

**Board of Forestry and Fire Protection**

**FINAL STATEMENT OF REASONS (FSOR), pursuant to GOV §11346.9(a)**

**“Fire Risk Reduction Community List Amendments, 2025”**

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

**Amend**

**§ 1268.00 Definitions**

**§ 1268.01 Criteria for Local Agencies that are Cities, City and County, or Counties**

**§ 1268.03 Submission of Applications for List Eligibility**

**§ 1268.04 List Updates**

**UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV**

**§11346.9(a)(1))**

No information contained in the Initial Statement of Reasons (ISOR) requires an update. All material relied upon was identified in the ISOR and made available for public review prior to the close of the public comment period.

**SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))** There are no revisions to the 45-Day rule text as noticed.

**MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a mandate on local agencies or school districts.

**COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH THE APPLICABLE GOVERNMENT CODE SECTIONS COMMENCING WITH GOV §17500 (pursuant to GOV §11346.9(a)(2)):**

The adopted regulation does not impose a reimbursable cost to any local agency or school district.

**ALTERNATIVE 3, BOARD’S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4)): Adopt Rulemaking Proposal as Modified Through Formal Public Review and Comment Process**

The Board selected Alternative #3 as proposed.

The proposed action is the most cost-efficient, equally or more effective, and least burdensome alternative. Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome or impact fewer small businesses than the proposed action. Specifically, alternatives 1 and 2 would not be less burdensome and

equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation than the proposed action. Additionally, alternatives 1 and 2 would not be more effective in carrying out the purpose for which the action is proposed and would not be as effective and less burdensome to affected private persons than the proposed action or would not be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action. Further, none of the alternatives would have any adverse impact on small business. Small business means independently owned and operated, not dominant in their field of operations and having annual gross receipts less than \$1,000,000.

#### **ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5))**

No other alternatives have been proposed or otherwise brought to the Board's attention, except as set forth in the ISOR and provided herein in the summary and responses to comments. Based upon the findings below and a review of alternatives the Board has determined the following:

- No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
- No alternative would be as effective and less burdensome to affected private persons than the adopted regulation.
- No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.
- No alternative considered would lessen any adverse economic impact on small businesses.

#### **FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION**

- The Board finds that the adopted alternative improves the clarity and consistency of terms used throughout the rules.
- The Board finds the adopted alternative strikes a balance between performance based and prescriptive standards.
- The Board finds that a minimum level of prescriptive standards were needed to implement the statute.
- The Board finds that the adopted alternative will support the future growth of the program within the capacity of current resources.
- The Board finds that the adopted alternative is consistent with the requirements

and intent of the statute and will not impose an additional burden on jurisdictions who wish to gain or maintain their FRRCL designation.

- The Board finds the relevant agencies had the opportunity to review and provide input into the development of these amendments.

## **BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))**

### **Alternative 1: No Action Alternative**

The Board considered taking no action, but this alternative was rejected because it would not address the problem.

### **Alternative 2: Make regulation less prescriptive**

The Board considered amending the current regulations to include additional performance-based standards. This action would replace the prescriptive standards for the proposed amendments with performance-based regulations. This alternative may reduce clarity and consistency with other portions of the rules which rely upon the existence of the current operational limitations to ensure that Board resources are preserved. It was necessary, however, to use a prescriptive standard in specifying a timeframe in which a Local Agency must submit their application to the Board, and the Board's application review period. The consistency provided by a prescriptive standard promotes government transparency and resource efficiency.

An alternative performance-based standard would thus have diminished the regulation's ability to meet statutory intent. These standards are only as prescriptive as necessary to achieve a transparent and effective process that achieves the purpose of the proposed action.

## **SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

The comments below are identified in the following format: The letter S or W followed by a series of numbers separated by a hyphen, followed by the name and affiliation (if any) of the commenter (e.g., W1-8: John Doe, Healthy Forest Association).

S: Indicates the comment was received from a speaker during the Board hearing associated with the Notices of Proposed Action.

W: Indicates the comment was received in a written format.

1st number: Identifies the comments in the order in which it was received.

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED December 6, 2024**

**Comment W1, W2, W3 (W1-3: Chris Bachman; W2-3: Roy Wendel, Fire Marshal, San Ramon Valley Fire Protection District; W3-3: David Stevens, Vacaville Resident, LNU Wildfire Survivor)**

**Comments Summary:** These comments pertain to the inclusion of the FRRCL as a community-level mitigation designation under the California Department of Insurance's (CDI) Safer from Wildfire Regulations, 10 CCR § 2644.9, which utilize the FRRCL designation as a mandatory factor insurers shall take into account in rating plans. Two commentors reference CDI's timeline for adopting the Safer from Wildfire Regulations and the Board's January 2024 FRRCL Public Informational Webinar which did not include information on the Safer from Wildfire Regulations and potential insurance discounts for property owners. The two comments further reference an email correspondence between Board staff and Chris Bachman in which the Board apologized for not including insurance information in the 2024 webinar information and mention the Board will include this information moving forward. These comments express that had the information on insurance been included in the Board's public workshop (webinars) more local governments would have been prompted to apply for the FRRCL designation.

The commentors challenge the Board's findings on the proposed amendments having no financial impact on residents and businesses, and express concerns that the proposed amendments will have a major financial impact affecting affordability and accessibility of housing in the state. One commentor voices additional concerns about lack of public knowledge and transparency of the program and timeline. The commentor also includes information on their experience with receiving a FRRCL insurance discount as a property owner.

The commentors ask the Board to open the FRRCL application period sooner and more frequently than the current biennial application period.

**Response:** The Board appreciates the feedback received on the program's public information content, program transparency, and implementation.

The proposed action amends various aspects of the Fire Risk Reduction Community List program; in particular the length of time the staff are allowed to review applications in response to the increased number of applications the Board anticipates. The changes to the proposed regulation do not increase or decrease the frequency of the FRRCL application period, or its biennial date of release. In 2022 the list frequency was set as in current regulation and was determined as the most reasonable implementation of the statute established by PRC 4124.7(a), which required the Board to prioritize grant funding applications from local agencies using the FRRCL. The current biennial frequency was adopted into regulation after discussion with the

Resource Protection Committee with consideration to Board resources, CAL FIRE Grant Program application cycle timelines, and the burden to local jurisdictions to meet the FRRCL application requirements. The program was open for public comment throughout the development process. The corresponding current two year life of the list was implemented to give local agencies sufficient time to complete their FRRCL application and utilize that designation to receive grant priority.

The Board agrees that in order to effectively administer the program steps should be taken to increase transparency of the program, including clarifying the application review timeline. Changes were made to the rule text as noticed for 15-days in response to the commenter's input on the need to increase transparency to define a clear application period with a defined start and end date.

Board staff initially proposed removing the language "by April 1 of even-numbered years" and adding the language "by October 1 of each odd-numbered year". Board staff initially intended to modify the application period deadline while still leaving the application period opening date undefined to allow staff the increased flexibility in adjusting the application period to meet the demands of the program, which is consistent with the existing regulation. The possibility that not defining the application period open date in the regulation may lead to confusion and lack of clarity for stakeholders was not initially considered in this rulemaking. Upon further review Board staff found that leaving the application undefined may lead to a lack of clarity and consistency in implementation of the program.

Additionally, the Board concurs that increased public awareness of the program including information on the FRRCL's impact on insurance will benefit stakeholders and enhance program implementation. The Board has incorporated these comments into the programs implementation by increasing increased public outreach and education on the FRRCL program including information on the Safer from Wildfire regulations through more frequent webinars, promotional materials, and communication with partner agencies.

The Board strives to continue to make improvements to program implementation and values this feedback.

#### **Rule Text Change: Yes**

The 15-day rule text amends § 1268.03(a) to include "during the enrollment period between July 1 and". This change is complementary to the addition proposed in the 45-day rule text which added to the existing regulation "by October 1 of each odd-numbered year". As part of the changes proposed to the rule text "by" has been removed as with the addition of new language it is no longer grammatically correct in the proposed sentence's structure. Defining the start and end date of the enrollment period was necessary for the clarity and consistency of the rules.

**VERBAL COMMENTS AND RESPONSES RESULTING FROM PUBLIC HEARING  
CONDUCTED January 22, 2025**

The Board held a public hearing on January 22, 2025, at its regularly scheduled meeting commencing at 9:00 a.m., in a conference room on the second floor, RM 2-302, of the Natural Resources Building, 715 P Street, Sacramento, CA. No public comments were received during the public hearing.

**WRITTEN COMMENTS AND RESPONSES RESULTING FROM 15-DAY NOTICE  
OF RULEMAKING PUBLISHED JUNE 20, 2025**

**No comments were received during the 15-day public comment period.**

No written or verbal comments were received during the 15-day notice period between Friday, June 20, 2025 - Monday, July 7, 2025. One additional verbal comment was received outside of the public comment period at the June 18, 2025, Full Board Meeting, for transparency this comment was included.

**Comment W1 (W1:** Deputy Chief Aubert, Contra Costa County Fire Protection District)

**Comments Summary:** This comment pertains to the inclusion of the FRRCL as a community-level mitigation designation under the California Department of Insurance's (CDI) Safer from Wildfire Regulations, 10 CCR § 2644.9, which utilize the FRRCL designation as a mandatory factor insurers shall take into account in rating plans.

The commentor shared concerns regarding the impacts of rising insurance costs on his community's constituents and shared details of the considerable wildfire prevention efforts they have undertaken. The commentor further shared concerns over the current biennial frequency of list release and length of application review period. The commentor requested that the board consider increasing the frequency of the list release so that constituents can receive insurance benefits immediately.

**Response:** The Board appreciates the stakeholder feedback. While the proposed amendments of the 15-day noticed rule text would alter the application review period there is no change proposed to the frequency of the list release and therefore the comment is outside of the scope of the 15-day notice period.

**Rule Text Change:** No