

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007

**Board of Forestry and Fire Protection****15-DAY NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING  
FILE AND MODIFIED TEXT****“Subdivision Map Findings, 2019”****Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 7, Subchapter 1, Article 1**

[Notice Published November 22, 2019]

**MODIFICATIONS TO TEXT OF PROPOSED REGULATION AND SUPPLEMENTAL  
STATEMENT OF REASONS**

Pursuant to the requirements of Government Code §§ 11346.8 and 11347.1, the Board of Forestry and Fire Protection (Board) is providing notice that documents which the Board has relied upon in adopting the proposed regulations pertaining to the “Subdivision Map Findings, 2019,” specifically related to modifications of the 45-Day Noticed rule text, have been added to the rulemaking file and are available for public inspection and comment.

The following documents have been added to the rulemaking file:

- Revised 45-Day Rule Text- as revised by the Board at their November 6 meeting.
- Supplement to the Initial Statement of Reasons.

**WRITTEN COMMENT PERIOD**

Any person, or authorized representative, may submit written, facsimile, electronic or hand-delivered comments relevant to the proposed regulatory action to the Board. **The written comment period ends on December 8, 2019**, which is 15 days following the publication of this Notice. The Board will consider only comments received by that time. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the proposed action in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Board of Forestry and Fire Protection  
Attn: Edith Hannigan, Land Use Planning Program Manager  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

*The Board's mission is to lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands, and a fire protection system that protects and serves the people of the state.*

Board of Forestry and Fire Protection  
Attn: Edith Hannigan, Land Use Planning Program Manager  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

[PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov)

### **CONTACT PERSON**

Requests for copies of the proposed text of the regulations, the *Supplemental Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

State Board of Forestry and Fire Protection  
Attn: Edith Hannigan, Land Use Planning Program Manager  
P.O. Box 944246  
Sacramento, CA 94244-2460  
(916) 653-8007

The designated backup person in the event Ms. Hannigan is not available is Mr. Eric Hedge, Regulations Program Manager for the Board of Forestry and Fire Protection. Mr. Hedge may be contacted at the above address or by phone at (916) 653-8007.

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Board has prepared a Supplemental Statement of Reasons for the proposed action, entitled "Subdivision Map Findings, 2019", that provides additional information regarding the clarity and necessity of the amendments to 14 CCR §§ 1280.00 *et. seq.* This Supplemental Statement of Reasons and the Initial Statement of Reasons are available from the contact person on request. If the rule text modifications discussed in this Notice are adopted by the Board as proposed on November 6, 2019, a Final Statement of Reasons will be made available reflecting the comments and responses received during the written comment period. The Final Statement of Reasons will be available from the contact person(s) named in this notice.

A copy of the express terms of the original proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address:

California Department of Forestry and Fire Protection  
 State Board of Forestry and Fire Protection  
 Resources Building  
 Room 1506-14  
 1416 9<sup>th</sup> St.  
 Sacramento, CA 94244  
 Attention: Edith Hannigan  
 Tel: (916) 862-0120

All of the above referenced information is also available on the Board's "Proposed Rule Packages" website at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>

### **15-DAY NOTICE RULE TEXT MODIFICATIONS KEY**

Proposed modifications to the 45-Day Noticed rule text, published on June 1, 2018 are identified in this 15-Day Notice of Rulemaking as follows:

- Existing CCR Text ----- No underline or strikethrough
- 45-Day Noticed rule text addition (published 05/26/17) ----- single underline
- 45-Day Noticed rule text deletion (published 05/26/17) ----- ~~single strikethrough~~
- Deletions of 45-Day Noticed rule text proposed in this 15-Day Notice ----- ~~double strikethrough~~
- Additional rule text proposed in this 15-Day Notice ----- double underline

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board again makes modifications which are sufficiently related to the originally proposed text, it will again make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised.

Notice of the comment period and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for no less than 15 days from the date on which they are made publicly available.

## Board of Forestry and Fire Protection

### SUPPLEMENTAL STATEMENT OF REASONS

#### “Subdivision Map Findings, 2019”

#### Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7, Subchapter 1, Article 1

The Board of Forestry and Fire Protection (Board) intends this Supplement to the Initial Statement of Reasons (ISOR) to reflect changes that have been made to the 45-Day proposed rule text and Initial Statement of Reasons, which was distributed on January 11, 2019.

**SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY’S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)).**

#### **Amend § 1266.00 Definitions**

The phrase “The following definitions apply to Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7, Subchapter 1, Article 1.” was added to the beginning of this section to clarify the applicability of these definitions. As these definitions may conflict with other definitions in this Chapter or Subchapter, a statement to the effect that these definitions only apply to this specific Subchapter and Article is required.

The definition of “local agency” was deleted because that term is no longer used in this article.

The definition of “State Responsibility Area (SRA)” was revised to cross reference Public Resources Code rather than Government Code. This provides greater clarity and consistency regarding this definition, since Government Code references back to Public Resources Code, and this definition of SRA is used elsewhere in the Board’s regulations.

#### **Amend § 1266.01 Subdivision Map Findings**

This section was amended to strike out the term “local agency” and replace it with “county.” Upon review of the regulations noticed on January 11, 2019, it was determined that applying these regulations to local agencies, not just counties, was beyond the statutory authority provided by the Legislature. As such, the term “local agency” has been replaced with “county” to conform to statute. In the Initial Statement of Reasons, in the discussion of the specific purpose for adopting a definition of “local agency,” it was stated “...counties do not have “a very high fire hazard severity zone, as...defined in Section 51177” (GC 66474.02(a)).” This is incorrect; there are areas of the state where counties have those very high fire hazard severity zone areas as defined.

#### **Amend § 1266.02 Reporting the Findings**

This section was amended to strike out the term “local agency” and replace it with “county.” Upon

review of the regulations noticed on January 11, 2019, it was determined that applying these regulations to local agencies, not just counties, was beyond the statutory authority provided by the Legislature. As such, the term “local agency” has been replaced with “county” to conform to statute. This section was also amended to require counties to submit certain information to the Board on a form proscribed by the Board. In the 45-day noticed text, there was no regulatory imperative for local agencies to submit to the Board the form provided for in § 1266.02(d). The revisions to § 1266.02(d) require counties to submit certain information to the Board when they submit their subdivision maps and associated findings to the Board.

1                   **Board of Forestry and Fire Protection**  
2                   **Title 14 of the California Code of Regulations (14 CCR),**  
3                   **Division 1.5, Chapter 7, Subchapter 41, Article 21**  
4                   **Subdivision Map Findings, 2019**

5  
6 ~~Subchapter 4 Fire Protection Planning~~ Subchapter 1 Fire

7 ~~Protection (Reserved)~~ Subdivision Safety

8 Article 12 Subdivision Map Findings

9 § 1266.00 Definitions

10 The following definitions apply to Title 14 of the California  
11 Code of Regulations (14 CCR), Division 1.5, Chapter 7,  
12 Subchapter 1, Article 1.

13 ~~Local agency: as defined in Government Code 51177(e).~~

14 Local responsibility area (LRA): Those areas of land classified  
15 by the Board of Forestry and Fire Protection (Board) where the  
16 financial responsibility of preventing and suppressing wildfires  
17 is not that of the state or federal government, pursuant to  
18 Public Resources Code (PRC) 4125.

19 Parcel map: as defined in Government Code 66411.1.

20 Portable document format (pdf): file format used to present and  
21 exchange documents reliably, independent of software, hardware,  
22 or operating system. PDF is an open standard maintained by the  
23 International Organization for Standardization (ISO).

24 State Responsibility Area (SRA): as defined in Public Resources  
25 Code section 4102. ~~Government Code 51177(g).~~

1 Tentative map: as defined in Government Code 66424.5.

2 Very high fire hazard severity zone (VHFHSZ): as defined in  
3 Government Code 51177(i).

4 Note: Authority cited: Section 66474.02, Government Code;  
5 Sections 4202, 4203 and 4204, Public Resources Code. Reference:  
6 Section 66474.02, Government Code; Sections 4201, 4202, 4203 and  
7 4204, Public Resources Code.

8  
9 § 1266.01 Subdivision Map Findings

10 (a) Before approving a tentative map, or a parcel map for which  
11 a tentative map was not required, for an area located in a state  
12 responsibility area or a very high fire hazard severity zone, a  
13 legislative body of a county ~~local agency~~ shall, except as  
14 provided in subdivision (b), make the following findings:

15 (1) A finding supported by substantial evidence in the  
16 record that the subdivision is consistent with:

17 (A) regulations adopted by the State Board of Forestry  
18 and Fire Protection pursuant to Sections 4290 and 4291 of  
19 the Public Resources Code, or

20 (B) consistent with local ordinances certified by the  
21 State Board of Forestry and Fire Protection as meeting or  
22 exceeding the state regulations.

23 (2) A finding supported by substantial evidence in the  
24 record that structural fire protection and suppression services

25

1 will be available for the subdivision through any of the  
2 following entities:

3 (A) A county, city, special district, political  
4 subdivision of the state, or another entity organized  
5 solely to provide fire protection services that is  
6 monitored and funded by a county or other public entity.

7 (B) The Department of Forestry and Fire Protection by  
8 contract entered into pursuant to Section 4133, 4142, or  
9 4144 of the Public Resources Code.

10 Note: Authority cited: Section 66474.02, Government Code;  
11 Sections 4202, 4203 and 4204, Public Resources Code. Reference:  
12 Section 66474.02, Government Code; Sections 4201, 4202, 4203 and  
13 4204, Public Resources Code.

14  
15 § 1266.02 Reporting the Findings

16 (a) No later than thirty (30) calendar days after approving a  
17 tentative map, or a parcel map for which a tentative map was not  
18 required, for an area located in a state responsibility area or  
19 a very high fire hazard severity zone, a legislative body of a  
20 county ~~local agency~~ shall electronically transmit a copy of the  
21 findings required in § 1266.01 and accompanying tentative or  
22 parcel map(s) to the State Board of Forestry and Fire  
23 Protection.

24 (b) The findings and map(s) shall be delivered in portable  
25 document format (pdf) and submitted electronically to the Board.



1 (c) The Board may request additional versions of the map(s) to  
2 establish greater clarity regarding the findings. This request  
3 may ask for the maps in other file formats, such as Geographic  
4 Information System (GIS) shapefiles or similar, based on the  
5 Board's and the county's technological ~~local agency's~~  
6 capabilities.

7 (d) Counties shall supply the following information, on a form  
8 provided by the Board, so that the Board ~~The Board may create a~~  
9 ~~form to~~ collects the findings and maps in a consistent manner:=-  
10 ~~This form may request:-~~

11 (1) the jurisdiction's name and a point of contact,  
12 including address, email, phone, and fax number;

13 (2) information about the meeting of the legislative body  
14 where the tentative and/or parcel maps were approved, including  
15 the date, location, agenda and agenda item number, and staff  
16 reports.

17 (3) information about the location of the subdivision  
18 relative to the rest of the jurisdiction and/or the name of the  
19 subdivision;

20 (4) information supporting the two findings in § 1266.01,  
21 such as

22 (A) a checklist of requirements in the regulations  
23 implementing Public Resources Code 4290 and 4291 and a section  
24 for the county ~~local agency~~ to enter how the subdivision  
25 complies with each;

1           (B) a space for a county ~~local agency~~ official to sign  
2 off on the subdivision's compliance with local ordinances  
3 certified by the Board pursuant to 14 CCR § 1270.03;

4           (C) a space for local fire officials to describe how  
5 structural fire protection and suppression services will be  
6 provided, and for them to sign off on fire protection for the  
7 subdivision as required in § 1266.01(a)(2).

8           (D) background information, such as staff reports,  
9 data analysis, mapping, or other supporting work that supports  
10 the two findings.

11 Note: Authority cited: Section 66474.02, Government Code;  
12 Sections 4202, 4203 and 4204, Public Resources Code. Reference:  
13 Section 66474.02, Government Code; Sections 4201, 4202, 4203 and  
14 4204, Public Resources Code.