BOARD OF FORESTRY AND FIRE PROTECTION
THE NATURAL RESOURCES AGENCY
STATE OF CALIFORNIA

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TO:	Board Chair O'Brien and Board Members
FROM:	Board Staff
MEETING DATE:	November 5, 2026
RE:	Zone 0 Rule Text Clarity Updates and Re-adoption

I. Overview

The Zone 0 (ember-resistant zone) Emergency Regulations for the State Responsibility Area (SRA) and Very High Fire Hazard Severity Zones designated by local agencies within the Local Responsibility Area (LRA) are before the Board again for consideration, following changes to the rule text for clarity.

At its August 19, 2026 meeting, the Board approved the final rule text for the Zone 0 (ember-resistant zone) regulations. Per Board direction, staff submitted the rule package to the Office of Administrative Law (OAL).[1] Prior to the expiration of the 10-day review period, Board staff withdrew the rulemaking package to make edits for clarity, consistency, and to ensure full alignment with current state laws on defensible space. It is common for emergency rule packages to be withdrawn and then resubmitted, given the condensed review timelines.

Some examples of changes to the rule text include:

- Revised definitions of "Combustible Material" and "Non-Woody Plants" to improve clarity;
- Revisions to provisions concerning trees to clarify that no new trees are permitted within Zone Zero (current requirement under California Wildland-Urban Interface Code);
- Removal of redundant language on plant spacing requirements;
- Changed plant spacing requirements to make it easier to implement;
- Added specificity to clarify how distances are measured within Zone 0;
- Edits to align provisions for SRA and LRA (where feasible);
- Updates to fence provisions for clarity;
- Addition of language to define what "substantially similar effect" means for acceptable alternative practices adopted by local agencies; and
- Edits to better align implementation timelines with current law.

[1] A thorough summary of the history of this rulemaking is available in the document titled "Zone 0 Summary and Rule Text," included in the agenda materials for this meeting.

A red-lined version of the rule text, showing changes made since the August meeting, is included in the Board materials for this agenda item.

Board staff also updated the notice and finding of emergency document. These updates include substantive changes to better align the notice with the rule text and expound on the Legislative direction to the Board for this emergency rulemaking.

Staff bring the updated rule text and finding of emergency back to the Board for approval prior to resubmission to OAL to ensure full transparency. In addition to the updated rule text and finding of emergency, staff will submit the rule package to OAL with an updated fiscal impact statement (state standard form 399), along with all other required documents.

Pursuant to Government Code section 51182.4, Zone 0 emergency regulations remain in effect until revised by the Board. Section 51182.4 also exempts this rulemaking from the California Environmental Quality Act.

II. **Staff Recommendation**

Staff recommend that the Board approve the updated finding of emergency and emergency Zone 0 rule package and direct staff to take all necessary actions to submit the rule package to the Office of Administrative Law.