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Assembly Natural Resources Committee
Senate Natural Resources Committee
Via comment portal

RE: SB 1370 (Oppose)

Honorable Assembly Member Ward, Senator Stern, and Senator Becker,

My office represents the California Chaparral Institute (CCI). These comments are in addition to the comments submitted by CCI, and not intended to supplant any previously submitted comments. These comments apply to the internal “amendments”/working document of SB 1370 sent to my client on August 18, 2026. Despite such proposed amendments, my client is strongly opposed to SB 1370 and respectfully request that you oppose the bill and request that it be withdrawn.

Policy should be based on three primary concepts. First, we should be encouraging informed public participation. Secondly, we should be using the latest science to help formulate policy. Third, we should be protecting the State (and planet) for future generations, not just for the benefit of people but for flora and fauna. SB 1370 is antithetical to all three.

Senate Bill 1370 would exempt most “wildfire mitigation projects” (up to 3,000 acres along electrical lines, 1,000 acres in forests, and 500 acres in chaparral and coastal sage scrub) from most environmental statutes such as CEQA, the Coastal Act and the Clean Water Act. Instead, it would create a “certified regulatory program” under Pub. Res. Code section 21080.5 that is allegedly CEQA equivalent. While it does provide some notice provision and many similarities under CEQA, there is no requirement for a public hearing for the individual projects. In addition, there is no requirement to provide notice to the local community immediately surrounding the proposed treatment project. Theoretically, as written, the bill could potentially allow landscape scale treatments in



chaparral, coastal sage scrub and forests under the certified regulatory program. (See Pub. Res. Code § 4744(a).)

Further, there is no requirement to provide any notice upon application, but only once the application is deemed “complete.” It is also unclear whether the Secretary for Environmental Protection or Secretary of Natural Resources or “consolidated review agencies” will be making the final decision. (Compare Section 4240(f) with Section 4241(d)(2).) There does not appear to be a provision for adopting a statement of overriding consideration. This is an important distinction. Under CEQA “[e]ven environmentally damaging project may be approved, if the impacts are evaluated and benefits outweigh the impacts. There is a sort of grand design in CEQA: Projects which significantly affect the environment *can* go forward, but only after the elected decision makers have their noses rubbed in those environmental effects, and vote to go forward anyway.” (*Vedanta Soc’y of So. Cal. v. Cal. Quartet* (2000) 84 Cal.App.4th 517, 530.) Here, SB 1370 legislatively avoids accountability on a State-wide basis AND exempts local agency accountability.

Further, SB 1370 vests enforcement responsibility in the Attorney General or District Attorney and only at the request of governmental agencies and boards. (Section 4241(g), Section 4745(i) (non-timber treatment subject to criminal enforcement under PRC § 4601).) While perhaps a citizen or environmental group could bring a writ under Code of Civil Procedure sections 1085 or 1094.5, there is no explicit citizen suit provision such as the public enjoys under CEQA. (Pub. Res. Code § 21168, 21168.5.) A court very well may interpret such provisions as barring citizen suits. We have already pointed out numerous vegetation treatment projects that violate the Cal. VTP (despite such document being deficient under CEQA), and have yet to see any willingness of the Attorney General to intervene, let alone prosecute. In fact, it is very rare that the State Attorney General is willing to sue a State agency on behalf of another State or local agency. Citizen suits are a necessary component for enforcing the laws of the State in situations where the AG is either conflicted or unwilling to prosecute.

Contrary to the constant drumbeat from industry and forest interests, CEQA is not blocking important projects. Ninety-nine percent of all projects go unchallenged at both the administrative level and in court. The high rate of environmental organizations’ success in CEQA litigation is attributable to the fact that only the most egregious projects and the most deficient environmental documents are challenged. Preventing citizens and non-governmental organizations from enforcing environmental laws guarantees that guidelines and mitigation measures will be ignored and environmental devastation will result.

Secondly, the CEQA process is intended to ensure that approvals are based on data and best available science, not dogma. The current dogma is that 100 years of fire suppression has resulted in the buildup of fuels leading to catastrophic fires. Senate Bill 1370 repeats this dogma claiming that “landscape-scale vegetative fuel treatment” (ie.



prescribed fires, mechanical mastication) is critical to the protection of public health and the environment and community fire resilience. (PRC 4744(a); See also pre-amble Section 1.) This is not borne out by the science. The latest science indicates that thinning forests and shrublands increases solar radiation and temperatures at the surface, increases windspeeds and decreases moisture content in the remaining plants, thereby substantially increasing flammability. Invasive grasses populate the understory in treated areas further exacerbating the likelihood of ignition.

The debate about how to properly balance the needs of “wildfire mitigation” and the protection of chaparral and coastal sage scrub habitat is best held in the context of CEQA. (See Pub. Res. Code § 21000.) Although CEQA has often applied in suburban and urban settings, protecting the natural environment for future generations has always been one of CEQA’s primary goals. (Pub. Res. Code § 21001.) Even assuming that the State environmental plan was robust and protective of habitat, agency review has already shown to be inadequate to enforce mitigation measures outlined in the Cal VTP.

Repeatedly, we have found treatment in areas where chaparral and coastal sage scrub has not yet recovered from a recent fire. Maintenance plans ensure that the shrub habitat will never recover in violation of Pub. Res. Code § 4483. Senate Bill 1370 will fast track type conversion irrespective of the incredibly diversity of wildlife and endangered species that make chaparral and coastal sage scrub their home. This is an outrageously destructive bill that will result in the burning of millions of acres of habitat in the name of “wildfire mitigation” that will not only kill countless animals and protected species but will actually exacerbate the fire risk contrary to its stated goals. Please vote no on SB 1370 and/or withdraw it.

Sincerely,

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