



CITY OF LAGUNA NIGUEL

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CITY COUNCIL

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April 30, 2024

The Honorable Buffy Wicks
Chair of the Appropriations Committee
1021 O Street, Suite 8220
Sacramento, CA 94249

SUBJECT: AB 2330 (Holden) Endangered Species: Incidental Take: Wildfire Preparedness Activities
Notice of Support (As Amended 4/24/2024)

Dear Assembly Member Wicks,

The City of Laguna Niguel is pleased to support AB 2330 (Holden), which would develop a voluntary, streamlined process for local agencies to submit wildfire preparedness programs to the California Department of Fish and Wildlife (CDFW) and seek approval to avoid, minimize, and mitigate the take of an endangered, threatened, or candidate species, incidental to conducting vegetative management activities in fire hazard severity zones located near urban areas across the state.

The size and severity of wildfires in California are increasing due to climate extremes. In California's recorded history, seven of the 20 largest wildfires and the top two most destructive wildfires occurred in the last seven years. Cities across the state have experienced the catastrophic impacts of wildfires, devastating communities and threatening life and property. **The City of Laguna Niguel has experienced two wildfires in the past three years, resulting in 400 acres burned, the destruction of twenty (20) homes and damaging of twelve (12) additional structures.**

Just as the state and federal agencies are responsible for managing lands and preparing and responding to wildfires, local agencies are also responsible for conducting wildfire preparedness activities in Local Responsibility Areas (LRAs) in designated fire hazard severity zones throughout the state. The state has completed a programmatic environmental impact report under the California Environmental Quality Act (CEQA) for 20 million acres of State Responsibility Areas (SRAs) with mitigation measures, and a streamlined consultation process with environmental permitting agencies called the California Vegetative Treatment Program (CalVTP). Local agencies, however, do not have a streamlined process and have experienced long delays spanning multiple fire seasons when trying to accelerate these types of wildfire preparedness efforts on LRAs.

AB 2330 would provide local agencies with a voluntary, streamlined process that prioritizes wildfire preparedness activities and public safety while upholding environmental laws and permitting authorities. The bill would require local agencies to provide CDFW under the California Endangered Species Act (CESA) with specific information,

including the location and type of activities that are planned, that the local agency has complied with CEQA, and any planned environmental mitigation or conservation measures the local agency plans to take as part of the program. CDFW would have 90 days to respond to the local agency with their approval or denial of the program application, and should the application be denied, the bill would allow an additional 30 days for both the local agency to address any deficiencies and for CDFW to reevaluate the application. By going through this streamlined process, local agencies will be able to consult with CDFW regarding their proposed projects to ensure any potential harm to species can be avoided and environmental mitigation measures are in place for vegetative management activities to occur.

The bill would ensure continued environmental oversight and communication between local agencies and the state for any approved wildfire preparedness programs. The bill would require CDFW to issue terms and conditions in an agreement to the local agency, in lieu of a take permit that includes a 15 day notification to the CDFW prior to activities occurring. This would allow CDFW to respond should any concerns arise to not only minimize or mitigation environmental impacts but avoid a species take through this proactive notification and communication pathway.

Lastly, the bill would direct CDFW, in consultation with the State Fire Marshal, to overlay existing maps identifying critical habitat within fire hazard severity zones to better identify lands that may be eligible under this program. By maintaining these maps every five years, local agencies and the state will have a shared understanding of the critical habitat and species CDFW is monitoring and ensure environmental protections are in place for wildfire preparedness activities to occur.

If local wildfire preparedness activities are not accelerated in areas where local agencies have responsibilities, the threat of wildfire will continue to pose extreme risk to communities and the environment of future catastrophic wildfire events. AB 2330 provides a viable process that maintains CDFW's environmental authorities and oversight while prioritizing wildfire preparedness and public safety.

For these reasons, the City of Laguna Niguel strongly supports AB 2330 and respectfully requests an aye vote when the bill is heard in the Assembly Appropriations Committee. Should you have any questions about our position, please contact Kevin O'Connor, Management Assistant, at koconnor@cityoflagunaniguel.org.

Sincerely,



Kelly Jennings
Mayor