



# Prescribed herbivory for fuels reduction

## Using the CEQA process for Prescribed Herbivory treatment.

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# CEQA process for Prescribed Herbivory

## California Environmental Quality Act (CEQA)

**CAL FIRE** CEQA determination leading to the right  
document ????



# Prescribed Herbivory

## The Purpose of CEQA:

- Full Disclosure
- Inform the government and the public about the potential environmentally damaging effects of its actions.
- Required conclusion of possible or potential impacts to the environment.
- Identify ways to avoid or reduce environmental damage.
- Allow for public comment
  - PRC PRC § 21002, 14 CCR § 15002(a)



# Prescribed Herbivory for fuels reduction

**Environmental Impact Report (EIR)**

**Programmatic Environmental Impact Report (PEIR)**

**Mitigated Negative Declaration (MND)**

**Negative Declaration (ND)**

**Notice of Exemption (NOE)**

**Nothing... ( )**



# CEQA for Prescribed Herbivory

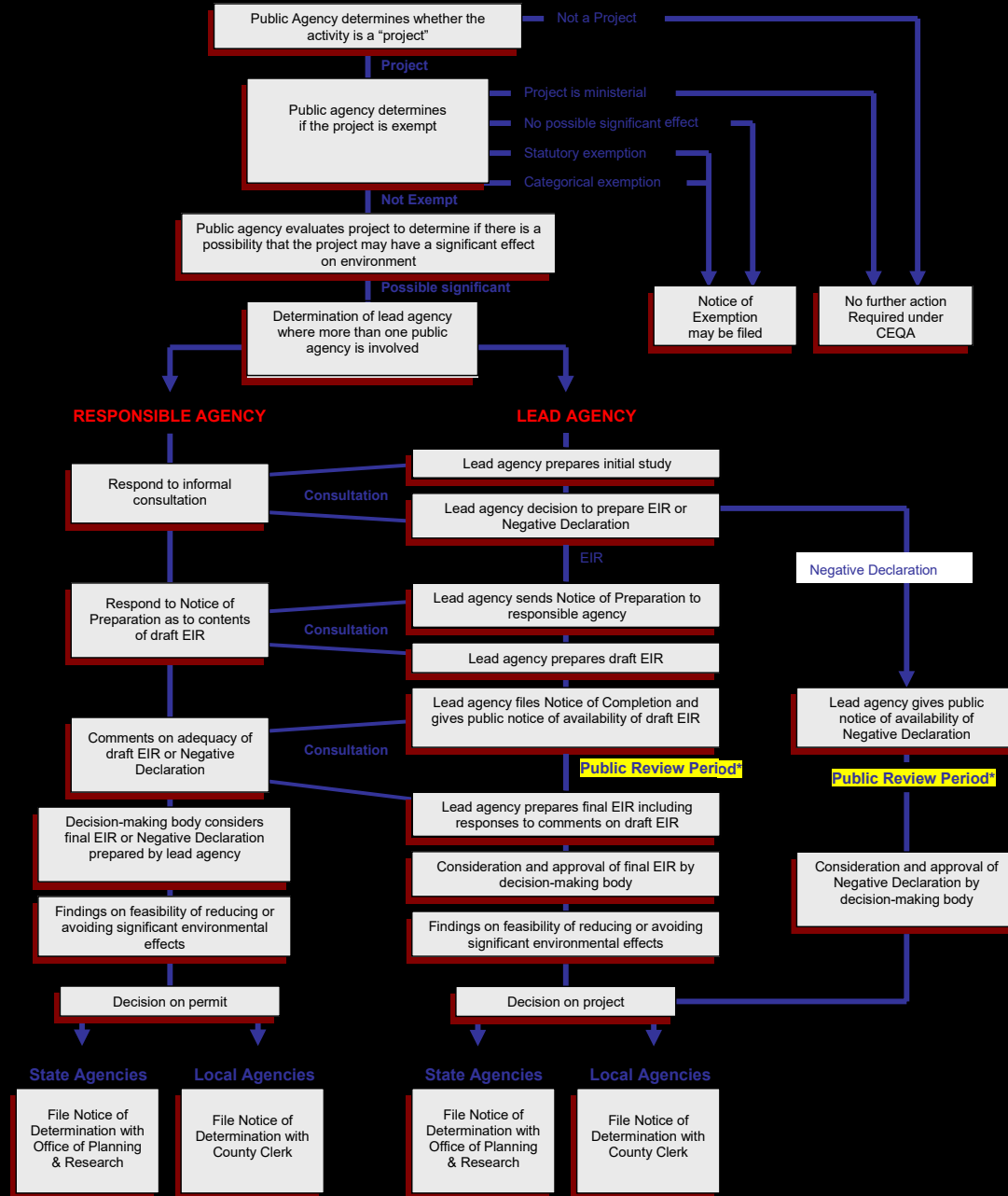
**Process for determining which type of document you will need to complete the project.**

The big secret is that the process is the same.



# CEQA Flow Chart

## CEQA Process Flow Chart





# CEQA review process

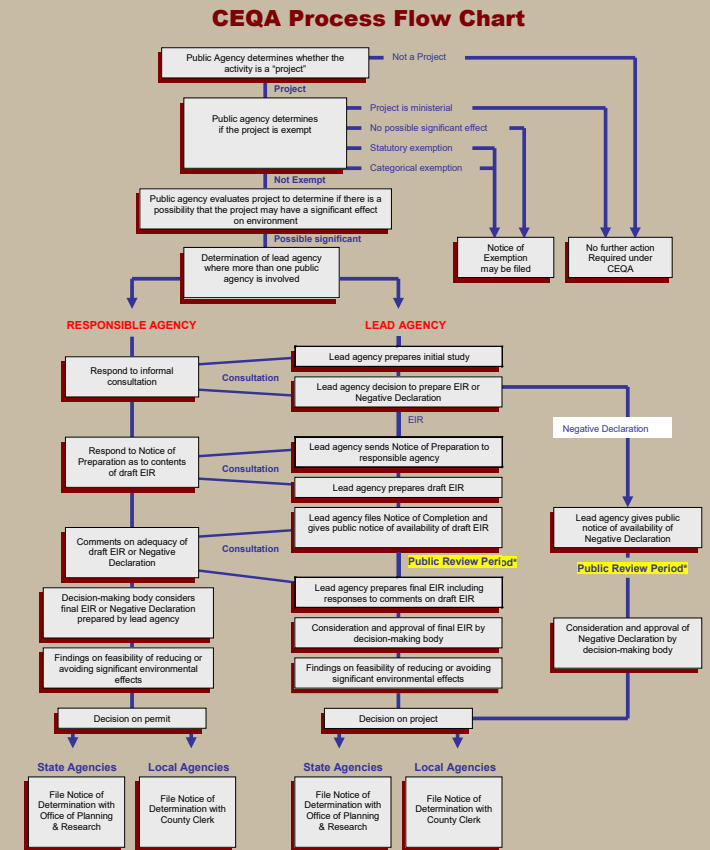
Project description

Preliminary analysis

Preliminary determination for an Initial Study

Document type determined

Document process

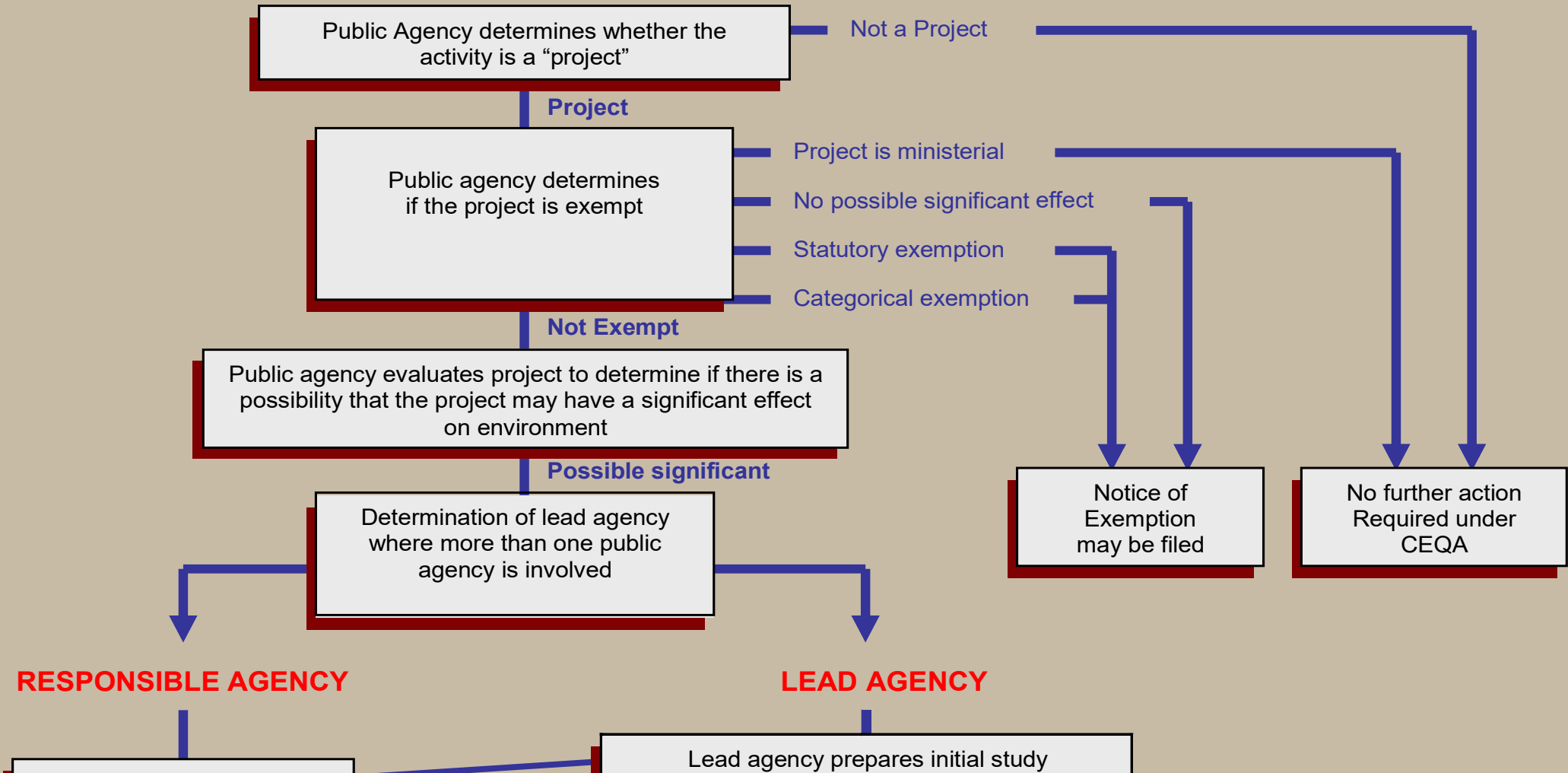


Source: California Environmental Resources Evaluation System. [http://ceres.ca.gov/topic/env\\_law/cesa/#bwhchart/index.html](http://ceres.ca.gov/topic/env_law/cesa/#bwhchart/index.html)  
\*The public review and comment period shall not be less than 30 days and nor should it be longer than 60 days, per the CEQA Guidelines at [http://ceres.ca.gov/topic/env\\_law/ceqa/guidelines/](http://ceres.ca.gov/topic/env_law/ceqa/guidelines/)



# CEQA process

## CEQA Process Flow Chart







# CEQA process dictates what document is appropriate

- Notice of Exemption (NOE)
- Negative Declaration (ND)
- Mitigated Negative Declaration (MND)
- Environmental Impact Report (EIR)
- Programmatic Environmental Impact Report (PEIR)

PEIR used by the Department

- Chaparral Management Plan (aka Vegetation Management Plan)
- California Vegetation Treatment Plan (CALVTP)
- California Forest Improvement Program (CFIP)



# Prescribed herbivory for fuels reduction

- What is the magic formula for creating the Notice of Exemption?
- Preliminary Analysis leads to Initial Study
- There really is not supposed to be any magic.....
- Will there be any Significant Impacts???????



# Significant Impacts (15126)

## 15126. CONSIDERATION AND DISCUSSION OF ENVIRONMENTAL IMPACTS

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation.

- Significant Environmental Effects (15126.2)
- Mitigation measures proposed to minimize significant effects (15126.4)
- Considerations and discussion of alternatives to the project (15126.6)



# Significant effects

- A direct physical change in the environment.
- An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project.



# Initial Study

The environmental review that determines whether project activities will cause a significant effect on the environment.

[2020 ceqa book.pdf \(califaep.org\)](#)

14 CCR § 15365

## INITIAL STUDY-ENVIRONMENTAL CHECKLIST

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a potentially significant impact as indicated by the checklist on the following pages.

### Environmental Factors Potentially Affected

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Public Services
<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Recreation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Transportation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Wildfire
<input type="checkbox"/> Energy	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Population and Housing	

### Determination

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION would be prepared.
- I find that although the proposed project COULD have a significant effect on the environment, there WOULD NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION would be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Name  
Title  
California Department of Forestry and Fire Protection

\_\_\_\_\_  
Date



# Initial Study

If the activity is subject to CEQA and not exempt, the lead agency will conduct an initial study.

The initial study:

- Is based on CEQA Guidelines Appendix G.
- May be prepared by the lead agency, project proponent, or contractor.
- Considers all aspects of the project (planning, implementation, operation, maintenance).
- Determines if a significant effect on the environment will occur.
- Determines if the project needs modification.
- Determines the type of environmental document.

14 CCR § 15063



# Initial Study

- Things to consider for most projects for the Preliminary Environmental Analysis for the Initial Study:
  - California Natural Diversity Data Base (CNDDDB)
  - Prehistoric and or Historic sites within the project or near the project. California Historic Resources Information System (CHRIS)
  - Known resources of concern
    - Special flowers or species or politics
  - Appendix “G” Environmental Checklist Form



# Environmental Impact Analysis

The resources that generally apply and must be addressed fall into two groups:

## Easier-to-Address:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Recreation
- Utilities / Service Systems
- Mineral Resources
- Agriculture and Forest Resources.
- Geology and Soils.
- Hazards and Hazardous Materials.
- Noise
- Wildfire
- Transportation
- Energy

## Harder-to-Address:

- Biological Resources
- Cultural/Tribal Cultural Resources





# Preliminary Analysis

First determine if the activity is subject to CEQA

An activity is not subject to CEQA if:

- The activity does not involve the exercise of discretionary powers by a public agency.
- The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.
- The activity is not a project.

If the activity is a project subject to CEQA, then the lead agency will review the most appropriate document.



# Scenarios for Prescribed Herbivory

- One of the most important things in project design is the project description.
- It should have the:
  - Who, What, Where, Why, How, and When
- You should have a good understanding of the project from that first review. Everything about the life of that project should be known or planned for.



# Prescribed Herbivory

- Scenario -1
- The local Fire Safe council is going to be using goats to reduce the vegetation on a small area in the foothills just outside the Clearlake next to State Highway 20. The plan is to use 20 goats for three weeks on three acres. The project will begin in late spring and continue for approximately four weeks. The project is intended to reduce roadside fuels to prevent roadside fires in the area where they are known to occur frequently. The goats will have a Shepard 24 hours a day 7 days a week and the temporary fencing will only be installed one week prior to the goats' arrival and removed one week after moving the goats to a new project.



# Constraints

For preliminary analysis- what resources were considered that may cause constraints for the project?

Biological – plants or animals?

Cultural Resource?

Traffic?



# Prescribed Herbivory

- Do you need any “mitigations” ?
- If you do, then you just turned down the path to something other than the NOE.
- But have you considered designing your project to avoid potential constraints?



# Prescribed Herbivory

- Scenario -2
- Using goats to reduce the vegetation on a small area in the town of Auburn in the historic district. Near Highway 49, a scenic highway. The plan is to use 20 goats for three weeks on three acres. The project will begin in late spring and continue for approximately four weeks. The project is intended to reduce roadside fuels to prevent roadside fires in the area where they are known to occur frequently. The goats will have a Shepard 14 hours a day 5 days a week and the temporary fencing will only be installed one week prior to the goats' arrival and removed within one week of completion of the project. The known mine in the area will closed to prevent access to the goats.



# Constraints

For preliminary analysis- what resources were considered that may cause constraints for the project?

Biological – plants or animals?

Cultural Resource?

Traffic?

Scenic Highway?

Other?



# Environmental Impact Analysis

The resources that generally apply and must be addressed fall into two groups:

## Easier-to-Address:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Recreation
- Utilities / Service Systems
- Mineral Resources
- Agriculture and Forest Resources.
- Geology and Soils.
- Hazards and Hazardous Materials.
- Noise
- Wildfire
- Transportation
- Energy

## Harder-to-Address:

- Biological Resources
- Cultural/Tribal Cultural Resources





# Prescribed Herbivory

- Do you need any “mitigations” ?
- If you do, then you just turned down the path to something other than the NOE.
- But have you considered designing your project to avoid potential constraints?
- Now what if you can't avoid using a mitigation like



# Prescribed Herbivory

- Scenario -3
- Using goats to reduce the vegetation along the scenic highway near the fragile wetland created from the highway bypass near the town of Willits. The plan is to use 20 goats for three weeks on three acres. The project will begin in late spring and continue for approximately four weeks. The project is intended to reduce roadside fuels to prevent roadside fires in the area where they are known to occur frequently. The goats will have a Shepard 8 hours a day 3 days a week and the fencing will only be installed one week prior to the goats' arrival and left in place for future grazing.



# Constraints

For preliminary analysis- what resources were considered that may cause constraints for the project?

Biological – plants or animals?

Cultural Resource?

Traffic?

Scenic Highway?

Other?



# Environmental Impact Analysis

The resources that generally apply and must be addressed fall into two groups:

## Easier-to-Address:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Hydrology and Water Quality
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# Prescribed Herbivory

- Do you need any “mitigations” ?
- If you do, then you just turned down the path to something other than the NOE.
- But have you considered designing your project to avoid potential constraints?
- Now what if you can't avoid using a mitigation like



# How to justify using Prescribed Herbivory?

- It was done here in the past with no impacts.
- The carrying capacity of the area is well below the maximum.
- You have considered all of the possible resources at risk and have no possible impacts.
- Social licence through education and awareness to use Prescribed Herbivory as a preferred option.
- Range Management Plan
  - Done by a Certified Range Manager (CRM)



# Questions?

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