

FINAL STATEMENT OF REASONS

Fire Hazard Severity Zones, 2007

Adopted by Director on November 7, 2007

CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Title 14, Chapter 7. Fire Protection, Subchapter 3 Fire Hazard,
Article 1. Fire Hazard Severity, of the California Code of Regulations (14 CCR):

Amend:

§1280. Fire Hazard Severity Zones

UPDATED INFORMATION: OVERVIEW OF REGULATORY ACTION AND ADOPTED REGULATION

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). 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 proposal pursuant to California Public Resource Code (PRC) 4201- 4204.

Fire Hazard Severity Zones are geographical areas (lands) designated pursuant to PRC 4201- 4204 and classified as Very High, High or Moderate in State Responsibility Area (SRA). Lands are grouped into these classes in accordance with the severity of wildfire hazard expected to prevail in those areas. The zones are designated so that measures may be identified which will reduce the potential for losses to life, property and resources from wildfire. While CAL FIRE creates fire hazard severity maps for the entire State, the maps/zones proposed for adoption in this regulation apply to SRA.

CAL FIRE published notice of public hearings on May 25, 2007 and held public hearings in each county with SRA from June to August, 2007. A total of 58 hearings were held in the 56 counties with SRA.

Following completion of the public hearings, CAL FIRE issued a 15 Day Notice of proposed modification to the regulation and maps on September 28, 2007. The proposed modifications included changing specific map hazard zone classifications, correcting cartographic errors, and updating boundaries between SRA and Local Responsibility Areas (LRA) in 10 counties.

On November 7, 2007, the Director of CAL FIRE adopted the regulation and revised maps as proposed in its public notice published on September 28, 2007. The Director made the adoption after reviewing comments and correspondence

from concerned citizens and other agencies, and considering testimony presented at the public hearings. The final adopted regulation language contained minor, non-substantial revisions, as outlined below, from the September 28, 2007, noticed rule language.

MODIFICATIONS TO PROPOSED REGULATION AND MAPS

The adopted regulation includes minor, non-substantial edits from the 15-Day Notice proposal. The primary changes made from the 15-Day Notice proposal are map changes to cartographic labels (town name and locations edits) for Alpine and Stanislaus counties; a technical GIS correction for a zone near the City of Walnut, Los Angeles County; and an SRA/LRA incorporated city boundary adjustment for Paso Robles in San Luis Obispo County. These changes were made based on input from the public and evaluations by CAL FIRE Geographic Information System analysts and map science modeling experts. Additionally, minor text change was made to the regulatory text. The title and date of maps was changed to reflect the actual adoption date by the Director and title of the map. All modifications meet the requirements of Government Code 11346.8(c) for adoption without re-noticing.

Adopted maps for all counties are labeled: “**Adopted by CAL FIRE on November 7, 2007**”. A complete set of the final adopted FHSZ maps for SRA can be found at: http://www.fire.ca.gov/wildland_zones_maps.php

ALTERNATIVES TO THE REGULATION CONSIDERED BY CALFIRE AND THE REASONS FOR REJECTING THOSE ALTERNATIVES

CAL FIRE has considered alternatives to the regulation proposed.

Alternative #1: Application of the FHSZ to Communities at Risk

New fire resistant building codes (some of which are effectuated by FHSZ designation in SRA) were to be applied to buildings located in the “urban wildland communities interface” pursuant to Health and Safety Code 13108.5 (c). Relating the FHSZ maps to communities at risk was rejected as perimeters of communities at risk have not been mapped. Community locations exist as a point on a map. Extensive GIS information would need to be developed to relate FHSZs and communities at risk.

Alternative #2: Uniform application of the Fire Hazard Severity Zone Map to individual parcels

Applying the FHSZ map designations to individual parcels would provide great utility for local assessment of fire hazard for a particular parcel. With this information, building inspectors and homeowners could precisely determine the fire hazard for a specific project/building under consideration and apply the appropriate fire resistant building codes. This alternative was rejected as not all

counties have GIS parcel information that could be related to a FHSZ GIS layer, substantial reconciling would be necessary to conform parcel maps to FHSZ maps (i.e. geo referencing conflicts, multiple zones in any one parcel), and the workload to map every parcel is beyond the Department's capacity.

Alternative #3: Take no action and do not update the hazard maps

The "take no action" alternative would leave the existing fire hazard maps as the official maps on record. These hazard ratings defined in the existing maps do not reflect current wildland fire behavior science or current knowledge of wildland fuels. The current hazard maps do not incorporate new knowledge of structure ignition due to mass transport of burning embers. These maps do not meet the needs of building officials, industry, or the affected public.

Pursuant to GC section 11346.9(a)(4), the Board has determined that no other alternative it considered 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.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

CAL FIRE has not identified any adverse environmental effects as a result of the proposed rules. This action is the adoption of map zones and imposes no environmental effect. These rules are expressly developed to improve fire prevention standards and provide lessened risk to people, property and wildland resources from wildfire.

The adopted SRA FHSZ maps are information that meets the requirements for Categorical Exemption of 14 CCR Article 19, section 15306 (Information Collection) and 14 CCR 1662.5 (e) (Fire protection information collection). These maps were determined by law (PRC 21084) and regulation to not have a significant effect on the environment and are exempt from California Environmental Quality Act.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

CAL FIRE estimated this regulation will not have a significant adverse economic impact on businesses. Adopted map revisions (revisions to existing FHSZ maps) do not itself impose new requirements that have an economic impact. The maps are used to effectuate other laws (building codes) which may have an economic impact to the regulated public. Economic impacts from the map zone designations may result because there may be more areas in High and Very High Fire Hazard Severity Zones than previously designated maps in affect. Increasing the area of High and Very High Fire Hazard Severity Zones means a

potential increase in more expensive roofing requirements (in theory, requiring a person to roof with Class A or B roofing material instead of Class C).

No precise estimate has been made of potential additional cost to homeowners or builders resulting from greater amounts of High or Very High Fire Hazard Severity Zones due to potential increased roof covering cost associated with requirements for Class A and Class B roofing in these zones. There is no evidence homeowners would not use Class A or B roofing in all situations regardless of hazard zone designation.

If there are additional costs associated with requirements for Class A and B roofing, potential ranges of increased cost to builders and homeowners can be framed based on the number of new homes expected to be built in newly designated High and Very High Fire Hazard Severity Zones. Allocating a number of new homes within the newly designated High or Very High Fire Hazard Zones, along with any additional costs associated with Class A and B roofs is speculative, and there is no information that a significant cost impact is found.

DISCLOSURES REGARDING THE PROPOSED ACTION

CAL FIRE has determined the proposed action will have the following effects:

- **Costs or savings to any State agency:** None
- **Cost to any local agency or school district that must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:** None
- **Mandate on Local Agencies or School Districts, including reimbursable state mandate:** None
- **Other non-discretionary cost or savings imposed upon local agencies:** None
- **Cost or savings in federal funding to the State:** None
- **Significant Statewide Adverse Economic Impact Directly Affecting Business, including ability of California Businesses to compete with businesses in other states:** None
- **Cost impacts on representative private persons or businesses:** The Department 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:** None. The regulation does not impose any new fire prevention standards.
- The proposed rules do not conflict with, or duplicate Federal regulations.

The proposed Rules do not conflict with, or duplicate Federal regulations.

Pursuant to Government Code § 11346.2(b)(5): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Director has directed the staff to review the Code of Federal Regulations. Staff determined that no unnecessary duplication or conflict exists.

SUMMARY OF LAWS RELATING TO THE REGULATION

Under the authority of Public Resources Code (PRC) Sections 4202 - 4204, CAL FIRE is amending Article 1, Chapter 7, to Title 14 California Code of Regulations. References include Sections 4202-4204 of the Public Resources Code.

PUBLIC COMMENTS AND RESPONSE

See addendum to FSOR

File: FSOR 1280