



CEQA Compliance Considerations for CWPPs



The Healthy Forests Restoration Act of 2003 (HFRA) incentivizes the planning and implementation of hazardous fuels reduction projects through the development of a Community Wildfire Protection Plan (CWPP). HFRA does not include a mandate to minimize environmental impacts or comply with state environmental laws, nor does it offer any exemption to state environmental laws. Communities, agencies, or districts preparing a CWPP, therefore, must consider how to best approach environmental compliance at the time of plan approval within the bounds of their authorities and responsibilities. The California Environmental Quality Act (CEQA) requires that state and local agencies disclose and evaluate the significant environmental impacts of proposed projects and adopt all feasible mitigation measures to reduce or eliminate those impacts.¹ This CWPP Toolkit resource discusses whether, and if so, how to incorporate compliance with the CEQA into the process of preparing and approving a CWPP.

The Goal of the CWPP Makes a Difference

CWPPs in California must comply with the minimum requirements established by HFRA and CAL FIRE, the state agency responsible for forestry and fire management. These minimum requirements are established in the [CWPP Guide](#). Depending on the intended use of the plan and level of specificity contained in the CWPP, the resulting document may have different implications for environmental review and approvals.

¹ California Department of Justice, Office of the Attorney General. 2024. <https://oag.ca.gov/environment/ceqa>



For many communities, meeting the HFRA and CAL FIRE minimum requirements results in adopting a CWPP that provides short- and long-term guidance for prioritizing future decision-making related to wildfire risk reduction activities (e.g., fuel treatments, structural ignitability reduction measures, response capacity improvements). These plans may also be referred to as a “blueprint,” “road map”, or “framework” and are identified as an advisory document that is not legally binding. In these cases, the CWPP will assess, guide, organize, or prioritize a community’s approach to wildfire risk reduction, protection, and response, but the plan does not select, approve, authorize, or fund specific projects nor address potential environmental consequences of wildfire resilience activities.

In addition to meeting minimum HFRA requirements, some fire districts and other public agencies will define specific projects and support their implementation. In this capacity, the CWPP sets the lead agency up to approve and/or fund projects that are consistent with the plan. Project definition is sufficiently specific to inform environmental impact analysis and, if needed, define mitigation measures. This CWPP approach may require more upfront effort and cost for the plan preparation but can pay back dividends on that additional cost with accelerated environmental review and approval of qualifying projects that are consistent

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CEQA and its Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) provide directions about how to carry out compliance, depending on the goal and character of the CWPP. The following CEQA provisions are relevant to decisions about how to approach environmental review.

Is the CWPP a “project” as defined by CEQA? To be subject to CEQA environmental compliance, a public agency must consider an action that qualifies as a “project” under that law. In CEQA Section 21065, “Project” means 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 an activity either directly undertaken by a public agency; supported by a public agency through contracts, funding, or assistance; or authorized by a public agency with issuance of a lease, permit, license, or other entitlement.

A public agency may determine that a CWPP is not a project under CEQA, and therefore not subject to environmental review, if the plan’s goal is to just meet minimum HFRA and CAL FIRE requirements through non-legal guidance about how to carry out future decision making about wildfire safety and resilience. Often, the CWPP may express this determination in prefatory narrative, such as a statement that the CWPP is “not a legal document” or “not an activity subject to CEQA.” In this circumstance, any physical projects necessary for future approval by a public agency to implement the CWPP would need to be considered individually at a later date, including whatever CEQA compliance process is warranted.

Is the CWPP statutorily exempt as a feasibility or planning study? The Legislature has passed statutory exemptions from CEQA compliance for specified activities, even if the action may otherwise qualify as a CEQA project. A feasibility or planning study is one of the statutory exemptions. Section 15262



of the State CEQA Guidelines states: “A project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an Environmental Impact Report (EIR) or Negative Declaration but does require consideration of environmental factors.”

A public agency may determine that a CWPP is exempt from CEQA, because it is only a feasibility or planning study. As such, the CWPP would not commit a public agency directly or indirectly to an action that would change the physical environment, such as implementation of a vegetation treatment project. Similar to determining it is not a CEQA “project,” when the CWPP is adopted with this statutory exemption, any physical projects to be approved by a public agency to implement the CWPP would need to be considered individually later, including whatever CEQA compliance process is warranted.

Could the CWPP approval directly or indirectly result in potentially significant effects on the environment? If the CWPP is designed to define and support projects intended to be approved by a public agency to implement the plan and describes those projects with sufficient detail to understand potential environmental effects, the agency would consider whether significant environmental effects may occur with implementation of the CWPP. The outcome of that consideration would guide the public agency to the appropriate CEQA compliance approach and CEQA document needed. In this circumstance, a public agency has the opportunity to evaluate environmental effects of project implementation up front at the time of the CWPP approval, rather than defer to future, individual project proposals. This up-front environmental review of specific projects may save time and cost in their implementation.

Options for CEQA Compliance

The best CEQA compliance approach for a CWPP will be a fact-dependent determination by a public agency approving the plan. If an action by a public agency to adopt and implement a CWPP is not a CEQA project or is exempt from CEQA, either compliance will not be necessary because there is no “project” or a simple posting of a Notice of Exemption will be warranted. If a public agency must take an action that qualifies as a CEQA project, determining the appropriate compliance approach will be driven by the facts of the project description, the action to be taken by a public agency, and the potential environmental consequences of the proposed project. Also, the compliance approach can be influenced by previously completed, relevant CEQA documentation, if the project is consistent with a prior plan or program adoption, allowing streamlining of project-level approval using the previous environmental analysis. A summary of the primary CEQA compliance options follows.

CEQA Section 21102 and 21150; Guidelines Section 15262 Exemption. The statutory exemption process applicable to CWPP adoption that qualifies as a feasibility and planning study is a simple procedure of posting a Notice of Exemption. Qualification criteria are expressed in Section 15262 of the State CEQA Guidelines, i.e., “only feasibility or planning studies for possible future actions which the agency, board, or



commission has not approved, adopted, or funded.” The CWPP can describe “possible future actions” to accomplish its wildlife safety and resilience goals and qualify as statutorily exempt, as long as the future actions will not be “approved, adopted, or funded” based on the CWPP alone, but on appropriate future CEQA review and compliance for the specific projects. Project approvals must be deferred to another time and public agency action.

The advantage of using the statutory exemption for adoption of the CWPP is the small effort, time, and cost of the CEQA process for the adoption. A disadvantage is that the CWPP and its CEQA compliance approach do not help inform or expedite CEQA environmental review and project approval of vegetation treatment or other physical actions that implement the plan.

Reliance on Existing Program-level CEQA Documents for Project Approvals. A CWPP may include guidance on how to rely on an existing program-level environmental review documents for project-level CEQA compliance of specific implementation projects. The CWPP can discuss the available processes in its implementation chapter with explanation about how to use their CEQA compliance efficiency tools. Examples of existing program-level CEQA compliance opportunities for review and approval efficiency of covered wildfire safety and resilience projects are:

- [California Vegetation Treatment Program \(CalVTP\) Program EIR](#) for efficient approval of vegetation treatment projects in the State Responsibility Area’s Treatable Landscape using a Project-Specific Analysis and “within the scope” finding.
- [Program Timberland EIR \(PTEIR\)](#), such as the Tahoe PTEIR, for review of vegetation treatments that accounts for both CEQA and Forest Practice Act compliance.
- [CalVTP-linked Coastal Act Public Works Plans](#), e.g. Tomales Bay State Park Forest Health and Wildfire Resilience Project Public Works Plan, for project approval in the coastal zone using the CalVTP Project-Specific Analysis process with improved efficiency for California Coastal Act consistency determinations.
- [Forest Practice Rules, Timber Harvest Plans \(THP\) and Exemptions](#) for projects with a commercial timber removal component, but that can also include wildfire safety and resilience).

The advantage of using existing program-level EIRs or THPs for project-level compliance is the reduced effort, time, and cost of the CEQA process for projects covered by those documents, compared to a separate, project-specific environmental document prepared for individual projects. A disadvantage is that existing program-level EIRs cover specific geographies (such as the State Responsibility Area or Lake Tahoe Basin) and are not available for many locations, such as Local Responsibility Areas.



IS/MND Covering Both CWPP Approval and Project Implementation. A public agency may seek to conduct a CEQA process that provides compliance for both the CWPP adoption and project implementation approvals to speed up project implementation and to recognize the potential need for mitigation of potentially significant effects of vegetation treatments or other actions. The project description of the CWPP would include an inventory of planned wildfire safety and resilience projects with sufficient detail to assess environmental effects. The lead agency would prepare an Initial Study (IS) environmental checklist addressing potentially significant adverse effects and determining whether mitigation measures for significant effects would be feasible. If all potentially significant environmental effects could clearly be mitigated to less than significance, a mitigated negative declaration (MND) would be the appropriate CEQA document. The CEQA process for MNDs (and negative declarations) is described in Sections 15070 to 15075 of the State CEQA Guidelines.

The advantage of preparing an IS/MND for adoption of the CWPP with its inventory of planned projects is the cost effectiveness of budget invested in the CEQA process, because it can cover both the CWPP adoption and projects described in the plan for its implementation. A disadvantage is the higher up-front budget needed to prepare a more project-specific IS/MND, compared to use of a statutory exemption. Also, the MND can only cover environmental effects that are less than significant or can feasibly be mitigated to less than significant. If unavoidable significant effects are predicted, an MND would not be compliant.

Program EIR Tailored to a Community or Jurisdiction. A jurisdiction may seek to prepare a new, detailed Program EIR for its CWPP tailored to the community's own environmental issues to maximize community engagement about environmental impacts and mitigation measures, provide the most expansive efficiency tool for approval of specific projects covered by the Program EIR, and/or shield for public opposition, if there is a potential for litigation. The project description of the Program EIR would include substantial details about types and locations of specific implementation projects. A jurisdiction-wide Program EIR would require investment of more cost and time than other approaches, but it could also create the most effective and efficient path to review and approve specific wildfire safety and resilience projects after the Program EIR is completed and certified. For instance, a jurisdiction may approve a project consistent with the overall wildfire preparedness program described in a CWPP, when environmental impacts of the project are covered in the Program EIR.

This approach leads to a finding that the project is “within the scope” of the program and Program EIR (State CEQA Guidelines Section 15168). Typically, a checklist analysis, such as the CalVTP Project-Specific Analysis, is used by the jurisdiction to provide the evidence necessary to support “within the scope” findings for project approvals.

A Program EIR used for approval of consistent, later activities has no arbitrary sunset date. It would be a viable approach for expedited approval of consistent projects as long as project and environmental conditions did not change to the point where new or substantially more severe significant environmental impacts arose that were not addressed in the Program EIR.



The advantage of preparing a new, tailored Program EIR for adoption of a CWPP with detailed descriptions and analysis of planned implementation projects is the maximum cost effectiveness of budget invested in an expedited CEQA process for approval of projects consistent with the Program EIR. A disadvantage is the high up-front investment of time, cost, and community outreach needed to prepare the Program EIR, compared to other strategies.

Additional resources:

- The California Governor’s Office of Land Use and Climate Innovation provides [key resources](#) for understanding and implementing CEQA, including a Getting Started with CEQA guide, the latest information of CEQA, and an email list sign up for announcements.
- The [California Association of Environmental Professionals](#) provides CEQA information, trainings, and resources, such as a CEQA flowchart to illustrate the EIR process, CEQA Guidelines, published CEQA cases, papers, and other information. Current [CEQA Statute and Guidelines](#) are also available from their website.
- The [California Vegetation Treatment Program](#) (CalVTP) has CEQA resources related to wildfire risk reduction actions that may be included in CWPPs and information on a Program EIR approach.

Interested in more CWPP resources and guidance? Explore the entire CWPP Toolkit [here](#).

About the California CWPP Toolkit

The California CWPP Toolkit was co-developed by CAL FIRE’s Community Wildfire Preparedness and Mitigation Division, Community Wildfire Planning Center, Fire Adapted Communities Learning Network, and California Fire Safe Council.

Acknowledgments

We wish to thank Curtis E. Alling, AICP (Ascent Environmental) for primary authorship of this resource.

