

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

[Notice Published September 28, 2007]

15 - DAY NOTICE OF MODIFICATIONS TO PROPOSED REGULATION

Fire Hazard Severity Zones, 2007

NOTICE OF CHANGES MADE TO PROPOSED REGULATIONS

Pursuant to the requirements of Government Code § 11346.8(c), and Title 1 of the California Code of Regulations § 44, the California Department of Forestry and Fire Protection (CAL FIRE) is providing notice of changes made to proposed regulations listed below which were the subject of a regulatory notice from May 25, 2007 to August 1, 2007. These changes are being proposed in response to comments received regarding the proposed changes to Title 14, Chapter 7. Fire Protection, Subchapter 3 Fire Hazard, Article 1. Fire Hazard Severity, of the California Code of Regulations (14 CCR). The following section is proposed for amendment:

§1280. Fire Hazard Severity Zones

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Forestry and Fire Protection (CAL FIRE) proposed amendments to the regulation in 14 CCR, Section 1280, which designates Fire Hazard Severity Zones (FHSZ) in State Responsibility Area (SRA). The initial notice of the proposal was published on May 25, 2007. Within this section are referenced maps titled "Maps of the Fire Hazard Severity Zones (FHSZ) in State Responsibility Areas of California". These maps are being updated as part of the proposed regulations pursuant to California Public Resource Code (PRC) Sections 4201- 4204.

The Department held a series of public hearings during June, July and August of 2007, to provide the opportunity for public input on the adoption of this regulation (and the referenced maps). At least one hearing was held in every county where the FHSZ map designations were proposed for modification. A total of 58 county hearings were held. During these hearings, the Department received written and oral testimony from the public. The Director of CAL FIRE considered all written and oral comments and proposed adopting some of the modifications requested in public comments. The proposed modifications included changing specific map hazard zone classifications, correcting cartographic errors, and updating boundaries between State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) as described below. The Director directed staff to provide all

potential changes to final regulatory language to the public in a 15-Day Notice (GC § 11346.8(c)). The Director may adopt any one individual proposed change, a selected group of the proposed changes, or all of the proposed changes. The means of identifying the proposed changes is below.

PUBLIC COMMENTS

Any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the 15-Day Notice. Pursuant to Government Code § 11125.1, any information presented to the Department during the comment period in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Department 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 Department. **The written comment period ends at 5:00 P.M., on Monday, October 15, 2007.** The Department requests, but does not require, that persons who submit written comments to the Department reference the title of the rulemaking proposal in their comments to facilitate review.

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

Department 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 or sent by courier to the contact person listed in this notice at the following address:

Department of Forestry and Fire Protection
Room 1506-17
1416 9th Street
Sacramento, CA

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

(916) 653-8957

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

chris.zimny@fire.ca.gov

MODIFICATIONS TO PROPOSED REGULATION AND MAPS

The proposed modifications include:

- Change to the regulatory text;
- Changes to the FHSZ maps referenced in the regulation text;

The modifications are described below in detail.

Modification to regulatory text

The proposed text is changed to correct an error in the name of the CAL FIRE program where the maps are available for public inspection. The correct title is Fire and Resource Assessment Program.

Modifications to FHSZ maps referenced in the regulation text

The primary changes made to the initially proposed regulation are changes to the FHSZ map classifications. These changes were made based on input from the public and evaluations by CAL FIRE Geographic Information System analysts and map science modeling experts.

Changes to the originally proposed FSHZ maps were made in 10 of the 56 counties which are the subject of the regulation and maps (those counties containing SRA). In general, the changes were made to:

- 1) reflect more accurate boundaries between SRA and LRA (typically incorporated city boundaries);
- 2) correct fire hazard zone GIS modeling errors;
- 3) more accurately match hazard zones to parcel boundaries.
- 4) adjust cartographic information such as city name location or road names.

Narrative descriptions of changes to the maps, organized by county, are shown below. Attached to this notice are a set of maps which are proposed for change. They depict the locations of the revisions that are the subject of the 15-Day

Notice. The revised maps are labeled: ***Revised 8/07 Per County Hearings and Review***

A complete set of the FHSZ maps for SRA, including those which are being revised pursuant to this notice, can be found at:

http://www.fire.ca.gov/wildland_zones_maps.php

Narrative description of changes to the maps, organized by county:

Alameda:

- Map change made for location of Dublin. (comment #: S-58-1 GIS code: Alameda1/cart0)
- A SRA/LRA boundary revision for Castro Valley and Fairview. Local review correctly indicated that these are not incorporated cities. Thus, the SRA lands erroneously changed to LRA have been restored to SRA status. (comment #: L44-1 GIS code: alameda2/SRA)

Del Norte

- Klamath townsite moved on map per comment recommendation. (comment #: L-47-2 GIS code #: DN2/cart0)
- Pacific Shores area was reviewed and adjusted to Moderate due to fragmented forest areas and bounding water bodies. (comment #: L-47-4 GIS code: DN4/Model)
- Per the request from the County, the following cartographic features have been added to the map file: Jack McNamara Field, Ward Field Airstrip, McBeth Field Airstrip and the townsites of Hiouchi, Klamath Glen, Big Flat, Klamath and Washington Flat. (comment #: L-47-6, 7 GIS code: DN7/cart0)

El Dorado

- El Dorado Hills label moved on the map per request. (comment #: L-9-2 GIS code: eldo2/mode/cart0l)
- Changes near the Latrobe Road industrial park area were warranted and made to the identified polygons south of Hwy 50 as the polygons were more similar to surrounding areas and included appreciable cover of developed non-burnable lands. (comment #: L-9-3 GIS code: eldo2/mode/cart0l)

- Two polygons within the SE quadrant of the Georgetown Fire Protection District were changed from High to Very High for consistency after review of data. (comment #: L-12-1 GIS code: eldo3/model)

Inyo

- Based on review and input from unit personnel, changes from Moderate to High were made to the Owens Valley area to reflect both an increased expectation of fire activity and greater fuel volumes associated with new policy to divert water back into the Owens River. (comment # S-12 GIS code: Inyo1/Model) (comment #: L-19-1-4 GIS code: Inyo2/Model)

Los Angeles

- Eastern edge of Los Angeles County and San Bernardino County adjusted by upgrading FHSZ from Moderate to High for foothill area south of the Los Angeles Aqueduct. (comment # 49-1 GIS code: LA2/Model)

Mariposa

- Northern border of county near Lake McClure were adjusted to edge match with Tuolumne County based on field input and data review. (comment #: S-100-1 GIS code: Mariposa/Model):

Mono

- Based on CAL FIRE unit input and data and model rule review, isolated areas Tom's Place (south of Crowley Lake) upgraded from Moderate to High to reflect greater hazard potential in Pinyon-Juniper areas of relatively deep soils. (comment # S-16-1 GIS code: Mono2/Model)

Nevada

- Areas recommended for change submitted by county and CAL FIRE Unit Staff reviewed and accepted in western and southwestern portion of county. Isolated oak savannah areas downgraded to Moderate hazard as per adjacent areas; seam on southern border rectified with El Dorado County; one polygon upgraded from High to Very High due to fuels. (comment: L48-1 GIS Code: Nev1/model)

Orange

- Changes were made for five recent annexations documented in Orange County which result in SRA changing to LRA. These include cities of Brea, Orange, Irvine, San Clemente, and San Juan Capistrano. (comment # L-3, L-29, L-34, S-55, S-56 GIS code: Orange1/2/3/4/SRA)

San Luis Obispo

- CAL FIRE Unit based recommendations for changes accepted with rare exception at boundary of Kern County. (comment # L-41 GIS code SLU1/model)
- Revised Cambria area based on field input of boundary of Monterey Pine forested areas and modeled 0.25 mile buffer zone to include brand influence area. Resultant change creates a single large polygon classified as High FHSZ. (comment #: L-33-2 GIS code: SLU2/model)
- Fiscalini Ranch has been changed to High. (comment #: L-33-3 GIS code: SLU2/model)

Modification to the Initial Statement of Reasons

An additional document was provided for the Department's consideration during the rulemaking process to supplement previous information submitted to the Department and referenced in the *Initial Statement of Reasons*. The document assisted the Director in identifying potential insurance industry impacts due to implementing the regulation. The document is on file in the official rulemaking file located at California Department Forestry and Fire Protection, Room 1506-17, 1416 9th Street, Sacramento, CA. The additional document is titled:

1. Gillian Flaccus . June, 2007. Insurance firms attempt to cut losses in wildfire hotspots. ASSOCIATED PRESS
2. SRA Fire Hazard Severity Zone Maps for each county with SRA proposed in the 45-Day Notice of Proposed Rulemaking, titled "Proposed Fire Hazard Severity Zone Maps in SRA", published at http://www.fire.ca.gov/wildland_zones_maps.php

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:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460
(916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone number (916) 653-5602.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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 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 Department 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
Resources Building
Room 1517
1416 9th St.
Sacramento, CA 94816
Attention: Christopher Zimny
Tel: (916) 653-9418

All of the above referenced information is also available on the Department website:

http://www.fire.ca.gov/wildland_process.php

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department 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 Department adopts the regulations as revised.

Changes made to the text and maps noticed in the 45-Day notice of rulemaking on May 25, 2007, have been modified in this 15-Day Notice of Rulemaking Modification. A copy of the express terms of the modifications of the originally proposed action using DOUBLE UNDERLINE to indicate an addition to the California Code of Regulations and ~~DOUBLE STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice. The changes are clearly indicated as follows:

Existing CCR Text ----- No underline or strikethrough

Deletion of text made in the 45-Day Notice ---- ~~single strikethrough~~

Additions of text made in the 45-Day Notice ----- single underline

Deletions of text made in the 15-Day Notice ---- ~~double strikethrough~~

Additions of text made in the 15-Day Notice ----- double underscore

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 Department.

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

AVAILABILITY OF DIRECTOR'S RESPONSES TO PUBLIC COMMENTS

All public comments received during the comment period of May 25 to August 1, 2007, and those received during any *15 - Day Notice of Modifications to Proposed Regulation* will have a response written by the Director. These responses to comments are required to be included in the Final Statement of Reasons when the Director submits the adopted regulation to the Office of Administrative Law (OAL) for approval. (GC 11346.9(a)(3). All official rulemaking documents, including comments and responses, will be on file at the above address for public inspection. Additionally, the Director intends to publish the comments and responses on the Department's official web site following submission of the adopted regulation to OAL. The comments and responses will be posted at: http://www.fire.ca.gov/wildland_process.php

A handwritten signature in black ink that reads "Christopher Zimny". The signature is written in a cursive style with a horizontal line underneath the name.

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire Protection