

**Board of Forestry and Fire Protection**

**FINAL STATEMENT OF REASONS (FSOR), pursuant to GOV §11346.9(a)**

**“Safety Element Assessment, 2017”**

**Title 14 of the California Code of Regulations (14 CCR)**

**Division 1.5, Chapter 7**

**Adopt Article 6, 1210.00-1210.03**

**UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))**

No information contained in the ISOR requires update. All material relied upon was identified in the ISOR and made available for public review prior to the close of the public comment period.

**SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))**

The rule text was adopted in its 45-Day noticed form. No opposition to this text was raised by Board members or public hearing participants.

**REITERATION OF DISCLOSURES REGARDING THE ADOPTED REGULATION, RESULTS OF ECONOMIC IMPACT ANALYSIS, AND ANTICIPATED BENEFITS**

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 adopted action:

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

The Board has determined that adoption of the regulations identified herein will not have a significant adverse statewide economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (pursuant to GOV §11346.3(a)(2)).

**Mandate on local agencies and school districts (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a mandate on local agencies or school districts.

**Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code sections commencing with GOV §17500 (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a reimbursable cost to any local agency or school district.

**ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5))**

No alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION**

- The Board finds the adopted alternative fulfills the obligations of the Board specified in statute and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board adopted the rules.
- The Board finds Public and Agency representatives reviewed and provided input into the rules the Board adopted.
- The Board finds the adopted rules strike a balance between performance based and prescriptive standards.
- The Board finds the growing number of people moving into the wildland urban interface increases the risk of fires and places more lives and property in danger.
- The Board finds that state law requires the Board to review general plan safety elements for the protection of life, property and natural resources from unreasonable risks associated with wildfires.
- The Board finds that state law requires the Board to review general plan safety elements for methods and strategies for wild land fire risk reduction and prevention in state responsibility areas and very high fire hazard severity zones.

**BOARD'S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4): Take Action as Proposed and Modified through the Formal Public Review and Comment Process (Alternative #3)**

The Board chose to adopt the rule text as presented in the 45-Day Notice. No modifications were proposed through the formal public review and comment process.

The Board has chosen to adopt the proposed action 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.

**BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))**

**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.

**SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED DECEMBER 23, 2016**

No public comment was received during the comment period.

**SPEAKER COMMENTS AND RESPONSES RESULTING FROM THE PUBLIC HEARING CONDUCTED MARCH 8, 2017**

No public comment was received during the hearing.