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January 5, 2012

George Gentry, Executive Officer
California Board of Forestry & Fire Protection
1416 9th Street, Room 1506-14
Sacramento, CA
95814

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

Dear Mr. Gentry:

On behalf of the California State Association of Counties (CSAC), I write to express our continued opposition to the proposed State Responsibility Area (SRA) Fee Emergency Regulation to be considered by the Board of Forestry at their January 11, 2012 meeting.

The emergency regulation would authorize CAL FIRE to impose an annual \$150 fire prevention fee on habitable structures, as defined, located in the SRA. The most recent iteration makes amendments to certain definitions, but fails to address the duplicative nature of the fee and its potential impact on the State's mutual aid system. We must therefore continue to articulate our opposition to such a fee.

First, we are concerned about the potential impact on community support for funding locally provided fire protection and prevention services. Many landowners have already agreed to assess themselves for the purposes of fire protection/prevention. This new fee would result in double taxation without any additional benefit, and would make the probability of passing a new or additional local assessment for fire protection/prevention services within the SRA slim to none. Additionally, we are concerned with the impact of the SRA fee on the State's comprehensive mutual aid system. Through these agreements the various local, state, and federal departments are often cooperative partners in responding to a wide range of emergencies. Counties believe that once the State imposes an SRA fee and we begin to account for "who pays", we begin to jeopardize these vital agreements.

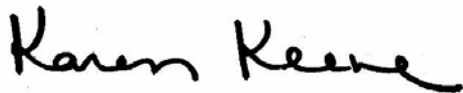
Furthermore, the recent amendments seek to clarify the definition of 'habitable structure,' excluding non-residential facilities from the proposed fee. While the amendments exclude specific mention of hospitals, jails and other such buildings as referenced in the prior version, it remains unclear if the current definition explicitly excludes these types of facilities from the proposed regulation.

While CSAC is fundamentally opposed to SRA fees for the reasons previously stated, we also question the need for an emergency regulation to implement this

measure. ABX1 29 (Chapter 8, 2011), was approved nearly six months ago. We thus question the 'emergency' nature of these regulations in light of the amount of time elapsed since statutes were enacted. Creating an expedited process to put in place a flawed funding scheme for CAL FIRE will only make matters worse. Lastly, this proposal has been attempted several times in the past and a variation was enacted in 2003, only to be repealed by the Legislature due to a number of administrative and legal issues. It is for these reasons that we urge you to reject the proposed SRA Fee emergency regulations.

Thank you for the opportunity to submit our concerns.

Sincerely,

A handwritten signature in black ink that reads "Karen Keene". The signature is written in a cursive, flowing style.

Karen A. Keene
CSAC Senior Legislative Representative

cc: Members of the Board of Forestry