

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
DF-46 (REV 10/20)

Fiscal Year 2021-22	Business Unit 3540	Department Forestry and Fire Protection	Priority No. Click or tap here to enter text.
Budget Request Name 3540-033-BCP-2021-GB		Program Various	Subprogram Various

Budget Request Description
Fire Prevention Ember-Resistant Zones (AB 3074)

Budget Request Summary

The Department of Forestry and Fire Protection (CAL FIRE) requests \$3.2 million General Fund one-time in 2021-22 to educate the public, and for the Board of Forestry and Fire Protection to develop the necessary regulations on the provisions for a zero to five-foot ember-resistant zone set forth in Chapter 259, Statutes of 2020 (AB 3074).

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed Click or tap here to enter text.	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO Click or tap here to enter text.	Date Click or tap to enter a date.

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Click or tap here to enter text. **Project Approval Document:** Click or tap here to enter text.

Approval Date: Click or tap to enter a date.

If proposal affects another department, does other department concur with proposal? ☐ Yes ☐ No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By	Date	Reviewed By	Date
Department Director	Date	Agency Secretary	Date

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ Dept. of Technology

PPBA Stephen Benson	Date submitted to the Legislature 1/8/2021
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A. Budget Request Summary

The Department of Forestry and Fire Protection (CAL FIRE) requests \$3.2 million General Fund one-time in 2021-22 to educate the public, and for the Board of Forestry and Fire Protection (Board) to develop the necessary regulations on the provisions for a zero to five-foot ember-resistant zone set forth in Chapter 259, Statutes of 2020 (AB 3074).

B. Background/History

Wildfire has long been a part of California history. California arrived at its present emergency condition through the combined factors of fire exclusion, forest management policies that created overgrown and overcrowded forests, a rapidly changing climate, and a historic drought with the accompanying bark beetle epidemics. At the time, in 2018, California experienced the most destructive wildfire season in State history, enduring over 7,600 wildfires that burned 1.8 million acres in total. The 2018 Camp Fire was both the deadliest fire in State history, claiming the lives of 85 people, as well as the most destructive, destroying 18,804 structures and virtually destroying the Town of Paradise. The 2020 fire year was historic with over 9,600 fires and the most acres burned in modern history at almost 4.2 million acres. Five of the top six largest wildfires in State history occurred in 2020, including the August Complex, SCU Lightning Complex, LNU Lightning Complex, Creek Fire, and North Complex. In addition, there were over 9,400 structures destroyed and 33 confirmed fatalities. The reality of climate change—persistent drought, warmer temperatures, and more severe winds—has created conditions that will lead to more frequent and destructive wildfires.

CAL FIRE is responsible for the protection of life, property, and natural resources from wildfire in the 31 million acres of the State Responsibility Area (SRA). California Public Resources Code (PRC) section 714 states CAL FIRE is responsible for providing fire prevention and maintaining an integrated staff to accomplish fire prevention activities as needed. Per PRC section 4119, CAL FIRE shall enforce the state forest and fire laws. The CAL FIRE Fire Prevention Program is designed around educating, planning, engineering and enforcement; however, in simpler terms, fires are prevented by modifying the environment by reducing receptive fuels, accepting there will be ignitions or managing the ignition sources themselves through modification of behaviors. Prevention efforts must occur and be balanced in their approach by addressing both the environment and human behavior. Regardless of the fire prevention methods employed, there must be an understanding of how wildfires occur to best implement mitigation measures to reduce them at a local, county, region, and statewide level.

CAL FIRE's Wildfire Prevention Engineering Program is designed to work with local, state, and federal entities, private nonprofits, and citizens to build safer communities and harden existing communities against the devastating effects of wildfire. These tasks involve mitigating fire hazards and risks by modifying the environment through removing or reducing receptive fuels, defensible space compliance, and implementing home hardening best management practices.

The CAL FIRE Defensible Space Inspection Program has been in place for over 60 years to enforce PRC section 4291 and the California Code of Regulations (CCR) Title 14 Section 1299, which requires the creation and maintenance of defensible space around all buildings and structures in the SRA. In addition to providing a safe space for firefighters to defend a home, defensible space is essential to improve a home's chance of surviving a wildfire. During the Camp Fire, a home was five times more likely to be destroyed by the fire if it was noncompliant with PRC section 4291.

CAL FIRE invests significant resources in inspecting for and enforcing defensible space around buildings and structures, as well as educating homeowners across the state about defensible space requirements and home hardening techniques. CAL FIRE is statutorily required to

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enforce defensible space laws within the SRA and will be responsible for helping residents in the SRA work to achieve compliance with the objectives outlined in AB 3074.

In 2008, the California Building Code Chapter 7A (Chapter 7A) was implemented to require minimum building standards for residential structures built in the SRA and Very High Fire Hazard Severity Zones (VHFHSZs) in the Local Responsibility Area (LRA). Starting July 1, 2008, new structures in those areas are required to be built to the Chapter 7A standard. However, existing structures are not mandated to be retrofitted to the Chapter 7A standard. Property owners and tenants are highly encouraged to adopt best management practices to harden a home from wildfire.

Research and experience have shown that providing proper defensible space around a home, combined with hardening of the exterior of the home, increases the probability the home will survive a wildfire. Together, these approaches are two of the most important factors in reducing the risk to a home from wildfire.

The CAL FIRE Damage Inspection Program has documented over 50,000 structures damaged or destroyed from wildfire between 2014 and 2020. Of those, over 32,000 are residential structures, or 69 percent of all structures, that catch fire. Based on historical data, of the residential structures that catch fire, 93 percent will be destroyed. CAL FIRE needs to prevent the ignition of unwanted human-caused fires, and work to lessen the severity to lives, property, communities, and the State. The National Institute of Building Sciences (NIBS) released the results of a study in 2018 in which it determined that hazard mitigation funding saves six dollars in future disaster costs for every dollar invested.

CAL FIRE's Fire Prevention Education programs are statewide in nature and include social media campaigns, school programs, fair exhibits, posters, flyers and thousands of other printed materials, radio and television spots, internet communications, community meetings, and one-on-one contacts with those who live, work, and recreate in wildland areas. This is an essential part of messaging the new AB 3074 zero to five-foot ember-resistant zone. The CAL FIRE Communications Office is tasked with working with the media and stakeholders to increase the public's awareness of their role and responsibilities in reducing risk from wildfire, and what they can do to better prepare their homes and property.

Among other things, the Board is mandated to develop regulations necessary for the department to carry out its fire protection function. The Board is statutorily required to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to SRA under the authority of the department and to lands classified and designated as VHFHSZ, as defined in Government Code section 51177(j). Existing regulations apply to the perimeters and access to buildings constructed in SRA and LRA VHFHSZ (PRC section 4290), as well as zero to thirty-foot and thirty to 100-foot fuel reduction zones around structures (PRC section 4291). AB 3074 tasks the Board with developing and periodically updating regulations and a guidance document for the implementation of the new zero to five-foot fuel reduction zone around structures.

AB 3074 requires a person who owns, leases, controls, operates, or maintains a building or structure in the SRA or in VHFHSZ LRA to maintain an ember-resistant zone within five feet of the structure and to perform more intense fuel reductions between five and thirty feet around the structure and any attached deck.

The new zero to five-foot ember-resistant zone will require a significant paradigm shift for homeowners and tenants regarding defensible space standards. Currently, a significant number of properties are compliant during the first inspection by a CAL FIRE Defensible Space Inspector (DSI). CAL FIRE estimates that very few properties will initially be compliant with the new zero to five-foot ember-resistant zone. CAL FIRE DSIs will likely be required to spend

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additional time at each property explaining the requirements of the zero to five-foot zone, which will likely lead to an increase in workload and the inability to inspect as many properties within the same time frame. With the estimated amount of first inspection compliance dropping given the new requirements, staff would have to spend additional time conducting re-inspections (second and third inspections).

Research and experience have shown that providing for proper defensible space around a home, combined with hardening of the exterior envelop of the home, increases the probability the home will survive a passing wildfire. The CAL FIRE DSIs provide an important contact with homeowners and tenants to improve defensible space compliance, home hardening, and foster good public relations.

C. State Level Consideration

This proposal is consistent with goals and objectives of CAL FIRE's 2019 Strategic Plan:

Goal 1: Improve our core capabilities.

- Objective 1: Analyze and integrate core operations functions at all levels of the Department.
- Objective 3: Expand forestry and fire prevention through effective natural resource management programs, education, inspections and land use planning.

Goal 2: Enhance Internal Operations.

- Objective 5: Manage fiscal challenges to ensure adequate funding for critical programs.

Goal 3: Ensure Health and Safety.

- Objective 1: Promote employee behavioral health and physical fitness,

Additionally, this proposal is consistent with the goals and objectives of 2018 Strategic Fire Plan for California:

Goal 1: Identify and evaluate wildland fire hazards and recognize life, property and natural resource assets at risk, including watershed, habitat, social and other values of functioning ecosystems. Facilitate the collaborative development and sharing of all analyses and data collection across all ownerships for consistency in type and kind.

- Objective a: Continue to identify, develop and provide automated tools to facilitate the timely collection, analysis and consistent presentation of datasets.
- Objective h: Engage and participate with local stakeholder groups (e.g., fire safe councils and others) to validate and prioritize the assets at risk.

Goal 4: Increase fire prevention awareness, knowledge and actions implemented by individuals and communities to reduce human loss, property damage, and impacts to natural resources from wildland fires.

- Objective a: Educate landowners, residents, and business owners about the risks and their incumbent responsibilities of living in the wildlands, including applicable regulations, impacts to natural resources, and prevention measures and pre-planning activities.
- Objective b: Educate landowners, residents, fire safe councils, and business owners to understand that fire prevention is more than defensible space, including why structures ignite, the role embers play in such ignitions, and the importance of fire safe building materials, designs, and retrofits.

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- Objective c: Facilitate activities with individuals and organizations, as appropriate, to assist individual property owners in complying with fire safe regulations, including utilizing social media and emerging technologies.
- Objective d: Continue to improve regulatory effectiveness, compliance monitoring and reporting pursuant to Public Resources Code (PRC) §4290 and §4291.
- Objective e: Continue to increase the number and effectiveness of defensible space inspections and promote an increasing level of compliance with defensible space laws and regulations through the use of CAL FIRE staffing as available, public and private organizations, and alternative inspection methods.
- Objective f: Promote the coordination of Fire Safe Regulations contained in CCR Title 14, with CCR Titles 19 and 24, to achieve uniform application of building standards.
- Objective g: Continue to evaluate new, ignition-resistant construction technologies and materials and promote the strengthening of California building standards.
- Objective i: Actively enforce and seek updates as necessary to fire prevention codes, regulations, and statutes that address fire ignition.
- Objective k: Identify fire prevention performance measures and metrics for documenting and evaluating progress, measuring future performance, and communicating results to the Board and the public.

Goal 6: Determine the level of resources necessary to effectively identify, plan and implement fire prevention using adaptive management strategies.

- Objective a: Seek additional staffing for implementing enhanced fire prevention activities, including related natural resource management programs.
- Objective b: Initiate and maintain agreements with local, state, federal, tribal, and private partners that value the importance of integrated and cooperative fire prevention activities to implement efficient and cost-effective programs and projects beneficial to all stakeholders.
- Objective c: Develop a process and criteria for determining prevention resource levels and allocation based on goals and on current projected needs.
- Objective d: Evaluate and develop the use of science, data and innovative technology to implement fire prevention activities in a more collaborative and efficient manner.
- Objective e: Review data, conduct analysis and implement adaptive management related to fire prevention activities.
- Objective f: Increase opportunities to enable all personnel's engagement in the practice, benefits, and understanding of fire prevention activities.

This proposal is also consistent with Governor's Executive Order N-05-19:

The Executive Order directs CAL FIRE, in consultation with other state agencies and departments, to recommend immediate, medium and long-term actions to help prevent destructive wildfires.

This proposal is consistent with the recommendations in CAL FIRE's Community Wildfire Prevention & Mitigation Report in response to Executive Order N-05-19:

- Recommendation 5: Assess funding and personnel capacity within CAL FIRE and other departments and determine areas for additional investment and administrative actions to maximize effectiveness of current workforce.

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- Recommendation 6: Align community education campaigns across all state and local entities.
- Recommendation 8: Identify options for retrofitting home to new wildland urban interface standards.
- Recommendation 9: Create incentives for fuels reduction on private lands.
- Recommendation 10: Continue developing methodology to assess communities as risk.
- Recommendation 18: Update codes governing defensible space and forest and rangeland protection.

This proposal is consistent with the 2018 State California Hazard Mitigation Plan (SHMP):

- Chapter 8.1: Wildfire hazards, vulnerability, and risk assessment.

D. Justification

Board of Forestry and Fire Protection

The Board requests \$1.2 million General Fund one-time in 2021-22 to promulgate regulations, as mandated by AB 3074, for the implementation of the zero to five-foot fuel reduction zone. The zero to five-foot zone requirement will not take effect until the Board has developed appropriate regulations and the accompanying guidance document. Contracted consulting services will be needed to fulfill these mandates with technical proficiency and continuity. A technical consulting team will assist Board staff and provide the scientific and technical expertise necessary to develop sound regulations. The consultants will also assist in determining need for and carrying out any environmental review under the California Environmental Quality Act (CEQA).

Communications Office

CAL FIRE requests \$2 million General Fund one-time in 2021-22 to update and promote the new regulations and requirements of AB 3074 as part of the Department's education and outreach efforts. Funding will allow CAL FIRE to expand its existing multimedia prevention/education consulting agreement to develop a strategic plan and campaign theme to increase the public's awareness of their role and responsibilities as it relates to the new requirements, and in reducing risk of wildfire and what they can do to better prepare their homes and property. This plan includes concepts for design, production, distribution, and marketing, as well as discussion of the benefits of each media format. In determining an effective fire prevention public information and outreach campaign, several factors were considered, such as the size and nature of the campaign, as well as the communication strategies selected. The total cost was determined through open, ongoing discussions with CAL FIRE's existing consultants, with the goal of identifying what it would take to expand existing education/outreach campaigns. This plan includes concepts for design, production, distribution, and marketing, as well as discussion of the benefits of each media format.

E. Outcomes and Accountability

This budget request will allow the Board to successfully respond to its statutory mandates under AB 3074. The Board will develop and maintain new regulations for the creation of zero to five-foot zones, which through CAL FIRE education and eventual inspection and enforcement will reduce the loss of life and structures from wildfire. A technical consulting team will assist the Board staff and provide the scientific and technical expertise necessary to develop sound regulations. By contracting with a consulting team, the Board's regulations meet the highest

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scientific and technical standards. The consultants will also assist in determining the need for and carrying out any environmental review under the CEQA.

Approval of this request will also enable CAL FIRE to expand its existing multimedia prevention/education consulting agreement. The CAL FIRE Communications Office will be able to successfully develop a strategic plan and implement a statewide public education campaign to increase awareness and educate homeowners on the requirements of the ember-resistant zone. The new ember-resistant zone will be created to maintain between zero and five feet around a building or structure in the SRA.

F. Analysis of All Feasible Alternatives

Alternative 1: Approve \$3.2 million General Fund one-time in 2021-22 to educate the public, and for the Board to develop the necessary regulations on the provisions set forth in AB 3074.

Costs:

- \$3.2 million total General Fund in 2021-22.

Advantages:

- Allows the Board to develop the AB 3074 required regulations and accompanying guidance document, and with expert scientific and technical input.
- Allows CAL FIRE to develop and implement an education and outreach campaign about the new requirements.
- Provides Increased support to and engagement of cities and counties for defensible space and home resiliency efforts.

Disadvantages:

- Requires additional General Fund.

Alternative 2: Do nothing.

Costs:

- None.

Advantages:

- Allows General Fund to be available for other high priority requests.

Disadvantages:

- The Board would not develop the AB 3074 required regulations and accompanying guidance document.
- CAL FIRE would not develop and implement an education and outreach campaign about the new requirements.
- There would be no increased support to and engagement of cities and counties for defensible space and home resiliency efforts.

G. Implementation Plan

Upon enactment of the Budget Act of 2021, the Board will develop a Request for Proposal for a consulting team. In Fall 2021, the Board expects to post a Request for Proposal for a consulting team. Proposals will be considered, and an offer made for a contract start date of no later than January 2022. This start date will allow the consultants to collaborate on the

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development of draft regulations and any necessary CEQA compliance, and to complete that work in time for the launch of a CAL FIRE enforcement program in 2022-23.

Upon enactment of the Budget Act of 2021, the CAL FIRE Communications Office will expand the existing multimedia prevention/education consulting agreement, enabling the development of a strategic plan and implementation of the statewide public education campaign.

H. Supplemental Information

None.

I. Recommendation

Alternative 1: Approve \$3.2 million General Fund one-time in 2021-22 to educate the public, and for the Board to develop the necessary regulations on the provisions set forth in AB 3074.

BCP Fiscal Detail Sheet

BCP Title: Fire Prevention Ember-Resistant Zones (AB 3074)

BR Name: 3540-033-BCP-2021-GB

Budget Request Summary

Operating Expenses and Equipment

Operating Expenses and Equipment	FY20 Current Year	FY21 Budget Year	FY22 BY+1	FY23 BY+2	FY24 BY+3	FY25 BY+4
5340 - Consulting and Professional Services - Interdepartmental	0	3,200	0	0	0	0
Total Operating Expenses and Equipment	\$0	\$3,200	\$0	\$0	\$0	\$0

Total Budget Request

Total Budget Request	FY20 Current Year	FY21 Budget Year	FY22 BY+1	FY23 BY+2	FY24 BY+3	FY25 BY+4
Total Budget Request	\$0	\$3,200	\$0	\$0	\$0	\$0

Fund Summary

Fund Source

Fund Source	FY20 Current Year	FY21 Budget Year	FY22 BY+1	FY23 BY+2	FY24 BY+3	FY25 BY+4
State Operations - 0001 - General Fund	0	3,200	0	0	0	0
Total State Operations Expenditures	\$0	\$3,200	\$0	\$0	\$0	\$0
Total All Funds	\$0	\$3,200	\$0	\$0	\$0	\$0

Program Summary

Program Funding

Program Funding	FY20 Current Year	FY21 Budget Year	FY22 BY+1	FY23 BY+2	FY24 BY+3	FY25 BY+4
2475 - Board of Forestry and Fire Protection	0	1,200	0	0	0	0
2465010 - Fire Prevention	0	2,000	0	0	0	0
Total All Programs	\$0	\$3,200	\$0	\$0	\$0	\$0