

ENVIRONMENTAL COMPLIANCE FOR FOREST HEALTH 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 [Forest Health Environmental Compliance Review](#). To ensure this occurs in a timely manner, the grantee should contact CAL FIRE environmental compliance staff as soon as possible after receiving the executed agreement. No grant funds shall be spent on any project activity that may have an effect on the environment, including any ground-disturbing activity, without environmental compliance approval from Forest Health.

National Environmental Policy Act (NEPA) Compliance

Project work involving Federal actions must comply with NEPA.

If the requirements of Public Resources Code (PRC) section 4799.05(d)(1) are met, CEQA may not apply to the project. This means that prescribed fire, reforestation, habitat restoration, thinning, or fuel reduction projects undertaken, in whole or in part, on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the NEPA may not need additional CEQA analysis. However, CEQA Compliance is still required when using Forest Health grant funds and a CEQA notice of exemption will need to be filed. See Item #5 below.

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.
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 PRC § 4527.
5. Finding of no significant impact-decision notice, categorical exclusion- decision memo, or environmental impact statement-record of decision prepared in compliance with the NEPA for projects that are exempt from CEQA pursuant to PRC § 4799.05(d)(1). When using a NEPA document, per section PRC § 4799.05(d)(4)(A), a CEQA notice of exemption needs to be filed with the Office of Planning and Research and with the county clerk in the county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21108 or subdivisions (b) and (c) of Section 21152. The *lead agency will also need to post*

the notice of exemption on its internet website together with a description of where the documents analyzing the environmental impacts of the project under the federal National Environmental Policy Act of 1969 are available for public review.

6. Completed and accepted Project-Specific Analysis (PSA) under the California Vegetation Treatment Program (CalVTP).

For exempt projects, where the grantee is a public agency, the grantee, or a willing project partner that is a public agency will be responsible for: (a) completing their due diligence for an Exempt Project and preparing the notice of exemption; and (b) filing the notice of exemption with the State Clearinghouse or the county clerk. For exempt projects where the grantee is not a public agency (e.g., fire safe council), the grantee will be responsible for (a) conducting the necessary record checks/surveys as part of CAL FIRE's due diligence process and (b) preparing the Environmental Review Report for an Exempt Project in accordance with CAL FIRE's procedures. CAL FIRE will (a) prepare the notice of exemption; and (b) file the notice of exemption.

For non-exempt projects where the grantee is a public agency¹, the grantee will assume the role of lead agency². 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.

Note: Starting FY 2022-2023, per CAL FIRE's procedures, CAL FIRE Certified Archaeological Surveyor certificate can only be used when CAL FIRE is the lead agency for CEQA. This means that when a grantee is a public agency or another public agency assumes the role as lead, the grant CANNOT use CAL FIRE Certified Archaeological Surveyor certificate and the grantee will need to utilize appropriate archeological professionals to complete this work. Please budget accordingly.

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 for CAL FIRE Projects](#) . This may require the project proponent to consult with the appropriate CAL FIRE archaeologist to determine if

¹Per 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.

²Per PRC § 21067 "Lead agency" means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.

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.

CAL FIRE will review all environmental documents and associated notices for adequate compliance with applicable procedures and CEQA.

CEQA Compliance

If the applicant or a willing project partner is a public agency, they will assume the role of lead agency. For these projects, CAL FIRE will be a responsible agency, if necessary, and as such will review the lead agency's CEQA documents and any supporting documentation in order to develop its own CEQA findings and make a discretionary decision for a project.

If the applicant or any project partner is not a public agency, CAL FIRE will assume the role of lead agency. The grantee should coordinate with CAL FIRE environmental compliance staff as soon as possible after receiving the executed agreement. For these projects, the grantee will be required to work with CAL FIRE and provide information as necessary to ensure compliance with CEQA. This includes performing the necessary environmental effects analysis and preparation of environmental documents for projects and following CAL FIRE processes. Grantee will be responsible for the costs of the analyses and document preparation so please budget accordingly.

Note: *Within one year of the execution of your grant agreement and prior to any project activity that may have an effect on the environment, including any ground-disturbing activity, using grant funds, grantees must receive written approval from Forest Health confirming that CEQA compliance has been met.* Please coordinate with Forest Health Environmental Compliance team as early as possible and provide the appropriate environmental compliance documentation no less than six weeks prior to commencement. Please email all document reviews/submittals with your grant agreement number included in the subject line to: [Forest Health Environmental Compliance Review](#).

Project Reporting

For all new grants starting with FY 2022-2023 funding, per Public Resource Code (PRC) § 4137 subdivision (d) and (f), grantees will be required to maintain records, provide links to relevant documents for each of the items below, and report annually by November 15, or as requested by CAL FIRE the following: 1) What permitting mechanism was used for each project; 2) A description of any maintenance plan or other mechanism, if available, that is in place to support maintenance of vegetation improvements over time; and 3) A description of any mitigation required for each project, and whether the mitigation has been completed. These requirements extend to federal actions and projects exempt from CEQA per PRC § 4799.05(d).