

General Plan Safety Element Assessment

Board of Forestry and Fire Protection



Table of Contents

Purpose and Background.....	1
Methodology for Review and Recommendations.....	2
Safety Element Assessment.....	3
Sample Safety Element Recommendations	6
Fire Hazard Planning in Other Elements of the General Plan	8

Purpose and Background

Upon the next revision of the housing element on or after January 1, 2014, the safety element is required to be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zone (GOV § 65302(g)(3)).

The safety element is required to include:

- Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
- Any historical data on wildfires available from local agencies or a reference to where the data can be found.
- Information about wildfire hazard areas that may be available from the United States Geological Survey.
- The general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZ) and in state responsibility areas (SRA), including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
- The local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services. (GOV § 65302(g)(3)(A))

Based on that information, the safety element shall include goals, policies, and objectives that protect the community from the unreasonable risk of wildfire (GOV § 65302(g)(3)(B)). To carry out those goals, policies, and objectives, feasible implementation measures shall be included in the safety element, which include but are not limited to:

- Avoiding or minimizing the wildfire hazards associated with new uses of land.
- Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in the SRA or VHFHSZ.
- Designing adequate infrastructure if a new development is located in the SRA or VHFHSZ, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.
- Working cooperatively with public agencies with responsibility for fire protection (GOV § 65302(g)(3)(C)).

The safety element shall also attach or reference any fire safety plans or other documents adopted by the city or county that fulfill the goals and objectives or contains the information required above (GOV § 65302(g)(3)(D)). This might include Local Hazard Mitigation Plans, Unit Fire Plans, Community Wildfire Protection Plans, or other plans.

There are several reference documents developed by state agencies to assist local jurisdictions in updating their safety elements to include wildfire safety. The Fire Hazard Planning General Plan Technical Advice Series from the Governor's Office of Planning and Research, referenced in GOV § 65302(g)(3) and available at https://www.opr.ca.gov/docs/Final_6.26.15.pdf, provides policy guidance, information resources, and fire hazard planning examples from around California.

The Board of Forestry and Fire Protection (Board) provides two documents for jurisdictions: A *Handbook for Fire Planning in the General Plan* (available on the Board's website at http://bofdata.fire.ca.gov/board_joint_policies/local_government/) and this *Safety Element Assessment* (location on Board's website). The *Handbook for Fire Planning in the General Plan* provides an overview of fire hazard planning and gives guidance on how to incorporate fire hazard planning into a jurisdiction's overall strategic planning, not just the safety element.

1 The Safety Element Assessment is utilized in the Board's review of safety elements under GOV §
2 65302.5. At least 90 days prior to the adoption or amendment of their safety element, counties that
3 contain SRA and cities or counties that contain VHFHSZ shall submit their safety element to the Board
4 (GOV § 65302.5(b)). The Board shall review the safety element and respond to the city or county with
5 its findings regarding the uses of land and policies in SRA or VHFHSZ that will protect life, property,
6 and natural resources from unreasonable risks associated with wildfires, and the methods and
7 strategies for wildfire risk reduction and prevention within SRA or VHFHSZ (GOV § 65302.5(b)(3)).
8

9 The CAL FIRE Land Use Planning team provides expert fire protection assistance to local jurisdictions
10 statewide. Fire captains are available to work with cities and counties to revise their safety elements
11 and enhance their strategic fire protection planning.
12

13 **Methodology for Review and Recommendations**

14
15 Utilizing staff from the CAL FIRE Land Use Planning team, the Board has established a standardized
16 method to review the safety element of general plans. The methodology includes

- 17 1) reviewing the safety element for the requirements in GOV § 65302(g)(3)(A),
- 18 2) examining the safety element for goals, policies, objectives, and implementation measures that
19 mitigate the wildfire risk in the planning area (GOV § 65302(g)(3)(B) and (C), and
- 20 3) making recommendations for methods and strategies that would reduce the risk of wildfires
21 (GOV § 65302.5(b)(3)(B)).
22

23 The safety element will be evaluated against the Assessment below, which contains questions to
24 determine if a safety element meets the fire safety planning requirements outlined in Government
25 Code. The reviewer will answer whether or not a submitted safety element addresses the required
26 information, and will recommend changes to the safety element that will reduce the wildfire risk in the
27 planning area. These recommended changes may come from the list of sample goals, policies,
28 objectives, and implementation measures that is included in this document after the Assessment, or
29 may be based on the reviewer's knowledge of the jurisdiction in question and their specific wildfire risk.
30 By answering the questions in the Assessment, the reviewer will determine if the jurisdiction's safety
31 element has adequately addressed and mitigated their wildfire risk. If it hasn't, any specific
32 recommendations from the reviewer will assist the jurisdiction in revising the safety element so that it
33 does.
34

35 Once completed, the Assessment should provide clear guidance to a city or county regarding any
36 areas of deficiency in the safety element as well as specific goals, policies, objectives, and
37 implementation measures the Board recommends adopting in order to mitigate or reduce the wildfire
38 threat in the planning area.

Safety Element Assessment

Background Information Summary			
<p>Specific background information about fire hazards in each jurisdiction. <i>Indicate whether the safety element includes the specified information. If YES, indicate in the comments where that information can be found; if NO, provide recommendations to the jurisdiction regarding how best to include that information in their revised safety element.</i></p>			
	Yes	No	Comments/Recommendations
Are Fire Hazard Severity Zone Identified? <i>CAL FIRE or Locally Adopted Maps</i>			
Is historical data on wildfires or a reference to where the data can be found included?			
Has the general location and distribution of existing and planned uses of land in very high fire hazard severity zones (VHFHSZ) and in state responsibility areas (SRA), including structures, roads, utilities, and essential public facilities, been identified?			
Have local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services, been identified?			
Are other fire protection plans, such as Community Wildfire Protection Plans, Local Hazard Mitigation Plans, CAL FIRE Unit or Contract County Fire Plans, referenced or incorporated into the Safety Element?			
Any other relevant information regarding fire hazards in the SRA or VHFHSZ?			

Goals, Policies, Objectives, and Feasible Implementation Measures
 A set of goals, policies, and objectives based on the above information to protect the community from unreasonable risk of wildfire and implementation measures to accomplish those stated goals, policies, and objectives.
Critically examine the submitted safety element and determine if it is adequate to address the jurisdiction's unique fire hazard. Answer YES or NO appropriately for each question below. If the recommendation is irrelevant or unrelated to the jurisdiction's fire hazard, answer N/A. For NO, provide information in the Comments/Recommendations section to help the jurisdiction incorporate that change into their safety element revision. This information may utilize example recommendations from Sample Safety Element Recommendations and Fire Hazard Planning in Other Elements of the General Plan below, may indicate how high of a priority this recommendation is for a jurisdiction, or may include other jurisdiction-specific information or recommendations.

Avoiding or minimizing the wildfire hazards associated with new uses of land.				
	Yes	No	N/A	Comments/Recommendations
Land Use				
Does local ordinance require development standards that meet or exceed 14 CCR § 1270 and 14 CCR § 1299 for VHFHSZ and/or SRA?				

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Are there goals and policies to avoid or minimize new residential development in VHFHSZ?				
Has fire safe design been incorporated into future development requirements?				
Are new essential public facilities located outside high fire risk areas, such as VHFHSZ, when feasible?				
Are there plans or actions identified to mitigate existing non-conforming development to contemporary fire safe standards, in terms of road standards and vegetative hazard?				
Does the plan include policies to evaluate re-development after a large fire?				
Fuel Modification				
Is fuel modification around homes and subdivisions required for new development in SRA or VHFHSZ?				
Are fire protection plans required for new development in VHFHSZ?				
Does the plan address long term maintenance of fire hazard reduction projects, including community fire breaks and private road and public road clearance?				
Access				
Is there adequate access (ingress, egress) to new development in VHFHSZ?				
Are minimum standards for evacuation of residential areas in VHFHSZ defined?				
If areas exist with inadequate access/evacuation routes, are they identified? Are mitigation measures or improvement plans identified?				
Are there policies or programs promoting public outreach about defensible space or evacuation routes? Are there specific plans to reach at-risk populations?				
Fire Protection				
Does the plan identify future water supply for fire suppression needs?				
Does new development have adequate fire protection?				
Develop adequate infrastructure if a new development is located in SRA or VHFHSZ.				
	Yes	No	N/A	Comments/Recommendations
Does the plan identify adequate infrastructure for new development related to:				
Water supply and fire flow?				
Location of anticipated water supply?				
Maintenance and long-term integrity of water supplies?				

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Evacuation and emergency vehicle access?				
Fuel modification and defensible space?				
Vegetation clearance maintenance on public and private roads?				
Visible home and street addressing and signage?				
Are community fire breaks identified in the plan? Is there a discussion of how those fire breaks will be maintained?				
Working cooperatively with public agencies responsible for fire protection.				
	Yes	No	N/A	Comments/Recommendations
Is there a map or description of existing emergency service facilities and areas lacking service, specifically noting any areas in SRA or VHFHSZs?				
Does the plan include an assessment and projection of future emergency service needs?				
Are goals or standards for emergency services training described?				
Does the plan outline inter-agency preparedness coordination and mutual aid multi-agency agreements?				

Sample Safety Element Recommendations

These are examples of specific policies, objectives, or implementation measures that may be used to meet the intent of GOV §§ 65302(g)(3) and 65302.5(b). Safety element reviewers may make recommendations that are not included here.

A. Maps, Plans and Historical Information
1. Include or reference CAL FIRE Fire Hazard Severity Zone maps or locally adopted wildfire hazard zones.
2. Include or reference the location of historical information on wildfires in the planning area.
3. Include a map or description of the location of existing and planned land uses in SRA and VHFHZs, particularly habitable structures, roads, utilities, and essential public facilities.
4. Identify or reference a fire plan that is relevant to the geographic scope of the general plan, including the Unit/Contract County Fire Plan, Local Hazard Mitigation Plan, and any applicable Community Wildfire Protection Plans.
5. Align the goals, policies, objectives, and implementation measures for fire hazard mitigation in the safety element with those in existing fire plans, or make plans to update fire plans to match the safety element.
6. Create a fire plan for the planning area.
B. Land Use
1. Develop fire safe development codes to use as standards for fire protection for new development in State Responsibility Area or Very High Fire Hazard Severity Zones that meet or exceed the statewide minimums in 14 CCR § 1270 et seq.
2. Adopt and have certified by the Board of Forestry and Fire Protection local ordinances which meet or exceed the minimum statewide standards in 14 CCR § 1270 et seq.
3. Identify existing development that do not meet or exceed 14 CCR § 1270 or certified local ordinances.
4. Develop mitigation measures for existing development that does not meet or exceed 14 CCR § 1270 or certified local ordinances or identify a policy to do so.
C. Fuel Modification
1. Develop a policy to communicate vegetation clearance requirements to seasonal, absent, or vacation rental owners.
2. Identify a policy for the ongoing maintenance of vegetation clearance on public and private roads.
3. Include fuel breaks in the layout/siting of subdivisions.
4. Identify a policy for the ongoing maintenance of existing or proposed fuel breaks.
5. Identify and/or map existing development that does not conform to current fire safety standards for access, water flow, signing, and vegetation clearance in SRA or VHFHZs.
6. Identify plans and actions for existing non-conforming development to be improved or mitigated to meet current fire safety standards for access, water flow, signing, and vegetation clearance.
D. Access
1. Develop a policy that approval of parcel maps and tentative maps in SRA or VHFHZ is conditional based on meeting the regulations adopted pursuant to PRC § 4290 and 4291, particularly those regarding road standards for ingress, egress, and fire equipment access (see GOV § 66474.02).
2. Develop a policy that development will be prioritized in areas with an adequate road network and associated infrastructure.
3. Identify multi-family housing, group homes, or other community housing in SRA or VHFHZ and develop a policy to create evacuation or shelter in place plans.

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4. Include a policy to develop pre-plans for fire risk areas that address civilian evacuation and to effectively communicate those plans.
5. Identify road networks in SRA or VHFHZ that do not meet 14 CCR § 1270 or certified local ordinance and develop a policy to examine possible mitigations.

E. Fire Protection

1. Develop a policy that development will be prioritized in areas with adequate water supply infrastructure.
2. Plan for the ongoing maintenance and long-term integrity of planned and existing water supply infrastructure.
3. Map existing emergency service facilities and note any areas lacking service, especially in SRA or VHFHZ.
4. Project future emergency service needs for the planned land uses.
5. Include information about emergency service trainings or standards and plans to meet or maintain them.
6. Include information about inter-agency preparedness coordination or mutual aid agreements.

Fire Hazard Planning in Other Elements of the General Plan

When updating the General Plan, here are some ways to incorporate fire hazard planning into other elements. Wildfire safety is best accomplished by holistic, strategic fire planning that takes advantage of opportunities to align priorities and implementation measures within and across plans.

Land Use Element
Goals and policies include mitigation of fire hazard for future development or limit development in very high fire hazard severity zones.
Disclose wildland urban-interface hazards, including fire hazard severity zones, and/or other vulnerable areas as determined by CAL FIRE or local fire agency.
Design and locate new development to provide adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allow citizen egress during emergencies.
Describe or map any Firewise Communities or other fire safe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organization.
Housing Element
Incorporation of current fire safe building codes.
Identify and mitigate substandard fire safe housing and neighborhoods relative to fire hazard severity zones.
Consider diverse occupancies and their effects on wildfire protection (group housing, seasonal populations, transit-dependent, etc).
Open Space and Conservation Elements
Identify critical natural resource values relative to fire hazard severity zones.
Include resource management activities to enhance protection of open space and natural resource values.
Integrate open space into fire safety planning and effectiveness.
Mitigation for unique pest, disease and other forest health issues leading to hazardous situations.
Circulation Element
Provide adequate access to very high fire hazard severity zones.
Develop standards for evacuation of residential areas in very high fire hazard severity zones.
Incorporate a policy that provides for a fuel reduction maintenance program along roadways.

1 Board of Forestry and Fire Protection

2 "Safety Element Review Procedures"

3 Title 14 of the California Code of Regulations (14 CCR), Division 1.5,

4 Chapter 7, Article 6

5 Adopt

6 Article 6 General Plan Safety Element Review

7 § 1210.00 Definitions

8 § 1210.01 Safety Element Submission

9 § 1210.02 Safety Element Review Procedures

10 § 1210.03 Safety Element Review Response

11
12 Article 6 General Plan Safety Element Review

13 1210.00 Definitions

14 "Board" refers to the California Board of Forestry and Fire Protection.

15 "CAL FIRE" or "the Department" means the California Department of Forestry
16 and Fire Protection.

17 "Director" means the director of the California Department of Forestry and
18 Fire Protection or his or her designee.

19 "General Plan Safety Element" or "safety element" means the safety element
20 as defined in Government Code § 65302(g).

21 "State Responsibility Area" or "SRA" means those areas defined in Public
22 Resources Code § 4102 and delineated pursuant to Public Resources Code §§
23 4125-4128. These lands are shown on digital maps maintained by the
24 Department at its Sacramento Headquarters and may be viewed there or in low
25 resolution at the Board's website: http://www.bof.fire.ca.gov/sra_viewer/.

1 "Very High Fire Hazard Severity Zone" or "VHFHSZ" means an area designated
2 by the director pursuant to Government Code § 51178 that is not a state
3 responsibility area. These lands are shown on digital maps maintained by the
4 Department at its Sacramento Headquarters and may be viewed there or in low
5 resolution at the Department's website:
6 [http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps.](http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_zones_maps)

7 Note: Authority Cited: Section 65302.5, Government Code; Section 4111,
8 Public Resources Code. Reference: Sections 65302, 65302.5, Government Code;
9 Sections 4102, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.

10
11 **1210.01 Safety Element Submission**

12 (a) The draft element of or draft amendment to the safety element of a
13 county or a city's general plan shall be submitted to the State Board of
14 Forestry and Fire Protection and to every local agency that provides fire
15 protection to territory in the city or county at least ninety (90) days
16 prior to any of the following:

17 (1) The adoption or amendment to the safety element of its general
18 plan for each county that contains state responsibility areas.

19 (2) The adoption or amendment to the safety element of its general
20 plan for each city or county that contains a very high fire hazard severity
21 zone as defined pursuant to subdivision (i) of Government Code § 51177.

22 (3) The adding as an annexation or appendix to the safety element a
23 Local Hazard Mitigation Plan, Community Wildfire Protection Plan, or other
24 relevant fire plan for the planning area for each city or county defined in
25 subparagraphs (1) and (2) above.

1 (b) A city or county defined in subparagraphs (1) and (2) above that revises
2 specific portions of their safety element (for example, flooding hazards)
3 but not the fire safety portion, shall submit their safety element to the
4 Board within the timeline specified in paragraph (a) above, describe the
5 revisions made to the document, and provide to the Board the date of the
6 last review of the safety element conducted by the Board.

7 (c) The draft element of or draft amendment to the safety element may be
8 mailed to Board of Forestry and Fire Protection, Safety Element Review, PO
9 Box 944246, Sacramento, CA 94244-2460 or it may be emailed to the staff
10 person indicated on the Board of Forestry and Fire Protection's Local
11 Government webpage:

12 http://bofdata.fire.ca.gov/board_joint_policies/local_government/.

13 Note: Authority Cited: Section 65302.5, Government Code; Section 4111,
14 Public Resources Code. Reference: Sections 65302, 65302.5, Government Code;
15 Sections 4102, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.

16
17 **1210.02 Safety Element Review Procedures**

18 (a) The State Board of Forestry and Fire Protection shall, and a local fire
19 agency may, review the draft of an existing safety element and recommend
20 changes to the local agency within sixty (60) days of its receipt, or within
21 a mutually agreeable timeline between the local agency and the Board,
22 regarding both of the following:

23 (1) Uses of land and policies in state responsibility areas and very
24 high fire hazard severity zones that will protect life, property, and
25 natural resources from unreasonable risks associated with wild land fires.

1 (2) Methods and strategies for wild land fire risk reduction and
2 prevention within state responsibility areas and very high fire hazard
3 severity zones.

4 (b) The Board may utilize CAL FIRE land use planning staff as technical
5 experts in the review of submitted safety elements.

6 (c) Safety elements shall be evaluated against the Safety Element
7 Assessment, adopted by the Board on XX and based on the requirements in
8 Government Code § 65302(g)(3). This Assessment may also contain examples of
9 goals, policies, objectives, and implementation measures that jurisdictions
10 may utilize in their overall fire hazard planning efforts.

11 Note: Authority Cited: Sections 65302, 65302.5, Government Code; Section
12 4111, Public Resources Code. Reference: Sections 65302, 65302.5, Government
13 Code; Sections 4102, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.

14
15 **1210.03 Safety Element Review Response**

16 (a) Prior to the adoption of its draft element or draft amendment, or
17 annexation or appendix, the board of supervisors of the county or the city
18 council of a city shall consider the recommendations, if any, made by the
19 State Board of Forestry and Fire Protection and any local agency that
20 provides fire protection to the territory in the city or county.

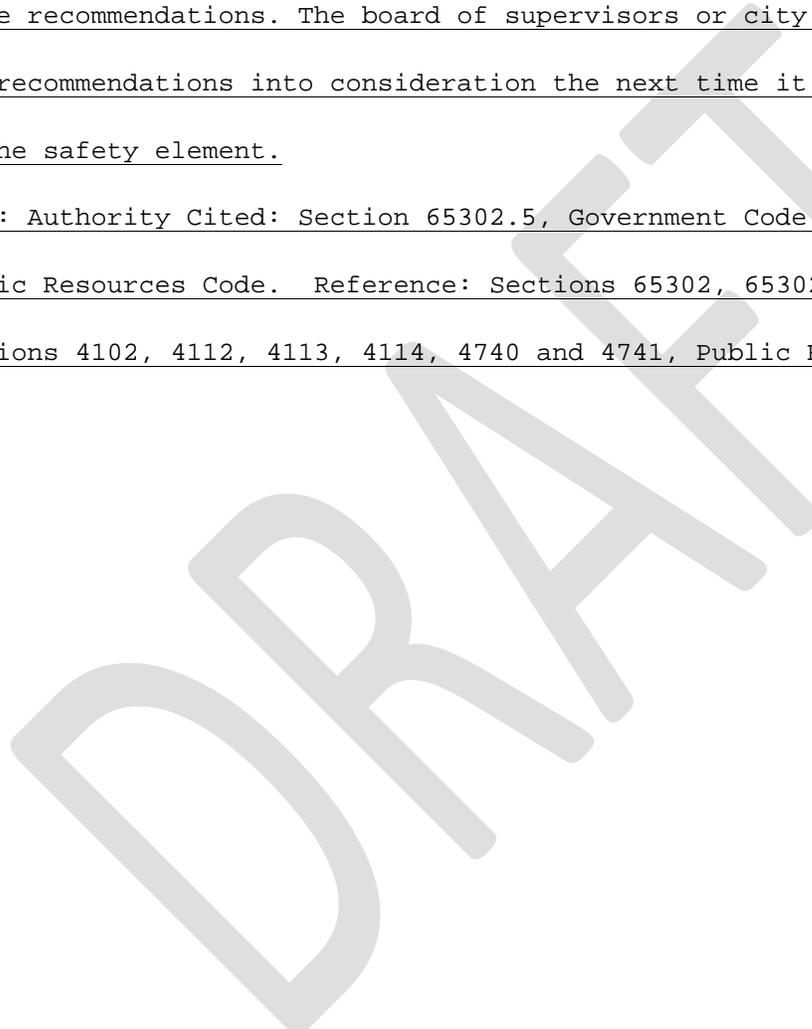
21 (b) If the board of supervisors or city council determines not to accept all
22 or some of the recommendations, if any, made by the State Board of Forestry
23 and Fire Protection or local fire agency, the board of supervisors or city
24 council shall communicate in writing to the State Board of Forestry and Fire

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1 Protection and/or the local fire agency its reasons for not accepting the
2 recommendations to the postal or email address stated in § 1210.01(b).

3 (c) If the State Board of Forestry and Fire Protection's or local fire
4 agency's recommendations are not available within the time limits required
5 by § 1210.02(a), the board of supervisors or city council may act without
6 those recommendations. The board of supervisors or city council shall take
7 the recommendations into consideration the next time it considers amendments
8 to the safety element.

9 Note: Authority Cited: Section 65302.5, Government Code; Section 4111,
10 Public Resources Code. Reference: Sections 65302, 65302.5, Government Code;
11 Sections 4102, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.



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Board of Forestry and Fire Protection

INITIAL STATEMENT OF REASONS

“Safety Element Review, 2016”

**Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7,
Article 6
Adopt §§ 1210.00-1210.03**

INTRODUCTION INCLUDING PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS (pursuant to GC § 11346.2(b)(1))...NECESSITY (pursuant to GC § 11346.2(b)(1) and 11349(a))....BENEFITS (pursuant to GC § 11346.2(b)(1))

California Government Code (GOV) Section 65302.5(b)(1) requires a draft element of or draft amendment to the safety element of a county or a city’s general plan to be submitted to the Board of Forestry and Fire Protection (Board) if that county or city contains State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ), and Section 65302.5(b)(3) requires the Board to review the submitted safety elements for how well it addresses wildland fire risk reduction and mitigation in the planning area.

The problem is that no review program exists in regulation under the Board of Forestry and Fire Protection to complete the review required under GOV § 65302.5(b)(3).

The purpose of the proposed action is to create a procedure to standardize the review of safety elements submitted to the Board.

On XX, 2016, the Board took action to authorize a 45-Day Notice, as part of regular rulemaking, for the regulation entitled “Safety Element Review, 2016.”

The effect of the proposed action is the establishment of a review process to analyze and assess general plan safety elements for their wildland fire risk reduction and mitigation efforts that is clearly communicated and readily available to Board members, the public, and members of the review team.

The primary benefit of the proposed action is a clear, direct, and standardized review 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.

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)). *Note: For each adoption, amendment, or repeal provide the problem, purpose and necessity.*

The Board is proposing action to adopt §§ 1210.00 through 1210.03, inclusive.

The problem is there are no regulatory codes implementing, interpreting, or making specific GOV § 65302.5.

The purpose of the proposed action is to provide unambiguous and transparent information about the safety element review standards and review process.

Explanation for why the Proposed Action Duplicates and/or Rephrases Statute and Existing Rules

The proposed action duplicates or rephrases statute because that was the most efficient and clear way to implement the statutory authority given to the Board. The Board found that in some places, only minor changes to provide flexibility or further interpret or make specific the statutes were necessary to create these regulations.

The proposed action does not duplicate or rephrase existing rules.

Adopt § 1210.00 Definitions

This section provides clarity to the general public about how the specified terms are to be interpreted when used within this regulatory section. The included terms were chosen to give specific meanings to words or phrases that were determined to have multiple reasonable interpretations when used in everyday speech. Inclusion of defined terms in this regulatory section allows the reader to understand exactly what is meant in the regulatory language without the inclusion of additional, duplicative clarifying language each time the term is used.

Proposed adoption of the definition of the terms "Board," CAL FIRE," "Department," and "Director"

These shorthand terms could refer to a variety of governmental agencies and it is necessary to specify which government bodies the regulations are referring to so that the public can communicate with the proper personnel.

Proposed adoption of the definition of the terms "General Plan Safety Element" and "safety element"

These terms are defined here because these proposed regulations apply to a specific set of plans that must meet requirements outlined in Government Code. It is necessary to specify which plan these proposed regulations apply to, as there are a variety of

plans a jurisdiction may formulate to guide the development of their communities, and it is important to make sure these proposed regulations are applied to the correct plan.

Proposed adoption of the definition of the terms “State Responsibility Area,” “SRA,” “Very High Fire Hazard Severity Zone,” and “VHFHSZ”

Defining these terms is necessary because these regulations only apply to counties with State Responsibility Area (SRA) and cities with Very High Fire Hazard Severity Zone (VHFHSZ) and so providing these definitions gives the public a clear reference to where to find the applicable counties and cities.

Adopt § 1210.01(a)(1) and (2) Safety Element Submission

These subsections repeat existing statute in GOV § 65302.5(b)(1)(A) and (B) because the Board decided there was no need to interpret, implement, or make specific these statements. It is necessary to restate statute in order to provide the public with the full safety element review process in one location, to avoid the confusion that would result if the public were forced to move between statute and regulation to try to find all the relevant information they needed.

Adopt § 1210.01(a)(3) Safety Element Submission

The Board determined that major fire safety planning efforts that are then amended or annexed to the general plan safety element qualifies for submitting the safety element to the Board for review. Pursuant to GOV § 65302(g)(3)(D), plans that contain the information required in GOV § 65302(g)(3) shall be attached to or referenced in the safety element. These plans, such as a Local Hazard Mitigation Plan (LHMP) or a Community Wildfire Protection Plan (CWPP), often contain the same information as required by these proposed regulations and enabling statute. For the purposes of efficiency for the regulated public, the Board does not want to force local jurisdictions to repeat this information a second time in the safety element. If that information is incorporated by reference into the safety element via the LHMP or CWPP or other fire safety plan, the Board has an obligation to review it for compliance with these proposed regulations and the enabling statute.

Adopt § 1210.01(b) Safety Element Submission

The Board determined that, for the purposes of cost savings and efficiency, a jurisdiction does not need to send their safety element for review if they did not update the information in it relevant to fire hazards. For the purposes of record keeping and to avoid confusion, they are required to notify the Board about these changes and send the most recent draft of the safety element, but do not have to wait for the 60-day Board review and comment response before adopting it.

Adopt § 1210.01(c) Safety Element Submission

Information about how to submit a jurisdiction’s safety element and where to address it is provided in order to reduce confusion about the submission process and to ensure submissions are received by the Board in a timely manner. Postal and electronic submissions are allowed so that jurisdictions may choose their most efficient and cost effective method.

Adopt § 1210.02(a) Safety Element Review Procedures

This section restates GOV § 65302.5(b)(3), with the addition of one clause (“or within a mutually agreeable timeline between the local agency and the Board”), because the Board felt the statutory language did not need further interpretation, implementation, or specificity. The added clause “or within a mutually agreeable timeline between the local agency and the Board” provides the Board with some flexibility in a review timeline, as the Board meets in irregular intervals (approximately every six weeks but sometimes as few as four or as many as eight) and, depending on when a jurisdiction submits their safety element, there may not be enough time to perform an adequate review before a Board meeting occurs within the 60 day window provided by the Legislature. Based on the experience of the Board, this extended timeline typically does not prolong the review period by more than ten to fourteen days.

Adopt § 1210.02(b) Safety Element Review Procedures

The Board has one staff member dedicated to implementing their land use planning policy and programs. With 56 counties and 189 cities with SRA and/or VHFHSZ, the Board receives so many safety elements a year that to perform an in-depth review of each one would limit that staffer’s capacity for other projects considerably. In addition, the CAL FIRE land use planning staff work with local jurisdictions throughout their safety element update process, and in their review can provide local context, history, and jurisdiction-specific recommendations that Board staff in Sacramento cannot. Through their current experience utilizing CAL FIRE land use planning staff to perform these reviews, the Board has found that the reviews are much more relevant to jurisdictions and the Board’s comments are more likely to be implemented by jurisdictions when the Board uses this method.

Adopt § 1210.02(c) Safety Element Review Procedures

This section explains the evaluation process that will be used to review safety elements. This provides transparency to the public. It is necessary for the Board to establish this evaluation process because statute expresses broad fire protection goals in GOV §§ 65302(g)(3) and 65302.5(b)(3)(A) and (B), and the Board needs a consistent, specific process that also offers flexibility to a jurisdiction in order to fully implement the statute. The Assessment ensures that jurisdictions have the required information in Government Code in their safety elements, but also includes a variety of examples of goals, policies, and implementation measures that a jurisdiction may use to reduce their fire risk. Necessity statements for the referenced Safety Element Assessment are found starting on page 5 in this document.

Adopt § 1210.03 Safety Element Review Response

This section restates GOV § 65302.5(b)(4), except to add the term “fire” in front of “agency” when necessary for clarity and to provide contact information for clarity and transparency. The Board felt the statute was sufficiently clear and specific enough to restate in regulation without any additional regulatory standards. It is necessary to restate statute in order to provide the public with the full safety element review process

in one location, to avoid the confusion that would result if the public were forced to move between statute and regulation to try to find all the relevant information they needed.

Safety Element Assessment

This document is adopted in 14 CCR § 1210.02(c) in order to facilitate the review of safety elements submitted to the Board. With 56 counties and 189 cities with SRA and/or VHFHSZ, the Board believes the most efficient way to review safety elements is with a standardized review document. The Assessment provides, in one clear, easy to use document, the methodology for review, statutory requirements for the Safety Element, examples goals, policies, and implementations measures a jurisdiction could use to meet those requirements, and ways a jurisdiction might consider incorporating fire hazard planning into other elements of the general plan. A single document for safety element review creates clear standards for jurisdictions and communicates the Board's fire hazard planning priorities in a uniform manner, ensuring a consistent message across jurisdictions. As will be demonstrated in further sections, however, this document also provides flexibility in reviewing safety elements and applying recommendations in order to ensure all jurisdictions receive relevant and applicable recommendations regardless of their size, fire threat, or planning and implementation capacity.

Safety Element Assessment: Purpose and Background, Page 1, Lines 3-20

These lines repeat statute in GOV § 65302(g)(3) and 65302(g)(A) to provide convenience to the reader. This allows the reader to directly reference the safety element requirements without having to cross-reference statute. These lines in particular explain the requirement to review the safety element upon revision of the housing element (lines 3-5) and the specific data and information required to be included in the safety element (lines 7-20).

Safety Element Assessment: Purpose and Background, Page 1, Lines 22-40

These lines also repeat statute in GOV § 65302(g)(3)(B-D) to provide convenience to the reader. This allows the reader to directly reference the safety element requirements without having to cross-reference statute. These lines describe the requirements for goals, policies, and objectives that protect the community from the unreasonable risk of wildfire (lines 22-23) and implementation measures that can be used to achieve those goals, policies, and objectives (lines 23-35). These lines also rephrase the statutory requirement to include any fire safety plans or other documents adopted by the city or county that fulfill the goals and objectives or contains the information required in above sections (lines 37-40).

Safety Element Assessment: Purpose and Background, Page 1, Lines 42-46

These lines direct the reader to the online location of the Office of Planning and Research's Fire Hazard Planning General Plan Technical Advice Series, which jurisdictions are required by GOV § 65302(g)(3) to consult during the update of their safety element. This provides convenience to the reader, who does not have to search the web for this document.

Safety Element Assessment: Purpose and Background, Page 1, Lines 48-53

Lines 48-53 direct the reader to a document the Board has adopted that provides planning guidance to planners and fire professionals on incorporating fire protection planning into a jurisdiction's overall strategic planning. This is provided for the reader's convenience, as they may not be aware this guidance exists and will not have to search the web for this document.

Safety Element Assessment: Purpose and Background, Page 2, Lines 1-7

Page 2, Lines 1-7 discuss the Safety Element Assessment adopted by the Board. It restates or rephrases the statutory requirements in GOV § 65302.5(b) under which a jurisdiction must submit their safety element to the Board for review (lines 1-3), and restates or rephrases the statutory direction given to the Board to review the submitted safety elements in GOV § 65302.5(b)(3) (lines 4-7). This is provided for convenience for the reader, who does not have to track down the statute online or in print.

Safety Element Assessment: Purpose and Background, Page 2, Lines 9-11

These lines provide information to jurisdictions who may not be aware that CAL FIRE provides technical staff that can provide expert planning guidance to jurisdictions updating their safety element. This information is necessary to inform readers who may not be aware of this program within CAL FIRE. It is the Board's experience that jurisdictions who utilize CAL FIRE land use planning staff to provide technical advice when revising their general plan develop safety elements that meet all the requirements in Government Code and are uniquely suited to their specific planning area, resulting in greater long-term implementation success.

Safety Element Assessment: Methodology for Review and Recommendations, Page 2, Lines 15-21

This section of the Assessment provides information to the public about the process the Board will use to review safety elements and provide recommendations. This section makes specific the review required in GOV § 65302.5(b)(3). Through their experience reviewing safety elements for over 25 years, the Board has determined this three-step process is the most efficient way to review safety elements for the all-around required information in GOV § 65302(g)(3)(A), the interpretative requirements in GOV § 65302(g)(3)(B) that may vary by jurisdiction, and to provide recommendations on the topics required by GOV § 65302.5(b)(3)(A) and (B).

Safety Element Assessment: Methodology for Review and Recommendations, Page 2, Lines 23-38

These final introductory paragraphs describe the contents of the Assessment that begins on page 3. This is provided to give the reader context for the Assessment so that it may be utilized most efficiently during the planning process, as a reviewing tool, and to implement any recommendations made by the Board.

Safety Element Assessment: Background Information Summary, Page 3

This section restates or rephrases GOV § 65302(g)(3)(A)(i-v). All of this information is required to be included in a revised safety element and the Board decided to restate or

rephrase statute in order to most completely conform to the Legislature’s intent. The last row, *“Any other relevant information regarding fire hazards in the SRA or VHFHSZ?”* is not explicitly stated in statute, but is necessary to provide the reviewer with an opportunity to include other information that may fall under the “not limited to” caveat in GOV § 65302(g)(3)(A) (*“Information regarding fire hazards, including, but not limited to, all of the following:...”*).

The language in italics in the top brown-gray row is directed at the reviewer, providing them with instructions for reviewing the safety element for these requirements, indicating whether those requirements are included in the safety element, and how to utilize the Comments/Recommendations column to the right of the table. This information is necessary so that reviewers utilize this Assessment in a consistent manner and so that the jurisdictions that receive this Assessment understand how reviewers evaluated their safety element and they can correctly interpret the reviewer’s recommendations and implement them effectively.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Header, Page 3

The first two lines in the top brown-gray row in this table rephrases statutory language from GOV § 65302(g)(3)(B) and (C). The Board believes rephrasing statute is the most efficient way to communicate why the information on the following pages is included in the Assessment, and what statutory requirements this information is addressing. As a whole, this table is asking reviewers to evaluate if jurisdictions have included goals, policies, objectives, and implementation measures that comply with Government Code and if they have adequately addressed fire hazard planning in their safety elements. This table is set up with open ended questions to provide reviewers with flexibility when they answer the questions and write comments or recommendations. With 56 counties and 189 cities that will be reviewed with this Assessment, there is a wide range of fire risk, organizational size, and fiscal capacity that will influence a jurisdiction’s planning and mitigation measures. This table is set up in such a way to allow a reviewer to ensure a jurisdiction has met the requirements of Government Code but also provide specific recommendations or comments that address the unique fire risk and organizational situations faced by the jurisdiction under review.

The italicized language in the brown-gray row is directed at the reviewer, providing them with instructions for reviewing the safety element for goals, policies, objectives, and implementation measures that address GOV § 65302(g)(3)(C)(i-iv) that are adequate for the jurisdiction in question. It also instructs the reviewer on how to utilize the Comments/Recommendations column to the right of the table. This information is necessary so that reviewers utilize this Assessment in a consistent manner and so that the jurisdictions that receive this Assessment understand how reviewers evaluated their safety element and they can correctly interpret the reviewer’s recommendations and implement them effectively.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Avoiding or minimizing the wildfire hazards associated with new uses of land, Land Use, Page 3-4

These questions are intended to help the reviewer assess whether a safety element has adequately protected the community from the unreasonable risk of wildfire. This table is divided into sections based on the subparagraphs in GOV § 65302(g)(3)(C) to organize the evaluation questions into clear policy topics for the reviewer, but may go beyond those subparagraphs where the Board determined it was necessary (see *“including, but not limited to, all of the following:”* GOV § 65302(g)(3)(C)).

The questions in each section are broken down into categories that organize the questions by theme to create a clear and concise review document that is easy to follow and understand. This section, Land Use, asks the reviewer to evaluate the safety element for goals, policies, objectives, and feasible implementation measures that relate to the planned uses of land in the jurisdiction. These questions are necessary for several reasons:

- To evaluate whether a jurisdiction has goals, policies, objectives, and/or feasible implementation measures to meet the basic statewide requirements for Fire Safe Development (14 CCR § 1270) and Defensible Space (14 CCR § 1299). These statewide minimums are required in the SRA (see 14 CCR § 1270.02, 14 CCR § 1299.01) as well as on tentative and parcel maps in the SRA or VHFHSZ (see GOV § 66474.02) and provide the minimum fire protection development and vegetation management requirements for the state. Adequate infrastructure for new development is also required under GOV § 65302(g)(3)(C)(iii).
- To determine if a jurisdiction has goals, policies, objectives, and/or feasible implementation measures that prioritize locating essential public facilities and new residential development outside of very high fire hazard severity zones. Focusing on development in areas with less fire hazard reduces the amount of people and facilities in harm’s way. This is also required under GOV § 65302(g)(3)(C)(i) and (ii).
- To evaluate if a jurisdiction has goals, policies, objectives, and/or feasible implementation measures that consider mitigating existing nonconforming roadways and/or vegetation clearances and if the jurisdiction has any goals, policies, objectives, and/or feasible implementation measures to reconsider their development priorities after a major wildfire. The Board expects that these questions will be relevant to only the most advanced jurisdictions that have already addressed fire safe design for new development and that have resources to spare on these types of mitigations and pre-planning. The Board believes these questions are necessary to prompt jurisdictions to consider how best to protect their pre-existing residential developments from the unreasonable risk of wildfire if they already have compelling fire safety requirements for new development.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Avoiding or minimizing the wildfire hazards associated with new uses of land, Fuel Modification, Page 4

These questions are intended to help the reviewer assess whether a safety element has adequately protected the community from the unreasonable risk of wildfire. This table is divided into sections based on the subparagraphs in GOV § 65302(g)(3)(C) to organize the evaluation questions into clear policy topics for the reviewer, but may go beyond those subparagraphs where the Board determined it was necessary (see *“including, but not limited to, all of the following:”* GOV § 65302(g)(3)(C)).

The questions in each section are broken down into categories that organize the questions by theme to create a clear and concise review document that is easy to follow and understand. This section, Fuel Modification, asks the reviewer to evaluate the safety element for goals, policies, objectives, and feasible implementation measures that relate to plans for fuel modification and defensible space in the jurisdiction. These questions are necessary to determine if a jurisdiction requires fuel modification around new development, as required by statute (PRC § 4291) and regulation (14 CCR § 1299), and if a jurisdiction has a policy to require new development to implement a fire protection plan, including long-term fuel modification maintenance, for new development. The Board believes these questions are necessary 1) to ensure the jurisdiction is complying with the basic statewide defensible space requirements and 2) because fire protection plans that address future fuel modifications, such as fuel breaks, and long-term fuel modification maintenance are often required in order to receive grant funding (including the SRA Fire Prevention Fund Grant Program in 14 CCR § 1666.0). Many subdevelopments require fuel modification at the onset of the project but do not make provisions to maintain that modification, leading to a buildup of flammable vegetation and negating any fire protection benefit that the fuel modification created. These questions are necessary to prompt a jurisdiction to consider whether fire protection plans and long-term fuel modification would improve their community’s fire safety.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Avoiding or minimizing the wildfire hazards associated with new uses of land, Access, Page 4

These questions are intended to help the reviewer assess whether a safety element has adequately protected the community from the unreasonable risk of wildfire. This table is divided into sections based on the subparagraphs in GOV § 65302(g)(3)(C) to organize the evaluation questions into clear policy topics for the reviewer, but may go beyond those subparagraphs where the Board determined it was necessary (see *“including, but not limited to, all of the following:”* GOV § 65302(g)(3)(C)).

The questions in each section are broken down into categories that organize the questions by theme to create a clear and concise review document that is easy to follow and understand. This section, Access, asks the reviewer to evaluate the safety element for goals, policies, objectives, and feasible implementation measures that relate to the design of infrastructure and its adequacy for fire protection. These questions are necessary for several reasons:

- To evaluate whether a jurisdiction requires adequate access to new development as required in GOV § 65302(g)(3)(C)(iii) and GOV § 66474.02.
- To determine if a jurisdiction has reviewed their existing road and street network for access issues, and developed any policies or implementation measures to mitigation those issues.
- To determine if the jurisdiction has plans or existing programs in place to educate their population about defensible space requirements and available access routes.

Taken together, these questions allow the reviewer to determine if the jurisdiction has planned an adequate road network for fire safety, or has a plan to mitigate an inadequate roadway network, and that the jurisdiction has communicated with its population about utilizing that road network efficiency during a fire emergency. The Board has determined these questions are necessary to effectively evaluate access based on firefighter field experience on roadway networks across the state, as well as the technical planning expertise of CAL FIRE land use planning staff.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Avoiding or minimizing the wildfire hazards associated with new uses of land, Fire Protection, Page 4

These questions are intended to help the reviewer assess whether a safety element has adequately protected the community from the unreasonable risk of wildfire. This table is divided into sections based on the subparagraphs in GOV § 65302(g)(3)(C) to organize the evaluation questions into clear policy topics for the reviewer, but may go beyond those subparagraphs where the Board determined it was necessary (see *“including, but not limited to, all of the following:”* GOV § 65302(g)(3)(C)).

The questions in each section are broken down into categories that organize the questions by theme to create a clear and concise review document that is easy to follow and understand. This section, Fire Protection, asks the reviewer to evaluate the safety element for goals, policies, objectives, and feasible implementation measures that relate to fire protection, which may include 911 response times, training standards, water supply, and fire station locations. These questions are necessary to ensure that a jurisdiction has considered basic fire protection needs for any new development in addition to access, fuel modification, and land use decisions.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Develop adequate infrastructure if a new development is located in SRA or VHFHSZ, Page 4-5

These questions are intended to help the reviewer assess whether a safety element has adequately protected the community from the unreasonable risk of wildfire. This table is divided into sections based on the subparagraphs in GOV § 65302(g)(3)(C) to organize the evaluation questions into clear policy topics for the reviewer, but may go beyond those subparagraphs where the Board determined it was necessary (see *“including, but not limited to, all of the following:”* GOV § 65302(g)(3)(C)).

The questions in each section are broken down into categories that organize the questions by theme to create a clear and concise review document that is easy to follow and understand. This section asks the reviewer to evaluate the safety element for adequate infrastructure for new development in SRA or VHFHSZ. The Board decided the most transparent and efficient way to label this section of the table was to restate part of GOV § 65302(g)(3)(C)(iii) in the light pink row. The following rows ask questions aimed at making specific that section of statute. That section of statute reads in full “(iii) *Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.*” and the Board believes the questions in this section are necessary for the reviewer to determine if the safety element has provided for such design.

While the questions under *Avoiding or minimizing the wildfire hazards associated with new uses of land, Fire Protection* discuss land use planning in the entire planning area, these questions are specific to development in the SRA and/or VHFHSZ. The Board determined that rephrasing GOV § 65302(g)(3)(C)(iii) into the individual rows in this section was the most efficient and effective way to evaluate the safety element for these components. Based on the experience of CAL FIRE firefighters and land use planning staff, the Board determined it was necessary to include community fuel breaks as an infrastructure component that can be used to protect the community from the unreasonable risk of wildfire. Clearly addressing the need to plan for the maintenance of fuel breaks is necessary because without maintenance, fuel breaks will become overgrown over time and lose their effectiveness as a wildfire mitigation tool. Maintenance needs to be a priority consideration when planning for the long-term fire safety of a development.

Safety Element Assessment: Goals, Policies, Objectives, and Feasible Implementation Measures, Working cooperatively with public agencies responsible for fire protection, Page 5

These questions are intended to help the reviewer assess whether a safety element has adequately protected the community from the unreasonable risk of wildfire. This table is divided into sections based on the subparagraphs in GOV § 65302(g)(3)(C) to organize the evaluation questions into clear policy topics for the reviewer, but may go beyond those subparagraphs where the Board determined it was necessary (see “*including, but not limited to, all of the following:*” GOV § 65302(g)(3)(C)).

The questions in each section are broken down into categories that organize the questions by theme to create a clear and concise review document that is easy to follow and understand. This section asks the reviewer to determine if the safety element addresses the local public agencies that provide fire protection to the jurisdiction, as required in GOV § 65302(g)(3)(C)(iv). The Board determined the questions in this section of the Assessment are necessary to ensure the safety element adequately addresses fire protection services to new and existing development and overall provides a high standard of fire protection services with a well-trained firefighting force to the jurisdiction.

Safety Element Assessment: Sample Safety Element Recommendations, Page 6

This section of the Safety Element Assessment provides sample recommendations that a reviewer may use to communicate with a jurisdiction regarding ways to meet the requirements of these regulations and enabling statute. These numbered items can be used on pages 3-5 in the “Comments/Recommendations” column. It is necessary to provide these sample recommendations for several reasons, including:

- Clearly and consistently communicating the Board’s priorities regarding fire safe land use planning;
- Providing a flexible set of statewide recommendations that is transparent to the regulated public;
- Assisting jurisdictions in recognizing unique opportunities to improve fire safety, which may result in grant funding to implement projects to serve both new and existing development.

It is intended by the Board that these recommendations would be selected by the reviewer to be specific to the jurisdiction being reviewed and their relative safety element quality, jurisdictional risk level, and the financial, personnel, and planning resources they might have available to reasonably accomplish any given recommendation. It is also the intention of the Board that the reviewer may make recommendations that are not on this Assessment that meet the unique needs of the jurisdiction.

Safety Element Assessment: Sample Safety Element Recommendations, A. Maps, Plans and Historical Information, Page 6

These recommendations address the requirements in GOV § 65302(g)(3)(A)(i-v) for a jurisdiction to include fire hazard severity zone maps, historical wildfire data, wildfire hazards from the US Geological Survey, and the planned or existing uses of land in VHFHSZ and/or SRA. It is necessary to provide separate recommendations for each of these points because a jurisdiction’s safety element may meet only some of these requirements but not all, and providing separate example recommendations in this area allows the reviewer to communicate clear information to the jurisdictions about which specific parts of the safety element requirements are missing.

The purpose of the VHFHSZ maps is to provide a visual representation of areas within SRA or LRA that represent a significant fire hazard due to vegetative fuels, topography, previous fire history and extreme weather or wind characteristics based on previous history or models. Choosing to develop in VHFHSZ often triggers additional requirements for defensible space, access, fire resistive construction requirements, increased fire flow requirements and/or water storage, which are addressed earlier in the Assessment.

Inclusion of historical information regarding natural and manmade disasters shows evidence of disaster potential (this historical information may include weather data or phenomenon) as well as past response and recovery efforts. This historical information may also validate the VHFHSZ area designations within or adjacent to a community.

Reference to or inclusion of other fire safety plans such as an LHMP, CWPP, or Unit or County Fire Plan demonstrates previous preplanning for fire prevention measures within the community and may also contain response and post fire recovery plans. Other plans such as Multi Hazard Functional Plans, Community Evacuation Plans, mutual aid plans, and automatic or mutual aid agreements can also be referenced within the safety element. These plans often contain the same information that is required in the safety element by GOV § 65302(g)(3) and cross referencing those plans ensures a) the information required in the safety element under Government Code is present and b) any other local fire safety plans do not conflict with the safety element.

Safety Element Assessment: Sample Safety Element Recommendations, B. Land Use, Page 6

These recommendations are provided in order to assist jurisdictions in complying with GOV § 65302(g)(3)(c)(i) and avoiding or minimizing wildfire hazards associated with new uses of land. These numbered items recommend that jurisdictions meet or exceed the basic statewide minimums for fire safe development promulgated by the Board in 14 CCR § 1270. The fire safe regulations provide basic standards for fire safe development in the SRA and VHFHSZ and have been field tested to ensure they reduce wildfire hazards to new development constructed under those requirements. In addition, GOV § 66474.02 requires tentative and parcel maps for areas in SRA or VHFHSZ to be consistent with any applicable regulations adopted by the Board pursuant to PRC § 4290, which are found in 14 CCR § 1270. This recommendation encourages jurisdictions to meet or exceed those regulations and to have those local ordinances certified for use in lieu of the Board regulations, which creates efficiencies for local planning agencies who need to confirm subdivision maps meet those requirements.

If a jurisdiction has local ordinances that meet or exceed 14 CCR § 1270, recommendations 2 and 3 are provided to encourage the jurisdiction to consider opportunities to mitigate “existing non-conforming” development. Although existing development cannot be moved or have significant changes made to the road network, mitigation measures such as limiting street parking or upgrading street and road signs can provide additional safety for those in an existing development in the SRA or VHFHSZ. These recommendations are necessary to improve fire safety in high risk areas across a jurisdiction, just not for new development.

Safety Element Assessment: Sample Safety Element Recommendations, C. Fuel Modification, Page 6

Vegetative fuels include living and dead vegetation materials. The amount of heat energy released during a wildland fire is defined by the amount, arrangement and rate of combustion of the vegetative fuels. Vegetative fuel flame lengths can exceed 100 feet and the radiated heat can ignite combustible materials from distances of 100 feet or more. Winds can carry live firebrands over a mile from the wildfire. Vegetative fuels within the immediate vicinity (within approximately 30 feet of the home, often called the “home ignition zone”) can have a significant impact on the potential of a home to ignite.

These recommendations are necessary to help jurisdictions meet the requirements in GOV § 65302(g)(3)(C)(iii) to design adequate infrastructure for development in SRA or VHFHSZ. Fuel modification around homes and roadways reduces home ignition, as explained above, and also provides safe areas for firefighters to defend homes and residents to escape and/or for last resort shelter in place.

Many of these recommendations are focused on communicating the requirements for fuel modification or providing for ongoing maintenance of community fuel reduction projects. Firefighter field experience has found that fuel modification becomes less effective over the long term if seasonal or absentee homeowners are unaware of the local requirements or if community fuel breaks are not maintained. These recommendations are necessary to prompt jurisdictions into considering whether those issues are present in their planning area, and if they have the resources, to consider addressing either or both.

Safety Element Assessment: Sample Safety Element Recommendations, D. Access, Pages 6-7

These recommendations are necessary to assist jurisdictions in meeting the requirements in GOV § 65302(g)(3) relating to road networks and access. Item 1 ensures jurisdictions are prepared to comply with GOV § 66474.02 regarding subdivision map approval (see Safety Element Recommendations, B. Land Use above). Existing road networks established prior to the SRA Fire Safe Regulations in 14 CCR § 1270 et seq often present a danger to evacuating residents as well as responders due to limited travel width of roadways, variable roadway surfaces, and inadequate clearance to allow current fire equipment through. Items 2-5 are necessary to provide jurisdictions with suggested goals, policies, or objectives that would improve fire protection for existing development; although road networks have limited possibilities for change, developing evacuation pre-plans and communicating with residents improves their ability to evacuate in a timely fashion and with limited delay. Mitigations suggested as part of Item 5, such as reducing street parking or creating fuel breaks that can also serve as fire apparatus roads, can help improve the fire safety of infrastructure in existing non-conforming development without large scale, expensive changes to the existing road network.

Safety Element Assessment: Sample Safety Element Recommendations, E. Fire Protection, Page 7

These recommendations assist jurisdictions in meeting the requirements of GOV § 65302(g)(3)(C)(iii) and (iv) for adequate water supply and firefighting capabilities. Effective emergency service response depends upon coordination and pre-planning for a wide variety of emergencies, so it is vital for jurisdictions to project future emergency service needs for their planned land uses. It is critical that pre-planning be done to coordinate a variety of departments, agencies, as well as private operations to be able to respond effectively to an emergency. These recommendations ensure cities and counties are planning for a variety of emergencies and considering their ability to handle these emergencies.

Much like fuel modification, water supply infrastructure can often become “stale” if not maintained over time; recommendations that highlight the importance of adequate and maintained water supply infrastructure are necessary to ensure jurisdictions are planning for development that firefighters can reasonably defend. Immediate wildfire property losses cannot be reduced by increasing the size of the mobilization efforts due to reflex or response times of resources. The best protection for existing structures is to assure there is an adequate defensible space, structural integrity (accomplished through building codes regulated through the Office of the State Fire Marshal), and water supply.

Safety Element Assessment: Fire Hazard Planning in Other Elements of the General Plan, Page 7

This section of the Safety Element Assessment is intended to link fire hazard planning goals throughout the general plan. The Legislature requires the general plan be “internally consistent” (GOV § 65300.5) and it is to this end that the Board includes the below recommendations for reviewers and jurisdictions to consider.

Safety Element Assessment: Fire Hazard Planning in Other Elements of the General Plan, Land Use Element, Page 7

These recommendations are provided to link the recommendations and review questions in the Land Use sections above in the Assessment with the decisions made in the land use element regarding zoning and site planning. By considering these items while formulating the land use element, jurisdictions ensure their land use and safety elements are internally consistent, and that land use decisions are made within the context of reducing fire hazard risk.

Safety Element Assessment: Fire Hazard Planning in Other Elements of the General Plan, Housing Element, Page 7

These recommendations are included so that a jurisdiction may consider, when planning for housing needs in the planning area, how best to address housing needs while reducing or minimizing wildfire risk to the population as much as possible. Projected housing needs should not overburden current response capabilities without addition of resources and public safety infrastructure including adequate roads and water supply. These recommendations prompt the reviewer and jurisdiction to ensure that the housing supply is built to the latest fire code standards, and if resources allow, to consider how existing housing built prior to those codes in VHFHSZ might be mitigated. The recommendations are also necessary because they ask the reviewer and jurisdictions to consider how diverse occupancies besides single family homes might uniquely impact fire safety in the planning area, which is intended to prompt jurisdictions to consider how they might serve those housing needs without increasing the population’s wildfire risk.

Safety Element Assessment: Fire Hazard Planning in Other Elements of the General Plan, Open Space and Conservation Elements, Page 7

Just as growing communities need to upgrade and expand their current infrastructure of roads, sewers, and utilities, they also need to upgrade and expand their green

infrastructure, the interconnected system of green spaces that conserves natural ecosystem values and functions, sustains clear air and water, and provides a wide array of benefits to people and the natural environment defined as urban open space in land use planning but can be used in conjunction with defined open space for fire hazard planning and community protection.

These recommendations are necessary to prompt jurisdictions to determine if their open space and conservation elements can identify zones where additional thinning beyond the home ignition zone might occur, which may enhance the ability of firefighters to safely defend community space. Creating an area of reduced fuels immediately adjacent to the community can provide options for firefighters to control fire in this space, and can provide a safety zone where risks to firefighters are reduced. This requires breaking up fuel continuity beyond the home ignition zone and enhances the defense and survivability of structures.

The open space element can be a place to encourage the reduction of fuel loads within the development through the use of native fire resistive plant species and vegetation management programs in planned open space areas. Fuel reduction is also a required component of Community Wildfire Protection Plans, placing even more emphasis on the importance of integrating fire protection planning throughout the general plan.

Safety Element Assessment: Fire Hazard Planning in Other Elements of the General Plan, Circulation Element, Page 7

GOV §§ 65302(g)(3) and 65302.5 and PRC § 4290 place a heavy emphasis on designing adequate infrastructure for development located in the SRA or VHFHSZ. In order to ensure the general plan is internally consistent, the Board has included recommendations for jurisdictions to consider incorporating into their circulation element. These recommendations reduce the secondary risks faced by firefighters, such as narrow roads or excessive dead end road lengths. The three recommendations in this section ensure that adequate ingress and egress to SRA or VHFHSZ areas is considered when developing a roadway network for the planning area and that the circulation element is consistent with the safety element in that regard.

ECONOMIC IMPACT ANALYSIS (pursuant to GOV § 11346.3(b)(1)(A)-(D) and provided pursuant to 11346.3(a)(3))

The purpose of the proposed action is to provide unambiguous and transparent information about the safety element review standards and process required in GOV § 65302.5.

Creation or Elimination of Jobs within the State of California

The proposed action makes specific the Board's review of general plan safety elements required by GOV § 65302.5(b)(3). Because the regulation relies heavily on rephrasing or restating existing statute, it does not create or eliminate jobs within the state. The proposed action does not require any additional obligations of the regulated public than were previously required by statute, and where the proposed action makes specific statute (such as by directing jurisdictions where to send safety elements, the flexibility given to the Board regarding review deadlines, etc) it is of limited scope and not anticipated to sustain changes in the job market. The proposed action will not result in the creation or elimination of jobs within the state.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed action makes specific the Board's review of general plan safety elements required by GOV § 65302.5(b)(3). Because the regulation relies heavily on rephrasing or restating existing statute, it does not create or eliminate jobs within the state. The proposed action does not require any additional obligations of the regulated public than were previously required by statute, and where the proposed action makes specific statute (such as by directing jurisdictions where to send safety elements, the flexibility given to the Board regarding review deadlines, etc) it is of limited scope and not anticipated to sustain business enterprises over the long term or result in the elimination of businesses. The proposed action will not result in the creation or elimination of businesses within the state.

Expansion of Businesses Currently Doing Business Within the State of California

The proposed action restates or rephrases statute in order to provide efficiency and clarity to the regulated public regarding the Board's review of general plan safety elements required by GOV § 65302.5(b)(3). The proposed action does not require any additional obligations of the regulated public than were previously required by statute, and where the proposed action makes specific statute (such as by directing jurisdictions where to send safety elements, the flexibility given to the Board regarding review deadlines, etc) it is of limited scope and not anticipated to result in the expansion of business. The proposed action will not result in the expansion of businesses within the state.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

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 the SRA and VHFHSZ. By addressing and mitigating the wildfire risk to

their communities, jurisdictions are reducing the potential for a catastrophic wildfire that would otherwise result in losses of life and property and impact smoke-sensitive populations. The proposed action benefits worker safety because the regulations repeat or rephrase statute that require jurisdictions to identify the local fire protection agencies for the planning area as well as the location of “critical facilities” such as fire and police stations, ensuring that fire stations are not overtasked and can provide adequate service to an area without compromising firefighter safety. In addition, the proposed action may improve the ecological health of the SRA and VHFHSZ landscape, leading to a more natural fire regime and an improved environment.

Business Reporting Requirement (Pursuant to GC § 11346.5(a)(11) and GC § 11346.3(d))

The proposed regulation does not require a business report.

Summary

The proposed action:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses within California;
- (B) will not eliminate existing businesses within California;
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits through the mitigation of wildfire risk in the planning area and additional government transparency.

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))

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.

Pursuant to **GOV §11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

- Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of experience reviewing general plan safety elements for cities and counties in California that the Board brings to bear on regulatory development.
- Staff participation in the development of Governor’s Office of Planning and Research *Fire Hazard Planning General Plan Technical Advice Series*, May 2015.
- Discussions with Department staff on implementation of the enabling statute, GOV § 65302.5.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT RELIED UPON (pursuant to GOV SECTION 11346.2(b)(3))

The Board of Forestry and Fire Protection relied on the following list of technical, theoretical, and/or empirical studies, reports or similar documents to develop the proposed action.

1. Excerpts from Government Code (GOV), 2016: 65302 and 65302.5
2. Excerpts from Public Resources Code (PRC), 2016: 4102, 4111, 4112, 4113, 4114, 4740, 4741, 4290, and 4291
3. Excerpts from California Code of Regulations Title 14: 14 CCR §§ 1270 et seq
4. Excerpts from California Code of Regulations Title 14: 14 CCR §§ 1299.01 et seq
5. Governor's Office of Planning and Research *Fire Hazard Planning General Plan Technical Advice Series*, May 2015
6. Board of Forestry and Fire Protection *A Handbook for Fire Planning in the General Plan*, May 2014

REASONABLE ALTERNATIVES TO THE PROPOSED ACTION CONSIDERED BY THE BOARD, IF ANY, INCLUDING THE FOLLOWING AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES (pursuant to GOV § 11346.2(b)(4)(A) and (B)):

- **ALTERNATIVES THAT WOULD LESSEN ANY ADVERSE IMPACTS ON SMALL BUSINESS AND/OR**
- **ALTERNATIVES THAT ARE LESS BURDENSOME AND EQUALLY EFFECTIVE IN ACHIEVING THE PURPOSES OF THE REGULATION IN A MANNER THAT ENSURES FULL COMPLIANCE WITH THE AUTHORIZING STATUTE OR OTHER LAW BEING IMPLEMENTED OR MADE SPECIFIC BY THE PROPOSED REGULATION**

Alternative 1: No Action Alternative

The Board considered taking no action, since the Board has been reviewing safety elements under GOV § 65302.5 since its initial promulgation in 1989. However, without more specific regulations implementing GOV § 65302.5, the Board and Board staff are concerned this alternative is an underground regulation and rejected this alternative.

Alternative 2: No Assessment Document

The Board considered a review process that did not utilize a standardized assessment document to review safety elements. However, this would result in confusion among the regulated public, because they would have no knowledge of the criteria the Board would be using to review their safety element, and different Board or CAL FIRE reviewers would potentially apply different criteria where the same criteria would apply. The Board rejected this alternative.

Alternative 3: Proposed Action

The Board has chosen to adopt the proposed action presented in this Initial Statement of Reasons because the Board believes the proposed action is the most cost-efficient, equally or more effective, and less burdensome alternative. The proposed action makes specific GOV §§ 65302 and 65302.5 enough to provide clear guidance to jurisdictions updating their safety element and to the reviewers of the safety elements, but does not establish overly burdensome requirements for submitting and/or reviewing safety elements.

There is no alternative that would be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action.

Prescriptive Standards versus Performance Based Standards (pursuant to GOV §§11340.1(a), 11346.2(b)(1) and 11346.2(b)(4)(A)):

Pursuant to **GOV §11340.1(a)**, agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process.

The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific actions or procedures. The proposed action is only as prescriptive as necessary to ensure general plan safety elements are submitted in a clear and efficient fashion, and to ensure they are reviewed against a consistent and publicly available set of criteria. This creates a submission and review process that is transparent. Performance based standards were not reasonably expected to be as effective and less burdensome in achieving the purpose of the proposed action.

Pursuant to **GOV § 11346.2(b)(1)**, the proposed action does not mandate the use of specific technologies or equipment.

Pursuant to **GOV § 11346.2(b)(4)(A)**, the above-mentioned alternatives were considered and ultimately rejected by the Board in favor of the proposed action. The proposed action does not mandate the use of specific technologies or equipment, but does prescribe specific actions or procedures. Alternatives 1 and 2 considered by the Board require fewer of these actions or procedures but would result in a less effective regulation.

DESCRIPTION OF EFFORTS TO AVOID UNNECESSARY DUPLICATION OR CONFLICT WITH THE CODE OF FEDERAL REGULATION (pursuant to GOV § 11346.2(b)(6))

The Code of Federal Regulations has been reviewed and based on this research, the Board found that the proposed action neither conflicts with, nor duplicates Federal regulations. There are no comparable Federal regulations for state-level review of general plan safety elements.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has considered adverse environmental effects from the proposed action and has not identified any adverse environmental effects that will result from the proposed action.

The Board has determined that the proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations § 1153(b)(4).

Board of Forestry and Fire Protection

NOTICE OF PROPOSED ACTION

“Safety Element Review, 2016”

**Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7,
Article 6**

Adopt §§ 1210.00-1210.03

[Notice Published XX]

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 will hold a public hearing on XX at its regularly scheduled meeting commencing at XX. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

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 at 5:00 P.M. on XX.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. 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: Edith Hannigan
Board Analyst
P.O. Box 944246
Sacramento, CA 94244-2460

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

Board of Forestry and Fire Protection
Room 1506-14
1416 9th 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

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

14 CCR §§ 1666.0 to 1666.16 Authority Cited: Section 65302.5, Government Code; Section 4111, Public Resources Code. Reference: Sections 65302, 65302.5, Government Code; Sections 4102, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.

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

California Government Code Section 65302.5(b)(1) requires a draft element of or draft amendment to the safety element of a county or a city's general plan to be submitted to the Board of Forestry and Fire Protection (Board) if that county or city contains State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ), and Section 65302.5(b)(3) requires the Board to review the submitted safety elements for how well it addresses wildland fire risk reduction and mitigation in the planning area. Although this requirement has been in place since 1989, until this proposed action there have been no implementing regulations for this program.

The problem is that no review program exists in regulation under the Board of Forestry and Fire Protection to complete the review required under GOV § 65302.5(b)(3).

The purpose of the proposed action is to create a procedure to standardize the review of safety elements submitted to the Board.

The effect of the proposed action is the establishment of a review process to analyze and assess general plan safety elements for their wildland fire risk reduction and mitigation efforts that is clearly communicated and readily available to Board members, the public, and members of the review team.

The primary benefit of the proposed action is a clear, direct, and standardized review 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.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. Board staff assessed existing State regulations related to safety element reviews and found no existing 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.

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 for general plan safety element review. No existing Federal regulations that met 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.

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.

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.

Pursuant to **GOV § 11346.5(a)(8)**, the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

- Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of experience reviewing general plan safety elements for cities and counties in California that the Board brings to bear on regulatory development.
- Staff participation in the development of Governor's Office of Planning and Research *Fire Hazard Planning General Plan Technical Advice Series*, May 2015.
- Discussions with Department staff on implementation of the enabling statute, GOV § 65302.5.

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:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses within California;
- (B) will not eliminate existing businesses within California;
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits through the mitigation of wildfire risk in the planning area and additional government transparency.

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

There are no cost impacts that a representative private person or representative business would necessarily incur in reasonable compliance with the proposed action, because general plan safety elements are developed by governmental agencies.

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

The proposed action does not impose a business reporting requirement on business.

SMALL BUSINESS (pursuant to 1 CCR 4(a) and (b))

Small business, within the meaning of GOV § 11342.610, are not expected to be affected by the proposed action.

Small business:

- (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) Does not incur a detriment from the enforcement of the regulation if they do not comply with 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: Edith Hannigan
Board Analyst
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8007

The designated backup person in the event Ms. Edith Hannigan is not available is Mr. Matt Dias, Executive Officer for the Board of Forestry and Fire Protection. Mr. Matt Dias may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY STATEMENTS (pursuant to GOV § 11346.5(a)(16))

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)** and **GOV § 11346.2(a)**).
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:

http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/