

Environmental Compliance for CAL FIRE Projects

NOTE: Grantee must submit proof of California Environmental Quality Act and/or National Environmental Policy Act compliance within one year of the execution of the grant agreement. To ensure this occurs in a timely manner, the grantee should contact the Department of Forestry and Fire Protection (CAL FIRE) environmental compliance staff as soon as possible after receiving the executed agreement.

California Environmental Quality Act (CEQA)

Within one year of the execution of the grant agreement and prior to commencing any on-the-ground work, CAL FIRE requires proof of adequate compliance with CEQA. This may be accomplished by one or more of the following methods:

1. Notice of exemption filed with the State Clearinghouse or the county clerk and completion of the CAL FIRE's Environmental Review Report for an Exempt Project for categorically exempt projects.
2. Initial study and negative declaration or mitigated negative declaration and all associated noticing documents filed with the State Clearinghouse or the county clerk.
3. Draft and final environmental impact report and all associated noticing documents filed with the State Clearinghouse or the county clerk.
4. Timber harvesting permit or notice in compliance with the California Forest Practice Act and Rules for projects that undertake timber operations per Public Resources Code § 4527. The timber harvesting document must cover grant-funded activities for the associated treatment area or be supplemented by additional CEQA documents.
5. Finding of no significant impact-decision notice, categorical exclusion-decision memo or environmental impact statement-record of decision prepared in compliance with the National Environmental Policy Act for projects that are exempt from CEQA pursuant to Public Resources Code § 4799.05(b).
6. Certification that the project qualifies for the limited suspension of requirements of CEQA pursuant to the Governor's October 30, 2015, *Proclamation of a State of Emergency*.
7. Completed and accepted project-specific analysis under the CalVTP and all associated noticing documents filed with the State Clearinghouse or the county clerk.

For exempt projects where the grantee is a public agency¹, the grantee will be responsible for: (a) preparing the Environmental Review Report for an Exempt Project and notice of exemption; and (b) filing the notice of exemption. For exempt projects where the grantee is not a public agency (e.g., fire safe council), CAL FIRE or another public agency will be responsible for (a) preparing the Environmental Review Report for an Exempt Project and notice of exemption; and (b) filing the notice of exemption.

For non-exempt projects where the grantee is a public agency, the grantee will assume the role of lead agency. For non-exempt projects where the grantee is not a public agency (e.g., fire safe council), CAL FIRE or another public agency will need to assume the role of lead agency. The lead agency is responsible for: (a) performing the necessary environmental effects analysis; (b) preparing environmental documents; and (c) filing associated notices.

The lead agency may require the grantee to prepare, or retain a consultant to prepare, the environmental documents required for demonstrating adequate compliance with CEQA. When CAL FIRE is the lead agency, the grantee must work closely with the Department to ensure the environmental documents reflect its independent judgement.

Grantees should ensure they ask for adequate funds for environmental work when applying for grants. When preparing their budgets, grantees should consider the need to contract with appropriate resource professionals to do the necessary environmental effects assessment and document preparation work. This may include biologists, professional archaeologists, air quality experts, registered professional foresters, environmental planners, etc.

For all environmental documents where CAL FIRE is the lead agency, except timber harvesting permits or notices, cultural resources must be assessed per the procedures outlined in [Cultural Resources Review Procedures](#) *Review Procedures for CAL FIRE Projects*. This may require the project proponent to consult with the appropriate CAL FIRE archaeologist to determine if impacts to cultural resources are possible and what, if any, assessment work will have to be done. This consultation should be done as early in the planning process as possible.

¹ "Public agency" includes the following:

PRC § 21062. "Local agency" means any public agency other than a state agency, board, or commission. For purposes of this division a redevelopment agency and a local agency formation commission are local agencies, and neither is a state agency, board, or commission.

PRC § 21063. "Public agency" includes any state agency, board, or commission, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

14 CCR § 15368 "Local agency" means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency.

14 CCR § 15379 "Public agency" includes any state agency, board, or commission and any local or regional agency, as defined in these Guidelines. It does not include the courts of the state. This term does not include agencies of the federal government.

Limited Suspension of Requirements of the California Environmental Quality Act

Certain projects may qualify for the limited suspension of the requirements of CEQA pursuant to [Governor Brown's Proclamation of a State of Emergency for Tree Mortality](#). The emergency proclamation suspends the requirements of CEQA for purposes of carrying out, among other things, Directive 2, where the state agency with primary responsibility for implementing the directive concurs that local action is required. In order to qualify for the emergency proclamation's suspension of CEQA, the grantee must meet certain specific criteria.

Grantees wishing to proceed under the emergency proclamation's suspension must certify that all the applicable criteria are met. CAL FIRE may assist applicants in determining their eligibility for the proclamation's suspension of CEQA prior to application submission.