Board of Forestry and Fire Protection

NOTICE OF PROPOSED ACTION

Local Responsibility Area Fire Hazard Severity Zone Amendments, 2025

 Board of Forestry and Fire Protection

Title 14 of the California Code of Regulations

Division 1.5, Chapter 7,

Subchapter 3, Article 1

[Notice to be Published in Notice Register December 6, 2024]

# NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

# PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Any request should be made to the contact information provided below.

Public Hearing request may be submitted by mail to the following address:

Board of Forestry and Fire Protection

 Attn: Marcie Yates

 Land Use Planning Program Manager

P.O. Box 944246

 Sacramento, CA 94244-2460

Public Hearing requests can also be hand delivered to the contact person listed in this notice at the following address:

 Board of Forestry and Fire Protection

 715 P Street

 Sacramento, CA 95814

Public Hearing requests may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

# WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on January 20, 2025.

The Board will consider only written comments received at the Board office by that time. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection

 Attn: Marcie Yates

 Land Use Planning Program Manager

P.O. Box 944246

 Sacramento, CA 94244-2460

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# AUTHORITY AND REFERENCE (pursuant to GOV § 11346.5(a)(2) and 1 CCR § 14)

# Authority cited: Sections 4202, 4203 and 4204, Public Resources Code; and Section 51179, Government Code. Reference: Sections 4125,4201, 4202, 4203 and 4204, Public Resources Code; and Sections 51178,51179 and 51182, Government Code.

# INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (pursuant to GOV 11346.5(a)(3)(A)-(D))

California Government Code Section 51179(a) requires a local agency to designate, by ordinance, fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to subdivisions (b) and (c) of Section 51178. Within 30 days of adopting this ordinance, GC 51179(c) requires the local agency to send those ordinances to the Board of Forestry and Fire Protection. Previously, GC 51178 and 51179 only applied to very high fire hazard severity zones. AB 211 (Committee on Budget, 2002) revised GC 51179 to require local agencies to adopt moderate, high, and very high fire hazard severity zones and send those ordinances to the Board.

The problem is existing regulations only apply to very high fire hazard severity zones. Additionally, current regulation lacks details and clarity on the submission requirements impeding the ability of local agencies to comply.

The purposeof the proposed action is to implement and make specific the Legislature’s requirement in GC 51179(c) that local agencies send their adopted ordinances to the Board.

The effect of the proposed action is to bring regulation into conformity with statue and provide local agencies a transparent and consistent process for submitting their ordinances to the Board.

The primary benefit of the proposed action is a clear, direct, and standardized process that maximizes efficiency, provides transparency to the regulated public, and is utilized effectively to prevent property and life losses in the wildland-urban interface due to fire. As a result, this regulatory action will have a positive effect on the protection of public health and safety, worker safety, and the environment.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to GOV § 11346.5(a)(3)(D).State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations.

Otherwise, Board staff evaluated the balance of existing State regulations related to measures concerningconversion of timberland within State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Government Codde: 51177, 51178, 51179, 51182. Public Resources Code: 7-2, 4101, 4102. 4203, 4204, 4125, 4126, 4127, 4290, 4290.1. Health and Safety Code: 13100 and 13101.

Regulations to which the proposed action was compared: Title 14, division 1.5, chapter 7, article 1, sections 1220-1220.5, and Title 19, sections 2200-2201, California Code of Regulations.

# MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

There are no comparable Federal regulations concerningFire Hazard Severity Zone Ordinance Submission. No existing Federal regulations meeting the same purpose as the proposed action were identified.

# OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

# LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5)).

The proposed action does impose a mandate on local agencies or school districts. The local mandate is not reimbursable by the state per Gov. Code section 11346.5(a)(5).

# FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs or savings to any State agency.

# HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

# SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

**FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE RELIED**

**UPON TO SUPPORT INITIAL DETERMINATION IN THE NOTICE THAT THE**

**PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE ECONOMIC**

**IMPACT ON BUSINESS (pursuant to GOV § 11346.2(b)(5) and GOV § 11346.5(a)(8))**

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

# STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The proposed action:

* Will not create jobs within California (GOV § 11346.3(b)(1)(A));
* Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
* Will not create new businesses (GOV § 11346.3(b)(1)(B));
* Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
* Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));

Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)).

The proposed action will benefit the health and welfare of California residents, worker safety, and the State's environment by reducing the risk of wildfire to residents and businesses in FHSZs. The designation of FHSZ, and the adoption of that designation by local agencies, is an action that places statutory and regulatory requirements regarding housing construction, defensible space, and other fire safety measures on that area. This proposed action will keep track of those agencies that have adopted those zones, providing greater opportunities to engage with local agencies on the implementation of fire protection projects. These projects will lead to a more natural fire regime in California, in addition to structures built to be more defensible against a wildfire, which will lead to an improved ecological environment and greater firefighter safety.

# COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (pursuant to GOV § 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. No adverse impacts are to be expected.

# BUSINESS REPORT (pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

# SMALL BUSINESS (defined in GOV 11342.610)

The proposed regulation may affect small business, though small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

1. Is not legally required to comply with the regulation;
2. Is not legally required to enforce the regulation;
3. Does not derive a benefit from the enforcement of the regulation;
4. Will not incur a detriment from the enforcement of the regulation.

# ALTERNATIVES INFORMATION

In accordance with GOV § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

# CONTACT PERSON

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

Board of Forestry and Fire Protection

 Attn: Marcie Yates

 Land Use Planning Program Manager

 P.O. Box 944246

 Sacramento, CA 94244-2460

 Telephone: (916) 653-8007

The designated backup person in the event Mrs. Yates is not available is Alexandra Vest, Wildfire Planning Specialist for the Board of Forestry and Fire Protection. Ms. Vest may be contacted at the above address or phone.

# AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will 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 on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

# FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

# INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: https://bof.fire.ca.gov/regulations/proposed-rule-packages/