

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 9, 2008  
POSITION: Oppose

BILL NUMBER: SB 1500  
AUTHOR: C. Kehoe

**BILL SUMMARY: CEQA: Fire Hazards: State Responsibility Areas**

Existing law establishes the Board of Forestry and Fire Protection (Board) to determine which areas of the state should be designated as State Responsibility Areas (SRAs) for the purpose of providing wildland fire protection. This bill would require counties to notify the Board of any proposal to build residential structures in SRAs for the purpose of reevaluating the fire protection responsibility designation.

**FISCAL SUMMARY**

The Board reevaluates the fire protection responsibility designation of California's lands approximately every five years. Historically, about 10,000 new residential dwellings are constructed in SRAs each year. The Department of Forestry and Fire Protection (CAL FIRE) estimates costs of \$4.7 million and 33 positions to meet the requirement to evaluate each proposed project to construct residential dwelling units in SRA. We note that existing statute does not explicitly require local governments to provide structural fire protection in SRAs, and if the Board were to determine that structural fire protection is the responsibility of the local government without designating the area as a Local Responsibility Area (LRA) for wildland fire protection, the bill could result in a reimbursable state mandate. Furthermore, all local fire protection districts providing structural fire protection in SRA could then be eligible for state reimbursement. The requirement for a county to notify the Board of any proposed residential development would result in a state mandate that would not be reimbursable because the county would be able to pass the notification costs to the project proponent.

**COMMENTS**

Finance opposes this bill because it is unnecessary, would have significant General Fund costs, and could potentially result in a reimbursable state mandate that would cost tens of millions annually.

This bill would require counties to notify the Board of any proposal to build residential structures in SRAs to enable the Board to reevaluate the fire protection responsibility designation. Beginning July 1, 2009, a county would be prohibited from approving a project in an SRA until the Board either determines that it should remain in an SRA or should be a local responsibility for structural fire protection. If structural fire protection should be a local responsibility, the county would be required to ensure that structural fire protection services are provided in one of three ways before approving the project: (1) creating a fire protection district, (2) having the land annexed into a city or special district that provides structural fire protection, or (3) entering into a contract with CAL FIRE to provide structural fire protection.

Every five years the Board takes an inventory of SRA and LRA and reevaluates how the state's lands should be designated for the purpose of wildland fire protection. The Board is not restricted to the five-year cycle and is authorized to change designations as necessary. All incorporated areas are automatically LRA. The Board designates non-incorporated lands as LRA or SRA based on population density and land-use factors. The Board uses three structures per acre as a general guideline in determining LRA/SRA

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Analyst/Principal (0634) M. Almy	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

C. Kehoe

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SB 1500

**COMMENTS** (continued)

designation, but also considers the total size of a community, proximity to other developed areas, and the ability of a community to provide fire protection service. More than three structures per acre would be LRA.

The Board does not designate lands for the purpose of structural fire protection. CAL FIRE is statutorily obligated to provide wildland fire protection services in SRA and provides structural fire protection as resources permit, but is not required to provide structural fire protection services. CAL FIRE has no fire protection obligations in LRA or in Federal Responsibility Areas (federally owned lands). We note that local, state, and federal agencies provide assistance to each other in responding to major fires, and that assistance is governed by mutual aid agreements.

It is unclear why the bill is necessary because the Board already has the authority to designate lands as LRA if a project would make that designation more appropriate. Designating lands as LRA would remove the state's responsibility to provide fire protection services in that area. Additionally, determining whether structural fire protection should be a local responsibility would be a separate process from the LRA/SRA designation process because LRA/SRA designation is based on who should provide wildland fire protection. Consequently, under the provisions of the bill, the Board could determine that structural fire protection should be a local responsibility without designating the land as LRA for the purpose of wildland fire protection, and that decision could result in a reimbursable state mandate for local governments to provide structural fire protection services throughout SRA.

The bill would also specify that lands with at least one residential dwelling per 20 acres should not be designated SRAs for structure protection services. However, the state is not currently responsible for structural fire protection. It is unclear why the state should officially assume any structural fire protection service duties beyond the current practice to assist in the response to structure fires as resources permit. It is additionally unclear why one structure per 20 acres should be the benchmark for SRA/LRA designations. Notwithstanding the potential need to reevaluate the three structures per acre guideline, it is unlikely that any community with only one structure per 20 acres could fund meaningful wildland fire protection services.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code	
	LA	(Dollars in Thousands)								
	CO	PROP	2007-2008		2008-2009		2009-2010			
	RV	98	FC	FC	FC	FC				
3540/Forest&Fire	SO	No	----- See Fiscal Summary -----							0001