

Letter 58

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Comment 58-1

Commenter is concerned about the availability and sufficiency of data is not currently available to adequately quantify impacts to resources under the jurisdiction of CalFire.

Response 58-1

Appendix G now states in relevant part: “In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies **may** refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board...” (Emphasis added.)

Importantly, this section remains discretionary, in part, because the Natural Resources Agency recognizes an analysis of a proposed project’s reliance on the information compiled by the California Department of Forestry and Fire Protection and the California Air Resources Board necessarily requires such information to exist, be relevant, and be applicable to the proposed project. According to existing Guideline section 15005, “may” identifies a permissive element which is left fully to the discretion of the public agencies involved.” Thus, regardless of whether either the California Department of Forestry and Fire Protection or the California Air Resources Board has provided information that helps a lead agency sufficiently quantify emissions, the lead agency should consider other sources of information and data where relevant and applicable, if such information helps inform its decision-making process. Notably, section 15064 requires a lead agency to reach a conclusion regarding the significance of a project’s impacts, after exercising careful judgment, based on information that is available. Consequently, the Natural Resources Agency takes no further action on this comment and rejects it to the extent it is seeking revision.

Comment 58-2

Clarify whether the Initial Study Checklist: Agriculture and Forestry Section requires a determination of impacts to forestry resources to include “forest service/private land exchanges.”

Response 58-2

CEQA is triggered by a discretionary action of a public agency (Pub. Res. Code 21000 *et seq.*) This threshold rule is not being changed in this round of guideline revisions and amendments. Accordingly, if a public agency has jurisdiction over any part of a private transaction, such that it is called upon to render a discretionary approval or permit any part of it, this question will apply to that process to the extent it is relevant. However, purely private land-exchanges that require no regulatory compliance or oversight are not within the purview of CEQA. The Natural Resources Agency notes the Commenter is not seeking any changes to the revised language. Consequently, the Natural Resources Agency takes no further action on this comment.

Comment 58-3

Clarify how Initial Study Checklist: Ag and Forestry Section, question (d) and (e) are different or provide an example of each. Question (d) asks if a project will directly result in the loss or conversion of forestlands. Question (e) asks if a project will ultimately result in conversion.

Response 58-3

Questions (d)-(e) of the revised Forestry questions ask whether a project would: “(d) Result in the loss of forest land or conversion of forest land to non-forest use?; and (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?” Question (d) seeks to help a decision-maker determine whether a proposed project will result in direct impacts to the environment, while question (e) is seeking to inform a decision-maker about possible indirect consequences of an action. Therefore, to the extent the Commenter is asking that one of these questions be deleted for duplicity, the Natural Resources Agency rejects this comment.