

**BOARD OF FORESTRY AND FIRE PROTECTION**

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

**Board of Forestry and Fire Protection****15-DAY NOTICE OF ADDITION OF DOCUMENTS AND INFORMATION TO RULEMAKING  
FILE AND MODIFIED TEXT**

**“Very High Fire Hazard Severity Zone Adoption, 2019”**

**Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 7, Subchapter 3, Article 1**

[Notice Published November 22, 2019]

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

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

The following documents have been added to the rulemaking file:

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

**WRITTEN COMMENT PERIOD**

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

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

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

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

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

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

(916) 653-0989

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

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

### **CONTACT PERSON**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Board of Forestry and Fire Protection**

**SUPPLEMENTAL STATEMENT OF REASONS**

**“Very High Fire Hazard Severity Zone Adoption, 2019”**

**Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 7, Subchapter 3, Article 1**

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

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

**Amend § 1280.00 Definitions**

The phrase “The following definitions apply to Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 7, Subchapter 3, Article 1.” was added to the beginning of this section to clarify the applicability of these definitions. As these definitions may conflict with other definitions in this Chapter or Subchapter, a statement to the effect that these definitions only apply to this specific Subchapter and Article is required.

In the definition of “State Responsibility Area (SRA),” the references to Public Resources Code and California Code of Regulations were revised to only refer to Public Resources Code 4102. This aligns the definition of SRA with other definitions of SRA in this chapter, and provides the most efficient definition for the regulated public, since the definition just directs the reader to a single Public Resources Code section, rather than multiple Code and regulatory sections.

**Amend § 1280.02(d)**

This section was amended to require local agencies to submit certain information to the Board on a form proscribed by the Board. In the 45-day noticed text, there was no regulatory imperative for local agencies to submit to the Board the form provided for in § 1280.02(d). The revisions to § 1280.02(d) require local agencies to submit certain information to the Board when they submit their Very High Fire Hazard Severity Zone maps and ordinances to the Board.

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

5  
6 § 1280.00 Definitions

7 The following definitions apply to Title 14 of the California  
8 Code of Regulations (14 CCR), Division 1.5, Chapter 7,  
9 Subchapter 3, Article 1.

10 Director: Director of the Department of Forestry and Fire  
11 Protection or their designee.

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

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

21 State Responsibility Area (SRA): As defined in Public Resources  
22 Code section ~~4102.5~~ ~~4126~~ ~~4127~~; and the California Code of  
23 Regulations, title 14, division 1.5, chapter 7, article 1,  
24 sections ~~1220.~~ ~~1220.5.~~

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

3 Note: Authority cited: Sections 4202, 4203 and 4204, Public  
4 Resources Code. Reference: Sections 4125, 4201, 4202, 4203 and  
5 4204, Public Resources Code; Section 51179, Government Code.

6  
7 § 1280.01 Fire Hazard Severity Zones in the SRA

8 **\*\*\*\*no changes to the regulatory text\*\*\*\***

9 Note: Authority cited: Sections 4202, 4203 and 4204, Public  
10 Resources Code. Reference: Sections 4201, 4202, 4203 and 4204,  
11 Public Resources Code; Section 51179 Government Code.

12  
13 § 1280.02 Very High Fire Hazard Severity Zones in the LRA

14 (a) Within thirty (30) days of adopting a local ordinance  
15 designating VHFHSZ pursuant to Government Code 51179(a), a local  
16 agency shall transmit a copy of the ordinance and a map  
17 depicting the adopted zones within the local agency to the Board  
18 of Forestry and Fire Protection (Board).

19 (b) The ordinance(s) and map(s) shall be delivered in a pdf  
20 file(s) and submitted electronically to the Board.

21 (c) The Board may request additional versions of the map(s) to  
22 establish greater clarity regarding the adopted zones. This  
23 request may ask for the maps in other file formats, such as  
24 Geographic Information System (GIS) shapefiles or similar, based  
25 on the Board's and the local agency's capabilities.

1 (d) Local agencies shall supply the following information, on a  
2 form provided by the Board, ~~The Board may create a form to~~  
3 ~~collect information from local agencies~~ when they submit their  
4 ordinance(s) and map(s):=

5 ~~(1) This form may request:~~

6 (A1) the agency's name and a point of contact, including  
7 address, email, phone, and fax number

8 (B2) information about the agency's meeting adopting the  
9 VHFHSZ, including the date, location, agenda and agenda  
10 item number, and staff reports.

11 (C3) information about the ordinance, including the name  
12 and/or number, copies of the signatory page(s), and the  
13 text of the ordinance.

14 (D4) information about the section(s) of city or county  
15 code adopted or amended by the ordinance, including the  
16 name and/or number and code text.

17 ~~(25) This form may ask the local agency for information~~  
18 about the decision, pursuant to Government Code Section  
19 51179(b), to include areas within the jurisdiction as VHFHSZ  
20 that were not identified as such by the director. The local  
21 agency shall provide ~~The form may ask for~~ the finding(s)  
22 supported by substantial evidence in the record that the  
23 requirements of Government Code Section 51182 are necessary for  
24 effective fire protection in the area. This information may be  
25

1 in the form of staff reports, data analysis, mapping, or other  
2 background work that informed the local agency's decision.

3 Note: Authority cited: Sections 4202, 4203 and 4204, Public  
4 Resources Code; Section 51179 Government Code. Reference:  
5 Sections 4201, 4202, 4203 and 4204, Public Resources Code;  
6 Sections 51179 and 51182, Government Code.

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