

## **Suggested Talking Points**

**1. The "community outreach" and subsequent drafting of the new Forest Management Plan (FMP) is in violation of the California Environmental Quality Act (CEQA). A full EIR is required for this new Forest Management Plan.**

- The new plan will likely have a significant impact on the environment. CalFire has made statements in its New Vision and the scope of work for this FMP that demonstrates that significant change in management is expected for JDSF. An EIR is also important because it requires Cal Fire to respond to comments and questions, which it has not always done in the past, and it requires CALFIRE to analyze alternatives and mitigation. An EIR ensures that government-to-government tribal consultation is required as well. Instead of doing an EIR with a public comment period, Cal Fire is opting for a series of community outreach events in order to greenwash their process.
- The last full EIR, completed in 2007, was relied upon by Cal Fire for the 2016 FMP update. CAL FIRE is relying on this nearly two decades old environmental analysis for the management plan update.
- The Board of Forestry (BoF) erroneously attempted to exempt itself from CEQA in a 2020 rule change to Title 14 of the California Code of Regulations. This rule change wrongly categorizes FMPs as merely "information collection." (Cal Code Regs. Title 14 § 1153(b)). We don't want the FMP to merely collect information, we want it to improve the health of the forest.
- Cal Fire has stated they are not planning to do an EIR and will instead have the BoF find that the plan is exempt from CEQA review. Even if Cal Fire wanted to rely on the old EIR, changes to the Management Plan have significant impacts not previously considered in connection with the project as originally approved. (*Friends of the College of San Mateo Gardens v. San Mateo Community College District*, (2016) 1 Cal.5th 937).

**2. This process as put forth by Cal Fire is entirely backwards. It should not move forward until a structure for tribal co-governance agreements is in place.**

- There are two key pieces of information that Cal Fire must plan to incorporate before the Management Plan moves forward.
- AB 1284 encourages all Calif. Natural Resources Agency (CNRA) agencies to develop co-governance agreements with tribes and allows tribes to initiate government-to-government consultation regarding co-governance and ancestral land returns.
- The CNRA Tribal Stewardship Toolkit is expected to be out for public comment early 2025, as a guiding document for all co-governance and land returns in California.
- Cal Fire must complete tribal consultation with all interested tribes for co-management for JDSF before the management plan is drafted. It is imperative that local tribes are at the table and are given the opportunity to craft the management plan with Cal Fire.
- AB 52 government-to-government consultation and cultural landscape protections must be incorporated into the new Forest Management Plan. AB 52 was enacted

in 2015, after the old FMP was approved and thus has not been fully incorporated into the management of JDSF.

**3. No timber harvest plans (THP)s, road construction, and herbicide use should occur on JDSF until a tribal/state co-management agreement is approved and the new Management Plan reflecting Tribal and environmental concerns is in place.**