FILED
San Diego Superior Court
Central Division

NOV 14 2025

Clerk of the Superior Court
By: A. Yim, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

CENTRAL DIVISION

California Chaparral Institute and **Endangered Habitats League,** Petitioners, **v.** **Board of Forestry and Fire Protection,** Respondent.	Case No. 37-2020-00005203-CU-TT-CTL ~~**[PROPOSED]**~~ **WRIT OF MANDATE** Assigned for all purposes to: Hon. Katherine A. Bacal, Dept. 63

For the reasons stated in the Fourth District Court of Appeal's May 30, 2025 decision, as modified on June 30, 2025, regarding the Program Environmental Impact Report (PEIR) for the California Vegetation Treatment Program (CalVTP) prepared by Respondent Board of Forestry and Fire Protection (the Board) under the California Environmental Quality Act (CEQA), and the Judgment After Appeal orders that a peremptory writ of mandate be issued from this Court as follows

1. In accordance with Public Resources Code section 21186.9, the Court directs the Board to take appropriate steps within its discretion to address the CEQA deficiencies identified by the Court of Appeal. Specifically, the Court of Appeal held that substantial evidence did not support the Board's conclusions in the PEIR regarding the potential for type conversion of chaparral and coastal sage scrub and associated effects, particularly as to increased wildfire risk. The Board shall be allowed to correct these deficiencies in a subsequent or supplemental EIR.

2. Except as provided in paragraph 3, the Court orders that the CalVTP PEIR shall not be used by projects that propose treatment of chaparral or coastal sage scrub, for purposes of achieving CEQA compliance until the Board has satisfied its obligations under Paragraph 1, above. The Court directs the Board to notify potential project proponents of this prohibition and this Court's Judgment After Appeal, including by emailing a notice to the Department of Forestry and Fire Protection, each County of the State of California, and project proponents with CalVTP projects that are in the "proposed" stage pursuant to Standard Project Requirement AD-7, and by posting such notice to the CalVTP Homepage. The Board and Petitioners shall confer and reach mutual agreement as to the content of the notice.

3. Analysis of the effects of type conversion of chaparral and coastal sage scrub is severable from the other portions of the PEIR. Critical safety projects, or portions thereof, that propose treatment of chaparral or coastal sage scrub, as identified in the attached Exhibit A, are likewise severable. Severance of these issues and projects, or portions thereof, will not prejudice complete and full compliance with CEQA.

4. Except as provided above, the PEIR complies with CEQA. The Board's approval of the CalVTP and certification of the PEIR shall remain in place and undisturbed by the Judgment After Appeal and this Writ.

5. In accordance with Public Resources Code section 21168.9, subdivision (c), this Writ shall not limit the Board from exercising its discretion in any particular way.

6. The Board shall file and serve an initial return to this Writ within 60 days from the date that a notice of entry of this Writ is served on all parties. The initial return shall explain the steps the Board will take to comply with the Writ.

7. The Board shall file and serve a final return to this Writ after the Board has corrected the CEQA deficiencies identified by the Court of Appeal in a subsequent or supplemental EIR.

8. In accordance with Public Resources Code section 21168.9, subdivision (b), the Court shall retain jurisdiction over the Board's proceedings by way of a return to this Writ until the Court has determined that the Board has complied with CEQA.

9. The Clerk of Court shall promptly enter this Writ, including Exhibit A attached hereto, and serve it on all parties of record.

IT IS SO ORDERED.

Dated: NOV 14 2025

By: ~~JUDGE OF THE SUPERIOR COURT~~
~~KATHERINE A. BACAL~~ Clerk
A. Yim

EXHIBIT A

I. Definitions.

For purposes of this document only, chaparral and coastal sage scrub are defined by the following characteristics:

- Chaparral: Dominated by evergreen, drought-tolerant shrubs that are typically 1.5-3 m tall (Barbour, Keeler-Wolf, and Schoenherr 2007) with stiff branches, and sclerophyllous (i.e., hard leaved) leaves
    - Chaparral alliances are listed in level 1, 2 of the Key to Shrublands in the California Native Plant Society's (CNPS) *Manual of California Vegetation.* This definition does not include alliances dominated by coyote brush (*Baccharis pilularis*).
    - Dominant plant species may include manzanita (*Arctostaphylos* spp.), ceanothus (*Ceanothus* spp.), chamise (*Adenostoma fasciculatum*), redshank (*Adenostoma sparsifolium*), sugarbush (*Rhus ovata*), scrub oak species (e.g., *Quercus berberdifolia, Q. Dumosa, Q. durata*), Mission manzanita (*Xylococcus bicolor*), mountain mahogany (*Cercocarpus montanus),* hollyleaf cherry (*Prunus ilicifolia*), redberry (*Rhamnus crocea*), toyon (*Heteromeles arbutifolia)* and evergreen buckthorn (*Rhamnus ilicifolia*).

- Coastal sage scrub: Dominated by drought-tolerant, deciduous, lower-growing (typically 1-1.5 m tall) (Barbour, Keeler-Wolf, and Schoenherr 2007), shallow-rooted, aromatic shrubs with soft, flexible branches, and soft, deciduous leaves that drop off in response to drought
    - Coastal sage scrub alliances are listed in level 15 and 15' under 1, 2', 12', 13', 14 of the Key to Shrublands in the CNPS *Manual of California Vegetation.* This definition does not include alliances dominated by coyote brush (*Baccharis pilularis*) or nonnative species (e.g., broom [*Genista monspessulana, Cytisus scoparius*], *Cotoneaster* spp.).
    - Dominant or diagnostic plant species may include: California sagebrush (*Artemisia californica*), white sage (*Salvia apiana*), black sage (*Salvia mellifera*), purple sage (*Salvia leucophylla*), California brittle bush (*Encelia californica*), buckwheat (*Eriogonum* spp.), monkey flower (*Diplacus* spp.), and stands with other species dominant to co-dominant listed in level 15' under 1, 2', 12', 13', 14.

- A stand of chaparral or coastal sage scrub is defined as a spatially continuous unit of shrub vegetation composed of chaparral and/or coastal sage scrub alliances. A chaparral and/or coastal sage scrub stand may be surrounded by forest, grassland, or woodland vegetation.

All references to the CNPS *Manual of California Vegetation* are to the most current online edition, available at https://vegetation.cnps.org/.

II. Scope.

Consistent with Public Resources Code § 21168.9(b), projects that propose treatment of chaparral or coastal sage scrub and intend to use the CalVTP PEIR for purposes of CEQA compliance may not proceed until the Writ of Mandate has been discharged, unless the project falls under one or more of the following categories of treatments:

1. New linear, accessible strategic fuel breaks located along ridgelines, roadsides, and in other critical defensive locations determined by responsible fire agencies, provided that long-term maintenance of flammable nonnative vegetation is included. Such fuel break treatments shall be the minimum width necessary to provide for firefighter safety, operational procedures, and back firing operations, and shall not exceed 300 feet in width;

2. Maintenance of existing fuel breaks and prior treatment areas to control flammable, non-native invasive plants;

3. Wildland-Urban Interface (WUI) fuel reduction treatment located within 1,000 feet of the Interface layer mapped in the CAL FIRE WUI layer (WUI25_1), provided that long-term maintenance of flammable, non-native vegetation is included, with a preference for hand-thinning.

4. Ecological restoration treatments consisting of removal of flammable, non-native vegetation; and/or

5. Treatments where the stand of chaparral or coastal sage scrub has a state rarity rank of S4 (apparently secure) or S5 (demonstrably secure) according to the California Department of Fish and Wildlife (https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#lists), and has generated following a fire within the last 15 years in an area previously characterized by woodland or forest before the fire, as evidenced by satellite imagery and as defined in accordance with the Key to Main Vegetation Categories in the CNPS *Manual of California Vegetation*.

DECLARATION OF SERVICE BY E-MAIL

Case Name: *California Chaparral Institute, et al v. Board of Forestry, et al*
Case Number: 37-2020-00005203-CU-TT-CTL
Party Represented: Board of Forestry and Fire Protection

Declaration of Electronic Service

1. I am at least 18 years of age and not a party to this matter.

2. I am employed in the Office of the Attorney General of the State of California. My business address is 1515 Clay Street, 20th Floor, P.O. Box 70550, Oakland, CA 94612-0550, County of Alameda.

3. My electronic service address is Najaree.HayfronOsman@doj.ca.gov.

4. On November 7, 2025, I electronically served the following document[s]:

   a. **NOTICE OF LODGING OF [PROPOSED] JUDGMENT AFTER APPEAL AND [PROPOSED] WRIT OF MANDATE**
   b. **[PROPOSED] WRIT OF MANDATE**
   c. **[PROPOSED] JUDGMENT AFTER APPEAL**

5. I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

   Todd T. Cardiff, Esq.
   todd@tcardifflaw.com
   Attorney for Petitioners

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on November 7, 2025.

Najaree Hayfron-Osman
Declarant

Najaree Hayfron-Osman
Signature

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