

AMENDED IN SENATE APRIL 24, 2024

AMENDED IN SENATE MARCH 20, 2024

SENATE BILL

No. 1159

Introduced by Senator Dodd

February 14, 2024

An act to add Section 21084.4 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, as amended, Dodd. California Environmental Quality Act: roadside wildfire risk reduction projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report 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. CEQA also 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.

CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from the requirements of CEQA, commonly known as categorical exemptions.

This bill, on or before January 1, 2026, would require the office to evaluate, and the secretary to consider, the inclusion of roadside projects no more than 5 road miles from a municipality or ~~census-designated~~ *census-designated* place that are undertaken solely for the purpose of wildfire risk reduction in the classes of projects subject to a categorical exemption. The bill would require the office to consider appropriate eligibility criteria for these projects, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21084.4 is added to the Public Resources
2 Code, to read:
3 21084.4. (a) (1) On or before January 1, 2026, the Office of
4 Planning and ~~Research~~ *Research, in consultation with the*
5 *Department of Fish and Wildlife, the Department of Forestry and*
6 *Fire Protection, the State Water Resources Control Board, and*
7 *other relevant state agencies, shall evaluate, and the Secretary of*
8 *the Natural Resources Agency shall consider, the inclusion of*
9 *roadside projects no more than five road miles from a municipality*
10 *or ~~census-designated~~ *census-designated* place that are undertaken*
11 *solely for the purpose of wildfire risk reduction in the classes of*
12 *projects determined not to have a significant effect on the*
13 *environment pursuant to subdivision (a) of Section 21084.*
14 (2) The Office of Planning and ~~Research~~ *Research, in*
15 *consultation with the Department of Fish and Wildlife, the*
16 *Department of Forestry and Fire Protection, the State Water*
17 *Resources Control Board, and other relevant state agencies, shall*
18 *consider appropriate eligibility criteria for a roadside project subject*
19 *to paragraph (1), including, among others, the distance from the*
20 *edge of an improved road or surface, any disturbance to soil and*
21 *resultant impacts on sedimentation, protection of natural resources*
22 *such as ~~trees, and~~ *trees and sensitive, rare, threatened, or**
23 *endangered plants, potential impacts to ~~wildlife.~~ *wildlife, and**
24 *considerations for lands under conservation easement or identified*
25 *for conservation in an adopted natural community conservation*
26 *plan pursuant to the Natural Community Conservation Planning*
27 *Act (Chapter 10 (commencing with Section 2800) of Division 3 of*
28 *the Fish and Game Code), habitat conservation plan pursuant to*

1 *the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531*
2 *et seq.), or other adopted natural resource protection plan.*

3 (b) (1) An exemption for projects ~~described in this section~~
4 *pursuant to the class that may be adopted pursuant to subdivision*
5 *(a)* shall not limit any other statutory or categorical exemption that
6 may otherwise apply to roadside projects undertaken to reduce
7 wildfire risk.

8 (2) A project that is exempt from the division pursuant to the
9 class that may be adopted pursuant to subdivision (a) shall comply
10 with all requirements otherwise imposed by law, including, but
11 not limited to, the California Endangered Species Act (Chapter
12 1.5 (commencing with Section 2050) of Division 3 of the Fish and
13 Game Code), the federal Endangered Species Act of 1973 (16
14 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter
15 10 (commencing with Section 1900) of Division 2 of the Fish and
16 Game Code), and any other applicable state and federal laws.