



CEQA and Comprehensive Wildfire Risk Reduction Implementation

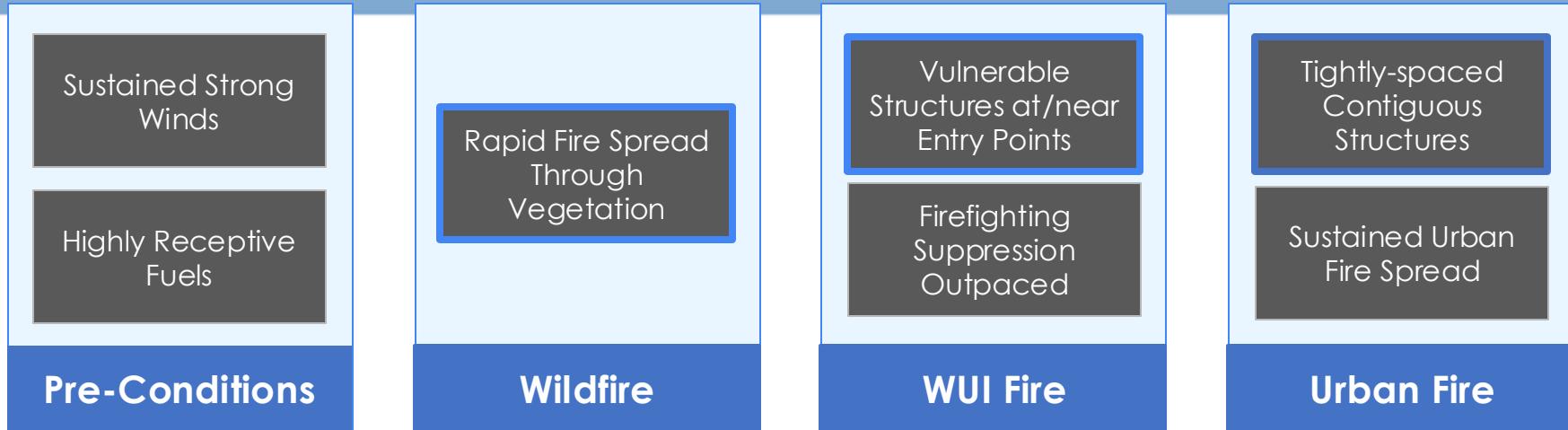
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Jan 2026

Agenda

- **Wildfire Risk Reduction Components Review**
- CEQA Primer
- CEQA and Wildfire Exemptions
- Cumulative Effect and Local Exterior Hazard Abatement Ordinances
- Environmental Best Management Practices and Effective Mitigation Activities
- Choose Your Mitigations Wisely

Urban Fire Loss Framework



Vegetation Fire Pathways

Where will fire move most rapidly across the landscape and expose values at risk?

Urban Fire Spread

How will fire travel within the built environment?

Wildland Initiated Urban Fire Sequence

Fire Type

Vegetative Fire

Point of Transition

Ember S

Urban Fire



Mitigation Strategy

Vegetation Management

Entry Point
Hardening/
Extended Defensible
Space

H/H

Mitigation effectiveness is measured by **structures protected** and **minutes gained** for the firefighting response

Fire Spread Mechanisms

Phase: Wildland Fire

Fire spreads from vegetation to vegetation through ground and ember components

Mechanism: Ground Fire

Wind-driven fire burning through surface vegetation

Mechanism: Vegetation Embercast

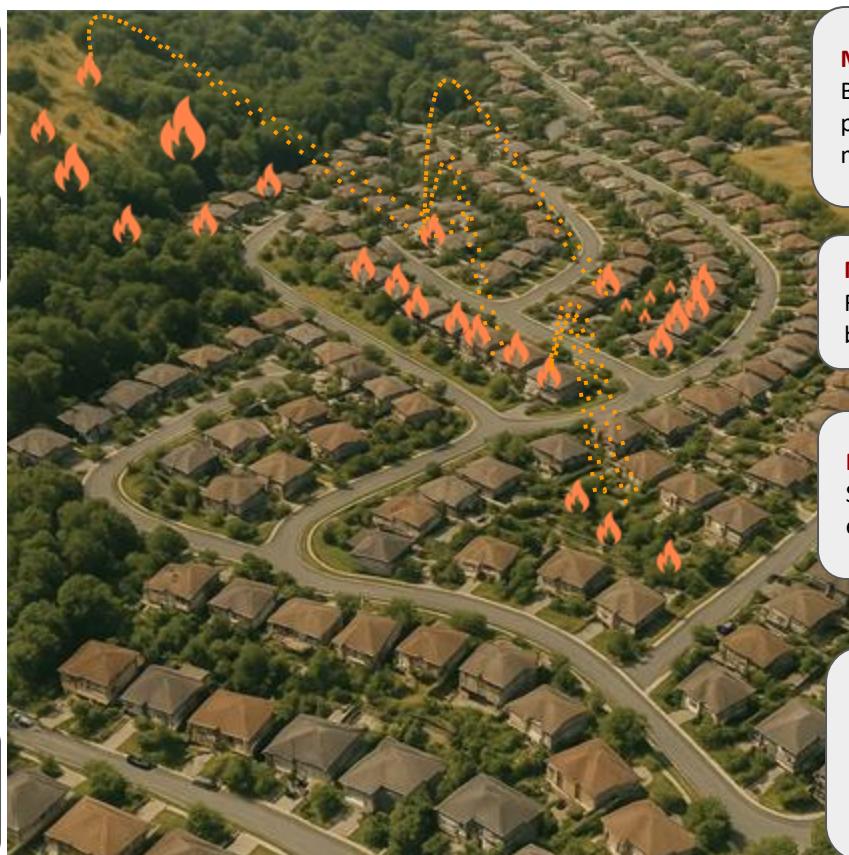
Burning material carried by the wind produced by vegetation

Phase: Transition

Initial structures are ignited by vegetation, creating new fire behavior dynamics.

Phase: Urban Fire

Fire burns through structures, landscaping, and other built environment elements.



Mechanism: Structure Embercast

Burning material carried by the wind produced by structures. Heavier and carry more energy than vegetation embers.

Mechanism: Direct Heat Transfer

Radiant and convective heat transfer from burning structures to neighbors.

Mechanism: Surface Fire Spread

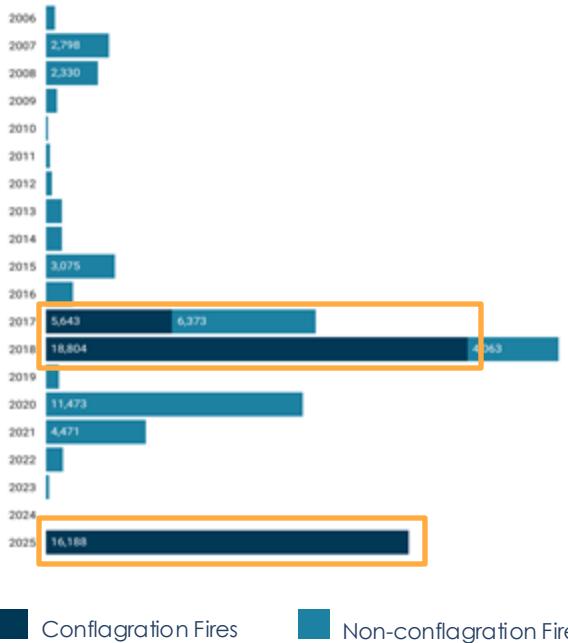
Surface fire spread between landscaping elements and adjacent structures.

Phase: Structure to Vegetation

Structures can ignite vegetation through embers, direct heating, or surface spread.

Major Loss, Few Fires

Structure Loss in California



Only 4 Fires Account for 50% of California's Structure Loss

These fires were characterized by high spread rates under extreme weather conditions

80,745

Total Structures
Burned

40,110

Conflagration
Structures Burned

50.3%

Conflagration
Rate

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CEQA Overview – What is CEQA?

- 1970: CEQA signed into law by Gov. Reagan
- Based on National Environmental Policy Act, signed into law by Pres. Nixon in 1969
- California one of 17 states with a “Little NEPA” statute
- CEQA: Public Resources Code § 21000 et seq.
CEQA Guidelines: 14 Cal. Code Regs. 15000

Purpose of CEQA

- inform government decisionmakers and the public about the potential environmental effects of proposed activities;
- identify the ways that environmental damage can be avoided or significantly reduced;
- prevent significant, avoidable environmental damage by requiring changes in projects, through alternatives or mitigation measures; and
- disclose to the public why a project was approved if that project has significant environmental impacts that cannot be mitigated to a less than significant level.

- Hundreds of lawsuits filed annually statewide
- Citizen suit – essentially anyone can sue
- Attorneys' fees available under CCP 1021.5
- CEQA abuse
 - Jennifer Hernandez, *California Environmental Quality Act Lawsuits and California's Housing Crisis*, 24 Hastings Envt'l L.J. 21 (2018)
Available at:
https://repository.uclawsf.edu/hastings_environmental_law_journal/vol24/iss1/3
 - Jennifer Hernandez, David Friedman, Stephanie DeHerrera, *In the Name of the Environment: Litigation Abuse Under CEQA*

When does CEQA Apply?

Triggered by a "project" = any discretionary decision by a public agency which "may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment."

- Pub. Res. Code § 21065.

Threshold Question – is Project Exempt?

- Statutory Exemptions
 - Set forth in the actual statutes, not subject to exceptions
- Categorical Exemptions
 - Established by regulation, subject to exceptions, including "unusual circumstances exception"

Choosing Your CEQA Approach

- Initial study – could project have a significant effect on the environment (Appendix G)
 - Environmental Impact Report (EIR)
 - Required where there are significant, unavoidable impacts
 - Significant investment of money and time
 - Requires analysis of project alternatives
 - Far more defensible in court
 - Negative Declaration or Mitigated Negative Declaration
 - No potentially significant impacts, or impacts can be reduced to a less-than-significant level through mitigation
 - Less defensible in litigation

Why is This Relevant to Fire Prevention?

- CEQA compliance can be a major undertaking!
- Often opponents of fire mitigation projects raise biological issues.
- Deters agency action due to lack of resources.
- Delays implementation through litigation.
- So what can you do?



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Wildfire Risk Reduction Efforts

PRC 21080.49 (2025) - Wildfire risk reduction projects, including:

- (a) prescribed fire or fuel reduction on 50 contiguous acres or less within a half mile of a subdivision (30+ dwelling units), to reduce wildfire risk by reestablishing the fire return interval appropriate to the ecosystem for biodiversity or other benefits;
- (b) “defensible space” clearance up to 100 feet from roadway centerline;
- (c) “defensible space” wildfire risk reduction up to 200 feet from legal structure in high/very high wildfire hazard zone; and
- (d) fuel break up to 200 feet from structures.

Minor Alterations to Land

CEQA Guidelines 15304: Class 4—Applies to minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. Examples include, but are not limited to:

- (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping.
- (I) 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. This exemption shall apply to fuel management activities within 100 feet of a structure if the public agency having fire protection responsibility for the area has determined that 100 feet of fuel clearance is required due to extra hazardous fire conditions.

CEQA Guidelines 15307 and 15308

- Class 7—Actions taken by regulatory agencies, as authorized by state law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
- Class 8—Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.
- ***Pearson v. Moraga-Orinda Fire District***

Best Practices—Focus on the Record

- CEQA cases are based on an administrative record.
- Build a strong record showing how you determined the exemption applies.
- If you are relying on a categorical exemption, make sure you address why the exceptions do not apply.
- This may require technical work from a consulting team.
- File your NOE right away to begin 35-day clock.

The California Vegetation Treatment Program (CalVTP), developed by the Board of Forestry and Fire Protection, is a critical component of the state's multi-faceted strategy to address California's wildfire crisis. The CalVTP includes the use of prescribed burning, mechanical treatments, manual treatments, herbicide application, and prescribed herbivory as tools to reduce hazardous vegetation around communities in the Wildland-Urban Interface (WUI), to construct fuel breaks (shaded or non-shaded), and to promote ecological restoration. The CalVTP Program Environmental Impact Report (EIR) provides a powerful California Environmental Quality Act (CEQA) compliance tool to expedite the implementation of wildfire resilience projects.

- 2019 CalVTP PEIR found invalid on one issue in May 2025, revision underway
- Some projects can still proceed under the EIR
- May not be used for CEQA compliance for proposed vegetation treatment in chaparral or coastal sage scrub, with certain exceptions for specific categories of treatment the Court found to be severable from the writ's prohibitions.
- <https://bof.fire.ca.gov/projects-and-programs/calvtp-homepage-and-storymap/calvtp-update>

Other Options for CEQA Compliance

- If you can't use an exemption or the CalVTP PEIR, an EIR or Negative Declaration is absolutely an option.
- Try to design your project to avoid impacts that are likely to trigger opposition.
- Make sure you have the right team, most importantly a CEQA consultant with the right experience.

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Cumulative Effect

Local Agencies with authority for the prevention and suppression of fire are authorized to enact exterior hazard abatement ordinances that meet or exceed the standards included in Gov Code 51182 (LRA) and PRC 4291 (SRA). If those standards require mitigation activities by residents/property owners beyond 30' from a structure (100' with NOE), concerns may be raised that cumulative effect must be considered.

Modifications and AMMRs

Provisions for Modifications/ CEQA relief must be available if there are practical difficulties related to exterior hazard abatement ordinances that could result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters.

Alternate Means and Measures a fire code/ building code tool that allows for alternative way to achieve the same practical effect.

AMMRs and Modifications

Generally not well understood by the public, but these have been part of the fire code for decades.

Make the submission of requests simple and complete

 Moraga Orinda Fire District CA Sign in

Modifications CHANGE TOPIC

* Enter issue location or drag red dotted marker on map

* Describe modification(s) and reason(s):

* Specific violation(s) requesting a modification:

* Have you reviewed the Wildfire FAQ?

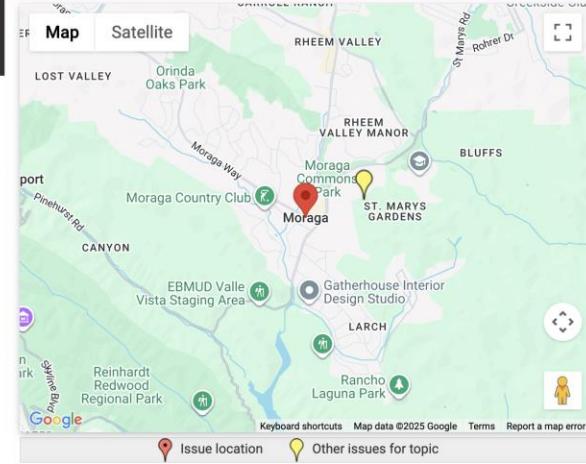
(Please Select)

* Inspection Number:

* Describe your problem or question in detail

 Drag image(s) here, or click to select file(s)

Map **Satellite**



Keyboard shortcuts Map data ©2025 Google Terms Report a map error

Issue location Other issues for topic

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BMPS and Effective Mitigations

Best Management Practices vary by area, fuel type, and habitat

- Can include hand tools vs machinery
- Soil disturbance
- Percent of fuel load cleared
- Type of vegetation cleared
- Seasonal restrictions

Riparian Areas are generally off limits due to environmental sensitivity and the high likelihood of sedimentation of surface waters



FIELD GUIDE TO
Best Practices for
Environmental
Protection During
Wildfire Risk
Reduction Activities

Fall 2023

[Link](#)

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Effective Mitigations

Start with defining the goal

- Increase time required to initiate urban fire
- Protect critical evacuation route(s)
- Protect critical infrastructure or target hazards

Then build an achievable plan that matches mitigations to mechanism of ignition

- Location
- Prescription
- Cost/Benefit/Prioritization/Network effects/Available resources
- Maintenance
- Measurement metrics tied to outcomes....not activity

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AUDIENCE Q&A

What questions or comments do you have for us?



PREVIOUS PRESENTATIONS ARE AVAILABLE!



REDUCING YOUR COMMUNITY'S WILDFIRE RISK

A free webinar series for local government staff & elected officials



Join us for a series of four free webinars, starting in September 2025. You will learn from subject matter experts and real-world practitioners about the action steps you can take to minimize your community's wildfire risk.

This series is hosted by the Institute for Local Government, in partnership with:



- Thu, Nov. 13, 11 AM – 12:30 PM | Controlling Your Own Destiny: a Local Leader's Toolbox for Reducing Wildfire Risk
- Mon, Jan. 26, 2026, 11 AM – 12:30 PM | Ch-Ch-Changes: CEQA and How It Impacts Your Wildfire Risk Reduction Efforts

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