides a helpful tool to expedite the implementation of vegetation treatments across nearly 20 million acres. The FPEIR is intended to provide broad CEQA coverage for individual projects consistent with the analysis and mitigation strategies.

- 4) **Vegetation management in the Coastal Zone.** To complement CalVTP, the Coastal Commission developed the use of PWPs to streamline fuel reduction projects in the Coastal Zone. The PWP functions like an overlay to CalVTP, so that following the PWP guarantees both CEQA and Coastal Act compliance. This approach allows applicants to safeguard sensitive biological resources and improve forest health without having to apply for individual CDPs. PWPs authorize projects with streamlined review and without the need for additional coastal permits over 10 years.

Since 2021, approximately 350,000 acres in the Coastal Zone has been certified for wildfire vegetation treatment under PWPs in Santa Cruz County, San Mateo County, San Luis Obispo County, Monterey County, and in Tomales Bay State Park. PWPs are being prepared currently for the Coastal San Luis Resource Conservation District (RCD) and the Marin Wildfire Prevention Authority. The most recent PWP was approved by the Coastal Commission in August for the Upper Salinas Las Tablas RCD and covered 88,000 acres.

PWPs can be completed in less time than a typical local CDP, and once certified, work can proceed within 30 days and no local review is required.

- 5) **Emergency proclamation.** On January 7, 2025, multiple major wildfires erupted concurrently in Los Angeles burning an area nearly the size of Washington, D.C. In response, Governor Newsom issued Executive Order N-4-25 exempting rebuilding efforts from CEQA and the Coastal Act to accelerate redevelopment. Two months later, on March 1 the Governor issued an emergency proclamation ordering a suspension of all laws, regulations, rules, and requirements that fall within the jurisdiction of boards, departments, and offices within the California Environmental Protection Agency (CalEPA) and the California Natural Resources Agency (NRA) to be suspended for expediting critical fuels reduction projects initiated in 2025.

Fuels reduction projects include:

- Removal of hazardous, dead, and/or dying trees;
- Removal of vegetation for the creation of strategic fuel breaks as identified by approved fire prevention plans, including without limitation CAL FIRE Unit Fire Plans or Community Wildfire Preparedness Plans;
- Removal of vegetation for community defensible space;
- Removal of vegetation along roadways, highways, and freeways for the creation of safer ingress and egress routes for the public and responders and to reduce roadside ignitions;
- Removal of vegetation using cultural traditional ecological knowledge for cultural burning and/or prescribed fire treatments for fuels reduction; or,
- Maintenance of previously-established fuel breaks or fuels modification projects.

The proclamation establishes a process for use of the exemptions. Entities are required to ask NRA to make a determination that the activities are eligible under the proclamation, and all of the departments and agency under NRA and CalEPA will post on their respective websites the approved CEQA and Coastal Act exemptions. Further, any activity conducted under the temporary exemptions is still required to comply with the state Environmental Protection Plan.

It is unknown how many and which entities requested a determination to be made for an exemption; how many and which projects the exemption(s) were used; or, how the exempted projects advanced the state's wildfire mitigation and forest health treatment goals.

- 6) **Electric grid projects.** Electrical infrastructure is a common ignition point for wildfires, as is evidenced by some of the most destructive wildfires in California's very recent wildfire history.

California's investor-owned utilities (IOUs) (private electrical corporations regulated by the California Public Utilities Commission (PUC)) are responsible and accountable for ensuring safe operations of their transmission and distribution infrastructure, which includes vegetation management around that electrical infrastructure. There are various laws requiring an electric utility in the SRA to maintain around and adjacent to any pole or tower that supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole, a firebreak that consists of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower. Utilities are also required to cut, trim, or fell any dead trees, trees weakened by decay or disease, and trees or portions thereof that are leaning toward a line that can contact the line from the side, or may fall on the line. Many vegetation management activities conducted by utilities are treated as maintenance of existing facilities, which can fall under a CEQA categorical exemption (CCR 15301).

More broadly speaking in terms of CEQA application to utilities, when a utility proposes an electrical transmission or distribution project, the PUC acts as the lead agency under CEQA for utility infrastructure. Under CPUC General Order 131-E, smaller projects (such as distribution lines smaller than 50 kV or certain upgrades) may be processed through expedited reviews where utilities claim applicable CEQA exemptions. If a claimed exemption is approved by CPUC staff, CEQA review may not require a full EIR. If not approved, a full CEQA review proceeds. This doesn't eliminate CEQA entirely for grid projects, but it often streamlines or limits review depending on project size, type, and exemption fit.

California has been pursuing CEQA reforms to expedite wildfire mitigation and resilience work (e.g., certain wildfire mitigation activities exempted by SB 131). However, many resilience projects — especially those involving significant ground disturbance, new siting, or sensitive habitats — still require full CEQA review unless a specific statutory exemption now applies.

This bill exempts electrical grid resilience or hardening projects from CEQA, without any contextual definition or consideration of current requirements for CEQA review.

- 7) **Unclear what the problem is.** As it relates to CEQA exemptions for defensible space, this bill proposes exemptions for defensible space projects up to 500 feet from a structure – 5x farther out than current standards require defensible space to be maintained, and 300 feet

more than the current CEQA exemption. There is no evidence supporting a need for a broadened exemption. Furthermore, PWPs under the Coastal Act streamline the project planning process significantly, so it is unclear why a Coastal Act exemption is being pursued. Lastly, a CEQA exemption for electrical grid resilience or hardening projects needs to be fleshed out.

- 8) **Committee amendments.** The *committee may wish to consider amending the bill* to replace the current content with two reporting requirements to better inform the Legislature: 1) to assess how implementation of the Governor's emergency proclamation has been used, require NRA and CalEPA to each report to the Legislature on the implementation of the emergency proclamation; and, 2) require the Coastal Commission to report to the Legislature on CDP approvals for fuel modification projects and use of PWPs for fuel modification projects, and the average time it takes under each process for a project to be approved.
- 9) **Related legislation:**
 - a) AB 1227 (Ellis, 2025) provides a limited, 2-year CEQA exemption for vegetation management projects conducted in VHFHSZs and requires, on or before January 31, 2026, NRA and CalEPA to each report to the Legislature on the implementation of the emergency proclamation. This bill was held in the Assembly Appropriations Committee.
 - b) ABx1 6 and AB 687 (Patterson, 2025) 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, and require these projects to be regulated as timber operations. ABx1 6 was held at the Assembly desk. AB 687 was held in the Senate Natural Resources & Water Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Forestry Association
City of Oakland
Humboldt Redwood Company LLC

Opposition

California Chaparral Institute
California Native Plant Society
Center for Biological Diversity
Endangered Habitats League
Hills for Everyone
State Alliance for Firesafe Road Regulations

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