

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - November 08, 2023

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JUDICIAL OFFICER: Kenneth J Medel

CASE NO.: 37-2020-00005203-CU-TT-CTL

CASE TITLE: CALIFORNIA CHAPARRAL INSTITUTE VS BOARD OF FORESTRY AND FIRE PROTECTION [E-FILE]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Toxic Tort/Environmental

EVENT TYPE: Hearing on Petition

CAUSAL DOCUMENT/DATE FILED: Petition - Other, 01/28/2020

Petitioners filed their Verified Petition for Writ of Mandate on January 18, 2020. The petition challenges the approvals by Respondent Board of Forestry and Fire Protection ("Board" or "Respondent") and Respondent California Department of Forestry and Fire Protection ("Department" or "Respondent") of the California Vegetation Treatment Program ("CalVTP" or "Program"), based upon the failure to comply with the California Environmental Quality Act ("CEQA") [Pub. Res. Code § 21000, et seq.] Petitioners contend Respondents failed to consider the environmental impacts associated with the Program, failed to prepare and circulate required environmental analysis, and failed to consider and adopt feasible alternatives and mitigation.

The Board is a gubernatorially appointed body within CAL FIRE (Pub. Resources Code, § 730.) responsible for developing the state's general forest policy, determining guidance policies for CAL FIRE, and representing California's interests in federal forestland within the state. (Id., § 740; see AR1773.080.) The Board is charged with protecting all wildland forest resources in California that are not under federal jurisdiction, and works with CAL FIRE to protect and enhance the state's forest and wildland resources including within the State Responsibility Area.

The Board approved its plan for vegetation management, the CalVTP, on December 30, 2019, and also certified the Public Environment Impact Report [PEIR] on that date. (AR1, AR4-10, AR11-97 [Findings of Fact & Stmt. of Overriding Considerations], AR98-161 [Mitigation Monitoring & Reporting Prog.]) the CalVTP includes vegetation treatment activities carried out by CAL FIRE on private or public land. The CalVTP outlines vegetation treatments at the landscape scale, and "is focused on reducing the likelihood of a ground fire *increasing in intensity* and on helping fire responders more easily contain a wildfire." (AR1590.011.) [emphasis added] Three treatment types are specified depending on different locations (wildland-urban interface (WUI) fuel reduction, fuel breaks, and ecological restoration). (AR1773.085-AR1173.095.)

The CalVTP's vegetation treatments are "designed to reduce hazardous vegetative fuels, improve protection from wildfires that are not primarily driven by high winds through strategically located fuel breaks, and/or mimic a natural fire regime using prescribed burning." (AR1773.081.)

STANDARD OF REVIEW

A reviewing court considers whether an EIR is adequate and complete, and reflects "a good faith effort at full disclosure." (South of Market Community Action v. City and County of San Francisco (2019) 33 Cal.App.5th 321, 334.) It reviews an agency's CEQA compliance for a *prejudicial abuse of discretion*. (Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 426.)

"Abuse of discretion is established if the agency has not proceeded in a manner required by law or *if the*

determination or decision is not supported by substantial evidence." (Pub. Resources Code, § 21168.5.) Substantial evidence means "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (Cal. Code Regs., tit. 14, § 15384, subd. (a).) The substantial evidence standard applies to an agency's analysis of a project's potential environmental impacts, and to the methodology used to assess possible impacts. (San Francisco Baykeeper, Inc. v. Cal. State Lands Commn. (2015) 242 Cal.App.4th 202, 228 [holding "the substantial evidence standard is applied to conclusions, findings and determinations" and also "to challenges to the scope of an [environmental impact report's] analysis of a topic, the methodology used for studying an impact, and the reliability or accuracy of the data upon which the EIR relied"], internal citations omitted.) The substantial evidence standard also applies to an agency's assessment of the mitigation measures proposed in an EIR. (Sacramento Old City Ass'n v. City Council (1991) 119 Cal.App.3d 1011, 1027.)

Whether Abuse of Discretion has been Established

An agency's action, such as the Board's certification of the PEIR and approval of the CalVTP, is subject to a presumption of validity. (See Evid. Code, § 664 ["It is presumed [an agency's] official duty has been regularly performed"].) Petitioners, as the party challenging the PEIR's adequacy, "[have] the burden of proving otherwise by establishing a prejudicial abuse of discretion," (Claremont Canyon Conservancy v. Regents of the University of California (2023) 92 Cal.App.5th 474, 483), and the presumption is that an agency's environmental impact report is legally sufficient. (Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners (1993) 18 Cal.App.4th 729, 740.)

Petitioners argue that the "PEIR failed to adequately analyze impacts associated with increased fire frequency and duration." (Pets' OB at 9:17-18.) According to petitioners, the "CalVTP will do nothing about large fires and will actually make the situation worse." (Id. at 9:19-21.) Petitioners raise policy arguments and contest the strategy the Board adopted in the CalVTP to address the state's wildfires. (Id. at 9:13-13:18.)

The problem with petitioner's argument is that the Board was not required to evaluate, as a CEQA issue, the CalVTP's efficacy in addressing the wildfire crisis in California because that is not a potential environmental impact, and wildfires are part of the baseline/existing environmental conditions. Under CEQA, the Board was required to do an *impacts analysis*. CEQA requires the Board to evaluate the CalVTP's potentially significant environmental impacts including those related to wildfire, based on changes to existing environmental conditions that could occur if the proposed program was implemented. (Pub. Resources Code, §§ 21060.5, 21100; Cal. Code Regs., tit. 14, § 15126.2, subd. (a).) The Board was not required to evaluate, as a CEQA issue, the CalVTP's efficacy in addressing the wildfire crisis in California because that is not a potential environmental impact, and wildfires are part of the baseline/existing environmental conditions. (Ibid.)

To assess potential impacts, the Board properly utilized the thresholds of significance outlined in Appendix G of the CEQA Guidelines, and used existing environmental conditions as the baseline for the impacts analysis. (AR1773.609-.624; Cal. Code Regs., tit. 14, § 15064.7, subd. (a) [defining thresholds of significance]; § 15125, subd. (a) [defining environmental setting and baseline].)[1] Appendix G of the CEQA Guidelines includes standards that lead agencies may use in an EIR to assess a program's or project's potentially significant environmental impacts. (See Mission Bay Alliance v. Office of Community Investment & Infrastructure (2016) 6 Cal.App.5th 160, 192-194 [affirming lead agency's use of an Appendix G threshold to assess project's potential noise impacts].)

Based on the vegetation treatment types and activities included in the CalVTP, the Board determined that certain of the Appendix G thresholds were not applicable and did not discuss them further in the PEIR. (AR1773.621.) The Board assessed whether the CalVTP would substantially exacerbate fire risk and expose people to the uncontrolled spread of wildfire due to temporary risks associated with prescribed burning and the use of vehicles and heavy machinery to treat vegetation, since both activities "can increase the risk of accidental wildfire ignition." (AR1773.621-.622.) The Board then concluded based on substantial evidence that with implementation of Standard Project Requirements such as preparation of prescription burn plans, this impact would be less than significant. (Ibid.)

The Board also evaluated whether the CalVTP would expose people or structures to substantial risks related to post-fire flooding. (AR1773.622-.623.) The Board concluded that because the CalVTP does not include new housing and would not result in substantial unplanned population growth, it would not place people or structures in an area with risks related to post-wildfire flooding or landslides. (Ibid.) And

with implementation of Standard Project Requirements, this potential impact would also be less than significant. (Ibid.)

Petitioners focus on wind. One Guideline in Appendix G considers: "Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire." Petitioners argue that the PEIR should have analyzed the CalVTP's ability to reduce the risk of wind-driven fires as an environmental impact under CEQA. (Pets' OB at 9:17-13:18.) They also contend that vegetation management "is an insufficient method" of "reducing wildfire intensity and severity." (Id. at 11:13-25.)

CEQA does not require a lead agency to evaluate whether its proposed project is the best solution to a public issue. (San Franciscans for Livable Neighborhoods, supra, 26 Cal.App.5th at p. 631.)

The Board's explanation about the CalVTP's effectiveness in reducing wildfire risk, and that it is only one aspect of the state's multi-faceted approach to wildfire management. (AR1590.010-.014, AR2641-2642)

The issue addressed in the PEIR is reducing the intensity of many fires – not necessarily preventing all fires. The PEIR explains, "[V]egetation treatment at the landscape scale as proposed under the CalVTP is focused on reducing the likelihood of a ground fire *increasing in intensity* and on helping fire responders more easily contain a fire." (AR1590.011.)

In the PEIR, the Board recognizes that "[w]hen high-wind conditions drive a large fire, such as when large embers travel long distances in advance of the fire, vegetation treatment would do little, if anything, to stop [the] downward advance of the fire front." (AR1590.11.) Once winds slow, however, the "vegetation treatments proposed under the CalVTP can play a valuable role in achieving containment of the more extreme fires by providing firefighters increased visibility and safe access to the fire, reducing heat and smoke, and allowing for quicker suppression of spot fires." (Ibid.)

The Board also determined that "the large majority of wildfires" in California "are not highly wind driven," and that the CalVTP's proposed vegetation treatments "can slow and help suppress [wildfires] by reducing the risk that ground burns will climb to crown fires in forests, providing improved access to fire in fuel breaks, and slowing fire movement by reducing levels of fuel." (Ibid.) The Board discusses research from numerous experts that supports the CalVTP's vegetation treatment strategy, while also recognizing that "the state of wildfire science is continuing to evolve." (AR1590.011-.013.) "Despite the data gaps and acknowledgement that more research is needed to better understand studies with conflicting conclusions, [the] studies cited [in the PEIR] support the conclusion that vegetation treatments reduce wildfire risk in the large majority of fire conditions." (AR1590.012.)

The fact that Petitioners' experts have a different view does not make the PEIR inadequate. (Cal. Code Regs., tit. 14, § 15151.) San Francisco Baykeeper, Inc., supra, 242 Cal.App.4th at p. 228; Cal. Code Regs., tit. 14, § 15151.

CEQA Petitioners also argue the PEIR "failed to analyze impacts to chaparral and coastal sage scrub communities." (Pets' OB at 13:19-16:21.) The PEIR extensively evaluates potential impacts to chaparral and coastal sage scrub habitats (see AR1590.015-.017, AR1773.354-.359), and the CalVTP requires implementation of multiple Specific Project Requirements such as SPR BIO-5 to ensure that chaparral and coastal sage scrub communities are protected and that "type conversion" will not occur. (AR1773.357-.359.)[2]

The Court finds that substantial evidence supports the PEIR's assessment of potential impacts to chaparral and coastal sage scrub. Again, disagreement among experts is not a basis to declare an EIR inadequate. (AR2639-2640, AR1590.015-.017, AR1773.120-.122, AR1773.357-.359);

Petitioners challenge the program description in the PEIR. This case involves a "program EIR" in contrast to a "project EIR." A program EIR "is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways." (Cal. Code Regs., tit. 14, § 15168.) "[A] program EIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations." (In re Bay-Delta Programmatic Env't'l Impact Report Coordinated Proceedings (2008) 43 Cal.4th 1143, 1169, [hereinafter "In re BayDelta"] [see Cal. Code Regs., tit. 14, § 15161 [defining "Project EIR"].)

CEQA requires EIRs to contain a description of the program or project being analyzed, but that description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." (Cal. Code Regs., tit. 14, § 15124.) A program or project description must include: (a) The precise location and boundaries of the proposed program on a detailed map; (b) A statement of the program's objectives, including the underlying purpose of the program and its benefits; (c) A general description of the program's technical, economic, and environmental characteristics; and (d) A statement briefly describing the intended uses of the EIR. (Ibid.) CEQA case law also outlines requirements for program and project descriptions. In *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, the court concluded, "[a] project description need only disclose the nature of the project and its main features. In addition, the degree of specificity required depends on the type of project." (Id. at p. 739; see also Cal. Code Regs., tit. 14, § 15146 ["The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR."]) The key factor is whether the program description provides sufficient detail to inform the public of the program being evaluated, and allow the public and decision makers to assess a program's potential environmental impacts. (Dry Creek Citizens Coalition, supra, 70 Cal.App.4th at pp. 26- 27; see also Cal. Code Regs., tit. 14, § 15146, subd. (a) [explaining "[a]n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy"].)

The bottom line is that the CEQA Program descriptions in EIRs must include enough information to enable the public to understand the proposed program, and allow the reviewing agency to assess its potentially significant environmental impacts. (Dry Creek Citizens Coalition v. County of Tulare (1999) 70 Cal.App.4th 20, 26-27; see also Cal. Code Regs., tit. 14, § 15124.) The Court finds that the program description in the PEIR meets those requirements, consistent with CEQA.

The PEIR describes the CalVTP's objectives, its geographic scope, its treatment types and activities, and its implementation framework. (AR1773.079-AR1773.136 [program description].) The PEIR also evaluates the CalVTP's potentially significant environmental impacts, and discusses the Standard Project Requirements or "SPRs" and specific mitigation measures that individual CalVTP projects must implement to avoid and address potentially significant environmental impacts. (AR1773.137-AR1773.656.)

The PEIR analyzes alternatives to the CalVTP. (AR1773.657-AR1773.704.) CAL FIRE and other agencies use the PEIR for projects that implement the CalVTP to focus the environmental review of those projects on site-specific issues. (AR1773.007, AR1773.081.) Consistent with CEQA's provisions for tiering and the use of program EIRs, the CalVTP requires project proponents to evaluate a proposed treatment project's impacts by completing the CalVTP Project-Specific Analysis or "PSA," and documenting how a project's environmental effects were analyzed in the PEIR. (Ibid.; see also AR2511-2627.) A Project-Specific Analysis must also state which Standard Project Requirements and feasible mitigation measures from the CalVTP PEIR are incorporated into the project. (AR1773.081, AR1773.108- 110.) And a PSA requires evaluating whether a site-specific vegetation treatment project would have any impacts that were not fully addressed in the PEIR. (Ibid.) Building on the broad analysis and common Standard Project Requirements and mitigation measures identified in the PEIR allows project proponents to focus their environmental review on site-specific concerns. (AR1590.018-.020.) In some cases, implementing agencies may find that all impacts of CalVTP projects were addressed in the PEIR. But if a CalVTP project is not within the scope of the PEIR, project proponents will be obligated to conduct additional site-specific environmental review and prepare additional CEQA documentation such as a mitigated negative declaration or EIR. (Ibid.; see also AR1773.081.)

Petitioner's Opening Brief argues that there was a deferral of impacts analysis on the "suitability" of treatments for chaparral and coastal sage scrub. However, CEQA authorizes project proponents to "tier" from the PEIR in evaluating the potentially significant environmental impacts from the individual project that implement the CalVTP. (AR1590.018-.020, AR2642- 26455; Pub. Resources Code, § 21068.5; Cal. Code Regs., tit. 14, § 15168.)

Petitioners argue for a level of detail in the PEIR's program description that exceeds CEQA's mandates, particularly for a programmatic-level document where project proponents will conduct site-specific environmental review before implementing the CalVTP. (Pet's OB at 16:22-18:9; AR1773.079-.135.) The PEIR here contains multiple maps showing the CalVTP program location, including a map depicting

the treatable landscape of 20.3 million acres within the 31 million-acre State Responsibility Area (AR1773.083), a map showing the fuel types (grass, shrub, and tree) within the treatable landscape (AR1773.084), and maps illustrating the areas where the CalVTP's three different vegetation treatment types (wildland-urban interface fuel reduction, fuel break, and ecological restoration treatment areas) could be implemented. (AR1773.088, AR1773.092, AR1773.095.) The PEIR's program description also states the CalVTP's objectives (AR1773.079-.080), includes a general description of the CalVTP's technical, economic, and environmental characteristics including its vegetation treatment types, treatment activities, and Standard Project Requirements (AR1773.080-.135), and has a statement "briefly describing the intended uses of the [P]EIR." (AR1773.080-.081; Cal. Code Regs., tit. 14, § 15124.) This level of detail is appropriate for a program EIR. (See Cal. Code Regs., tit. 14, § 15146; see also Claremont Canyon Conservancy, supra, 92 Cal.App.5th at p. 488-493.)

Petitioners' also argue that the PEIR's analysis of mitigation measures and alternatives violates CEQA. (Pets' OB at 18:10-21:21.) Program EIRs such as the PEIR should identify ways to mitigate or avoid significant effects of a program on the environment. (Pub. Resources Code, § 21002.1, subd. (a).) They "shall describe feasible measures which could minimize significant adverse impacts" (i.e. mitigation measures), and "shall describe a range of reasonable alternatives to the project . . . which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (Cal. Code Regs., tit. 14, § 15126.6, subd. (a).) The Court finds the mitigation measures are consistent with CEQA. (AR98-161, AR1773.137-.656, AR1773.657-.704, AR2628-2641.)

Petitioners first argue that the PEIR "failed to address the many significant impacts associated with failing to address the large fires." (Pets' OB at 19:15-16.) Petitioners argue that the PEIR does not employ their preferred method to reduce the risk of such fires. (Pets' OB at 19:15-20:19.) As stated above, policy differences on addressing fire is not the question. The question is whether the Board "significant effects of the proposed [program] on the environment" (i.e. the potentially significant environmental impacts caused by the CalVTP) (See Cal. Code Regs., tit. 14 § 15126.2, subd. (a).) Petitioners point out "significant impacts associated with California's 'wildfire crisis,'" (Pets' OB at 20:18-19), and incorrectly characterize wildfires as being an environmental impact caused by the CalVTP when such fires are actually part of the environmental setting and existing conditions in California, as properly discussed in the PEIR. (AR1773.609-.616; Cal. Code Regs, tit. 14, § 15125, subd. (a).)

As stated above, the CalVTP is not the state's entire strategy for addressing wildfires. Rather, it is one component, meant to "serve as the vegetation management component of the state's range of actions underway to reduce risks to life, property, and natural resources by managing the amount and continuity of hazardous vegetative fuels that promote wildland fire." (AR1773.002 [stating the objectives of the Cal VTP]; see AR1590.013 ["Although an important part of the state's approach, the increase in the pace and scale of vegetation treatment to reduce wildfire risk . . . is not a singular solution to the complex problem of resolving wildfire hazards."].)

The Court finds that substantial evidence supports the Board's assessment of the CalVTP's potential impacts related to wildfire, and its conclusion that no mitigation measures are required. (See, supra, Argument I.A; see also AR1773.621-.623.) The PEIR analyzes the potential for the CalVTP to "substantially exacerbate fire risk and expose people to uncontrolled spread of a wildfire," and to "expose people or structures to substantial risks related to post-fire flooding or landslides." (AR1773.621-.623.) It explains that these impacts are "less than significant" and no mitigation is required, because "[Standard Project Requirements] would be implemented to reduce the risk of uncontrollable spread of fire from treatment activities," and there would be "extensive planning and preparation before a prescribed burn," "active monitoring and maintenance during a burn, and implementation of stringent safety protocols." (AR1773.621.) Further, the "CalVTP does not include new housing nor would it result in substantial unplanned population growth." (AR1773.622.) "Mitigation measures are not required for effects which are not found to be significant." (Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(3) [emphasis added].) And "implementation of the treatment activities under the CalVTP would reduce wildfire risk." (AR1773.622, see also AR1590.010-.014, AR2641-2642.)

Petitioners also argue that the PEIR fails to consider practicable alternatives to the CalVTP, and they refer to the two examples of alternatives provided in their comments to "show the inadequacy of the alternatives analysis." (Pets' OB at 20:4-19.) But the question is "whether the range of alternatives that

the EIR did analyze meets the rule of reason." (Make UC A Good Neighbor v. Regents of Univ. of California (2023) 88 Cal.App.5th 656, 675 [explaining "if the range of alternatives is reasonable, it does not become unreasonable simply because another potential alternative exists"]; see also Cal Code Regs., tit. 14, § 15126.6, subd. (a) ["An EIR need not consider every conceivable alternative to a project"]; Id., § 15126.6, subd. (e) ["The range of alternatives required in an EIR is governed by a 'rule of reason'"]; Id., § 15151 ["Disagreement among experts does not make an EIR inadequate . . ."].)

The substantial evidence standard applies to the court's review of the alternatives analysis in the PEIR, and Petitioners have not met their burden. (Make UC A Good Neighbor, supra, 88 Cal.App.5th at p. 669.) The PEIR analyzed in detail five different alternatives, all of which focus on varying degrees and methods of vegetation management (the purpose of the CalVTP), and also a 'no project' alternative, as required under CEQA. (AR1773.660-.697.)

The Petitioners also discuss Public Resources Code section 4483. In 2019 when the Board was completing the PEIR and the CalVTP, section 4483 stated as follows: (a) To the extent feasible, the board's Vegetation Treatment Program Programmatic Environmental Impact Report [the PEIR], when certified, shall serve . . . as the programmatic environmental document for prescribed fires initiated by a third party for a public purpose pursuant to Section 4491. (b) (1) It is the intent of the Legislature that additional consideration be provided for chaparral and coastal sage scrub plant communities that are being increasingly threatened by fire frequency in excess of their natural fire return patterns due to climate change and human-caused fires. (2) Prescribed burning . . . or other vegetative treatments of chaparral or sage scrub shall occur only if the department [meaning CAL FIRE and not the Board] finds that the activity will not cause "type conversion" away from the chaparral and coastal sage scrub currently on site. (3) This subdivision shall be in addition to the requirements of the Vegetation Treatment Program Programmatic Environmental Impact Report [the PEIR.] (Pub. Resources Code, § 4483.)

Under section 4483, third parties that seek CAL FIRE's approval for prescribed fires conducted for a public purpose may use the PEIR as the starting point for environmental review and CEQA compliance, if feasible. (Pub. Resources Code, § 4483, subd. (a).) And before CAL FIRE approves prescribed burns or other vegetation treatments of chaparral or coastal sage scrub, it must find that "type conversion" will not occur. (Id., subd. (b)(2).) But section 4483 requires nothing from the Board.

As noted in the PEIR, "a determination of compliance with the SB 1260 [meaning the section 4483] prohibition of type conversion . . . is a statutory issue separate from CEQA compliance." (AR 1590.017.)

Based on the above analysis, the Court DENIES the Petition for Writ of Mandate./n

[1] Under the Appendix G thresholds, a treatment implemented under the CalVTP would result in a significant impact related to wildfire if it would:

- Impair an adopted emergency response plan or emergency evacuation plan;
- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (AR1773.620-.621.)

[2] SPR BIO-5 obligates project proponents to design treatment projects to avoid type conversion where native coastal sage scrub and chaparral are present. (AR 1590.015-.016, AR1773.120-.122, AR1773.357-.359.) Concerning "type conversion" as used in SPR BIO-5, the PEIR explains: Because a legislative or regulatory definition of 'type conversion' has not yet been formulated, an ecological definition of 'type conversion' has been developed to guide the CalVTP PEIR environmental analysis: *a change from a vegetation type dominated by native shrub species that are characteristic of chaparral and coastal sage scrub vegetation alliances to a vegetation type characterized predominantly by weedy herbaceous cover or annual grasslands.* While this definition is suitable for environmental analysis, it does not have application outside of the PEIR. For the PEIR, type conversion is considered in terms of *habitat function*, which is defined here as the arrangement and capability of habitat features to provide refuge, food source, and reproduction habitat to plants and animals, and thereby contribute to the conservation of biological and genetic diversity and evolutionary processes. (AR1590.015-.016.)