

**Board of Forestry and Fire Protection
Title 14 of the California Code of Regulations**

[Notice Published May 21, 2010]

NOTICE OF PROPOSED RULEMAKING

SRA Classification System, 2010

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

Adopt:

Division 1.5, Chapter 7 Fire Protection, Article 1.

Presently Classified and Recorded Boundaries. § 1220

PUBLIC HEARING

The Board will hold a public hearing starting at 8:00 A.M., on Wednesday, July 7, 2010, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

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 Tuesday, July 6, 2010.** The Board will consider only written comments received at the Board office by that time (in addition to those written comments received 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: Christopher Zimny
Regulations Coordinator
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

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:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Pursuant to authority vested by section 4125 of the Public Resources Code (PRC), and to implement, interpret, and make specific PRC Sections 4102, 4125, 4126, 4127 and 4128, the Board is adopting such rules and regulations as it determines are reasonably necessary to enable it to classify lands for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is the responsibility of the State.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to update a procedural publication which is used to classify State Responsibility Areas (SRA). SRA, pursuant to Public Resources Code §4125-4128, are all lands in the state where the financial responsibility of preventing and suppressing wildfire is primarily the responsibility of the State. The procedural publication is titled *State Responsibility Area Classification System, March 8, 2006*. This publication provides instructions for evaluating and documenting periodic changes to the official SRA maps.

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendments to the *State Responsibility Area Classification System document* relate to the following:

- Update documentation requirements, terminology and index numbering;
- Provide that automatic changes to the SRA map be made by the State SRA Map Coordinator when land is exchanged between the federal government and private owners. Currently these automatic changes are made by the CAL FIRE Unit and Region Mapping Coordinators.
- Guide automatic inclusions or exclusions to the SRA spatial, or Geographic Information Systems (GIS), layer that are the result of inconsistencies due to error fixes and boundary issues. The intent of this amendment is to provide a process for the State SRA Mapping Coordinator to correct inconsistencies in the SRA GIS layer.

The proposed amendment to the existing regulation itself, 14 CCR § 1220, "Presently Classified and Recorded Boundaries", changes the calendar date of the adopted revision to reflect the date of the updated *SRA Classification System document* which is May 5, 2010.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: The regulation will not result in a fiscal impact to the State.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC Section 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private person or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is related to non-fire season emergency services provided by CDF. These services are primary provided to local government entities and do not affect private small businesses.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 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.

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: Christopher Zimny
 Regulations Coordinator
 P.O. Box 944246
 Sacramento, CA 94244-2460
 Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is George Gentry, Executive Officer of the State Board of Forestry and Fire Protection, at the above address and phone (916) 653-8007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

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

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF 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:

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

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

A handwritten signature in black ink that reads "Christopher Zimny". The signature is written in a cursive style with a large initial 'C' and 'Z'.

Christopher Zimny
Regulations Coordinator
Board of Forestry and Fire Protection