

December 2, 2011



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500
Facsimile
916.441.5507

OAL Reference Attorney
300 Capitol Mall, Suite 1250
Sacramento, California 95814

RE: Emergency Rules to Implement State Responsibility Area (SRA) Fees

To Whom It May Concern:

On behalf of the California State Association of Counties (CSAC), I respectfully request your rejection of the Board of Forestry and Fire Protection's (the Board) SRA Fee Emergency Regulation currently under OAL review. The emergency regulation would authorize CAL FIRE to impose an annual \$150 fire prevention fee on habitable structures located in State Responsibility Areas (SRA). While CSAC is fundamentally opposed to such fees for the reasons outline below, we also have grave concerns with the adoption process utilized by the Board.

The version of the regulations approved by the Board on November 9 differs from the initial emergency regulation that was adopted by the Board in August 22 but never transmitted to Office of Administrative Law for final clearance. The fee adopted in August was capped at \$90, with a series of discounts that would allow homeowners to reduce the fee up to \$65. The newly adopted regulations would impose a \$150 benefit fee per habitable structure, includes a \$35 discount for habitable structure protected by an existing fire protection entity, and broadens the definition of %habitable structures+to include non-residential structures.

Unfortunately, the only notice of their impending action on the revised emergency regulations was a posting on the Board's website within a couple of days of the November 9 Board meeting. This condensed process failed to provide the public and various stakeholder groups with adequate opportunity to review or provide comments prior to the November 9 Board meeting when the regulations were approved. Given the widespread interest in SRA fees it is imperative that an amply noticed and open public process is utilized.

In addition, because the proposed fees will not result in greater fire protection we question the Board's claim that the emergency regulations are necessary for the immediate preservation of the public peace, health and safety or general welfare. This expedited process to put in place a flawed funding scheme for CAL FIRE will only make matters worse. It will very likely eliminate community support for funding locally provided fire protection and prevention services, and disrupt the State's comprehensive mutual aid system.

It is for these reasons that we urge you to reject the proposed SRA Fee rules. Thank you for the opportunity to submit our concerns.

Sincerely,

A handwritten signature in blue ink that reads "Karen A. Keene".

Karen A. Keene
CSAC Senior Legislative Representative

cc: George Gentry, Executive Officer, State Board of Forestry and Fire Protection