

**NORTH TAHOE FIRE PROTECTION DISTRICT
Chief**

Michael S. Schwartz, Fire

**P.O. Box 5879
222 Fairway Drive
Tahoe City, CA 96145
530.583.6913
Fax 530.583.6909**



November 15, 2012

Board of Forestry and Fire Protection
Attention: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Dear Mr. Huff,

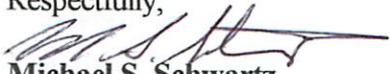
The North Tahoe Fire Protection District opposes the newly implemented *California Fire Prevention Fee*, which imposes additional financial burden on its constituents without providing additional fire services.

The "NEW" *California Fire Prevention Fee* also referred to as the State Area of Responsibility (SRA) fee, requires certain rural property owners to pay a fee for State fire prevention services. Property owners within these areas will receive a bill from the California State Board of Equalization for \$150.00 annually. Property owners within the boundaries of the North Tahoe Fire Protection District receive a \$35.00 discount for living within the jurisdictional boundaries of a local agency that provides fire protection services. While it's unclear if property owners will receive any benefit from this State fee, we believe that it is redundant to services already provided by this Fire District and unfairly targets our constituents.

The North Tahoe Fire Protection District has provided Defensible Space inspection services since 2005, and following a 2008 property owner approved special benefit assessment, the District engaged in an aggressive forest fuels management program. Our fire prevention fuel management program has treated hundreds of properties in concert with the Lake Tahoe Basin Multi-Jurisdictional Fuels Reduction and Wildfire Prevention Strategy.

While CalFire has provided defensible space inspections in the recent past; fire prevention activities have traditionally been the responsibility of local government. We believe that fire prevention services are best managed by local agencies and should not become a State run program.

Respectfully,


Michael S. Schwartz

Fire Chief

Schwartz@ntfire.net

(530) 583-6911 ext. 618

www.ntfire.net 



Shasta County

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1680
(530) 225-5557
(800) 479-8009
(530) 225-5189-FAX

DAVID A. KEHOE, DISTRICT 1
LEONARD MOTY, DISTRICT 2
GLENN HAWES, DISTRICT 3
LINDA HARTMAN, DISTRICT 4
LES BAUGH, DISTRICT 5

November 6, 2012

Board of Forestry and Fire Protection
Attn: Eric Huff
P.O. Box 944246
Sacramento, CA 94244-2460

Re: State Responsibility Area Fire Prevention Benefit Fee permanent regulations

The Shasta County Board of Supervisors would like to begin this letter by reiterating their continued strong opposition to ongoing efforts to implement AB 29X (Blumfield), which would impose fees on owners of habitable structures located on property within State Responsibility Area (SRA). This legislation unfairly targets rural residents and represents unwise and unworkable public policy.

Shasta County has always contended that AB 29X and its implementation - and indeed the imposition of any SRA fee - would raise a number of financial, equity, administrative, and logistical issues that will create long-term fiscal concerns that may prove detrimental to California. Moreover, an SRA fee will have chilling consequences to the efficacy of the mutual aid system in California, a system that requires a level of trust and camaraderie between state and local firefighters. The State Board of Forestry and Fire Protection (the Board) clearly attempted to bring a measure of fairness to the original set of regulations by attempting to justify the cost of the fee and, additionally, by offering a series of discounts and exemptions for those subject to the fee who were taking the appropriate steps to make their communities more fire safe. The proposed permanent regulations seem to set aside all that careful work and consideration by the Board.

Shasta County urges the Board to consider the potential pitfalls with the current set of proposed permanent regulations. The proposal charges a flat \$150 (the maximum permitted by the original legislation) to every owner of a habitable structure in the SRA. The original emergency regulations passed by the Board took seriously the "up to \$150" mandate of AB 29X, accounting for each dollar charged to the homeowner. Moreover, the proposed permanent regulations allow for a mere \$35 discount in the case of the structure being located within a local fire protection agency - even if that agency provides the full array of fire prevention and protection services and those residents are already paying for that service through a benefit assessment or other means. These changes appear to focus more on the desire to find a funding mechanism for CAL FIRE activities, rather than a meaningful policy change to improve California's fire safety.

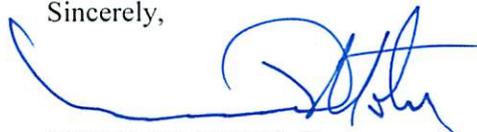
It is also important to note that the proposed permanent regulations allow for the fee rate to be increased every year starting July 1, 2013 and the addition of a grant program to be funded with SRA fees.

There are myriad reasons why any SRA fee will be challenging to implement as a solution for funding even a portion of CAL FIRE activities:

- **SRA Fees Are Grossly Inequitable Upon Rural Residents.** Shasta County contends that CAL FIRE's costs to respond to emergencies that occur in highly urbanized areas are significantly higher than traditional wildfires in the SRA. For example, it takes more of CAL FIRE's resources to prevent or contain a fire on the outskirts of the City of San Diego than it does in any portion of Trinity County. In these proposed regulations implementing AB 29X, the concept is to set aside the fees into a special fund to perform fire prevention activities in those areas where the fees are being assessed. If CAL FIRE's costliest events are not actually taking place in those areas, it is questionable whether this scheme is fair, practical, or even safe for California.
- **Landowners Pay Twice in the SRA.** Many landowners in the SRA have already agreed to assess themselves for fire protection and prevention services. Imposing an SRA fee has the effect of double taxation without any additional benefit. Moreover, it makes the likelihood of passage of any additional local assessments for or donations to fire protection services in the SRA vanishingly small.
- **SRA Fees Disrupt Mutual Aid.** Whether a fire originates on wildlands or from a structure, a strong initial response through mutual aid agreements protects California's resources against catastrophic damage. Through these agreements, local, state, and federal agencies are cooperative partners in all emergencies. As local fire entities are pushed to the brink of insolvency by the inability to pass new local assessments, their willingness to turn out to disasters outside their own areas diminishes sharply. Moreover, Californians paying the fee will not look favorably upon CAL FIRE servicing incidents outside the SRA, and it will certainly place additional pressures upon their local fire fighters to stay in their home districts.
- **SRA Fees May Create New State Liability.** CAL FIRE is a statewide emergency response agency that often fights fires and responds to emergencies in portions of the state that are not part of the SRA. By enacting a fire prevention fee on only a small percentage of California residents, the state could be considered to be legally assuming a higher level of fire prevention for those individuals who are paying the fee, opening the state to liability in the case of devastating wildfire in those areas.
- **Same Old Fee - Same Old Problem.** In 2003, SB 1049 was enacted to impose an annual SRA fire protection benefit fee on each parcel of land in the SRA. Proceeds were designated for fire prevention and suppression efforts by CAL FIRE. There were a number of administrative and legal issues with the fee which lead to the Legislature's repeal prior to any funds being collected.

Should you have any questions regarding our position, please feel free to contact Mr. Larry Lees, Shasta County Executive Officer, at 530-225-5561. Thank you for your consideration in this matter.

Sincerely,



LEONARD MOTY, Chairman
Board of Supervisors
County of Shasta

Tom Sheehy and Eve Diamond
13032 Hoot Owl Road
Nevada City, CA 95959

October 17, 2012

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

COMMENTS RE: Proposal to adopt the State Responsibility Area Fire Prevention Fee, 2012 on a permanent basis

Dear Mr. Huff:

We **STRONGLY OBJECT** to the plan to make the State Responsibility Area Fire Prevention fee permanent under the proposed rulemaking. Following are our comments:

- We believe this fee is really an illegal tax. There is no clearly defined **DIRECT** benefit for the \$115. The fee will go to a general fund, and only come back in the form of local grants or assistance to the Fire Safe Council. It will not provide a specific service to our property, Who can we call at the State to come clear brush for us for \$115?
- The fee is intended to ensure that people who have structures in the wildland/urban interface pay for the additional fire risk they pose. Yet, we property owners already pay A LOT for fire prevention. For example:
 - We have two 2500 gallon water storage tanks.
 - We have fire sprinklers throughout the house.
 - We paid to have our property masticated and abide by the "100" foot brush clearance rule (which, if adequately enforced should eliminate the need for this new fee). We spend hours cleaning gutters, trimming trees and hauling brush to the dump to keep our property fire safe.
 - We donate to the local Fire Safe council when we need our brush chipped or removed.
 - We pay more for fire insurance.

Can we get a deduction from our SRA fee for these expenses?

13333 Wood Oak Road
Newbury City, CA 94949

October 17, 2012

Board of Planning and the Protection
of the Environment
P.O. Box 940048
San Francisco, CA 94194-0048

Dear Mr. Hill:

We are pleased to have you on the Board of Planning and the Protection of the Environment. We are pleased to have you on the Board of Planning and the Protection of the Environment.

We believe this fee is really an illegal tax. There is no clearly defined DPEOT benefit for the \$115. The fee will go to a general fund and only come back in the form of local grants or assistance to the City of San Francisco. It will not provide a specific service to our property. When can we call at the State to come clear this fee for us for \$115?

The fee is intended to ensure that people who have structures in the neighborhood pay for the additional risk they pose. For example, property owners already pay A LOT for the protection. For example, they have over \$200 million worth of storage tanks.

We have the authority to remove the fee. We paid to have our property maintained and abide by the "100' rule" (which if abnormally enforced should eliminate the need for this new fee). We spend hours cleaning gutters, trimming trees and paying extra to keep our property safe. We think the local fire and police departments we need in such a high density area are more than enough. We pay more for the insurance.

Can we get a deduction from our SRA fee for these expenses?

- The \$35 discount for those already living in a fire district seems arbitrarily arrived at, and does not reflect our actual fire tax. We pay \$67 to our fire district for FIRE PROTECTION AND SUPPRESSION. The amount of the fee and discount does not clearly correspond to anything we are already getting or paying for.
- According to its website, the Board of Equalization: “collects California state sales and use tax, as well as fuel, alcohol, and tobacco taxes and **fees that provide revenue for state government and essential funding for counties, cities, and special districts.**” If the SRA fee is defined as providing a service or benefit that I’m not already receiving through another means, then there should have been a special district formed to collect the fee and provide the service. **The SRA is not a special district, yet the fee is being imposed as if it were.**
- The envelope for the fee payment is addressed to “Special Taxes Remittance Processing” at the Board of Equalization. How is this not a tax again?

For these reasons we ask:

The fee bill should spell out what specific service is being provided to our property for this “fee”.

The amount of the exemption should reflect the property owner’s annual tax payment to our fire district (\$67.22 in our case).

The Board of Forestry and Fire Protection should work with the Governor and our Legislature to **repeal this illegal tax** and find another way to reduce the State’s budget deficit.

Sincerely,



Eve Diamond



Tom Sheehy

cc: Howard Jarvis Taxpayers Association

The \$35 discount for those already living in a fire district seems arbitrarily arrived at, and does not reflect our actual fire tax. We pay \$67 to our fire district for FIRE PROTECTION AND SUPPRESSION. The amount of the fee and discount does not clearly correspond to anything we are already getting or paying for.

According to its website, the Board of Equalization "collects California state sales and use tax, as well as fuel, alcohol, and tobacco taxes and fees that provide revenue for state government and essential funding for counties, cities and special districts." If the SRA fee is retained or levied on a property or benefit that I'm not already receiving through another means, then there should have been a special district formed to collect the fee and provide the service. The SRA is not a special district yet the fee is being imposed as if it were.

The envelope for the fee payment is addressed to "Special Taxes Remittance Processing" at the Board of Equalization. How is this not a tax again?

For these reasons we ask:

- The fee bill should spell out what specific service is being provided to our property for this "fee".
- The amount of the exemption should reflect the property owner's annual tax payment to our fire district (\$67.22 in our case).
- The Board of Forestry and Fire Protection should work with the Governor and our Legislature to repeal this illegal tax and find another way to reduce the State's budget deficit.

Sincerely,


Eve Diamond

Tom Cheshire

Howard Jarvis Taxpayers Association