

# CalVTP Implementation: Responses to Frequently Asked Questions



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# CALVTP OVERVIEW

## 1 What is the purpose of the CalVTP Program EIR?

The CalVTP is an important component of California's strategy to increase the pace and scale of vegetation treatments to reduce wildfire risk and promote resiliency. The purpose of the CalVTP Program EIR is to streamline the CEQA review of later treatment projects, pursuant to CEQA Guidelines Section 15168. Using the CalVTP Program EIR for CEQA streamlining will expedite implementation of vegetation treatment while maintaining environmental protection.

CEQA streamlining is achieved by preparing a project-specific analysis (PSA) to demonstrate whether the later treatment project is within the scope of the CalVTP Program EIR. For aspects of a project that are not within the scope (e.g., treatment area occurring outside of the treatable landscape, activity not included in the CalVTP, a new or substantially more severe significant impact than was analyzed in the Program EIR), the Program EIR can be used to focus the analysis on those new components. The CalVTP Program EIR was developed to be as comprehensive as possible to maximize the opportunities for projects to be within the scope of the Program EIR.

CEQA compliance using the CalVTP Program EIR's PSA process can be completed faster than "stand alone" CEQA documents (i.e., a Negative Declaration, Mitigation Negative Declaration or EIR).

## 2 Who can use the CalVTP Program EIR?

The CalVTP Program EIR can be used for CEQA compliance by any state or local public agency with a discretionary action (e.g., funding, staffing, permitting, implementing) for a proposed project. Only state and local public agencies are required to comply with CEQA. A private entity or non-governmental organization may prepare a PSA using the CalVTP Program EIR, but the project must involve a public agency with the authority to review and approve a discretionary action to implement the project; that agency would approve use of a PSA to comply with CEQA.

The following terms are used in describing the roles of various entities involved in PSA preparation and project implementation. Please refer to the answer to question #3 for further explanation.

**Project proponent.** Public agencies that can use the CalVTP program EIR are called "project proponents." A project proponent is a state or local public agency that provides funding for vegetation treatment or has land ownership, land management, or other regulatory responsibility in the treatable landscape and is seeking to fund, authorize, or implement vegetation treatments consistent with the CalVTP. This includes CAL FIRE, Counties, Cities, Water Agencies, Special Districts, Open Space Districts, California State Parks, California Department of Fish and Wildlife, Universities, Conservancies, and many other public agencies.

**Responsible agency.** If a project proponent determines that a proposed project is within the scope of the CalVTP Program EIR, then the project proponent would act as a responsible agency pursuant to CEQA in preparation of a PSA. A regulatory agency seeking to use the CalVTP Program EIR to issue any secondary approval or permit for vegetation treatments would also be a responsible agency.

**Lead agency.** If any component of a proposed later vegetation treatment project is not within the scope of the CalVTP Program EIR, thereby requiring an addendum to the Program EIR (i.e., a PSA/Addendum) or another CEQA document (i.e., Negative Declaration, Mitigated Negative Declaration, or EIR), then the project proponent would assume a lead agency role in the preparation of the additional environmental documentation that accompanies the Program EIR for CEQA compliance.

**Implementing entity.** A private entity or non-governmental organization or public agency with the primary responsibility for implementing treatments and implementing the standard project requirements (SPRs) and mitigation measures is considered an implementing entity. However, the term "implementing entity" is typically only needed to draw the distinction in roles where there is involvement by a public agency (as lead or responsible) and a private entity or non-governmental organization.

### **3 Are project proponents CEQA lead agencies or responsible agencies? How can the role of a private entity or non-governmental organization be explained in the PSA?**

As defined for CalVTP, a project proponent is a public agency, rather than a private entity or a non-governmental organization. If through the PSA preparation process a project proponent determines that a proposed project is within the scope of the CalVTP Program EIR, then the project proponent would act as a responsible agency pursuant to CEQA. A regulatory agency seeking to use the CalVTP Program EIR to issue any secondary approval or permit for vegetation treatments would also be a responsible agency. If the PSA determines that any component of a proposed later vegetation treatment project is not within the scope of the CalVTP Program EIR, requiring an addendum or another CEQA document (i.e., Negative Declaration, Mitigated Negative Declaration, or EIR), then the project proponent would assume a lead agency role in the preparation of the additional environmental documentation that accompanies the Program EIR for CEQA compliance. In short, a project proponent would be a responsible agency for preparation of a PSA, and a lead agency for preparation of a PSA/Addendum, Negative Declaration, Mitigated Negative Declaration, or EIR.

The practical distinction would be minimal between serving as a responsible or a lead agency for a later activity that is either consistent with, or mostly but not entirely consistent with, the CalVTP Program EIR. Comparing a PSA (responsible agency role) and PSA/Addendum (lead agency role) involves little or no difference between the actions of a responsible and lead agency related to the documentation, effort, or noticing after approval. The primary distinction would be where the public agency's role is named in the narrative of the PSA/Addendum or CEQA Findings accompanying project approval.

State or local public agency with a discretionary action for the proposed treatment project must comply with CEQA, and the CalVTP could be used to streamline CEQA compliance. Discretionary actions for vegetation treatments under the CalVTP are typically providing funding or staffing, issuing a permit or other regulatory approval/authorization, or implementing the treatments (even if using vegetation management contractors). The agency may own or manage the land on which the treatment would be implemented, but this is not always the case. For example, California State Parks must comply with CEQA for a project implemented within a state park. A state conservancy (e.g., the Sierra Nevada Conservancy) or a County or a Resource Conservation District must comply with CEQA for its issuance of grant funding or other oversight for a project being implemented by a non-governmental organization on private land. The California Department of Fish and Wildlife must comply with CEQA for issuance of an incidental take permit. These are some examples of the many types of state and local public agencies that could use the CalVTP Program EIR for CEQA compliance, serving as responsible or lead agencies.

Often, a private entity or non-governmental organization has the primary responsibility for developing the treatment approaches, implementing treatments, and implementing the SPRs and mitigation measures. However, the SPRs and mitigation measures direct the actions of a "project proponent," which is defined in the CalVTP as a public agency. In this project circumstance, the role of the private entity or non-governmental organization as well as public agency(ies) should be explained in the PSA. Also, if appropriate for the project, it could be explained in the MMRP that the CEQA lead or responsible agency has delegated responsibility to the private entity or non-governmental organization to confirm that implementation of mitigation measures and SPRs occurs in accordance with the MMRP, pursuant to Section 15097(a) of the State CEQA Guidelines. As the "implementing entity" and reflecting delegation by the CEQA lead or responsible agency, the private entity or non-governmental organization will implement the SPRs and mitigation measures and is referred to as "project proponent," in the SPRs and mitigation measures.

## **4 How can the CalVTP Program EIR be used for projects that extend outside the treatable landscape into Local Responsibility Area, Federal Responsibility Area, Tribal land, or State Responsibility Area that was not identified as part of the treatable landscape?**

Geographic area is one of the factors identified in CEQA Guidelines Section 15168(c) that agencies may consider when determining whether a project is within the scope of a program EIR. The geographic area analyzed in the CalVTP Program EIR is the treatable landscape. The treatable landscape consists of land primarily within the State Responsibility Area (SRA) and some areas of the Local Responsibility Area (LRA) and Federal Responsibility Area (FRA). Therefore, areas of a treatment project outside the treatable landscape are not within the scope of the CalVTP Program EIR. However, in these circumstances, an addendum to the Program EIR may be prepared to provide streamlined CEQA compliance for the treatment project.

An addendum to an EIR is appropriate where a previously certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in new or substantially more severe significant environmental impacts, consistent with CEQA Section 21166 and CEQA Guidelines Sections 15162, 15163, 15164, and 15168. In this case, the change is the inclusion of areas outside of the treatable landscape analyzed in the CalVTP Program EIR.

An addendum could be used to provide CEQA compliance for a treatment project that extends outside the treatable landscape into non-federal land that was not included in the treatable landscape. An addendum could also be used for a project that extends onto federal land if there is a discretionary action required of a state or local agency that warrants CEQA compliance (e.g., funding or implementation); however, such a project on federal land would also be subject to National Environmental Policy Act (NEPA) compliance. The PSA/Addendum should consider any measures required in the NEPA document to avoid duplication or inconsistency with CalVTP SPRs and mitigation measures. Similarly, a PSA/Addendum for a treatment project on tribal land could be prepared to comply with CEQA (if required) and should consider measures required in the NEPA document (if NEPA compliance is also required for the treatment project because of a federal action).

Although not part of CalVTP, Public Resources Code (PRC) Section 4799.05(d)(1) provides a statutory exemption from CEQA on federal lands under certain circumstances. Pursuant to this exemption, CEQA does not apply to prescribed fire, reforestation, habitat restoration, thinning, or fuel-reduction projects undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under NEPA if the primary role of a state or local agency is providing funding or staffing for those projects.

An addendum may be combined with a PSA into a joint PSA/Addendum to address a project area that includes land both inside and nearby outside the treatable landscape. The time it takes to prepare a PSA/Addendum is the same as a PSA. Neither a PSA nor a PSA/Addendum requires public review, and like a PSA, the standard of legal review for a PSA/Addendum (if a CEQA lawsuit is filed) is whether significance determinations are supported by substantial evidence (the standard for a Mitigated Negative Declaration is whether a fair argument exists, supported by evidence, that a potentially significant impact may occur). See answer to question #9 regarding how much of a project area should be within the treatable landscape to use an addendum.

## **5 Is the involvement of a Registered Professional Forester required for preparation of PSAs?**

In their intended usage, an EIR and other types of CEQA documents are not technical documents that can be prepared only by a registered professional, in accordance with State CEQA Guidelines Section 15149. This includes the CalVTP Project-Specific Analysis, which is used for CEQA compliance. Section 15149 also indicates there are a number of statutes directing that certain professional services can be provided to the public only by individuals who have been registered by a registration board, and identifies engineering, land surveying, forestry, and geology as

examples. Certain technical studies supporting a CEQA document may, therefore, need a registered professional to prepare them.

The Professional Forester’s Law (PFL), PRC Section 750, et seq., requires landowners to retain a Registered Professional Forester (RPF) for activities constituting the practice of forestry on forested landscapes. The PFL defines forested landscapes as “those tree-dominated landscapes and their associated vegetation types on which there is growing a significant stand of tree species, or which are naturally capable of growing a significant stand of native trees in perpetuity, and is not otherwise devoted to nonforestry commercial, urban, or farming uses.” (PRC Section 754.)

Although not required under CEQA, RPFs are effective authors of PSAs because of their training and skills. An RPF may be required for certain CalVTP projects when the practice of forestry on forested landscapes is necessary to inform the PSA, such as defining treatment activity prescriptions. The Board recommends that during the initial phase of the project planning process, the project proponent should evaluate the need for an RPF. A list of RPFs is provided on the Board of Forestry and Fire Protection’s [RPF/CRM Rosters](#).

## TREATABLE LANDSCAPE

### 6 How was the treatable landscape identified?

Appropriate areas within which to implement vegetation treatments as part of the CalVTP were identified by first dividing the SRA and LRA into vegetation types from the California Wildlife Habitat Relationship (CWHR) system. The CWHR system, managed by California Department of Fish and Wildlife (CDFW), was developed to categorize major vegetative complexes at a scale sufficient to predict wildlife-habitat relationships. Certain CWHR vegetation types were then excluded because the wildfire risks within these types are negligible (e.g., wet meadow, estuarine). Agricultural CWHR vegetation types were also excluded. Remaining vegetation types were generally classified as grass, shrub, and tree fuel types.

Three separate Geographic Information System (GIS) based analyses were performed to map areas eligible for treatments under each of the three treatment types and within the three treatable fuel types. The first analysis identified treatable areas within the designated wildland-urban interface (WUI) in the SRA. The second analysis provided possible treatment areas for fuel breaks along ridgelines and along roadways in the SRA and LRA. The third analysis provided possible treatment areas for ecological restoration, which were identified by selecting all of the SRA, excluding any area identified as WUI, and identifying areas where fire behavior is uncharacteristic and vegetation composition is altered due to the loss of the key components of an ecosystem (i.e., Condition Class 2 or 3). All three analyses were overlaid with the three treatable fuel types (i.e., grass, shrub, and tree) to produce the 20.3-million-acre CalVTP treatable landscape.

See Appendix PD-1, “Description of Treatable Landscape Modeling,” under “Volume II: Program Environmental Impact Report – Appendices” on the [CalVTP Homepage](#) for additional detail regarding the methods used to delineate the treatable landscape.

The treatable landscape can be viewed online [here](#).

### 7 Will the treatable landscape change or is it static?

The land classified as SRA is reviewed by CAL FIRE every 5–7 years to determine if it still meets the qualifications for SRA; the treatable landscape presented in the Program EIR uses data from the most recent review in 2018. The Board of Forestry and Fire Protection will review future updates to the SRA to determine whether the treatable landscape should also be updated. Any changes will be announced by the Board of Forestry and Fire Protection along with appropriate CEQA compliance guidance.

## **8 Does my project need to be at least partially within the treatable landscape to use the CalVTP Program EIR? Is there a “rule” for how much of a treatment area needs to be in the treatable landscape relative to the amount outside the treatable landscape?**

The amount of overlap with the treatable landscape necessary for a project to qualify for coverage under the CalVTP must be determined by the project proponent agency preparing the CEQA document for the treatment project. There is no “rule” for how much of a treatment area needs to be in the treatable landscape relative to the amount outside the treatable landscape. In practice, if the majority of project area is within the treatable landscape, the applicability of the CalVTP PSA process to the project can be readily explained. Although nothing in CalVTP precludes a project with only a minority of project area in the treatable landscape, PSA preparers should provide substantial evidence to support the applicability of the PSA process to such a project.

If the agency determines that a separate CEQA document needs to be prepared, the narrative in the Program EIR can be incorporated directly or by reference into the separate CEQA document to the extent it is relevant to the proposed project.

A treatable landscape calculator tool is available to help project proponents determine the extent to which a project area is within or outside the treatable landscape. The treatable landscape calculator is available [here](#) and the user guide is available under “View CalVTP Treatable Landscape” on the [CalVTP Homepage](#).

## **CEQA STREAMLINING**

### **9 Are there sideboards for use of the PSA, such as acre limits or treatment duration? Can I prepare a PSA that encompasses my entire county or regional vegetation plan area, or all projects in a CWPP?**

The use of a PSA is not constrained by the number of acres or the duration of treatments, but rather by the availability of sufficiently detailed, project-level information for the treatment description and the feasibility of implementing certain SPRs across a large geographic area. Proposed treatments could range from thousands to tens of thousands of acres or more in size implemented over the course of weeks to years. The PSA is a site-specific analysis of whether the activities and impacts of a proposed vegetation treatment project are within the scope of those analyzed in the Program EIR. Factors an agency may consider in making the determination regarding whether a project is within the scope of a program EIR are presented in CEQA Guidelines Section 15168(c)(2); for the purposes of vegetation treatment, factors could include geographic area and treatment intensity. Therefore, adequate detail must be provided in the PSA treatment description to provide evidence that treatment intensity would be consistent with (e.g., not substantially more intense than) that analyzed in the Program EIR. More intense treatments may result in a substantially more severe significant impact, which would not be within the scope of the Program EIR. Additionally, several SPRs must be implemented during preparation of the PSA to identify resources that could be affected by the proposed treatment project. Therefore, the size of the treatment area must be conducive to implementing these SPRs.

### **10 Is there an expiration date for PSAs or the CalVTP Program EIR?**

No, there is no expiration date for a PSA or the Program EIR. The Program EIR as well as any PSAs will continue to be useful for CEQA compliance if the environmental conditions and analysis in these documents accurately reflect conditions of the treatment area. If circumstances affecting environmental analysis change substantially, additional or subsequent CEQA documentation may be warranted. The project proponent should review the PSA or PSA/Addendum at least once every ten years for long-term projects and maintenance to determine if any factors have changed significantly to warrant additional CEQA analysis.



## 11 How are cumulative impacts of multiple vegetation treatment projects addressed in PSAs?

The CalVTP Program EIR includes a comprehensive analysis of the cumulative impacts of vegetation treatments conducted throughout the state. It considers how the impacts of the treatments implemented under the CalVTP could combine over space and/or time with the impacts from the implementation of related projects and plans to result in cumulative impacts. These related projects and plans considered in the cumulative impact analysis of the CalVTP Program EIR included, but were not limited to, implementation of other vegetation management projects implemented by CAL FIRE, forest management activities subject to the Forest Practice Act, and requirements to establish and maintain defensible space. The cumulative impacts of vegetation treatments implemented under the CalVTP were addressed in the Program EIR; therefore, cumulative impacts do not need to be addressed in any PSA or PSA/Addendum (unless circumstances have changed sufficiently to create a new significant impact or a substantial increase in the severity of a previously identified significant impact).

## 12 Who approves PSAs? Does the Board of Forestry and Fire Protection (Board) and/or CAL FIRE need to approve CEQA documents that use the CalVTP (e.g., PSAs and PSA/Addenda)?

For a PSA, the responsible agency must make the determination that all of the environmental effects of the proposed project have been covered in the CalVTP Program EIR, and all applicable SPRs and mitigation measures identified in the CalVTP Program EIR will be implemented; if so, the proposed project is within the scope of the CalVTP Program EIR and no additional, publicly circulated CEQA documentation (i.e., Negative Declaration, Mitigated Negative Declaration, or EIR) is required.

If a PSA/Addendum is prepared, an additional determination must be made by the lead agency for the components of the project, if any, that are not within the scope of the CalVTP Program EIR (e.g., the portions of the project area that extend outside the treatable landscape). In this case, the lead agency must determine that none of the conditions described in State CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred and adopt the addendum to the Program EIR.

Determinations relevant to a PSA are presented as a checklist in the PSA Checklist template. Determinations relevant to a PSA/Addendum are presented in the example PSA/Addenda available [here](#). An authorized individual from the lead or responsible agency must sign the determination page.

For all projects using the CalVTP Program EIR, an agency must also adopt CEQA Findings as required by CEQA Guidelines Section 15091. If the treatment project would result in significant and unavoidable impacts, the agency must also adopt a Statement of Overriding Considerations. A template for CEQA Findings and Statement of Overriding Considerations is available under "PSA Templates" on the [CalVTP Homepage](#). Finally, the agency must adopt a project-specific Mitigation Monitoring and Reporting Program (MMRP). Once the agency approves a project, it must file a Notice of Determination (NOD) within 5 days of project approval.

In summary, the decision documentation and approval process entails:

- ▶ Making certain determinations using the checklist within the PSA or PSA/Addendum accompanied by a signature of an agency representative who is authorized to sign such CEQA documents
- ▶ Adopting CEQA Findings
- ▶ Adopting a Statement of Overriding Considerations (if a project would result in any significant and unavoidable impact)
- ▶ Adopting the project MMRP
- ▶ Approving the project
- ▶ Filing a NOD

- ▶ Submitting approved project information pursuant to SPR AD-7

Following the requirements of CEQA, the approval process can be specific to an agency's implementing procedures. For example, some agencies may prepare resolutions to adopt CEQA documentation and approve the project in a public meeting. Other agencies may simply obtain the signature of an authorized agency representative before filing the NOD.

The CalVTP has no requirement for any approval or review by the Board or CAL FIRE. Unless the Board or CAL FIRE has a discretionary approval for the project and must assume CEQA lead or responsible agency status, public agencies may use the Program EIR without any involvement by the Board or CAL FIRE (with the exception of the requirement to submit project information to the Board pursuant to SPR AD-7).

### **13 Can the CalVTP Program EIR streamline NEPA requirements?**

The information, analysis, and measures from the CalVTP Program EIR or a document prepared for a later treatment project using the Program EIR (e.g., a PSA) could be incorporated directly or by reference into a NEPA document. Because it is a CEQA document, the Program EIR cannot be used for NEPA compliance.

### **14 Must the project proponent pay the CDFW Environmental Document Filing Fee when filing the NOD?**

No. The lead or responsible agency can provide the Board's receipt of CDFW fees paid at the time the NOD was filed for the Program EIR to demonstrate that no further payment is required. The CDFW receipt can be accessed under "Supporting CEQA Documents" on the [CalVTP Homepage](#).

## **PUBLIC INVOLVEMENT**

### **15 What are the CalVTP's requirements for public involvement, including public review and notification, for documents completed using the Program EIR? Can an agency do more public outreach or document review than is required by CalVTP?**

Public review is not required for a PSA, which is within the scope finding completed pursuant to CEQA Guidelines Section 15168(c), or an addendum to the Program EIR, which is completed pursuant to CEQA Guidelines Section 15162. However, recognizing public and agency interest in implementing the CalVTP and the value of providing open access to treatment project information, the Board and CAL FIRE developed a system whereby the public could access information on proposed, approved, and completed vegetation treatment projects to, in part, have an opportunity to provide relevant environmental information on proposed projects and track cumulative effects of CalVTP implementation. As required by SPR AD-7, project proponents using the CalVTP must provide information on proposed projects (i.e., projects for which a PSA is in progress and prior to project approval), approved projects (i.e., projects for which a PSA is complete) and completed projects (i.e., report after completion of initial treatments as well as maintenance treatments). Information, including spatial data, on proposed, approved, and completed projects can be accessed on the [CalVTP Homepage](#) (under "View CalVTP Projects"). Spatial data for all proposed, approved, and completed CalVTP projects and treatments can also be accessed on this same web platform.

An agency may provide opportunity for public involvement or public review and comment additional to the requirements of SPR AD-7 and may also make information available to the public via other mechanisms (e.g., the project proponent's own website, public meetings, notices placed on project sites).

## 16 SPR AD-7 identifies three timeframes to submit information (proposed, approved and completed phases). Please clarify the specific timeframes for submitting data and what must be submitted at each stage.

The CalVTP Project Data Entry Guide is the best source for information on the data and information that need to be submitted in compliance with SPR AD-7; this user guide is available on the [CalVTP Homepage](#) (under "Submit Your Project").

### Planned Projects

**Timing:** as early as feasible in the planning phase, and at least two weeks prior to project approval.

**Information:**

- ▶ GIS data that include project location (as a centrally-located point), or at a minimum the project latitude and longitude in decimal degrees.
- ▶ Project size (typically acres of the treatment footprint, i.e., where project treatment activities will be applied, even if overlapping in space and/or time).
- ▶ Treatment types (specify Fuel Break, WUI, and/or Ecological Restoration) and activities (typically acres of each treatment activity).
- ▶ Contact information for a representative of the project proponent.

### Approved Projects

**Timing:** None identified. However, providing information as soon as possible after project approval will allow for other project proponents to access information useful to other treatment projects.

**Information:**

- ▶ A completed PSA Environmental Checklist (a template is available on the [CalVTP Homepage](#) under "PSA Templates").
- ▶ A completed Mitigation Monitoring and Reporting Program (using Attachment A to the Environmental Checklist, available on the [CalVTP Homepage](#) under "PSA Templates").
- ▶ GIS data that include a polygon(s) of the project boundary, and polygons showing the extent of each planned or completed treatment activity included in the project (prescribed fire - broadcast or pile burning, manual or mechanical, prescribed herbivory, or herbicides).
  - Spatial data for all planned (but not yet implemented) treatment activities may be submitted in the same geodatabase template as the project boundary.
  - While spatial data for completed treatment activities do not need to be submitted before the ultimate completion of a project, it is best to submit spatial data for any implemented treatment activities as soon as possible to inform and guide prioritization of vegetation treatments across the State.

### Completed Projects

**Timing:** None identified. Information should be submitted as soon as possible after completion of initial treatments as well as maintenance treatments. See GIS data requirements and recommendations above, in Approved Projects.

**Information:**

- ▶ GIS data that include a polygon(s) of the treated area, showing the extent of each treatment activity implemented (prescribed burning, manual treatment, mechanical treatment, prescribed herbivory, herbicide application).
- ▶ A post-project implementation report (also known as a completion report; a completion report template is located on the [CalVTP Homepage](#) under "MMRP Implementation Tools") that includes:
  - Size of treated area (typically acres).

- Treatment types and activities.
- Dates of work.
- A list of the SPRs and mitigation measures that were implemented.
- Any explanations regarding implementation if required by SPRs and mitigation measures (e.g., explanation for feasibility determination required by SPR BIO-12; explanation for reduction of a no-disturbance buffer below the general minimum size described in Mitigation Measures BIO-1a and BIO-2b).

## COASTAL ACT COMPLIANCE

### **17 Will the Coastal Commission accept CalVTP compliance for Coastal Development Permit requirements related to fuel modification? Will the Commission continue to require additional environmental technical studies and mitigation in addition to those required by the CalVTP?**

The CalVTP Program EIR was prepared in coordination with the California Coastal Commission with the objective to incorporate information needed for Coastal Act compliance into the Program EIR to streamline permitting requirements for projects in the Coastal Zone. Although PSAs and PSA/Addenda will provide some of the necessary information, the Coastal Commission or local government with a certified Local Coastal Program (LCP) may require additional information for Coastal Act compliance.

Section 30106 of the California Coastal Act includes the “removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan” in the definition of “development,” which requires a coastal development permit to implement. A key question for Coastal Act compliance of CalVTP vegetation treatment is whether it qualifies as “removal ... of major vegetation.” Pursuant to SPR AD-9, project proponents must contact the local Coastal Commission district office or applicable local government to determine if the project area is within the jurisdiction of the Coastal Commission, a local government with a certified LCP, or both.

Since certification of the CalVTP Program EIR, the California Coastal Commission has approved Forest Health and Fire Prevention Public Works Plans (PWP) for the purpose of improving efficiency of Coastal Commission approval of vegetation treatment projects that are consistent with the Coastal Act. As of October 2023, PWP have been approved in San Mateo County, Santa Cruz County, portions of San Luis Obispo County, and Monterey County. These PWP establish coastal vegetation treatment standards and environmental protection polices for CalVTP projects in the Coastal Zone). PWP are an alternative to project-by-project review for vegetation treatment, which would otherwise require obtaining a coastal development permit for each project, when required. Authorizations of treatment projects undertaken pursuant to the CalVTP Program EIR and the PWP in the Coastal Zone can be approved with substantially less effort and calendar time compared to a coastal development permit. The use of a PWP requires implementation of applicable SPRs and mitigation measures from the CalVTP Program EIR and preparation of additional Coastal-specific Vegetation Treatment Standards (Coastal VTS) that address protection of coastal resources. Example PSA/Addendum and Coastal VTS are presented [here](#).

# ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

## 18 How does the Program EIR address archaeological concerns? Are the CalVTP requirements the same as CAL FIRE's? Are the CalVTP requirements more extensive than other CEQA compliance approaches? Can those who have completed CAL FIRE's archeological surveyor training program conduct the archeological surveys for a PSA?

The Program EIR has several SPRs and mitigation measures to address protection of historical, archaeological, and tribal cultural resources (i.e., SPRs CUL-1 through CUL-8 and Mitigation Measure CUL-2), which generally entail reviewing existing information (e.g., records search, tribal contacts), conducting a pedestrian survey, and avoiding or mitigating impacts to discovered resources. These requirements are comparable to those typically required in a Mitigated Negative Declaration and EIR.

Cultural resource SPRs and mitigation measures require that qualified individuals (i.e., a qualified archaeologist and/or an archaeologically trained resource professional) implement components of the measures. The qualifications of these individuals are contained in the Program EIR and presented below.

**Qualified Archaeologist:** To be qualified, an archaeologist must hold a Prehistoric Archeology, Historic Archeology, Conservation, Cultural Anthropology, or Curation degree from an accredited university and meet the Secretary of Interior's Qualifications Standards (36 CFR Part 61).

**Archaeologically Trained Resource Professional:** To be qualified, an archaeologically trained resource professional must hold a valid Archaeological Training Certificate issued by CAL FIRE and the Board or equivalent state or local agency training or certification.

Please note, according to CAL FIRE's procedures for its grant-funded projects, the CAL FIRE Certified Archaeological Surveyor certificate can only be used when CAL FIRE is the CEQA lead or responsible agency (e.g., for preparation of a PSA or PSA/Addendum). When a CAL FIRE grantee is a public agency or another public agency assumes the role of CEQA lead, the grant cannot use the CAL FIRE Certified Archaeological Surveyor certificate and the grantee will need to utilize appropriate archaeological professionals to complete this work. For all PSAs where CAL FIRE is the lead agency, cultural resources must be assessed per the procedures outlined in Cultural Resources Review Procedures for CAL FIRE Projects, including preparation of an Archeological Survey Report. Archeological Survey Reports must be completed and reviewed by CAL FIRE before the PSA is approved by CAL FIRE.

## 19 Can past cultural records searches and archeological surveys be used? How long are they valid?

Past cultural records searches and archeological surveys may be used to inform PSA preparation and comply with SPRs. The validity of this information can be determined by the project proponent. The professional standard for the length of time in which archeological records searches and surveys are valid is 5 years; if a source is older than 5 years, the project proponent should provide sufficient evidence to support the current validity and applicability of the source for the proposed project.

## 20 Does tribal consultation pursuant to PRC Section 21080.3.1 need to be completed for PSAs and PSA/Addenda?

Tribal consultation pursuant to PRC Section 21080.3.1 (commonly referred to as "AB 52," which enacted this statute in 2014) has been satisfied for treatment projects using a within-the-scope finding with a PSA or project approval with a PSA/Addendum because the consultation process was carried out for the Program EIR. Nonetheless, SPR CUL-2 requires that the project proponent also contact geographically affiliated Native American tribes.

For treatment projects that are within the scope of the CalVTP Program EIR, tribal consultation for AB 52 compliance has been completed. The Board conducted consultation pursuant to PRC Section 21080.3.1 during preparation of the Program EIR. For treatment projects that are not within the scope of the Program EIR, pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, project proponents preparing a new Negative Declaration, Mitigated Negative Declaration, or EIR must notify any California Native American tribe who has submitted written request for notification of a project in the area of the treatment site. Upon written request for consultation by a tribe, the project proponent must begin consultation before the release of the environmental document and must follow the requirements of the cited PRC sections. Consultation pursuant to PRC Section 21080.3.1 is not required for an addendum to an EIR.

## BIOLOGICAL RESOURCES

### 21 What qualifications are needed for a person implementing the biological resource SPRs?

The CalVTP Program EIR has several SPRs and mitigation measures to address protection of biological resources. Biological resource SPRs and mitigation measures require that qualified individuals implement the measures. These individuals may have various titles (including biologist, botanist, ecologist, RPF, biological technician, or supervised designees working at the direction of a qualified professional) as long as they are qualified for the task. The qualifications of these individuals are contained in the Program EIR and presented below.

**Qualified Registered Professional Forester (RPF) or Biologist:** To be qualified, an RPF or biologist would hold a wildlife biology, botany, ecology, forestry, or other relevant degree from an accredited university and: 1) be knowledgeable in relevant species life histories and ecology, 2) be able to correctly identify relevant species and habitats, 3) have experience conducting field surveys of relevant species or resources, 4) be knowledgeable about survey protocols, 5) be knowledgeable about state and federal laws regarding the protection of special-status species, and 6) have experience with CDFW's California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS). The project proponent will review the resumé and approve the qualifications of RPFs or biologists. If species-specific protocol surveys are performed, surveys would be conducted by qualified RPFs or biologists with the minimum qualifications required by the appropriate protocols, including having CDFW or USFWS approval to conduct such surveys, if required.

**Qualified RPF or Botanist:** To be qualified, an RPF or botanist would 1) be knowledgeable about plant taxonomy, 2) be familiar with plants of the region, including special-status plants and sensitive natural communities, 3) have experience conducting floristic botanical field surveys as described in CDFW "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities" (current version dated March 20, 2018), or experience conducting such botanical field surveys under the direction of an experienced botanical field surveyor, 4) be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data in the online version of the manual at <http://vegetation.cnps.org/>), and 5) be familiar with federal, state, and local statutes and regulations related to plants and plant collecting. The project proponent will review the resumé and approve the qualifications of RPFs or botanists.

**Qualified RPF or Biological Technician:** To be qualified, an RPF or biological technician would 1) be knowledgeable in relevant species life histories and ecology, 2) be able to correctly identify relevant species and habitats, 3) have experience conducting biological monitoring of relevant species or resources, and 4) be knowledgeable about state and federal laws regarding the protection of special-status species. The project proponent will review the resumé and approve the qualifications of RPFs or biological technicians.

## **22 Can past biological resource surveys be used? How long are surveys valid?**

Yes, past biological resource surveys may be used to inform PSA preparation and comply with SPRs. The validity of this information can be determined by the project proponent or in consultation with the California Department of Fish and Wildlife, as appropriate. Focused rare plant surveys and sensitive natural community surveys may remain valid for several years (e.g., up to 5 years) in certain habitat types, if habitat conditions have not changed. In areas with existing survey reports, the project proponent can refer to the California Department of Fish and Wildlife [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities \(ca.gov\)](#) "Use of Existing Surveys" section to help determine if additional botanical field surveys may be necessary. For wildlife, refer to the species-specific survey protocol, if one exists; many wildlife protocol surveys expire after one year. If no protocol exists, the project proponent and their qualified biologist or RPF should determine if the survey results remain valid. Wildlife surveys may not need to be redone each year for initial treatments that span multiple years if treatment is continuous, unless required by a protocol. If work lapses for a period of time in an area, some surveys may need to be repeated. Some wildlife surveys may need to be conducted on a rolling basis; for example, common nesting bird surveys should occur within 3 weeks of treatment initiation in each specific treatment area (per SPR BIO-12). The qualified biologist or RPF will use their expertise to determine when biological surveys should be conducted.

## **23 SPR-BIO-1 says a reconnaissance level survey needs to be completed "no more than 1 year prior to the PSA and no more than one year between completion of the PSA and implementation of the treatment project." Does this mean annual surveys are required if implementation is spread out over several years?**

Investigations, including field surveys, required per SPR BIO-1 do not need to be redone if treatment implementation begins within a year. However, species-specific surveys may need to be repeated annually, depending on any protocol requirements (see response to prior question). Data review and reconnaissance-level survey, required by SPR BIO-1, should be refreshed for maintenance treatments that begin more than one year after the initial treatment is completed because habitat conditions may change with treatment and new species could move into the treatment area after initial treatment.

## **24 Who should be contacted when CDFW consultation is required or technical assistance may be useful in implementing CalVTP SPRs and mitigation measures?**

CDFW contacts for CalVTP implementation are posted on the [CalVTP Homepage](#) (under "FAQs and Other Resources"). Please contact the CDFW staff identified for the region in which the treatment project is located.

## **25 What is the process for consulting with agencies pursuant to CalVTP Mitigation Measure BIO-2a?**

Because Mitigation Measure BIO-2a pertains to species that are listed under CESA or ESA or that are fully protected under the California Fish and Game Code, the qualified RPF or biologist must consult with CDFW and/or USFWS and/or NOAA Fisheries to determine if there is a period of time within which treatment could occur that would avoid mortality, injury, or disturbance of species that could be present in a project area year round, as well as to review the project proponent's determination that habitat function would be maintained. Although Mitigation Measure BIO-2a requires only that CalVTP consultation occur before treatment implementation, a project proponent and/or a private entity or non-governmental organization typically initiates consultation before the PSA or PSA/Addendum is approved. Following this process, once consultation is completed, any revisions to project-specific measures can be

included in the final PSA. If consultation occurs after the PSA or PSA/Addendum is approved, follow the process in FAQ #32, below, if the consultation indicates that changes to the PSA or PSA/Addendum are needed.

Mitigation Measure BIO-2a does not define a process for consulting with the agencies. However, the Board offers the following suggestions based on experience gained during implementation of the CalVTP and feedback from CDFW and USFWS. For both CDFW and USFWS, it is recommended that the initial contact occur via an email that includes the following information: treatment description and location (e.g., map of project area, treatment types and activities proposed); species for which consultation is requested; and project-specific measures in the PSA or PSA/Addendum to avoid mortality, injury, or disturbance of each species and measures to maintain habitat for each species under their jurisdiction.

No documentation (e.g., letter or email) is required as proof of consultation with either agency, although one may be provided at the agency's discretion. Rather, if the consultation occurs during preparation of the PSA, the process and outcome could be summarized in the biological resources analysis. In any case, the process and outcome could be documented in the post-project implementation report (also called completion report) to document compliance with Mitigation Measure BIO-2a.

The Board is not aware of any CalVTP project that has yet required consultation with NOAA Fisheries. See below for additional details regarding consultation with CDFW and USFWS.

## CDFW

As described above in FAQ #24, CDFW contact information by region is provided on the CalVTP website. The recommended best practice is to email the appropriate contact(s) in the region to request CalVTP consultation pursuant to Mitigation Measure BIO-2a of the Program EIR. CDFW typically reviews the information and provides a response via email, and in some cases has requested additional information (e.g., the Bay Delta Region has requested the full draft PSA or PSA/Addendum), a virtual meeting, and/or an on-site meeting to view the treatment area.

## USFWS

The consultation required pursuant to Mitigation Measure BIO-2a of the Program EIR is different from formal consultation pursuant to the federal ESA. 'Consultation' pursuant to Mitigation Measure BIO-2a has been clarified with the USFWS Sacramento Field Office as equivalent to 'notification' or 'technical assistance', described further below:

**'Notification'** is appropriate and sufficient when the project proponent and/or a private entity or non-governmental organization has determined that project design features and implementation of project-specific impact avoidance and minimization measures would avoid or minimize the likelihood of mortality, injury, and disturbance and would maintain habitat function (i.e., "take" under the ESA would be unlikely to occur) for each species, in compliance with Mitigation Measure BIO-2a. Notification helps USFWS remain apprised of projects.

**'Technical assistance'** is appropriate and sufficient when the project proponent and/or a private entity or non-governmental organization would like additional assistance; for example, technical assistance may be requested regarding relevant aspects of a species' biology or if established avoidance measures for a species do not exist such as for a newly listed species. The consultation would address whether implementation of the proposed treatments, after implementation of applicable SPRs and mitigation measures, would be likely to avoid disturbance, injury, and mortality and maintain habitat function for the species.

As of November 2023, Ryan Olah is the current CalVTP contact for the Sacramento Field Office and a notification or request for technical assistance should be emailed to [ryan\\_olah@fws.gov](mailto:ryan_olah@fws.gov). The Board is not aware of established CalVTP contacts or a clarified process at other field offices; for PSAs or PSA/Addenda being prepared outside the Sacramento Field Office jurisdiction, the Board suggests that the information listed above is emailed to the appropriate office field supervisor or assistant field supervisor; office contacts can be found on the USFWS Pacific Southwest Region's website at <https://www.fws.gov/about/region/pacific-southwest>. A jurisdictional map of field offices in California can be found at <https://fws.gov/media/pacific-southwest-region-jurisdictional-map>.



# HAZARDS AND HAZARDOUS MATERIALS

## 26 Is the use of herbicides and surfactants a covered activity under the CalVTP? What compounds are specifically covered?

Under the CalVTP, herbicides would only be applied on the ground from equipment on vehicles (including all-terrain vehicles and tractors) or by manual application devices. Aerial application of herbicides is not a covered CalVTP treatment activity. The CalVTP includes 11 herbicides, which are listed below.

- ▶ Borax (tetraborate decahydrate);
- ▶ Clopyralid (monoethanolamine salt);
- ▶ Glyphosate (isopropylamine salt, potassium salt, dimethylamine salt & diammonium salt);
- ▶ Hexazinone;
- ▶ Imazapyr (isopropylamine salt);
- ▶ Sulfometuron Methyl;
- ▶ Triclopyr (butoxyethyl ester & triethylamine salt);
- ▶ Nonylphenol 9 Ethoxylates (NP9E);
- ▶ Cleantraxx (penoxsulam & oxyfluorfen);
- ▶ Velpar (hexazinone); and
- ▶ Indaziflam.

Surfactants are covered to the extent they are part of an herbicide compound covered by the CalVTP Program EIR. See the table on page 3 in Appendix HAZ-1 of Volume 2 of the Program EIR (available on the [CalVTP Homepage](#) under “Vol II: Program Environmental Impact Report – Appendices”) for a detailed listing of the specific compounds that are covered.

The compounds were identified in consultation with the Board and CAL FIRE. If a later treatment project is proposing use of covered compounds, the analysis in the Program EIR can be applied. California court decisions have indicated the need for an application-specific analysis of health risks and ecological hazards, which were prepared for the Program EIR, rather than relying on the compound label process alone for CEQA compliance. If a compound is proposed for use that is not covered by the CalVTP, it is recommended that an analysis of the potential health risks and ecological hazards of its application for fire fuel vegetation treatment be completed. This analysis may be presented in a PSA/Addendum, with the change to the program being the addition of an herbicide, if the criteria for subsequent CEQA review are not met (see CEQA Guidelines Section 15162).

## PREPARING A PSA

### 27 What is the difference between SPRs and MMs?

SPRs identify actions that are integrated into the project description to avoid and minimize impacts and facilitate compliance with applicable laws and regulations. Mitigation measures are needed only if implementation of SPRs would not maintain an impact at a less than significant level. Therefore, the mitigation measure supplements the environmental protection provided by the SPR, in response to a significant or potentially significant effect on the environment identified in the PSA.

SPRs are implemented and enforced in the same way as mitigation measures consistent with Section 15126.4 of the State CEQA Guidelines. Both SPRs and mitigation measures must be included in the project-specific mitigation monitoring and reporting program.

## 28 Do SPRs and MMs that are not applicable to a treatment project need to be addressed in a PSA?

No. SPRs and mitigation measures that are not applicable to a treatment project should not be addressed in a CEQA document using the CalVTP Program EIR (e.g., a PSA or PSA/Addendum) or listed in the CEQA Findings or project specific MMRP.

## 29 Some fuel treatment projects that qualify for coverage under the CalVTP Program EIR may require activities outside the scope of the program (e.g., road and watercourse crossing construction/reconstruction) to access a project area or conduct operations. How could the CalVTP be used to streamline CEQA for projects that include these activities?

First, it should be determined whether the project component that is outside of the scope of the CalVTP (e.g., road improvement) has utility that is independent of the vegetation treatment components of the project. That is, whether the vegetation treatment could proceed without the road improvements and whether the road improvements are a reasonably foreseeable consequence of vegetation treatment. If it is determined that the proposed vegetation treatment and road improvements have independent utility, lead agencies may conduct separate environmental reviews of these project components. CEQA compliance for vegetation treatment could be satisfied using a PSA, and the road improvements should be reviewed for the use of a categorical exemption. This would be the most expeditious route to CEQA compliance.

However, if the road improvements do not have independent utility (i.e., the improvements must be completed for the vegetation treatment to occur), the provisions of State CEQA Guidelines Sections 15162, 15163, 15164 and 15168 should be consulted to determine the appropriate CEQA compliance pathway.

State CEQA Guidelines Section 15162 and 15163 respectively require that a subsequent EIR or supplement to an EIR be prepared if the new activity will have one or more significant effects not discussed in the previous EIR. If the effect would be less than significant, an addendum may be prepared, per State CEQA Guidelines Section 15164.

Pursuant to State CEQA Guidelines Section 15168, if a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. In this case, the PSA checklist could serve dual purpose: 1) to document the within the scope finding for the vegetation treatment, and 2) as an Initial Study to support the preparation of a Negative Declaration, Mitigated Negative Declaration, or EIR focused on the impacts of road improvements. The analysis of road improvement activities would be presented under the “New Impact” heading for each resource area in the PSA Checklist (see excerpt for Agriculture and Forestry Resources presented below). The PSA Checklist template is available on the [CalVTP Homepage](#) (under “PSA Templates”).

<b>New Agriculture and Forestry Resource Impacts:</b> Would the treatment result in other impacts to agriculture and forestry resources that are not evaluated in the CalVTP Program EIR?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, complete row(s) below and discussion
	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less than Significant
[identify new impact here, if applicable; add rows as needed]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **30 Does a Burn Plan and other documents required by SPRs need to be submitted before the PSA is completed and the project is approved?**

Refer to the Timing column in the CalVTP Program MMRP, available on the CalVTP Program EIR webpage (see Appendix B of Volume 1 of the Program EIR). For example, the timing for SPR AQ-2 (Create Burn Plan) is “prior to prescribed burn treatment activities.” Examples of timing for implementation of other SPRs include “during design of treatment” and “prior to treatment.”

### **31 If an SPR is unnecessarily restrictive and would prevent achievement of project objectives for specific project activities in certain geographies, could it be revised?**

While the proposed treatment types and treatment activities are consistent with the CalVTP, a project proponent may determine that certain requirements of CalVTP SPRs are infeasible, are not warranted to maintain the impact significance conclusions in the Program EIR, and, if implemented as presented in the Program EIR, would prevent the project proponent from meeting treatment objectives. Because SPRs are part of the CalVTP and are incorporated into the proposed vegetation treatments as a standard part of treatment design and implementation, revisions (beyond clarifying edits) would constitute a change to the CalVTP Program EIR’s description of later project activities. If it is determined that revisions to SPRs would not result in any new or substantially more severe significant impacts on any of the resources evaluated in the Program EIR, the revisions may be evaluated in an addendum (i.e., a PSA/Addendum). Substantial evidence to explain this conclusion must be presented for each resource area that relies on the revised SPR to avoid and minimize impacts. Several of the [Example PSA/Addenda](#) include evaluations of SPR revisions.

### **32 How can changes to a project be addressed after PSA approval?**

If there are changes to a project after the PSA or PSA/Addendum is approved, identifying the appropriate CEQA compliance pathway should first consider whether any discretionary action is needed for the change. If there is no discretionary action required, the change and any resulting revisions to the PSA or PSA/Addendum could be documented in a memorandum or tracked version of the PSA for the project record, which is kept with and maintained by the CEQA lead agency. If a discretionary approval is required, additional CEQA documentation should be prepared. The CEQA document could be a revised PSA, amended PSA, or, depending on the nature of changes, a different CEQA document as directed by State CEQA Guidelines Sections 15162 and 15164.

### **33 Are there tools and resources to help with MMRP Implementation?**

The CalVTP Resource Library includes several tools to assist with implementation of the SPRs and mitigation measures in a project MMRP. These include flow charts as well as templates and examples that can be adapted to a specific project. Each tool is explained, with detailed instructions on its use, in the User Guide to CalVTP MMRP Implementation Tools. To access the tools, click the drop-down menu for “MMRP Implementation Tools” on the [CalVTP Homepage](#).