

CalVTP Implementation: Responses to Frequently Asked Questions from the Spring 2021 Training Webinars



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CalVTP Overview

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

The CalVTP is the cornerstone 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 (i.e., 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 maximize the opportunities to use within the scope findings.

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 Environmental Impact Report).

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 PSA will be reviewed and used by the public agency to comply with CEQA when exercising its discretionary power.

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.

3. 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. 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 LRA, or into SRA that was not included in the treatable landscape. An addendum could also be used for a project that extends onto federal land (Federal Responsibility Area or FRA) 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 in FRA 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 and should consider measures required in the NEPA document (if NEPA compliance is also required for the treatment project because of a federal action).

An addendum may be combined with a PSA into a joint PSA/Addendum to address project area that includes land both inside and nearby outside the SRA. 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 MND is whether a fair argument exists, supported by evidence, that a potentially significant impact may occur).

An example of a PSA/Addendum is presented on the How to Use the CalVTP webpage for the Grouse Ridge Vegetation Treatment Project.

4. Are project proponents CEQA lead agencies or responsible agencies?

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 PEIR, then the project proponent would act as a responsible agency pursuant to CEQA. A regulatory agency seeking to use the CalVTP PEIR 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 PEIR, requiring an addendum or another CEQA document (i.e., ND, MND, 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, ND, MND, 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 that 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 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.

Treatable Landscape

5. 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 State Responsibility Area (SRA) 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). The second analysis provided possible treatment areas for fuel breaks along ridgelines and along roadways in the SRA and Local Responsibility Areas (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 to produce the 20.3-million-acre CalVTP treatable landscape.

See Appendix PD-1, "Description of Treatable Landscape Modeling", in Volume II of the Program EIR on the CalVTP Program EIR webpage for additional detail regarding the methods used to delineate the treatable landscape.

6. Will the treatable landscape change or is it static?

The land classified as SRA is reviewed by CAL FIRE every 5 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.

7. 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 treatment 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.

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.

CEQA Streamlining

8. 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 (especially SPR BIO-1) across a large geographic area. Proposed treatments could range from tens to thousands of acres 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 (e.g., SPR BIO-1, which requires conducting a reconnaissance-level survey of the project area to identify biological resources).

9. 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 change, additional or subsequent CEQA documentation may be warranted.

10. 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 (assumed to be approximately 250,000 acres per year throughout the State) could combine 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.

11. 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 lead or responsible agency must make the determination that all of the environmental effects of the proposed project have been covered in the CalVTP PEIR, and all applicable Standard Project Requirements and mitigation measures identified in the CalVTP Program EIR will be implemented; therefore, 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 Environmental Impact Report) is required.

If a PSA/Addendum is prepared, an additional determination must be made by the lead agency for the components of the project 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 Grouse Ridge Vegetation Treatment Project PSA/Addendum. These documents are posted on the How to Use the CalVTP webpage. 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 posted on the How to Use the CalVTP webpage. 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 signatures 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 CAL FIRE pursuant to SPR AD-7).

12. 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.

Public Involvement

13. 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 a 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. The CalVTP Implementation Database can be accessed at: <https://bof.fire.ca.gov/projects-and-programs/calvtp-homepage/calvtp-implementation-database/>.

An agency may provide opportunity for public involvement 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).

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

The CEQA flow chart is posted on the How to Use the CalVTP webpage. Also, the CalVTP Project Data Entry Guide is the best source for information on the information that needs to be submitted in compliance with SPR AD-7; this user guide is available on the CalVTP Implementation Database webpage.

Planned Projects

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

Information:

- ▶ GIS data that include project location (as a point), or project latitude and longitude.
- ▶ Project size (typically acres).
- ▶ Treatment types and activities.
- ▶ 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 completed Mitigation Monitoring and Reporting Program (using Attachment A to the Environmental Checklist).
- ▶ GIS data that include a polygon(s) of the project area, showing the extent of each treatment type included in the project (ecological restoration, fuel break, WUI fuel reduction).

Completed Projects

Timing: None identified. Information should be submitted as soon as possible after completion of initial treatments as well as maintenance treatments.

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 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

15. 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. All treatment projects in the Coastal Zone will be reviewed by the local government with a certified LCP, or the local Coastal Commission district officer regarding whether a Coastal Development Permit (CDP) is required.

Archaeological and Tribal Cultural Resources

16. 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 or and Environmental Impact Report.

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 would 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 would hold a valid Archaeological Training Certificate issued by CAL FIRE and the Board or equivalent state or local agency training or certification.

17. Can past cultural records searches and archaeological surveys be used? How long are they valid?

Yes, 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.

18. Does AB 52 compliance need to be completed for PSAs and PSA/Addenda?

As explained in detail below, AB 52 compliance has been satisfied for treatment projects using a within-the-scope finding with a PSA or project approval with a PSA/Addendum, because the AB 52 process was carried out for the Program EIR. Nonetheless, SPR CUL-2 requires that the project proponent contact geographically affiliated Native American tribes. Examples of letters to tribes are presented for the Bear Creek Redwoods Open Space Preserve Vegetation Treatment Project PSA and the Grouse Ridge Treatment Project PSA/Addendum on the How to Use the CalVTP webpage (see Example PSA Documents and Webinar Training).

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 Public Resources Code section 21080.3.1 during preparation of the PEIR. For treatment projects that are not within the scope of the PEIR, 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. AB 52 consultation is not required for an Addendum to an EIR.

Biological Resources

19. What qualifications are needed for a person implementing the biological resource SPRs?

The 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, Registered Professional Forester, 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 resume 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 by certain protocols.

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 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 resume 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 resume and approve the qualifications of RPFs or biological technicians.

20. 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).

21. 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.

22. 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 How to Use the CalVTP webpage. Please contact the CDFW staff identified for the region in which the treatment project is located.

Hazards and Hazardous Materials

23. 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 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;
- ▶ Tricopyr (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 for a detailed listing of the specific compounds that are covered.

The compounds were identified in consultation with the Board and CAL FIRE as the ones most useful for fire fuel vegetation treatment. Having completed the analysis in the Program EIR, if a later treatment project is proposing use of covered compounds, the analysis in the Program EIR can be applied to projects consistent with the CalVTP. 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

24. 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.

25. 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.

26. Some fuel treatment projects that qualify for coverage under the CalVTP PEIR 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., they are necessary for the vegetation treatment, 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 How to Use the CalVTP website.

New Agriculture and Forestry Resource Impacts: Would the treatment result in other impacts to agriculture and forestry resources that are not evaluated in the CalVTP PEIR?	<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"/>	

27. 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”.