Table of Contents

“Defensible Space Zone 0, 2026”

Notice of Proposed Emergency Action..…….. 1000

Rule Text as approved by Board at November 5, 2026 Board Meeting ……. 1033

Fiscal Impact Estimate and Form 399…….…….. 1051

Excerpt from August 19, 2026 Board of Forestry and Fire Protection Minutes regarding Guidance Document Approval ……..……..….. 1058

Excerpt from November 5, 2026 Board of Forestry and Fire Protection Draft Minutes…….. 1060

Confirmation of Consultation from the Office of the State Fire Marshal ……. 1063

Statement of Confirmation of Mailing of Five-Day Emergency Notice……. 1064

CERTIFICATION OF COMPLETION & CLOSURE

I, Jane Van Susteren, Regulations Coordinator for the State Board of Forestry and Fire Protection, swear, under penalty of perjury under the laws of the State of California, the emergency rulemaking file "Defensible Space Zone 0, 2026" was completed and closed on November 16, 2026. The rulemaking file is complete.



Jane Van Susteren

Policy Advisor

Board of Forestry and Fire Protection

Board of Forestry and Fire Protection

Notice of Proposed Emergency Action,
(pursuant to Government Code § 11346.1) and Finding of Emergency Statement of Proposed Regulatory Action

Zone 0 Defensible Space
Notice Date: November 5, 2026

The Board of Forestry and Fire Protection (Board) has adopted emergency regulations to establish an ember-resistant zone within five feet of a building or structure as required by changes to Public Resources Code section 4291 and Government Code section 51182.4 and within five feet of an occupied structure as required by Government Code sections 51182 and 51182.4. Pursuant to Government Code section 11346.1, the Board provides notice of this proposed emergency action. This action is being taken in accordance with Government Code sections 51182.4, 11346.1, 11346.5(a)(2) through (6) inclusive, and 11349.6. The Board adopted the emergency regulations at its regular meeting on November 5, 2026 and plans on submitting them to the Office of Administrative Law (OAL) on or after November 13, 2026.

SUBMITTING COMMENTS

To comment on the proposed emergency action, you must submit the comment directly to OAL within **five (5) calendar days** of OAL's posting of the proposed emergency regulations on the OAL website. You may submit comments on the proposed emergency action to:

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

E-mail:
staff@oal.ca.gov

OAL will accept all comments submitted by the specified deadline.

When submitting a comment to OAL, you must also submit a copy of your comment to the rulemaking agency's specified contact person provided below.

Mail:
Tony Andersen
Executive Officer
Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 944244-2460

E-mail:
publiccomments@BOF.ca.gov

Pursuant to **1 CCR § 48,** the notice required by Government Code section 11346.1(a) shall contain the following or substantially similar statement:

Government Code section 11346.1 (a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

This regulation will be submitted to the Office of Administrative Law on or after **November 13, 2026. If the regulation is submitted to OAL on that date and is posted on its website, the public comment period will close at midnight on November 18, 2026.**

Pursuant to Title 1, California Code of Regulations (CCR), § 55(b)(1) through (4), the comment must be in writing, must arrive within five calendar days after the notice of the filing of the proposed emergency regulations is posted by OAL on its website, must contain a notation that they are submitted to OAL for consideration in connection with an emergency regulation review and identify the topic of the emergency regulations to which they relate, and must also be transmitted to the Board contact person for the emergency regulation filing.

The Board is not required to respond to comments submitted. However, should the Board choose to respond, it must submit its response to OAL within **eight (8) calendar days** following the date of submission of the proposed emergency regulation to OAL, unless specific exceptions are applicable. [Title 1 CCR § 55].

Pursuant to **GOV § 11346.1(a)(2)(A)**, the specific rule text associated with the proposed action immediately follows this notice.

EMERGENCY FINDINGS

Background

On September 29, 2020, Governor Newsom signed Assembly Bill 3074 (Stats. 2020, chapter 259) which was then filed with the Secretary of State on the same day and became effective January 1, 2021. Assembly Bill 3074 amended Sections 51182, 51186, and 51189 of the Government Code, and Section 4291 of the Public Resources Code, relating to fire prevention. This bill directed the Board to promulgate regulations to create an ember-resistant zone within five feet of a structure within the State Responsibility Area (SRA) and the Very High Fire Hazard Severity Zone (VHFHSZ) of Local Responsibility Areas (LRA) on or before January 1, 2023. On September 28, 2021, Governor Newsom signed Senate Bill 63, (Stats. 2021, chapter 382) which was filed with the Secretary of State on the same day and became effective January 1, 2022. In the months following the initial signing of AB 3074, the Board convened a working group of wildfire professionals, local agency representatives, representatives from the

Office of the State Fire Marshal (OFSM), representatives from interested industries, and scientists studying the spread of wildfire through communities. This working group met numerous times and discussed the potential extent of the new regulations. The working group shared those findings with the Board's Resource Protection Committee six times in 2021 and 2022, and the Board held a public workshop on the topic in 2022. After defining initial requirements for Zone 0, the Board directed Board staff to define the extent of fiscal and economic costs and benefits and to consult with the California Natural Resources Agency (CNRA) and the Governor's office. These tasks were ongoing throughout 2022, 2023, and 2024.

Government Code Section 51182(c)(1) states that "The State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter." Government Code 51186(b)(2)(A) states that "The requirement for an ember-resistant zone pursuant to Section 51182 shall not take effect for new structures until the State Board of Forestry and Fire Protection updates the regulations, pursuant to paragraph (1) of subdivision (a) of Section 51182, and the guidance document, pursuant to paragraph (2) of subdivision (c) of Section 51182." The Board adopted the updated guidance document at the August 19, 2026, Board meeting.

Facts Demonstrating the Existence of an Emergency

The Legislature Mandated in Government Code section 51182.4 that the Board Follow the Emergency Regulatory Process

Pursuant to **GOV § 11346.1(b)(2),** following is a description of the facts demonstrating the existence of an emergency and the need for immediate action, and demonstrating, by substantial evidence, the need for the proposed regulation to effectuate the statute being implemented, interpreted, or made specific and to address only the demonstrated emergency.

On February 6, 2025, after the catastrophic Los Angeles fires in January of that year, Governor Newsom issued Executive Order N-18-25, which directed the Board to create an ember-resistant zone within five feet of structures pursuant to Public Resources Code section 4291 and Government Code section 51182 on or before December 31, 2025 via the rulemaking process. The Board continued working on the issue in 2025, holding numerous public meetings, workshops, community tours, and also continued its fiscal impacts analysis, consultation with CAL FIRE and the OSFM, review of scientific research, and consultation with CNRA and the Governor's Office. On October 13, 2025, Governor Newsom signed Assembly Bill 1455 (Stats. 2025, chapter 731l hereafter AB 1455)) which was filed with the Secretary of State on the same day, and became effective upon filing (October 13, 2025). This bill clarified that the Board had authority over rulemaking for the LRA in addition to the SRA and that the adoption and re-adoption of these regulations does not constitute a project for purposes of CEQA.

Most critically, AB 1455 mandated that the Board use the emergency rulemaking process if the regular rulemaking process would inhibit its ability to meet the December 31, 2025 deadline.

The law enacted under AB 1455 states that "(i)f adopting the regulations described in subdivision (a) through the regular rulemaking process… would inhibit compliance with the December 31, 2025, deadline in Executive Order No. N-18-25, the regulations shall instead be adopted as emergency regulations, in which case the adoption of initial regulations shall be deemed in response to an emergency and the Office of Administrative Law shall consider the adoption of initial regulations as necessary for the immediate preservation of the public peace, health, safety, and general welfare." (Gov. Code section 51182.4(b).)

Government Code section 51182.4 reads as follows:

> *(a) The State Board of Forestry and Fire Protection shall adopt regulations to implement defensible space requirements for an ember-resistant zone required within five feet of a structure in the state responsibility area pursuant to Section 4291 of the Public Resources Code and a very high fire hazard severity zone pursuant to Section 51182 of this code.*
>
> *(b) If adopting the regulations described in subdivision (a) through the regular rulemaking process pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 would inhibit compliance with the December 31, 2025, deadline in Executive Order No. N-18-25, the regulations shall instead be adopted as emergency regulations, in which case the adoption of initial regulations shall be deemed in response to an emergency and the Office of Administrative Law shall consider the adoption of initial regulations as necessary for the immediate preservation of the public peace, health, safety, and general welfare.*
>
> *(c) The State Board of Forestry and Fire Protection may readopt any emergency regulation authorized by this section that is the same as or substantially equivalent to an emergency regulation previously adopted pursuant to this section.*
>
> *(d) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, any emergency regulations adopted or readopted pursuant to this section shall remain in effect until revised by the State Board of Forestry and Fire Protection.*
>
> *(e) The adoption or readoption of the regulations described in this section shall not constitute a project for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.*

Government Code section 51182.4 mandates that the Board "shall" use the emergency rulemaking process to adopt the Zone 0 regulations if the regular rulemaking process "would inhibit compliance with the December 31, 2025, deadline in Executive Order No. N-18-25."

By the time this mandate in AB 1455 was effective—October 13, 2025—meeting the December 31, 2025 deadline through the regular rulemaking process was not possible and therefore the emergency rulemaking process requirement in the statute was triggered. At that point (October 13, 2025), the timeline of the regular rulemaking process made it impossible for the Board to comply with the December 31, 2025, deadline via the regular rulemaking process. AB 1455, which included the directive to use emergency rulemaking, became effective on October 13, 2025. The regular rulemaking process includes a 10-day review period to publish a Notice of Proposed Action in the California Regulatory Notice Register, a minimum 45-day public comment period, a 30-working-day review period for OAL review of the final rulemaking package, a minimum 30-day period before the quarterly effective date pursuant to GC Section 11343.4, and also requires adequate time for the agency to prepare submittals and respond to comments (and hold another public comment period for 15 days if substantial changes are made following the public comments.) This process takes 115-plus days, and often takes longer.

If the Board had noticed a public meeting to consider adoption of a final rulemaking package on October 14, 2025 (the day after AB 1455 went into effect with the latest directives to the Board on the Zone 0 regulations), the earliest day for such a meeting would have been October 24, 2025. If the regular rulemaking process were to have commenced on that day (with notice going out), it would not have been completed until at least February 28, 2026 and likely weeks later. The earliest effective date for these rules would have been April 1, 2026. This timeline shows that, at the time AB 1455 became effective law on October 13, 2025, the regular rulemaking process would have inhibited the Board from completing the rulemaking for Zone 0 regulations by December 31, 2025; as such, Government Code section 51182.4(b) requires that **"the regulations shall instead be adopted as emergency regulations, in which case the adoption of initial regulations shall be deemed in response to an emergency and the Office of Administrative Law shall consider the adoption of initial regulations as necessary for the immediate preservation of the public peace, health, safety, and general welfare."**

The author of AB 1455, California Assembly Member Bryan, described the December 31, 2025, deadline for the Zone 0 regulations as the "trigger to authorize the Board to adopt emergency regulations."[1] He also stated that "AB 1455 will authorize the Board to adopt emergency regulations. …"[2] This statute is clearly intended to authorize the Board to use the emergency rulemaking process if the regular rulemaking process would inhibit its ability to meet the December 31, 2025, deadline set forth in the Governor's Executive Order N-18-25. As the Board and its Zone Zero Advisory Committee were still considering public comments, scientific input, and the Legislature's recent enactment of AB 1455 in December 2025,[3] the regular rulemaking process would have inhibited its ability to enact regulations by December 31, 2025.

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[1] AB 1455, *Assembly Floor Analysis* (September 10, 2025) ("According to the Author" section on page 1); Bill Analysis - AB-1455 State Board of Forestry and Fire Protection: defensible space requirements: ember-resistant zones: emergency regulations: California Environmental Quality Act.

[2] AB 1455, *Senate Floor Analysis* (September 8, 2025) ("Arguments in Support" section on page 5); Bill Analysis - AB-1455 State Board of Forestry and Fire Protection: defensible space requirements: ember-resistant zones: emergency regulations: California Environmental Quality Act.

[3] *See* video record of December 8, 2026 Zone Zero Advisory Committee meeting: 12_08_2025 Part 1 ZONE ZERO REGULATORY ADVISORY COMMITTEE MEETING.mp4 | Powered by Box

The Legislature, in Government Code section 51182.4, mandated that the Board use the emergency rulemaking process if the regular rulemaking process would have inhibited completion by December 31, 2025. As shown, meeting the December 31, 2025 deadline was not possible at the time AB 1455 was effective and therefore a statutory emergency exists that required the adoption of Defensible Space Zone 0 as emergency regulations, and that the adoption of regulations related to these exemptions is necessary for the preservation of the public peace, health, safety, and general welfare in the state.

Beyond the Legislative Mandate in Government Code Section 51182.4, the Facts Demonstrate the Existence of an Emergency and the Need for Immediate Action

California is a wildfire-prone landscape, but a combination of climate change and growing numbers of structures in the Wildland Urban Interface (WUI) is increasing the impact of these fires. In "Enhancing California's Resiliency to Natural Catastrophes," the California Earthquake Authority states that "Climate change is systematically worsening fire conditions across the western United States and in fire-prone regions globally. Rising temperatures, prolonged drought, and compressed cool-seasons precipitation are lengthening the annual window during which fuels are dry enough to ignite easily and fire spreads faster than suppression resources can contain it."[4]

Kumar et al. (2025) states that "(w)hile climatic trends increased the frequency of high-risk fire-weather by 2.5-fold, the combination of this trend with wildland-urban interface expansion led to a 4.1-fold increase in the frequency of conditions conducive to extreme-impact wildfires from 1990 to 2022 across California."[5] An overview of wildfire impacts reveals an ongoing crisis: of the twenty most destructive wildfires in California, with records stretching back at least 175 years, sixteen occurred in the last decade.[6] Of the twenty largest wildfires recorded in the state, thirteen occurred in the last decade.[7] Of the twenty deadliest wildfires in California, nine occurred in the last decade.[8] Prior to 2025, California experienced the deadliest and most destructive wildfires in its history in 2017 and 2018, which caused the loss of more than 100 lives and the destruction of tens of thousands of homes and businesses.

In 2020 the Legislature found that "these recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long."[9] According to the CAL FIRE Incident Archive, since that finding over nine million acres in California burned in wildfires, 34,884 structures were destroyed, and there were at least 81 fatalities.[10] The LA Times reported that the January 2025 Palisades and Eaton

[4] California Earthquake Authority, Enhancing California's Resiliency to Natural Catastrophes Enhancing California's Resiliency to Natural Catastrophes (2025) (pages 18-20, citing numerous sources).
[5] Kumar, M., AghaKouchak, A., Abatzoglou, J. T., & Sadegh, M. (2025). Compounding effects of climate change and WUI expansion quadruple the likelihood of extreme-impact wildfires in California. Npj Natural Hazards, 2(1), 17.
[6] CAL FIRE August 4, 2026. *Top 20 Most Destructive California Wildfires*. https://www.fire.ca.gov/
[7] CAL FIRE October 2, 2024. *Top 20 Largest California Wildfires*. https://www.fire.ca.gov/
[8] CAL FIRE August 4, 2026. *Top 20 Deadliest California Wildfires*. https://www.fire.ca.gov/
[9] AB 3074.
[10] CAL FIRE Incident Archives

fires alone caused at least $250 billion in damages.[11] As stated in Executive Order N-18-25, the catastrophic 2025 fires including the Palisades, Eaton, Hurst, Lidia, Sunset, Woodley, and Hughes Fires were "not isolated incidents, but rather the latest examples of how a changing climate creates weather extremes that can combine with wildfire-susceptible fuel loads, even during California's traditionally wet season, to cause massive conflagrations… ." Cunningham et al. predict that areas within the Mediterranean biome, like California, will see one of the highest increases in fire radiative power, and that those increases will be twice as large under 2 °C warming compared to 1.5 °C. This growing risk, and the compounding loss of structures and lives, presents a clear danger to the citizens of the state of California, which the science shows is worsening. Pursuant to **Government Code section 11342.545** this situation calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare caused by the continuing and increasing threat of catastrophic wildfires.

AB 1455 mandates that the Board follow the emergency rulemaking process, as established above. The Board took the time necessary to consider thousands of public comments, visit numerous residential areas throughout the state impacted by wildfire, consult with homeowners, business owners, fire agencies, the OFSM, CNRA, and the Governor's Office on the many complicated impacts of these regulations. As the Board Chair stated at the December 2025 Zone Zero Advisory Committee meeting, the Board must take into account "the need for public buy-in…and the ability of individuals to implement those regulations and for the fire community to have clear and precise regulations that makes enforcement and education much easier… ."[12] After the passage of AB 1455, the Board and its Zone Zero Advisory Committee held an additional five public workshops, four town hall presentations, and three walking tours to address the changes in scope to Zone 0 regulations after changes to the authorizing statute. In total, since 2020, the Board held more than 12 public meetings and workshops, four town hall presentations, four walking tours, and numerous updates to the full Board to address the numerous concerns raised by the public throughout 2025 and early 2026. The Board continued to consult with the OSFM, CAL FIRE, and the Governor's Office during late 2025 and throughout 2026.

The fact that the regulations will be implemented over a three-year period (or five-year period, in certain circumstances) does not negate the existence of an emergency, as the Legislature mandated this process. The Legislature also mandated the phased approach[13] for implementation of the regulations for existing structures to permit individuals the time needed to do the work required by the regulations and also to lessen any financial impact on individuals. The increasing threat of extreme weather and wildfire to California communities within the SRA and the VHFHSZs of the LRA creates an immediate need for action, and that action (establishing Zone 0 around buildings and structures) takes time for homeowners and business owners to complete.

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[11] Vincent, R. (January 4, 2025) Estimated cost of fire damage balloons to more than $250 billion. Los Angeles Times https://www.latimes.com/business/story/2025-01-24/estimated-cost-of-fire-damage-balloons-to-more-than-250-billion

[12] 12_08_2025 Part 1 ZONE ZERO REGULATORY ADVISORY COMMITTEE MEETING.mp4 | Powered by Box

[13] Government Code sections 51182(d) and 51186, and Public Resources Code section 4291(g). All of these statutory requirements were in effect when the Legislature enacted Section 51182.4 (or were part of AB 1455) and therefore the existence of an emergency and the requirement to use the emergency rulemaking process does not alter the requirement to stage the implementation of the regulations for existing properties.

Code Sections Being Implemented by the Proposed Emergency Action

The Board is proposing action to implement the ember-resistant zone via adoption of **14 CCR §§ 1298.01, 1298.02, 1298.03, and 1298.04,** and to amend **14 CCR §§ 1299.01, 1299.02, and 1299.03.**

Technical, Theoretical, and/or Empirical Studies, Reports, or Documents Relied Upon

Pursuant to **Government Code section 11346.1(b)(2),** following is the list of each technical, theoretical and empirical study, report, or similar documents, if any, upon which the Board relied to make the "emergency" finding:

Assembly Bill 3074, Chapter 259, signed by the Governor September 29, 2020, Filed with the Secretary of State September 29, 2020.

Assembly Bill 1455, Chapter 731, signed by the Governor October 13, 2025, Filed with the Secretary of State October 13, 2025.

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Authority and Reference Cited

Pursuant to **GOV § 11346.1(b)(2)**, following is the information required by **GOV § 11346.5(a)(2)** (the reference to the authority(s) under which the regulation is proposed and a reference(s) to the particular code sections or other provisions of law that are being implemented, interpreted, or made specific).

14 CCR § 1298.01 Authority cited: Sections 51182 and 51182.4, Government Code. Reference: Sections 51177, 51178, 51179, 51181, and 51184, Government Code.

14 CCR § 1298.02 Authority cited: Sections 51182 and 51182.4, Government Code. Reference: Sections 51178, 51179, 51181 and 51186 Government Code; and Sections 18908 and 18917, Health and Safety Code.

14 CCR § 1298.03 Authority cited: Sections 51182 and 51182.4, Government Code. Reference: Sections 50022.2, 51177, 51178, 51179, 51181, and 51183, Government Code; and Section 7, Article XI, California Constitution.

14 CCR § 1298.04 Authority cited: Section 51182, 51182.4, and 51186, Government Code. Reference: Section 66313, Government Code.

14 CCR § 1299.01 Authority cited: Sections 4290 and 4291, Public Resources Code; and Section 51182.4, Government Code. Reference: Section 4291, Public Resources Code.

14 CCR § 1299.02 Authority cited: Sections 4290 and 4291, Public Resources Code; and Section 51182.4, Government Code. Reference: Section 4291, Public Resources Code; and Sections 18908 and 18917, Health and Safety Code.

14 CCR § 1299.03 Authority cited: Sections 4290 and 4291, Public Resources Code; and Section 51182.4, Government Code. Reference: Section 4291, Public Resources Code; and Sections 18908 and 18917, Health and Safety Code.

Pursuant to **1 CCR § 20(c)(1)**, the following documents are incorporated by reference in these regulations.

ASTM E136-26, Standard Test Method for Assessing Combustibility of Materials Using a Vertical Tube Furnace at 750 °C, January 12, 2026, ASTM International

Availability of Documents

The Board had available the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office in Sacramento, California.

Pursuant to **1 CCR § 50(b)(3)(A)** and **GOV § 11346.1(a)(2),** the Board provided a five working-day notice. The proposed action was, at a minimum, posted on the Board's website (pursuant to **GOV § 11346.4(a)(6)**), sent to the Board mailing list (pursuant to **GOV § 11346.4(a)**), and

widely distributed via email (pursuant to **GOV § 11340.85**) at least five working days prior to being submitted to the Office of Administrative Law.

INFORMATIVE DIGEST

Pursuant to Chapter 3 of Part 2 of Division 4 of the Public Resources Code and Chapter 6.8 of Part 1 of Division 1 of the Government Code, the Board is responsible for regulatory action covering defensible space as pertains to wildfire.

This rulemaking uses the terms State Responsibility Area ("SRA") and Local Responsibility Areas ("LRA"). The SRA is defined under PRC section 4125 and is the portion of California where the state has the primary financial responsibility for preventing and suppressing wildfires. The SRA does not include land within city limits or under federal ownership. Local Responsibility Areas are within incorporated cities and certain unincorporated county areas: they are districts where local fire agencies provide fire protection. Land that is under federal ownership is covered by federal laws and is not considered by this rulemaking.

Fire Hazard Severity Zones are defined by the State Fire Marshal pursuant to Government Code section 51178 and adopted by local agencies pursuant to Government Code section 51179. Local agencies may choose to increase the fire hazard severity of any part of their jurisdiction. The Very High Fire Hazard Severity Zone (VHFHSZ) is the highest fire hazard severity zone. The zone designations are reviewed every five years pursuant to Government Code section 51181. While the Fire Marshal designates Fire Hazard Severity Zones in both SRA and LRA, these regulations only apply to occupied structures in those parts of the LRA that are designated as a VHFHSZ. The rulemaking also applies to all buildings or structures within the SRA, regardless of the fire hazard severity classification of the lands those parcels are on.

The Board promulgated defensible space regulations in 2006 and 2013, which established requirements for Zone 1 (0-30 feet around a structure) and Zone 2 (30-100 feet around a structure). These regulations focused on fuels modification to allow for safe places for firefighters to fight the fire, and to remove sufficient fuels so that high-intensity "crown" fires would become lower-intensity, less dangerous, less damaging and easier to fight "ground" fires. These rules applied only in the SRA, as the Board did not then have rulemaking authority for defensible space standards in lands where the state did not have primary financial responsibility for fire protection services. To recognize the existing terminology, the new ember-resistant zone was named "Zone 0" to indicate that it is the area immediately adjacent (0-5 feet) to a structure.

AB 3074 (Freidman, 2020) states in the findings that "Ember ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignited by embers provides important new protections that enhance a home's chance of surviving a wildfire." This is supported by research: in the National Institute of Standards and Technology (NIST) Technical Note 1635, "A Case Study of a Community Affected by the Witch and Guejito Fires" the authors analyze a wildfire moving through a community. Embers precede the wildfire itself and are the direct cause of structure ignition in some cases. However, in over 40% of the

structure ignitions, vegetation fires were ignited by embers immediately adjacent to the structure, and then the structure itself was ignited due to contact with the flames started by the embers. Escobedo et al. (2025) found the presence of bare ground within two meters of a building within a wildfire footprint to be one of the most important factors in building survival. The Insurance Institute for Business and Home Safety (IBHS) research center simulated ember exposure of structures during a wildfire event: burning materials that simulated ember ignition of vegetation were placed three and five feet away from the building, and the temperature of adjacent walls was measured under varying simulated wind conditions. At three feet, the temperature of the exterior wall consistently reached over 200°C, the minimum temperature for structure ignition. None of the exterior wall temperatures taken with a simulated ember fires at five feet reached this temperature threshold.

After the passage of AB 3074, the Board undertook a review of the scientific literature on combustible materials frequently found within five feet of a structure (Zone 0). The materials identified as the most common hazards in several post-fire studies and with the largest body of available research include: mulch, firewood, combustible debris on the roof and rain gutters, combustible items under decks, trees, other vegetation, fences and gates, and sheds.

This rulemaking requires additional protections near certain vulnerabilities in a structure where home ignition often occurs. These locations include: decks, balconies, exterior staircases, and pergolas, which are most often constructed with flammable materials; the edges of siding materials; under eaves; weak points in exterior walls including windows, doors, and vents. Hakes et al. (2016) states that “During the 2007 Witch Creek and Guejito fires, decks were observed to be one of the most significant sources of ignition. Of sixteen damaged homes, the ignition location was most often a detached structure or decking. Similar observations were made during the Waldo Canyon fire, where wooded slopes with overhanging decks created a large hazard. Most of these ignitions were thought to originate from firebrands (embers) or local flame contact. One issue is that deck material is tested for flame spread properties and ignition potential from direct flame contact, but is not tested for ignition from firebrand exposure or for its potential to ignite an adjacent structure with radiant energy.” In these cases, the large boards of decks became involved in fires after smaller fires were ignited under the deck surface. Hakes also notes that “Eaves and vents have been recognized as significant sources of ignition of homes in the WUI. Vents provide an opening through which burning brands may penetrate the interior of a structure, often the attic. Eaves serve as a connection point between siding and roofing assemblies, where potential vulnerabilities can occur.” While window vulnerability varies based on single-paned versus double-paned glass and the material of the window casing, “the most rapid flame spread resulted from penetrations at windows, both from flames exiting the burning structures and from flames entering/heating broken windows on an unignited assembly.” Hakes also states that “Without proper clearance around the base of a structure, firebrand accumulation can lead to ignition of nearby vegetation or other fuels (e.g. mulch, wood piles) which can in turn lead to direct flame contact and radiant heat exposure to siding materials on the exterior walls.”

Both authorizing statutes require the Board to update a guidance document to reflect the new regulations. Under Public Resources Code section 4291(g)(1) and Government Code section 51186(b)(2)(A), the requirements for new structures shall not take effect until the Board

updates and posts a defensible space guidance document. Under Government Code section 51184(a), these defensible space requirements do not apply to any land or water areas managed for habitat for threatened or endangered species, lands kept in a natural state as habitat for wildlife, plant, or animal communities, open space lands that are environmentally sensitive, and other lands having scenic values as declared by local agencies having responsibility for fire protection or by state or federal law. Under Government Code section 51183, a local agency may exempt structures with exteriors constructed entirely of nonflammable materials or conditioned upon the contents and construction of the structure, and may vary the requirement for management of defensible space around the structure as a result. These specifications are specific to lands within the LRA.

The **problems** are as follows: due to statutory changes that addressed the wildfire crisis, the Board is required to create emergency regulations with provisions for a zero to five foot ember-resistant zone within the Very High Fire Hazard Severity Zone of Local Responsibility Areas and to update the defensible space regulations within the State Responsibility Area to include provisions for a zero to five foot ember-resistant zone, and to update the regulations for Zone 1 within the State Responsibility to align with the new ember-resistant zone.

The **purpose** is to establish standards for a zero to five foot ember-resistant zone around structures based on findings about ember-driven structure ignition in both the Very High Fire Hazard Severity Zone of Local Responsibility Areas and in the State Responsibility Area and to update the existing defensible space standards for consistency with the new ember-resistant zone.

The **effect** of the proposed action will be enforceable, science-based standards for an ember-resistant zone within five feet of a structure in areas with elevated fire risk, thereby reducing the risk of structure loss due to wildfire in those parts of California that are most vulnerable to wildfires.

The **benefit** of the proposed action is homes, businesses, and communities that are more resilient to wildfire.

The proposed action does not differ substantially from an existing comparable federal regulation or statute.

The Board performed a search of existing regulations and concluded that the proposed regulation is not inconsistent or incompatible with existing state regulations.

Pursuant to **GOV § 11346.1(b)(2),** following is the information required by **GOV § 11346.5(a)(4**):

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

Pursuant to **GOV § 11346.1(b)(2),** following is the information required by **GOV § 11346.5(a)(5**):

The Board finds that the proposed regulation does not impose a mandate on local agencies or school districts.

Pursuant to **GOV § 11346.1(b)(2),** following is the information required by **GOV § 11346.5(a)(6**):

No costs or savings to any state agency are expected.

The proposed regulation does not impose a reimbursable cost to any local agency or school district (under Part 7 (commencing with Section 17500 of Division 4)).

There are no other nondiscretionary costs or savings imposed on local agencies. There are no costs or savings in federal funding to the State.

Proposed Emergency Regulations

The Board took action to authorize emergency rulemaking at the direction of the Legislature. Sections 1298.01 through 1298.04 pertain to the VHFHSZ of the LRA while sections 1299.01 through 1299.03 pertain to the SRA.

Adopt 14 CCR § 1298.01 The proposed action adopts a purpose and overview of the defensible space requirements as it pertains to the ember-resistant zone surrounding occupied structures in the VHFHSZ of the LRA. The problem is that changes to the authorizing statute (Government Code sections 51182 and 51182.4) require new regulations that establish requirements for an ember-resistant zone in the space within five feet of an occupied structure. The purpose of this section is to outline the scope and purpose of those regulations. This is necessary to maintain the clarity and consistency of the defensible space regulations.

Adopt 14 CCR § 1298.02 The proposed action adopts definitions specific to defensible space requirements. The problem is that the creation of new defensible space requirements requires specific defined terms to clarify what is needed for compliance. The purpose of these proposed regulations is to define terms specific for compliance with defensible space requirements. These proposed regulations are necessary to establish clear and consistent requirements for the ember-resistant zone.

In subsection (a), the definition for “Combustible Material” is adopted. This term is used elsewhere in the rule text to establish what types of materials are not permitted, unless specified, within Zone 0 (the ember-resistant zone), and includes examples of ordinary flammable materials such as grasses, weeds, wood, plants, and petroleum-based items capable of burning. The defined term is used to separate out the subset of items that are likely to combust when wildfire conditions are present, as opposed to noncombustible items. The purpose of this term is to distinguish between a general category of items or materials that are likely to ignite from embers and transmit flames and those that are not. This is necessary, as the Legislature directed the Board “to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers” to implement the purpose of the regulations—to prevent structure ignition. (Gov. Code section 51182).

In subsection (b) the definition for “Defensible Space” is adopted. This mirrors the use of the term for the State Responsibly Area Defensible Space rules in 14 CCR §1299.02(c), aligning the standards for the two sections. This is necessary to maintain consistent standards for the State and Local Responsibility Areas.

In subsections (c) and (e) the definitions for “Existing Occupied Structure” and “New Occupied Structure” are adopted. The authorizing statute has separate effective dates for existing structures and new structures; this definition provides a standard to separate the two categories. This is necessary to provide a specific date to clarify enforcement standards.

In subsection (d) the definition for “Ladder Fuels” is adopted. This term is specific to the maintenance of trees to minimize structure ignition. Ladder fuels applies to vegetative fuels that can transmit fire to other vegetation, to structures, or to other combustible material. The problem is that vegetation near homes increases the likelihood of ignition of a structure during an ember-driven wildfire event. The purpose of this proposed language is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits gardens and trees can bring to a home. This defined term is necessary to ensure comprehension of the regulatory guidelines for vegetation around homes in 14 CCR § 1298.04.

In subsection (f) the definition for “Noncombustible Material” is adopted. This term is used in the rule text to define the permissible material for outbuildings, patios, and attached fences and gates within the Zone 0 ember-resistant zone. The use of the ASTM E136-26 test and the incorporation of that text by reference provides a clear metric for which materials meet the standards for fully ignition-resistant materials as pertains to outbuildings, attached fences and gates, and patios within Zone 0. This is necessary to provide an enforceable standard for construction materials including those materials used in patios, attached fences and gates, and outbuildings that allows certification of defined standards commonly used in the construction and home improvement industries.

In subsection (g) the definition for “Non-woody Plant” is adopted. This term is specific to the growth form of plants with a lower fuel potential. Non-woody vegetation carries less inherent risk of high-intensity combustion, and so is regulated differently than woody (dry, hard) vegetation (Whelan, 1995). The problem is that vegetation near homes increases the likelihood of ignition of vegetation from embers and these flames then spread to a structure during an ember-driven wildfire event. The purpose of this proposed language is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits gardens and trees can bring to a home. This defined term is necessary to aid those impacted by the rules to understand which plants are permitted under the regulatory guidelines for vegetation around homes in section 1298.04.

In subsection (h) the definition for “Occupied Structure” is adopted. The term is used in the authorizing statute (Government Code section 51182) to specify the scope of the regulation: it is defined here to clarify which structures meet the standards of an occupied structure. The definition further specifies that “attached” includes self-supporting decks, stairs, or pergolas that are within one foot of a building or structure. The authorizing statute was updated in 2020 under AB 3072 to specify that buildings or structures included any attached decks. This update is

necessary to bring the definition in line with statute, to protect vulnerable areas from ember-ignition, and to make reasonable allowances for the enforcement challenge provided by small gaps between buildings and decks.

In subsection (i) the definition for “Outbuilding” is adopted. These include small structures (less than 120 square feet) that are not used for human habitation, such as a wood shed or bike shed. For the purposes of the regulations, outbuildings are not occupied structures but have specific requirements to minimize the risk of ember ignition that could cause flames to spread to an adjacent occupied structure during a wildfire event. The problem is that sheds and other adjacent small structures often are constructed without consideration of the building code and have an elevated risk of ignition during a wildfire event. The ignition of an adjacent structure, even a small one, significantly increases the risk that nearby structures will ignite. Buildings which meet the standards of an occupied structure will themselves need to meet the defensible space requirements in the regulations, while outbuildings are not permitted within Zone 0 unless constructed entirely of noncombustible materials. The definition mirrors the language in the requirements for the State Responsibility Area, aligning the regulations for the two areas. This is necessary to prevent structure ignition and to improve the clarity and consistency of the regulations to ensure that those impacted understand that a wood shed, bike shed, or other outbuilding that is not made entirely of noncombustible material cannot be located within five feet of one’s home or business.

In subsection (j) the definition for “Tree” is adopted. This term applies to specific types of woody vegetation that have, at maturity, characteristics that can be maintained to manage ladder fuels and thus minimize the risks of structure ignition during a wildfire event. The problem is that vegetation near structures increases the likelihood of ignition of vegetation from embers and these flames then spread to a structure during an ember-driven wildfire event. The purpose of this proposed regulation is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits gardens and trees can bring to a home. This defined term is necessary to aid those impacted by the regulations to understand which plants are permitted around occupied structures in 14 CCR § 1298.04.

In subsection (k) the definition for “Vegetation” is adopted. The term applies to plants, including trees, both living and dead, that are found in the defensible space around occupied structures. The problem is that vegetation adjacent to occupied structures can ignite during ember-borne wildfire conditions and spread fire to the structure. The purpose of this proposed regulation is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits of gardens and trees. This defined term is necessary for comprehension of the regulatory guidelines for vegetation, including trees, around homes in 14 CCR § 1298.04.

Adopt 14 CCR § 1298.03 The proposed action adopts provisions for a local agency responsible for fire protection to develop alternative practices, as required in Government Code section 51182, for compliance with the defensible space requirements. It requires that alternative practices be based off of factors including location-based fire risk, lot size, structure density, composition of the structure exterior pursuant to Government Code section 51183, local fire hazards, potential response to emergency conditions, geography/topography, and/or compliance

with home-hardening regulations under the California Wildland-Urban Interface Code building standards (CWUI), or a combination of the preceding. The alternative practices shall be enacted by ordinance by the local agency responsible for fire protection and supported with a written finding, by the head of the local agency's department, division, or entity delegated to provide fire protection, that the alternative practices provide for, at a minimum, substantially similar practical effects as those stated in the regulations. Substantially similar practical effects means that the alternative practices will provide an Occupied Structure with substantially similar protection from ember ignition during a wildfire event and will provide substantially similar safety considerations for emergency personnel responding to a wildfire event as the regulations in this article. The problem is that California is a state with many variables that affect the risks of fire spread within a community including: urban versus rural areas, structure separation distance, local fire hazards for ignition and evacuation, limitations in fire protection response, specific terrain features that impact wildfire spread, and structures that implement the home-hardening regulations passed in 2008. The purpose of this adopted text is to allow local governments and fire protection agencies to adapt the state regulations to address the needs of their communities. This is necessary to address variable wildfire risks and protection measures throughout the state and to comply with Government Code section 51182.

Adopt 14 CCR § 1298.04 The proposed action adopts standards and specifies the scope of the ember-resistant Zone 0, which is an area which begins at the exterior surface of the exterior wall (or attached deck, stairs, or pergola) of a structure and extending out five feet horizontally or to the property line (whichever comes first). The problem is that there are no specifications for an ember-resistant zone within five feet of a building or structure and the Legislature directed the Board to create one. The purpose of this update is to specify where the ember-resistant defensible space zone is and which materials are permitted within it. This is necessary to promote the clarity and consistency of the regulations and to carry out the directive from the Legislature in Government Code sections 51182 and 51182.4.

Subsection (a) covers the area impacted by the ember-resistant Zone 0: the area within five feet around an occupied structure, beginning at the exterior surface of the exterior wall, attached deck, stairs, or pergola. This zone extends to five feet from the structure or to the property line, whichever is closer. The text also clarifies that the addition of a new structure on one property will have no impact on the requirements for Zone 0 compliance on an adjacent property. The problem is a lack of clarity as to whether additional protection measures are necessary if an adjoining landowner adds an additional building or structure to a property. The purpose of this proposed regulation is to clarify the scope of the regulations. This is necessary to promote the clarity and consistency of the regulations and to reflect the fact that a property owner is not legally responsible for maintenance of an adjoining property which they have no legal right to maintain.

Subsection (b) covers requirements for Zone 0 compliance. The problem is that ember-caused fires within five feet of a structure often result in structure ignition. The purpose of these requirements is to minimize the risk of ember-caused fires within five feet of a building or structure.

Paragraph (1) clarifies that these requirements include limitations on combustible materials within Zone 0 whenever flammable vegetative conditions exist, except as set forth in these regulations.

The list of combustible materials not allowed within Zone 0 includes: vegetative debris, plastic and wood items, and mulches within five feet of an occupied structure. This is necessary because fine fuels in Zone 0 are risk factors for structure ignition. NIST Technical Note 2228 found that when a range of flammable mulches and pine straw were ignited under simulated ember-borne wildfire conditions, that fire would spread to adjacent structures and was capable of igniting other combustible materials in Zone 0, particularly including wooden fences. The limitations on combustible material within Zone 0 whenever flammable vegetative conditions exist is necessary to ensure consistency with current similar regulations for Zones 1 and 2 within 14 CCR 1299.03 and to clarify that compliance is not required when such conditions do not exist, such as when a home is surrounded by snow. The prohibition on mulches may qualify for temporary exceptions under Subparagraph (A) during new or continuing construction, as is necessary to conform with standard Stormwater Pollution Prevention Plan requirements under the Clean Water Act, or during an emergency as defined.

Paragraph (2) states that there shall be no leaves, needles, and other combustible materials on the roof and rain gutters of an occupied structure. This is necessary because flammable debris in gutters and on roofs can catch fire during ember-borne wildfire events and cause ignition of the structure. Hakes et al. (2016) reviewed several papers on structure ignition, both from after-wildfire surveys of affected neighborhoods and from experiments that simulated wildfire events. In several cases, debris collected in a gutter were ignited by firebrands, potentially spreading the fire to the home at the roof-gutter intersection. The risks of roof ignition from leaves, needles, and other vegetative materials is recognized in statute under Public Resources Code section 4291(a)(4) and Government Code section 51182(a)(4).

Paragraph (3) states that the areas under decks, balconies, pergolas, and stairs must be kept free of vegetation and combustible items. This is necessary because decks and similar structures are a significant source of structure ignition. Hakes et al. (2016) states that ignition of combustible materials stored under decks were a significant source of ignition during the Angora fire, and that experiments examining the response of decking material to simulated ember-borne wildfire conditions found that ember exposure for wooden decking material alone resulted in the material smoldering, but not producing flame, while ember exposure for wooden decking material with pine needles underneath resulted in ignition of all decking materials. Government Code section 51182(e) grants the Board authority to require removal of fuel or vegetation underneath decks.

Paragraph (4) states that firewood cannot be stored in Zone 0. This is necessary to limit structure ignition during a wildfire event: NIST Technical Note 2228 firewood for tendency to ignite and produce heat that could ignite an adjacent structure during a simulated ember-borne wildfire condition and found that it would be a risk factor. Removing large pieces of combustible material—like firewood—from Zone 0 is necessary to reduce the likelihood of the wood igniting from ember or flame spread and then spreading to the occupied structure.

Paragraph (5) states that no new trees are permitted within Zone 0 and sets forth the maintenance standards for existing trees within Zone 0. This aligns with the requirements in the CWUI code 24 CCR section 603.4.2, which applies to the same fire hazard designations as the Zone 0 defensible space rules (the LRA VHFHSZ and SRA) and therefore ensures consistency with an existing state regulation. Existing trees must be maintained to meet the following

requirements: so that there are no dead or dying branches; so that all living branches are at least ten feet away from the outlets of chimneys and stovepipes; so that there are no live tree branches under eaves or within one foot of an occupied structure when there is no eave; so that all ladder fuels have been removed, including those fuels in the first six feet or one third of the tree's total height, whichever is smaller; to ensure that all live branches are at least five feet above a roof, and to ensure that no live branches are within five feet of a deck, stairs, or pergola that is attached to an occupied structure or within two feet of windows, doors, or vents. The requirements for no dead or dying branches and for minimum distance from chimney and stovepipe outlets are necessary because the requirements of Government Code section 51182 (a)(2) and (3) mandate that people who own, lease, control, operate, or maintain an occupied structure within the LRA VHFHSZ must "remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe" and must "maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood." The standard that tree limbs not be present underneath eaves or within one foot of the occupied structure if there is no eave is necessary because of additional structure ignition risks from eaves per review from Hakes et al. (2016) and Quarles et al. (2011). The requirements for ladder fuels are necessary to limit the spread of ground fires into trees, and the spread of fires from trees to adjacent structures per input from fire professionals on the rulemaking process.

Paragraph (6) states that, in order to protect the most vulnerable parts of an occupied structure, no vegetation is permitted in those parts of Zone 0 that are under eaves, less than one foot from an occupied structure, less than five feet from an attached deck, stairs, or pergola, or less than two feet of windows, doors, posts, or vents. Decks, stairs, and pergolas are features of an occupied structure that are prone to ignition and tend to concentrate fuel immediately adjacent to the structure, leading to a high likelihood of ignition from radiant or conductive heat. Hakes et al. (2016) states "(d)uring the 2007 Witch Creek and Guejito fires, decks were observed to be one of the most significant sources of ignition. Of sixteen damaged homes, the ignition location was most often a detached structure or decking. Similar observations were made during the Waldo Canyon fire, where wooded slopes with overhanging decks created a large hazard. Most of these ignitions were thought to originate from firebrands (embers) or local flame contact. One issue is that deck material is tested for flame spread properties and ignition potential from direct flame contact, but is not tested for ignition from firebrand exposure or for its potential to ignite an adjacent structure with radiant energy." In these cases, the large boards of decks became involved in fires after smaller fires were ignited under the deck surface. Some of the features addressed in this paragraph are weak points in exterior walls of an occupied structure, where embers can enter the structure and ignite the contents. These include the base of the wall itself, windows, doors, and vents. Hakes et al. (2016) also notes that "(e)aves and vents have been recognized as significant sources of ignition of homes in the WUI. Vents provide an opening through which burning brands may penetrate the interior of a structure, often the attic. Eaves serve as a connection point between siding and roofing assemblies, where potential vulnerabilities can occur." While window vulnerability varies based on single-paned versus double-paned glass and the material of the window casing, "the most rapid flame spread resulted from penetrations at windows, both from flames exiting the burning structures and from flames entering/heating broken windows on an unignited assembly." Quarles et al. (2011) states "(a) flame contact exposure can result from ignition of underlying vegetation and/or ignition of combustible exterior cladding with subsequent vertical flame spread to the under eave area.

The joints in both open- and soffited- eaves were vulnerable to the penetration of flames into areas behind the joints. No differences were observed between open- and soffited-eaves when subjected to the 35 kW/m2 radiant exposure. Flaming ignition occurred at similar times and flames spread rapidly over the entire exposed surfaces." Hakes et al. (2016) states that "(w)ithout proper clearance around the base of a structure, firebrand accumulation can lead to ignition of nearby vegetation or other fuels (e.g. mulch, wood piles) which can in turn lead to direct flame contact and radiant heat exposure to siding materials on the exterior walls." Sluder et al. (2026) stated that "(w)ildfires expose structures to wind-driven embers, direct flame contact, and radiant heat. Accumulated embers can ignite combustible materials including landscape mulch, creating sustained exposure at the wall-foundation interface. Wind-driven ember ignitions in mulch can ignite adjacent combustible sheathing, with outcomes impacted by vertical separation distance, wind speed, mulch type, and wall geometry." These proposed regulations are necessary because these parts of a building are often the points where embers land and accumulate and smaller fires ignite and spread to the structure or, in the case of decks, stairs, and pergolas, where small fires become larger fires that threaten the structure. Additional distance of fuels from these vulnerable points provides additional protection from structure ignition.

Paragraph (7) states that those parts of Zone 0 that are not within the most vulnerable areas specified may have vegetation, but that vegetation must be either non-woody plants that are no more than three inches tall and free of dead or dying materials, including lawns and ground covers, non-woody plants that are between three and eighteen inches tall with no dead or dying material in plantings no more than one square foot in area which are set apart by at least two feet measured from the plants' widest points, or non-woody plants no more than eighteen inches in height in noncombustible pots no larger than five-gallon capacity and set apart by at least two feet measured from the plants' widest points and free of dead or dying material. Trees, which come under the definition of vegetation but have specific requirements within the regulations, are permitted pursuant to the requirements in Section 1298.04(b)(5)(A)-(F). The standards for vegetation are set by contemplation by the Board on the amount and risks of vegetation within Zone 0 igniting and spreading fire to the structure. NIST TN 1635 found that within the Witch and Guejito Fire, 79% of structures were ignited by fires spread from adjacent vegetation. Syphard et al. (2014) found that "(t)he most effective actions [in reducing structure loss] were reducing woody cover up to 40% immediately adjacent to structures and ensuring that vegetation does not overhang or touch the structure." Limitations on plants are drawn from requirements within White and Zipperer as pertains to features of plants that make them less likely to ignite and transmit flame. Limitations for ground cover height are drawn from the existing regulatory requirements for Zone 1 within the SRA; the same standards are applied here within the LRA VHFHSZ for consistency. Limitations of height of non-ground-cover plants are drawn from consultation with fire professionals based on a rule of thumb that the average flame length is twice as long as the fuel height: if the plants within Zone 0 ignite, the flame length will likely not be long enough, even during a significant wind event, to form a cascading ignition of fire adjacent to the occupied structure. Limitations on spacing serve a similar purpose and also are necessary for emergency responders to have easier access to a structure during a wildfire event. Limitations for potted plant size draw from the same fire professional standards, while the limitations for the size of pots assume intervention from residents, neighbors, or firefighters during a wildfire event: a five-gallon pot holds 0.687 cubic feet of soil, which weighs between 50 and 85 pounds, depending

on soil type (DownEaster 2015). It is standard practice for firefighters to remove potentially flammable materials from Zone 0 during a wildfire event, and this limitation on pot size means that moving pots quickly will be possible. Pots made of material are combustible, such as wood or plastic, are not permitted because NIST TN 2253 found that they could release up to 6 MJ of energy while burning. These standards are necessary to minimize the amount of fuel within Zone 0 which will reduce the intensity of fires in the zone, limit the spread of any fires to occupied structures, and allow firefighters easier access to extinguish fires that do start and to take preventative action during a wildfire event such as moving pots and containers away from the occupied structure.

Paragraph (8) concerns fences and gates within Zone 0. Subparagraph (A) states that fences and gates shall not be attached to an occupied structure unless they are constructed entirely from noncombustible material. Subparagraph (B) states that all fences and gates that are attached to an occupied structure, or come within one foot of an occupied structure, shall have a five-foot span of noncombustible material from the point of attachment. Subparagraph (C) states that after the effective date of the regulations, there shall be no new fences or gates constructed with within Zone 0, unless they are constructed entirely from noncombustible material. Subparagraph (D) states that the regulation does not apply to fence repairs. Fences made of combustible material, specifically combustible fences that are attached to a structure, present a risk to the structure during an ember-driven wildfire event. NIST TN 2228 found that “Combustible fences with mulch at their base were found to be high hazard, transporting fire through the community and providing a steady source of firebrands.” NIST TN 1635 found that within the Witch and Guejito Fire footprints, 45% of homes within the fire footprints with an attached wood fence were destroyed; significantly higher than the baseline loss rate. These standards for fences are necessary to minimize the amount of fuel within Zone 0, and particularly the fuel directly attached to an occupied structure, which will reduce the likelihood of fences ignited by embers to spread fire to the adjacent structure, and limit the intensity of fires in the zone. Permitting repairs is necessary to avoid unreasonable financial impacts and to allow compliance over time as required by the Legislature.

Paragraph (9) states that outbuildings are not permitted in Zone 0 unless they are constructed entirely of noncombustible materials. NIST TN 2253 compared necessary structure separation distance that led to likely survival of adjacent structures as applies to combustible and noncombustible sheds when the shed or the contents of the shed were ignited. This study found that the peak heat flux of a burning shed was commensurate to the amount of combustible fuel in shed construction. These experiments found that noncombustible sheds significantly reduced the flame exposure of the adjacent structure. This proposed regulation is necessary to minimize the rate of ember-caused ignition of buildings or structures within the VHFHSZ within the LRA and to lessen the likelihood of fire spreading to occupied structures from outbuildings.

Subsection (c) covers the timelines for compliance with Zone 0 requirements. The problem is that the Legislature set varying timelines for compliance and authorized the Board to address the costs of compliance by allowing staging of Defensible Space implementation. The purpose of this section is to clarify timelines for implementation for anyone planning to build a new occupied structure, which by definition is one for which a permit application has yet to be filed.

Paragraph (1) states that per statutory requirements, new occupied structures must comply with all requirements of 14 CCR §1298.04(b) upon the effective date of the regulations. This is necessary to ensure compliance with Government Code section 51186.

Paragraph (2) states that existing occupied structures must comply with existing statutory requirements as stated within 14 CCR §1298.04(b)(2) as pertains to leaves and tree needles on roofs and gutters and (b)(5)(A), (B), and (C) as pertains to tree maintenance: Government Code section 51182 requires that trees be maintained so that there are no dead or dying branches hanging over the house and that live branches are at least ten feet away from chimney and stovepipe outlets. It also requires that a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure within a very high fire hazard severity zone shall at all times "(m)aintain the roof of a structure free of leaves, needles, or other vegetative materials." This language is necessary to meet existing statutory requirements. Existing structures must also comply with fence requirements under 1298.04(b)(8)(C) on the effective date of these regulations. This provision is necessary to clarify timelines for fence and gate compliance standards.

Paragraph (3) states that beginning three years after the effective date of these regulations, existing occupied structures must comply with requirements for combustible materials within Zone 0 pursuant to 1298.04(b)(1), the requirement that combustible materials not be stored under decks pursuant to 1298.04(b)(3), requirements for the storage of firewood pursuant to 1298.04(b)(4), and requirements pursuant to 1298.04(b)(5)(C), (D), (E), and (F), that trees be maintained to be free of ladder fuels, that live branches are not under eaves (or, where there are no eaves, be maintained so that they are at least one foot from walls) and that live branches be maintained five feet above the roof. This provision is necessary to address the direction from Government Code section 51182(d) that the regulations allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.

Paragraph (4) states that beginning three years after the effective date (or beginning five years after the effective date on a timeline set by a local agency) of these regulations, existing occupied structures must comply with requirements for removal of fuels under the eaves of an occupied structure or within one foot of a structure if there are no eaves pursuant to 1298.04(b)(6), vegetation maintenance requirements pursuant to 1298.04(b)(7), fence and gate requirements pursuant to 1298.04(b)(8)(A) and (B), and outbuilding requirements pursuant to 1298.04(b)(9). The problem is that these changes, while effective in preventing ember-caused structure ignition, take time and cost money to implement. Statute provides for a three-year compliance timeline; to address this, the Board has allowed local agencies responsible for fire protection to extend that timeline to create an additional timeline on certain portions of the regulations for local compliance needs. This is necessary to address the direction within Government Code section 51182(d) that the regulations allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance. This is necessary because the listed provisions are estimated to cause the bulk of the cost for implementation: if local agencies responsible for fire protection so choose, they can elect to extend the implementation timeline for some or all of these provisions to five years from the effective date.

Amend 14 CCR § 1299.01 The proposed action adds language regarding the purpose of the regulations to address the addition of the ember-resistant Zone 0 to the article, as directed by the Legislature in Public Resources Code section 4291. The added language states that a purpose of the regulations is to implement the defensible space requirements described in Section 4291 for the creation of an ember-resistant zone surrounding buildings and structures in the SRA. This is necessary to clarify the scope and purpose of the regulations following the Legislatures amendments to Section 4291 of the Public Resources Code.

Amend 14 CCR § 1299.02
The proposed action adopts several additional definitions, makes updates to some definitions, and alphabetizes existing definitions. The problem is that the modification of defensible space requirements within the article to include an ember-resistant Zone 0 requires specific defined terms to clarify what is needed for compliance. The purpose of these amendments is to define terms specific for compliance with defensible space requirements. The amendments are necessary to establish clear and consistent requirements for the ember-resistant zone.

In subsection (a) the definition for “Building or Structure”, as used in the authorizing statute (Public Resources Code 4291) is expanded to include an attached deck or other similar raised platform, as required by changes in statute. The definition further specifies that “attached” includes self-supporting decks, stairs, or pergolas that are within one foot of a building or structure. The authorizing statute was updated in 2020 under AB 3072 to specify that buildings or structures includes attached decks. This update is necessary to bring the definition in line with statute, to protect vulnerable areas from ember-ignition, and to make reasonable allowances for the enforcement challenge provided by small gaps between buildings and decks.

In subsection (b) the definition for “Combustible Material” is adopted. This term is used elsewhere in the rule text to establish what types of materials are not permitted, unless specified, within Zone 0 (the ember-resistant zone), and includes examples of ordinary flammable materials such as grasses, weeds, wood, plants, and petroleum-based items capable of burning. The defined term is used to separate out the subset of items that are likely to combust when wildfire conditions are present, as opposed to noncombustible items. The purpose of this term is to distinguish between a general category of items or materials that are likely to ignite from embers and transmit flames and those that are not. This is necessary, as the Legislature directed the Board “to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers” to implement the purpose of the regulations—to prevent structure ignition. (Public Resources Code section 4291).

The definitions for “Existing Building or Structure” (in subsection (d)) and “New Building or Structure” (in subsection (f)) are adopted. The authorizing statute has separate effective dates for existing structures and new structures; this definition provides a standard to separate the two categories. This is necessary to provide a specific date to clarify enforcement standards.

In subsection (e) a definition for “Ladder Fuels” is adopted. This term is specific to the maintenance of trees to minimize structure ignition. Ladder fuels applies to vegetative fuels that can transmit fire to other vegetation, to structures, or to other combustible material. The problem is that vegetation near homes increases the likelihood of ignition of a structure during an ember-

driven wildfire event. The purpose of this proposed language is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits gardens and trees can bring to a home. This defined term is necessary to ensure comprehension of the regulatory guidelines for vegetation around homes in section 1299.03.

In subsection (g) the definition for “Noncombustible Material” is adopted. This term is used in the rule text to define the permissible material for outbuildings, patios, and attached fences and gates within the Zone 0 ember-resistant zone. The use of the ASTM E136-26 test and the incorporation of that text by reference provides a clear metric for which materials meet the standards for fully ignition-resistant materials as pertains to outbuildings, attached fences and gates, and patios within Zone 0. This is necessary to provide an enforceable standard for construction materials used in patios, attached fences and gates, and outbuildings that allows certification of defined standards commonly used in the construction and home improvement industries.

In subsection (h) the definition for “Non-woody Plant” is adopted. This term is specific to the growth form of plants with a lower fuel potential. Non-woody vegetation carries less inherent risk of high-intensity combustion, and so is regulated differently than woody (dry, hard) vegetation (Whelan, 1995). The problem is that vegetation near homes increases the likelihood of ignition of vegetation from embers and these flames then spread to a structure during an ember-driven wildfire event. The purpose of this proposed language is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits gardens and trees can bring to a home. This defined term is necessary to aid those impacted by the rules to understand which plants are permitted under the regulatory guidelines for vegetation around homes in section 1299.03.

In subsection (i) the definition for “Outbuilding” is amended. These include small structures (less than 120 square feet) that are not used for human habitation, such as a wood shed or bike shed. For the purposes of the regulations, outbuildings are not buildings or structures but have specific requirements to minimize the risk of ember ignition that could cause flames to spread to an adjacent building or structure during a wildfire event. The problem is that sheds and other adjacent small structures often are constructed without consideration of the building code and have an elevated risk of ignition during a wildfire event. The ignition of an adjacent structure, even a small one, significantly increases the risk that nearby structures will ignite. Buildings which meet the standards of a building or structure will themselves need to meet the defensible space requirements in the regulations, while outbuildings are not permitted within Zone 0 unless constructed entirely of noncombustible materials. The definition mirrors the language in the requirements for the Local Responsibility Area, aligning the regulations for the two areas. This is necessary to prevent structure ignition and to improve the clarity and consistency of the regulations to ensure that those impacted understand that a wood shed, bike shed, or other outbuilding that is not made entirely of noncombustible material cannot be located within five feet of one’s home or business. This is also necessary to ensure consistency with existing requirements of 14 CCR section 1299.03 for outbuildings in Zone 1 (5-30 feet from buildings and structures), which requires that they have “minimum clearance: ten feet (10 ft.) of clearance to bare mineral soil and no flammable vegetation for an additional ten feet (10 ft.) around their exterior.” As no outbuildings may currently be located in Zone 1 without at least 10 feet of

clearance to bare mineral soil, it follows that an outbuilding may not currently be within five feet of a building or structure (i.e. within Zone 0).

In subsection (j) the definition for “Tree” is adopted. This term applies to specific types of woody vegetation that have, at maturity, characteristics that can be maintained to manage ladder fuels and thus minimize the risks of structure ignition during a wildfire event. The problem is that vegetation near structures increases the likelihood of ignition of vegetation from embers and these flames then spread to a structure during an ember-driven wildfire event. The purpose of this proposed regulation is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits gardens and trees can bring to a home. This defined term is necessary to aid those impacted by the regulations to understand which plants are permitted around occupied structures in 14 CCR § 1299.03.

In subsection (k), the definition for “Vegetation” is adopted. The term applies to plants, including trees, both living and dead, that are found in the defensible space around buildings and structures. The problem is that vegetation adjacent to buildings and structures can ignite during ember-borne wildfire conditions and spread fire to the structure. The purpose of this proposed regulation is to balance the protection of a structure during a wildfire event and the need to minimize costs to residents while maximizing the benefits of gardens and trees. This defined term is necessary for comprehension of the regulatory guidelines for vegetation, including trees, around homes in 14 CCR § 1299.03.

Amend 14 CCR § 1299.03
This section provides definitions of the different zones of defensible space and specifications for maintaining structure protections in each zone. The problem is that changes in the authorizing statute require updates to these regulations to integrate an ember-resistant Zone 0. The purpose of these changes is to clarify the scope of Zone 0 requirements, and necessary changes to the requirements for Zone 1 resulting from the creation of Zone 0.

The introductory phrase is modified to add “per Section 1299.01 through 1299.05” to the specification that defensible space must be maintained at all times. This change is necessary to reflect changes in the authorizing statute.

Subsection (a) is amended to include specifications for the ember-resistant zone, an area which begins at the exterior surface of the exterior wall (or attached deck, stairs, or pergola) of a structure and extending out five feet horizontally or to the property line, whichever comes first. These specifications include the name “Zone 0.” The definition for Zone 1 is modified; instead of applying between zero and thirty feet from a structure, it applies between five and thirty feet from a structure; Zone 0 now occupies the innermost layer of protections around a structure. The problem is a lack of clarity as to the requirements of the different defensible space zones. The purpose of this amendment is to clarify the scope of the regulations. This is necessary to promote the clarity and consistency of the regulations and implement the new Zone 0 within the current Zones 1 and 2, per the Legislature’s direction to the Board in Public Resources Code section 4291.

Subsection (b) is amended to include Zone 0. The problem is that the existing description of Zones 1 and 2 does not include specifications for an ember-resistant zone within five feet of a building or structure. The purpose of this update is to specify where each defensible space zone is. This is necessary to promote the clarity and consistency of the regulations.

Subsection (c) is adopted to clarify that the addition of a structure on a neighboring property does not require any additional defensible space actions from a landowner. The problem is a lack of clarity as to whether additional protection measures are necessary if an adjoining landowner adds an additional building or structure to a property. The purpose of this amendment is to clarify the scope of the regulations. This is necessary to promote the clarity and consistency of the regulations.

Subsection 14 CCR § 1299.03(d) covers requirements for Zone 0 compliance. The problem is that ember-caused fires within five feet of a structure often result in structure ignition. The purpose of these requirements is to minimize the risk of ember-caused fires within five feet of a building or structure.

Paragraph (1) clarifies that these requirements include limitations on combustible materials within Zone 0, except as set forth in these regulations. This includes but is not limited to small flammable vegetative debris such as fallen leaves and tree needles, plastic and wooden items, and mulches within five feet of a building or structure. This is necessary because fine fuels in Zone 0 are risk factors for structure ignition. NIST Technical Note 2228 found that when a range of flammable mulches and pine straw were ignited under simulated ember-borne wildfire conditions, that fire would spread to adjacent structures and was capable of igniting other combustible materials in Zone 0, particularly including wooden fences. The limitations on combustible material within Zone 0 whenever flammable vegetative conditions exist is necessary to ensure consistency with current similar regulations for Zones 1 and 2 under 14 CCR 1299.03 and to clarify that compliance is not required when such conditions do not exist, such as when a home is surrounded by snow. The prohibition on mulches may qualify for temporary exceptions under Subparagraph (A) during new or continuing construction, as is necessary to conform with standard Stormwater Pollution Prevention Plan requirements under the Clean Water Act.

Paragraph (2) states that there shall be no leaves, needles, and other combustible materials apply to the roof and rain gutters of a building or structure. This is necessary because flammable debris in gutters and on roofs can catch fire during ember-borne wildfire events and cause ignition of the structure. Hakes et al (2016) reviewed several papers on structure ignition, both from after-wildfire surveys of affected neighborhoods and from experiments that simulated wildfire events. In several cases, debris collected in a gutter were ignited by firebrands, potentially spreading the fire to the home at the roof-gutter intersection. The risks of roof ignition from leaves, needles, and other vegetative materials is recognized in statute under Public Resources Code section 4291(a)(4) and Government Code section 51182(a)(4).

Paragraph (3) states that the areas under decks, balconies, pergolas, and stairs must be kept free of vegetation and combustible items. This is necessary because decks and similar structures are a significant source of structure ignition. Hakes et al. (2016) states that ignition of combustible materials stored under decks were a significant source of ignition during the Angora fire, and that

experiments examining the response of decking material to simulated ember-borne wildfire conditions found that ember exposure for wooden decking material alone resulted in the material smoldering, but not producing flame, while ember exposure for wooden decking material with pine needles underneath resulted in ignition of all decking materials. Public Resources Code section 4291(i) grants the Board authority to require removal of fuel or vegetation underneath decks.

Paragraph (4) states that firewood cannot be stored in Zone 0. This is necessary to limit structure ignition during a wildfire event: NIST Technical Note 2228 firewood for tendency to ignite and produce heat that could ignite an adjacent structure during a simulated ember-borne wildfire condition and found that it would be a risk factor. Removing large pieces of combustible material—like firewood—from Zone 0 is necessary to reduce the likelihood of the wood igniting from ember or flame spread and then spreading to the occupied structure.

Paragraph (5) states that no new trees are permitted within Zone 0 and sets forth the maintenance standards for existing trees within Zone 0. This aligns with the requirements in the CWUI code 24 CCR section 603.4.2, which applies to the same fire hazard designations as the defensible space rules: the LRA VHFHSZ and the SRA and therefore ensures consistency with an existing state regulation. Existing trees must be maintained to meet the following requirements: so that there are no dead or dying branches; so that all living branches are at least ten feet away from the outlets of chimneys and stovepipes; so that there are no live tree branches under eaves or within one foot of a building or structure when there is no eave; so that all ladder fuels have been removed, including those fuels in the first six feet or one third of the tree's total height, whichever is smaller; to ensure that all live branches are at least five feet above a roof, and to ensure that no live branches are within five feet of a deck, stairs, or pergola that is attached to a building or structure or within two feet of windows, doors, or vents. The requirements for no dead or dying branches and for minimum distance from chimney and stovepipe outlets are necessary because the requirements of PRC 4291(a)(2) and (3) mandate that people who own, lease, control, operate, or maintain a building or structure within the SRA must "Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe" and must (m)aintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood." The standard that tree limbs not be present underneath eaves or within one foot of the a building or structure if there is no eave is necessary because of additional risks from eaves per review from Hakes et al. (2016) and Quarles et al. (2011). The requirements for ladder fuels are necessary to limit the spread of ground fires into trees, or the spread of fires from trees to adjacent structures per input from fire professionals on the rulemaking process.

Paragraph (6) states that, in order to protect vulnerable parts of a building or structure, no vegetation is permitted in those parts of Zone 0 that are under eaves, less than one foot from a building or structure, less than five feet from an attached deck, stairs, or pergola, or within two feet of windows, doors, posts, or vents. Decks, stairs, and pergolas are features of a building or structure that are prone to ignition and tend to concentrate fuel immediately adjacent to the structure, leading to a high likelihood of ignition from radiant or conductive heat. Hakes et al (2016) states "(d)uring the 2007 Witch Creek and Guejito fires, decks were observed to be one of the most significant sources of ignition. Of sixteen damaged homes, the ignition location was most often a detached structure or decking. Similar observations were made during the Waldo

Canyon fire, where wooded slopes with overhanging decks created a large hazard. Most of these ignitions were thought to originate from firebrands (embers) or local flame contact. One issue is that deck material is tested for flame spread properties and ignition potential from direct flame contact, but is not tested for ignition from firebrand exposure or for its potential to ignite an adjacent structure with radiant energy." In these cases, the large boards of decks became involved in fires after smaller fires were ignited under the deck surface. Some of the features addressed in this paragraph are weak points in exterior walls of a building or structure, where embers can enter the structure and ignite the contents. These include the base of the wall itself, windows, doors, and vents. Hakes et al. (2016) also notes that "(e)aves and vents have been recognized as significant sources of ignition of homes in the WUI. Vents provide an opening through which burning brands may penetrate the interior of a structure, often the attic. Eaves serve as a connection point between siding and roofing assemblies, where potential vulnerabilities can occur." While window vulnerability varies based on single-paned versus double-paned glass and the material of the window casing, "the most rapid flame spread resulted from penetrations at windows, both from flames exiting the burning structures and from flames entering/heating broken windows on an unignited assembly." Quarles et al. (2011) states "A flame contact exposure can result from ignition of underlying vegetation and/or ignition of combustible exterior cladding with subsequent vertical flame spread to the under eave area. The joints in both open- and soffited- eaves were vulnerable to the penetration of flames into areas behind the joints. No differences were observed between open and soffited eaves when subjected to the 35 kW/m2 radiant exposure. Flaming ignition occurred at similar times and flames spread rapidly over the entire exposed surfaces." Hakes et al. (2016) states that "(w)ithout proper clearance around the base of a structure, firebrand accumulation can lead to ignition of nearby vegetation or other fuels (e.g. mulch, wood piles) which can in turn lead to direct flame contact and radiant heat exposure to siding materials on the exterior walls." Sluder et al. (2026) stated "Wildfires exposure structures to wind-driven embers, direct flame contact, and radiant heat. Accumulated embers can ignite combustible materials including landscape mulch, creating sustained exposure at the wall-foundation interface. Wind-driven ember ignitions in mulch can ignite adjacent combustible sheathing, with outcomes impacted by vertical separation distance, wind speed, mulch type, and wall geometry." These amendments are necessary because these parts of a building are often the points where embers land and accumulate and smaller fires ignite a structure or, in the case of decks, stairs, and pergolas, where small fires become larger fires that threaten the structure. Additional distance of fuels from these vulnerable points provides additional protection from structure ignition.

Paragraph (7) states that those parts of Zone 0 that are not within the most vulnerable areas specified may have vegetation, but that vegetation must be either non-woody plants that are no more than three inches tall and free of dead or dying materials, including lawns and ground covers, non-woody plants that are between three and eighteen inches tall with no dead or dying material in plantings no more than one square foot in area and are set apart by at least two feet measured from the plants' widest points, or non-woody plants no more than eighteen inches in height in noncombustible pots under five gallon capacity and set apart by at least two feet from other pots measured from the plants' widest points. Trees are permitted pursuant to the requirements in Section 1299.03(d)(5)(A)-(F). The standards for vegetation are set by contemplation by the Board on the amount and risks of vegetation within Zone 0 igniting and spreading fire to the structure. NIST TN 1635 found that within the Witch and Guejito Fire, 79% of

structures were ignited by fires spread from adjacent vegetation, and from work from Syphard et al (2014) which found that “The most effective actions [in reducing structure loss] were reducing woody cover up to 40% immediately adjacent to structures and ensuring that vegetation does not overhang or touch the structure”. Limitations on plants are drawn from requirements within White and Zipperer as pertains to features of plants that make them less likely to ignite and transmit flame. Limitations for ground cover height are drawn from the existing regulatory requirements for Zone 1 within the SRA, and the standing requirements that protections within Zone 0 be more protective than those in Zone 1. Limitations of height of non-ground-cover plants are drawn from suggestions from fire professionals based on a rule of thumb that the average flame length is twice as long as the fuel height: if the plants within Zone 0 ignite, the flame length will not be long enough, even during a significant wind event, to form a cascading ignition of fire adjacent to the building or structure. Limitations on spacing serve a similar purpose. Limitations for potted plant size draw from the same fire professional standards, while the limitations for the pots themselves assume intervention from residents, neighbors, or firefighters during a wildfire event: a five-gallon pot holds 0.687 cubic feet of soil, which weighs between 50 and 85 pounds, depending on soil type (DownEaster, 2015). It is standard practice for firefighters to remove potentially flammable materials from Zone 0 during a wildfire event, and this limitation on pot size means that moving pots quickly will be possible. Pots made of material that can combust are not permitted because NIST TN 2253 found that they could release up to 6 MJ of energy while burning. These standards are necessary to minimize the amount of fuel within Zone 0 which will reduce the intensity of fires in the zone, limit the spread of any fires, and allow firefighters access to extinguish fires that do start and to take preventative action during a wildfire event.

Paragraph (8) concerns fences and gates within Zone 0. Subparagraph (A) states that fences and gates shall not be attached to a building or structure unless they are constructed entirely from noncombustible material. Subparagraph (B) states that all fences and gates that are attached to a building or structure, or come within one foot of an occupied structure, shall have a five-foot noncombustible space at the point of attachment. Subparagraph (C) states that after the effective date of the regulations, there shall be no new fences or gates constructed with within Zone 0, unless they are constructed entirely from noncombustible material. Subparagraph (D) states that the regulation does not apply to fence repairs. Fences made of combustible material, specifically combustible fences that are attached to a structure, present a risk to the structure during an ember-driven wildfire event. NIST TN 2228 found that “Combustible fences with mulch at their base were found to be high hazard, transporting fire through the community and providing a steady source of firebrands.” NIST TN 1635 found that within the Witch and Guejito Fire footprints, 45% of homes within the fire footprints with an attached wood fence were destroyed; significantly higher than the baseline loss rate. These standards for fences are necessary to minimize the amount of fuel within Zone 0, and particularly the fuel directly attached to a building or structure, which will reduce the likelihood of fences ignited by embers to spread fire to the adjacent structure, and limit the intensity of fires in the zone. Permitting repairs is necessary to avoid unreasonable financial impacts and to allow compliance over time as required by the Legislature.

Paragraph (9) states that outbuildings are not permitted in Zone 0 unless they are constructed entirely of Noncombustible materials. NIST TN 2253 compared necessary structure separation distance that led to likely survival of adjacent structures as applies to combustible and noncombustible sheds when the shed or the contents of the shed were ignited. This study

found that the peak heat flux of a burning shed was commensurate to the amount of combustible fuel in shed construction. These experiments found that noncombustible sheds significantly reduced the flame exposure of the adjacent structure. This proposed amendment is necessary to minimize the rate of ember-caused ignition of buildings or structures within California's SRA.

Subsection (e) is adopted to clarify the timelines for compliance with Zone 0 requirements. The problem is that the Legislature set varying timelines for compliance and authorized the Board to address the costs of compliance by allowing staging of Defensible Space implementation. The purpose of this section is to clarify timelines for implementation for anyone planning to build a new building or structure, which by definition is one for which a permit application has yet to be filed.

Paragraph (1) states that per statutory requirements, a new building or structure must comply with all requirements of 14 CCR §1299.04(d) upon the effective date of the regulations. This is necessary to ensure compliance with Public Resources Code section 4291(g)(2).

Paragraph (2) states that existing buildings and structures must comply with existing statutory requirements as stated within 14 CCR §1299.03(d)(2) as pertains to leaves and tree needles on roofs and gutters and (d)(5)(A), (B), and (C) as pertains to tree maintenance: Public Resources Code section 4291(a)(2)-(4) require that trees be maintained so that there are no dead or dying branches hanging over the house and so that live branches are at least ten feet away from chimney and stovepipe outlets, and that a person who owns, leases, controls, operates, or maintains an building or structure within the SRA must maintain "the roof of a structure free of leaves, needles, or other vegetative materials". This language is necessary to meet existing statutory requirements. Existing structures must also comply with fence repair requirements under 1299.03(d)(8)(C) and (D) on the effective date of these regulations. This provision is necessary to clarify timelines for fence and gate compliance standards.

Paragraph (3) states that beginning three years after the effective date of these regulations, existing buildings or structures must comply with requirements for combustible materials within Zone 0 pursuant to 1299.03(d)(1), the requirement that combustible material not be stored under decks pursuant to 1299.03(d)(3), requirements for the storage of firewood pursuant to 1299.03(d)(4), and pursuant to 1299.03(d)(5)(C), (D), (E), and (F), the requirements that trees be maintained to be free of ladder fuels, that live branches are at not under eaves (or, where there are no eaves at least one foot from walls) and that live branches be maintained feet above the roof. This provision is necessary to address the direction from PRC Section 4291(d) that the regulations allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance. The proposed actions reflect the Legislature's direction to integrate the Zone 0 requirements within the defensible space requirements for SRA Zones 1 and 2 requirements.

Paragraph (4) states that beginning three years after the effective date of these regulations, or within five years on a timeline set by the Director, existing buildings or structures must comply with requirements for requirements for removal of fuels under the eaves of an occupied structure or within one foot of a structure if there are no eaves pursuant to 1299.03(d)(6), vegetation maintenance pursuant to 1299.03(d)(7), fence and gate requirements pursuant to

1299.03(d)(8)(A) and (B), and outbuilding requirements pursuant to 1299.03(d)(9). The problem is that these changes, while effective in preventing ember-caused structure ignition, are costly. Statute provides for a three-year compliance timeline; to address these costs, the Board has allowed the Director to extend that timeline to create an additional timeline for compliance needs. This is necessary to address the direction within PRC §4291(e)(2) that the regulations allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance. This is necessary because the listed provisions are estimated to cause the bulk of the cost for implementation

Subsection 1299.03(f) (formerly subsection 1299.03(a)) applies to current Zone 1 requirements. Those items are now covered within the purview of Zone 0 are removed to integrate Zone 0 into the defensible space requirements. These include specifications for the roof and rain gutters of a building or structure as covered under paragraph (1) and for dead tree or shrub branches that overhang roofs, are below or adjacent to windows, or which are adjacent to wall surfaces are removed as covered under paragraph (2). Specifics about the requirement that all branches be kept at least ten feet from the outlet of a chimney or stovepipe are not changed. The problem is that these requirements apply to the area immediately adjacent to a building or structure, and Zone 1 now includes those areas that are at least five feet away from the edge of a building or structure, extending out to thirty feet from the edge of a building or structure. The purpose of this is to update the statutory changes that add the new ember-resistant zone immediately adjacent to a structure. This is necessary for the clarity and consistency of the regulations and to implement the Legislature’s direction to the Board.

Non substantiative amendments
Made minor grammar corrections and numbering updates throughout.

Board of Forestry and Fire Protection

Zone 0 Defensible Space

Title 14 of the California Code of Regulations

Division 1.5, Chapter 7,

Subchapter 3 Article 3

[14 CCR 1298 et seq. covers the Local Responsibility Area]

§ 1298.01. Purpose.

The regulations in this article implement the defensible space requirements described in Government Code Section 51182 for the creation of an ember-resistant zone surrounding Occupied Structures in a Local Responsibility Area (LRA) within a Very High Fire Hazard Severity Zone (VHFHSZ). These regulations aim to improve public safety, improve safety for firefighters defending structures, and increase the likelihood an Occupied Structure will survive a wildfire event within those parts of the state where fire protection is managed by local agencies (the LRA) within a VHFHSZ, as designated under the process described in Government Code sections 51178, 51179, and 51181.

Note: Authority cited: Sections 51182 and 51182.4, Government Code. Reference: Sections 51177, 51178, 51179, 51181, and 51184, Government Code.

§ 1298.02. Definitions.

The following definitions apply to this article:

(a) Combustible Material. Vegetative, wood, or other fuel (pursuant to Government Code section 51177(c)), that, after ignition, will continue to burn in air, including but not

limited to petroleum-based products, cultivated landscape plants, grasses and weeds, and wildland vegetation.

(b) Defensible Space. The buffer that landowners are required to create on their property between an Occupied Structure and the plants, brush, and trees, or other items surrounding the Occupied Structure that could ignite in the event of a fire.

(c) Existing Occupied Structure. An Occupied Structure that was constructed, under construction, or for which the building permit application for initial construction had been submitted before [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State*].

(d) Ladder Fuels. Fuels that can transmit fire to other vegetation, structures, or Combustible Material.

(e) New Occupied Structure. An Occupied Structure for which the building permit application for initial construction was submitted after [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State*].

(f) Noncombustible Material. Material that passes the American Society for Testing and Materials (ASTM) E136-26 “Standard Test Method for Assessing Combustibility of Materials Using a Vertical Tube Furnace at 750 °C,” incorporated by reference herein.

(g) Non-Woody Plant. A plant that lacks dry, hardened, rigid stems or trunks that persist year to year and is not a Tree. This includes, but is not limited to, herbaceous plants with soft, green stems, such as annuals, perennials with soft stems, bulbs, grasses, ferns, mosses, and succulents.

(h) Occupied Structure. Any constructed building or structure that is intended or used for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground. An Occupied Structure, for the purpose of determining an ember-resistant zone,

includes an attached deck, stairs, or pergola, but does not include patios made of Noncombustible Material. For the purposes of these regulations, an attached deck, stairs, or pergola includes those that are self-supporting and within one (1) foot of the Occupied Structure.

(i) Outbuilding. Buildings or structures that are less than one hundred-twenty (120) square feet in size and not used for human habitation, such as a wood shed or bike shed. For purposes of this Section, an Outbuilding is not an Occupied Structure as defined in subsection (h) above.

(j) Tree. A woody perennial plant with a well-defined stem or trunk, and at maturity having a stem or trunk diameter at four and a half (4.5) feet above the ground of at least four (4) inches and a height of at least fifteen (15) feet.

(k) Vegetation. All plants, including trees, shrubs, grass, and perennial or annual plants.

Note: Authority cited: Sections 51182 and 51182.4, Government Code. Reference: Sections 51177, 51178, 51179, 51181 and 51186 Government Code; and Sections 18908 and 18917, Health and Safety Code.

§ 1298.03. Provisions for the Local Agency Responsible for Fire Protection in LRAs.

A local agency, pursuant to Government Code section 51177(e), responsible for fire protection in an LRA may develop alternative practices for Defensible Space compliance, based on the regulations in this article, that account for local variations. These local variations may include location-based fire risk, lot size, structure density, composition of the structure exterior pursuant to Government Code section 51183, local fire hazards, potential response to emergency conditions, geography/topography,

and/or compliance with California Wildland-Urban Interface Code building standards (or a combination thereof). The alternative practices shall be enacted by ordinance by the local agency responsible for fire protection and supported with a written finding, by the head of the local agency's department, division, or entity delegated to provide fire protection, that the alternative practices provide for, at a minimum, substantially similar practical effects as those stated in the regulations in this article. "Substantially similar practical effects," for the purposes of this Section 1298.03, means that the alternative practices will provide an Occupied Structure with substantially similar protection from ember ignition during a wildfire event and will provide substantially similar safety considerations for emergency personnel responding to a wildfire event as the regulations in this article. Such alternative practices may be more protective than the regulations in this article in order to meet local fire hazard conditions and other local variations listed in this Section 1298.03. A property owner in compliance with the applicable alternative practices described herein shall not be deemed to have violated Section 51182 of the Government Code.

Note: Authority cited: Sections 51182 and 51182.4, Government Code. Reference: Sections 50022.2, 51177, 51178, 51179, 51181, and 51183, Government Code; and Section 7, Article XI, California Constitution.

§ 1298.04. Zone 0 Requirements.

(a) Zone 0 is the area within five (5) feet around each Occupied Structure, beginning at the exterior surface of the exterior wall, attached deck, stairs, or pergola and extending five (5) feet out horizontally, or to the property line, or to another Occupied Structure, whichever comes first. All distances described in this article shall be measured in such

way – the full distance described, or to the property line, or to another Occupied Structure, whichever comes first. For the purposes of compliance with the requirements in this article, the addition of any Occupied Structure, including an accessory dwelling unit as defined in Government Code section 66313, on a neighboring property shall not require a landowner to create additional defensible space on their own property and shall not result in that landowner being found to be out of compliance with defensible space regulations.

(b) Zone 0 Requirements are as follows:

(1) Except as set forth herein, no Combustible Material is permitted within Zone 0 whenever flammable vegetative conditions exist; this includes but is not limited to: vegetative debris, plastic and wood items, and mulches such as bark and woodchips.

(A) Defensible space inspectors shall allow temporary exceptions to limitations on mulches to prevent erosion during new or continuing construction and during an emergency, as defined in Public Resources Code section 21060.3, as determined by the Defensible Space inspector.

(2) The roof and rain gutters of an Occupied Structure shall be kept free of leaves, needles, and other Combustible Material.

(3) The areas underneath decks, balconies, pergolas, and stairs shall be kept free of Vegetation and other Combustible Material.

(4) No firewood shall be stored in Zone 0.

(5) Trees. No new Trees are permitted within Zone 0. Existing Trees meeting the requirements in this Section 1298.04(b)(5) may remain. Existing Trees within Zone 0 shall meet the following requirements:

(A) Be maintained to ensure that there are no dead or dying branches;

(B) Be maintained to ensure that live Tree branches are at least ten (10) feet away from chimney and stovepipe outlets;

(C) Be maintained to ensure that live Tree branches are not underneath eaves, or within one (1) foot of an Occupied Structure where there is no eave;

(D) Be maintained to ensure that Ladder Fuels have been removed, including those fuels in the first six (6) feet from the ground or to one third (1/3) of the Tree's total height, whichever is smaller;

(E) Be maintained to ensure that live Tree branches are at least five (5) feet above a roof; and

(F) Be maintained to ensure that live Tree branches are at least five (5) feet from a deck, stairs, or pergola that is attached to an Occupied Structure, and at least two (2) feet from windows, doors, or vents on an Occupied Structure.

(6) To protect areas on an Occupied Structure that are most vulnerable to ember accumulation, ignition by embers, and fire (e.g. edge of wall, base of wall, under eave, glass, vents, etc.):

(A) There shall be a minimum one (1) foot Vegetation- and Combustible Material-free buffer spanning from the edge of the wall out at least one (1) foot or to the eave (whichever is farthest, up to five (5) feet);

(B) There shall be a minimum five (5) feet of Vegetation- and Combustible Material-free buffer spanning out from the edge of any attached deck, stairs, or pergola; and

(C) There shall be a minimum of two (2) feet of Vegetation- and Combustible Material-free buffer spanning out from any window, door, or vent on the Occupied Structure.

(7) Those parts of Zone 0 that are more than (1) foot from the Occupied Structure, not under eaves, more than five (5) feet from a deck, stairs, or a pergola that is attached to an Occupied Structure, or more than two (2) feet from windows, doors, or vents on the Occupied Structure may have Vegetation if any of the following conditions are met:

(A) Non-Woody Plants no more than three (3) inches tall free of dead or dying materials are permitted, including lawns and ground covers.

(B) Non-Woody Plants between three (3) and eighteen (18) inches tall free of dead or dying material are permitted if they are in plantings no more than one (1) square foot in area; and are set apart from each other, as measured from the plants' widest points, by at least two (2) feet.

(C) Non-Woody Plants in pots are permitted if they are in unaffixed pots or containers that are not made from Combustible Material (such as plastic or wood), no larger than five (5) gallon capacity, and the pots or containers are set apart from each other by at least two (2) feet. These plants shall be no greater than eighteen (18) inches in height, as measured from the base of the visible plant, and free of dead or dying material.

(D) Trees are permitted pursuant to the requirements in Section 1298.04(b)(5)(A)-(F).

(8) Fences and gates.

(A) Fences and gates shall not be attached to an Occupied Structure, unless they are constructed entirely from Noncombustible Material.

(B) All fences and gates that are attached to an Occupied Structure, or that come within one (1) foot of contact with an Occupied Structure, shall have a five (5) foot span of Noncombustible Material from the point of attachment or the point closest to the Occupied Structure.

(C) No new fences or gates are permitted within five (5) feet of an Occupied Structure, unless they are constructed entirely from Noncombustible Material.

(D) This Section 1298.04(b)(8) does not apply to repairs of existing fences and gates.

(9) Outbuildings, including but not limited to wood sheds and bike sheds, are not permitted in Zone 0 unless they are constructed entirely of Noncombustible Materials.

(c)

(1) New Occupied Structures must comply with all requirements of subsection 1298.04(b) beginning [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State; required Guidance Document adopted and published August 19, 2026*].

(2) Existing Occupied Structures must comply with provisions 1298.04(b)(2), 1298.04(b)(5)(A) and (B), and 1298.04(b)(8)(C) and (D), beginning [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State; required Guidance Document adopted and published August 19, 2026*].

(3) Existing Occupied Structures must comply with provisions 1298.04(b)(1), (b)(3), and (b)(4), and 1298.04(b)(5)(C), (D), (E), and (F), beginning [*OAL to insert hard date / three years from effective date]*

(4) Existing Occupied Structures must comply with provisions 1298.04(b)(6) and (b)(7), 1298.04(b)(8)(A) and (B), and 1298.04(b)(9), beginning [*OAL to insert hard date / three years from effective date*] or beginning [*OAL to insert hard date / five years from effective date*], on a timeline set by local ordinance and supported with a written finding by the local agency responsible for fire protection.

Note: Authority cited: Section 51182, 51182.4, and 51186, Government Code. Reference: Section 66313, Government Code.

[14 CCR 1299 et seq. covers the State Responsibility Area]

§ 1299.01. Purpose.

The intent of this regulation is to provide guidance for implementation of Public Resources Code Section 4291 to improve safety for fire-fighters defending a home, as well as increase the survivability of a "Building or Structure" as defined, that exists in grass, brush, and forest covered lands within the designated State Responsibility Area (SRA) of California and to implement the defensible space requirements described in Public Resources Code section 4291 for the creation of an ember-resistant zone surrounding Buildings and Structures in the SRA.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code; and Section 51182.4, Government Code. Reference: Section 4291, Public Resources Code.

§ 1299.02. Definitions.

The following definitions apply to this article:

(a) Building or Structure. Anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground. A Building or Structure, for the purpose of an ember-resistant zone, includes an attached deck, stairs, or pergola but does not include patios made of Noncombustible Material. For the purposes of these regulations, an attached deck, stairs, or pergola includes those that are self-supporting and within one (1) foot of the Building or Structure.

(b) Combustible Material. Vegetative, wood, or other fuel (pursuant to Government Code section 51177(c)), that, after ignition, will continue to burn in air, including but not limited to petroleum-based products, cultivated landscape plants, grasses and weeds, and wildland vegetation.

~~(b) Building or Structure. Anything constructed that is designed or intended for support, enclosure, shelter, or protection of persons, animals, or property, having a permanent roof that is supported by walls or posts that connect to, or rest on the ground.~~

(~~a~~c) Defensible Sspace. The buffer that landowners are required to create on their property between a "Building or Structure" and the plants, brush and trees or other items surrounding the "Building or Structure" that could ignite in the event of a fire.

(d) Existing Building or Structure. A Building or Structure that was constructed, under construction, or for which the building permit application for initial construction had been submitted before [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State*].

(e) Ladder Fuels. Fuels that can transmit fire to other vegetation, structures, or Combustible Material.

(f) New Building or Structure. A Building or Structure for which the building permit application for initial construction was submitted after [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State*].

(g) Noncombustible Material. Material that passes the American Society for Testing and Materials (ASTM) E136-26 "Standard Test Method for Assessing Combustibility of Materials Using a Vertical Tube Furnace at 750 °C," incorporated by reference herein.

(h) Non-Woody Plant. A plant that lacks dry, hardened, rigid stems or trunks that persist year to year and is not a Tree. This includes, but is not limited to, herbaceous plants with soft, green stems, such as annuals, perennials with soft stems, bulbs, grasses, ferns, mosses, and succulents.

(i~~e~~) Outbuilding. Buildings or structures that are less than one hundred-twenty (120) square feet in size and not used for human habitation, such as a wood shed or bike shed. For purposes of this Section, an "Outbuilding" is not a "Building or Structure" as defined in subsection (~~b~~a) above.

(j) Tree. A woody perennial plant with a well-defined stem or trunk, and at maturity having a stem or trunk diameter at four and a half (4.5) feet above the ground of at least four (4) inches and a height of at least fifteen (15) feet.

(k) Vegetation. All plants, including trees, shrubs, grass, and perennial or annual plants.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code; and Section 51182.4, Government Code. Reference: Section 4291, Public Resources Code; and Sections 18908 and 18917, Health and Safety Code.

§ 1299.03. Requirements.

Defensible space is required to be maintained at all times, per Section 1299.01 through 1299.05, whenever flammable vegetative conditions exist.

(a) One hundred ~~feet~~ (100~~ft~~.) feet of defensible space clearance shall be maintained in ~~two~~ three (3) distinct "~~Z~~zones" as follows:

(1) Zone 0 is the area within five (5) feet around each Building or Structure, beginning at the exterior surface of the exterior wall, attached deck, stairs, or pergola, and extending five (5) feet out horizontally, or to the property line, or to another Building or Structure, whichever comes first. All distances described in Section 1299.03(d) shall be measured in such way — the full distance described, or to the property line, or to another Building or Structure, whichever comes first.

(2) "Zone 1" extends from five (5) to thirty (30) feet ~~(30 ft.)~~ out from each "Building or Structure," or to the property line, whichever comes first.

(3) "Zone 2" extends from thirty (30) feet ~~(30 ft.)~~ to one hundred (100) feet ~~(100 ft.)~~ ~~from~~ each "Building or Structure," but not beyond the property line.

(b) The vegetation treatment requirements for Zone 0 are more restrictive than for Zone 1; the requirements for Zone 1 are more restrictive than for Zone 2~~,~~; as provided in this section ~~(a) and (b) below~~. The Department of Forestry and Fire Protection's "Property Inspection Guide, 2000 version, April 2000," provides additional guidance on vegetation treatment within Zone 1 and Zone 2, but is not mandatory and is not intended as a substitute for these regulations.

(c) For the purposes of compliance with the requirements of Section 1299.03(d), the addition of any Building or Structure, including an accessory dwelling unit as defined in Government Code section 66313, on a neighboring property shall not require a landowner to create additional defensible space on their own property and shall not

result in that landowner being found to be out of compliance with defensible space regulations.

(d) Zone 0 Requirements are as follows:

(1) Except as set forth herein, no Combustible Material is permitted within Zone 0 whenever flammable vegetative conditions exist; this includes but is not limited to: vegetative debris, plastic and wood items, and mulches such as bark and woodchips.

(A) Defensible space inspectors shall allow temporary exceptions to limitations on mulches to prevent erosion during new or continuing construction and during an emergency, as defined in Public Resources Code section 21060.3, as determined by the Defensible Space inspector.

(2) The roof and rain gutters of a Building or Structure shall be kept free of leaves, needles, and other Combustible Material.

(3) The areas underneath decks, balconies, pergolas, and stairs shall be kept free of Vegetation and other Combustible Material.

(4) No firewood shall be stored in Zone 0.

(5) Trees. No new Trees are permitted within Zone 0. Existing Trees meeting the requirements of this Section 1299.03(d)(5) may remain. Existing Trees within Zone 0 shall meet the following requirements:

(A) Be maintained to ensure that there are no dead or dying branches;

(B) Be maintained to ensure that live Tree branches are at least ten (10) feet away from chimney and stovepipe outlets;

(C) Be maintained to ensure that live Tree branches are not underneath eaves, or within one (1) foot of a Building or Structure where there is no eave;

(D) Be maintained to ensure that Ladder Fuels have been removed, including those fuels in the first six (6) feet from the ground or to one third (1/3) of the Tree's total height, whichever is smaller;

(E) Be maintained to ensure that live Tree branches are at least five (5) feet above a roof; and

(F) Be maintained to ensure that live Tree branches are at least five (5) feet from a deck, stairs, or pergola that is attached to a Building or Structure, and at least two (2) feet from windows, doors, or vents on a Building or Structure.

(6) To protect areas on Buildings and Structures that are most vulnerable to ember accumulation, ignition by embers, and fire (e.g. edge of wall, base of wall, under eave, glass, vents, etc.):

(A) There shall be a minimum one (1) foot Vegetation- and Combustible Material-free buffer spanning from the edge of the wall out at least one (1) foot or to the eave (whichever is farthest, up to five (5) feet);

(B) There shall be a minimum five (5) feet of Vegetation- and Combustible Material-free buffer spanning out from the edge of any attached deck, stairs, or pergola; and

(C) There shall be a minimum of two (2) feet of Vegetation- and Combustible Material-free buffer spanning out from the edge of any window, door, or vent on the Building or Structure.

(7) Those parts of Zone 0 that are more than one (1) foot from the Building or Structure, not under eaves, more than five (5) feet from a deck, stairs, or pergola that is attached to a Building or Structure, or more than two (2) feet from windows, doors, or vents on the Building or Structure may have Vegetation if any of the following conditions are met:

(A) Non-Woody Plants no more than three (3) inches tall free of dead or dying materials are permitted, including lawns and ground covers.

(B) Non-Woody Plants between three (3) and eighteen (18) inches tall free of dead or dying material are permitted if they are in plantings no more than one (1) square foot in area; and are set apart from each other, as measured from the plants' widest points, by at least two (2) feet.

(C) Non-Woody Plants in pots are permitted if they are in unaffixed pots or containers that are not made from Combustible Material (such as plastic or wood), no larger than five (5) gallon capacity, and the pots or containers are set apart from each other by at least two (2) feet. These plants shall be no greater than eighteen (18) inches in height, as measured from the base of the visible plant, and free of dead or dying material.

(D) Trees are permitted pursuant to the requirements in Section 1299.03(d)(5)(A)-(F).

(8) Fences and gates.

(A) Fences and gates shall not be attached to a Building or Structure, unless they are constructed entirely from Noncombustible Material.

(B) All fences and gates that are attached to a Building or Structure, or that come within one (1) foot of contact with a Building or Structure, shall

have a five (5) foot span of Noncombustible Material from the point of attachment or the point closest to the Building or Structure.

(C) No new fences or gates are permitted within five (5) feet of a Building or Structure, unless they are constructed entirely from Noncombustible Material.

(D) This Section 1299.03(d)(8) does not apply to repairs of existing fences and gates.

(9) Outbuildings, including but not limited to wood sheds and bike sheds, are not permitted in Zone 0 unless they are constructed entirely of Noncombustible materials.

(e)

(1) New Buildings or Structures must comply with all requirements of subsection 1299.03(d) beginning [*OAL to insert hard date/effective date, which is date regulations are filed with the Secretary of State; required Guidance Document adopted and published August 19, 2026*].

(2) Existing Buildings or Structures must comply with provisions 1299.03(d)(2), and (d)(5)(A) and (B), and 1299.03(d)(8)(C) and (D), beginning [*OAL to insert hard date / effective date / date regulations are filed with the Secretary of State*].

(3) Existing Buildings or Structures must comply with provisions 1299.03(d)(1) (d)(3), and (d)(4), and 1299.03(d)(5)(C), (D), (E), and (F), beginning [*OAL to insert hard date / three years from effective date*].

(4) Existing Buildings or Structures must comply with provisions 1299.03(d)(6) and (d)(7), 1299.03(d)(8)(A) and (B), and 1299.03(d)(9), beginning [*OAL to insert hard date / three years from effective date*], or beginning [*OAL to insert hard date*

/ *five years from effective date*], on a timeline set by the Director, which shall not be less than three (3) years from the effective date of these regulations.

(~~a~~f) Zone 1 Requirements:

(1) Remove all dead or dying grass, plants, shrubs, trees, branches, leaves, weeds, and pine needles from the Zone whether such vegetation occurs in yard areas around the "Building or Structure," ~~on the roof or rain gutters of the "Building or Structure,"~~ or on any other location within the Zone.

(2) Remove dead tree or shrub branches ~~that overhang roofs, below or adjacent to windows, or which are adjacent to wall surfaces,~~ and keep all branches a minimum of ten (10) feet ~~(10 ft.)~~ away from chimney and stovepipe outlets.

(3) Relocate exposed firewood piles outside of Zone 1 unless they are completely covered in a fire-resistant material.

(4) Remove flammable vegetation and items that could catch fire which are adjacent to or under decks, balconies, and stairs made of Combustible Material.

(~~b~~g) Zone 2 Requirements:

(1) In this zone, create horizontal and vertical spacing among shrubs and trees using the "Fuel Separation" method, the "Continuous Tree Canopy" method, or a combination of both to achieve defensible space clearance requirements. Further guidance regarding these methods is contained in the State Board of Forestry and Fire Protection's, "General Guidelines for Creating Defensible Space, February 8, 2006," incorporated herein by reference, and the "Property Inspection Guide" referenced elsewhere in this regulation.

(2) In both the Fuel Separation and Continuous Tree Canopy methods the following standards apply:

(A) Dead and dying woody surface fuels and aerial fuels shall be removed. Loose surface litter, normally consisting of fallen leaves or needles, twigs, bark, cones, and small branches, shall be permitted to a maximum depth of three (3) inches ~~(3 in.).~~

(B) Cut annual grasses and forbs down to a maximum height of four (4) inches ~~(4 in.).~~

(C) All exposed wood piles must have a minimum of ten (10) feet ~~(10 ft.)~~ of clearance, down to bare mineral soil, in all directions.

(~~c~~h) For both Zones 1 and 2:

(1) "Outbuildings" and Liquid Propane Gas (LPG) storage tanks shall have the following minimum clearance: ten (10) feet ~~(10 ft.)~~ of clearance to bare mineral soil and no flammable vegetation for an additional ten (10) feet ~~(10 ft.)~~ around their exterior.

(2) Protect water quality. Do not clear vegetation to bare mineral soil and avoid the use of heavy equipment in and around streams and seasonal drainages. Vegetation removal can cause soil erosion, especially on steep slopes. Keep soil disturbance to a minimum on steep slopes.

Note: Authority cited: Sections 4290 and 4291, Public Resources Code; and Section 51182.4, Government Code. Reference: Section 4291, Public Resources Code; and Sections 18908 and 18917, Health and Safety Code.

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STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
Board of Forestry and Fire Protection	Tony Andersen	public.comments@bof.ca.gov	(916)653-8007

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
Emergency Defensible Space Zone 0, 2026	Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- ☐ a. Impacts business and/or employees
- ☐ b. Impacts small businesses
- ☐ c. Impacts jobs or occupations
- ☐ d. Impacts California competitiveness
- ☐ e. Imposes reporting requirements
- ☐ f. Imposes prescriptive instead of performance
- ☐ g. Impacts individuals
- ☒ h. None of the above (Explain below):

See supplement

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The _____ estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☐ Below $10 million
- ☐ Between $10 and $25 million
- ☐ Between $25 and $50 million
- ☐ Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: _____

Describe the types of businesses (Include nonprofits): _____

Enter the number or percentage of total businesses impacted that are small businesses: _____

4. Enter the number of businesses that will be created: _____ eliminated: _____

Explain: _____

5. Indicate the geographic extent of impacts: ☐ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: _____ and eliminated: _____

Describe the types of jobs or occupations impacted: _____

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☐ NO

If YES, explain briefly: _____

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ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ _____

   a. Initial costs for a small business: $ _____ Annual ongoing costs: $ _____ Years: _____

   b. Initial costs for a typical business: $ _____ Annual ongoing costs: $ _____ Years: _____

   c. Initial costs for an individual: $ _____ Annual ongoing costs: $ _____ Years: _____

   d. Describe other economic costs that may occur: _____

2. If multiple industries are impacted, enter the share of total costs for each industry: _____

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* $ _____

4. Will this regulation directly impact housing costs? ☐ YES ☐ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☐ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: _____

   Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ _____

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: _____

2. Are the benefits the result of: ☐ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

   Explain: _____

3. What are the total statewide benefits from this regulation over its lifetime? $ _____

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: _____

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ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million**? ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☐ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

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STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (Rev. 10/2019)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____ , Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

_____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☒ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☐ 6. Other. Explain _____

_____

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FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

It is anticipated that State agencies will:

☐ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain _____

_____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

_____

FISCAL OFFICER SIGNATURE	DATE
Jane Van Susteren Digitally signed by Jane Van Susteren Date: 2026.10.14 16:23:18 -07'00'	October 14, 2026

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY	DATE
Bryan Cash	10/20/2026

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE

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Board of Forestry and Fire Protection

Supplement to Std. Form 399 to Rule Package Titled "Defensible Space Zone 0"

The Board of Forestry and Fire Protection selects box "h. None of the above" on Section A of the Economic Impact Statement portion of its STD. 399 submitted with the above-referenced rulemaking file. The explanation for this selection is as follows:

The Defensible Space Zone 0 Rule Package is an emergency rulemaking, pursuant to Government Code sections 11346.1 and 51182.4 (see Finding of Emergency submitted with rule package for further information). The emergency rulemaking process, as set forth in the Administrative Procedures Act (APA) and Department of Finance regulations (State Administrative Manual, or SAM, sections 6601-6616) does not require the inclusion of an Emergency Impact Statement (EIS) with the rulemaking file. Only a Fiscal Impact Statement (FIS) is required with an emergency rulemaking submittal.

Government Code section 11346.1 states that the adoption of an emergency regulation is not subject to any provisions of Article 6 of the APA except for Sections 11346.1, 11349.5, and 11349.6. Section 11349.5 pertains to review by the Governor and is not applicable here. Section 11346.1 lists requirements for public notice of the emergency rulemaking and the requirements for the written statement known as the finding of emergency. The EIS is not listed in the requirements of Section 11346.1. Section 11346.1 states that the finding of emergency shall include all information required by Section 11346.5(a)(2)-(6). Nothing listed in Section 11346.5(a)(2)-(6) requires the inclusion of the EIS. These provisions do require the inclusion of a determination on whether the regulation imposes a reimbursable local mandate (in Section 11346.5(a)(5)) and also an estimate on costs or savings on state and local governments pursuant to Department of Finance instructions (in Section 11346.5(a)(6)). These two subsections reference the information required under the "Fiscal Impact Statement" portion of the STD. 399 form,[1] rather than the "Economic Impact Statement" portion of the STD. 399.

Under Section 11349.6 governs OAL review of an emergency regulation submittal. For emergency regulations submitted under Section 11346.1, OAL shall disapprove them if it

[1] Section 11346.5(a)(7)-(10) outlines the requirements for regular rulemaking submittals to include findings related to economic impacts on businesses and individuals (the information contained on the "Economic Impact Statement" portion of the STD. 399 form). These provisions do not apply to an emergency rulemaking effort, as Section 11346.1(b)(2) states that Section 11346.5(a)(2)-(6) apply to emergency rulemaking and subsections (a)(7)-(10) are not part of subsections (a)(2)-(6).

Docusign Envelope ID: 6A80C269-87AA-86E2-808E-970BC269E901

finds the regulations fail to comply with Section 11349.1 or fail to meet the "standards" set forth in Section 11349.1. The "standards" set forth in Section 11349.1 are found in subsection (a) and make no mention of the submittal of an EIS (which is a compilation of written determinations rather than a "standard"). Any portions of Section 11349.1 which reference OAL's ability to reject a rulemaking for failing to include EIS information cite to provisions of the APA which, pursuant to Section 11346.1, do not apply to emergency rulemaking submittals.

The Department of Finance instructions/regulations, found in the SAM, set forth in Section 6604 the fiscal impact statement requirements for emergency regulations. These align with the above-referenced requirements: that state and local government impacts must be covered. There is no mention in SAM Section 6604 of the information found in the EIS portion of the STD. 399 and Section 11346.5(a)(7)-(10). SAM Section 6603, which details requirements for the various sections of the STD. 399, references authority for the EIS portion of the form that does not apply to emergency regulations, including Sections 11346.5(a)(7), 11346.2, and 11346.3.

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

Terrence O'Brien, CHAIR
Wade Crowfoot, *Secretary*
Gavin Newsom, *Governor*

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
BOF Website (www.bof.fire.ca.gov)

BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Natomas, CA
August 19, 2026

BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS

Present:

- Terrence O'Brien, Chair
- Katie Delbar
- J. Lopez (Remote)
- Elicia Goldsworthy
- Dawn Blake
- Ryan Hilburn
- Joe King
- Rhys Williams

Absent:

- Liz Pardi, Vice Chair

BOARD STAFF PRESENT:

- Tony Andersen, Executive Officer
- Dan Stapleton, Asst. Executive Officer, Foresters Registration
- Kate Cook, Senior Board Counsel
- Delia Rojas, Board Counsel
- Jane Van Susteren, Policy Advisor
- Tyler Hullquist, Regulations Program Manager
- Andrew Lawhorn, Forestry Assistant II
- Marcie Yates, Land Use Planning Manager
- Alex Vest, Wildfire Planning Specialist
- Alexandra La Plante, Administrative Manager
- Jennifer Lau-Malicdem, Contracts Analyst
- Mazonika Kemp, Records Administrator
- Anna Castro, Executive Assistant

Board Members Roll Call:

Member Lopez	Present
Member King	Present
Member Blake	Present
Member Delbar	Present
Member Pardi	Absent

Member Goldsworthy	Present
Member Hilburn	Present
Member Williams	Present
Chairman O'Brien	Present

Quorum established

Consider adoption of Zone Zero Defensible Space Emergency Regulations for the State Responsibility Area and very high Fire Hazard Severity Zones Designated by the local agencies (pursuant to Gov. Code Sections 51179, 51182 and Public Resources Code Section 4291:

- Consider adopting the Finding of Emergency and final rule text for submission to the Office of Administrative Law for the Zone Zero "Ember Resistant Zone" emergency regulations – Tony Andersen, Executive Officer; Yana Valachovic, University of CA; Jane Van Susteren, Board staff.

Board Comments:

- Member Delbar commented on the Zone Zero Regulations
- Member Williams commented on the Zone Zero Regulations
- Member Hilburn commented on the Zone Zero Regulations
- Member King commented on the Zone Zero Regulations
- Member Goldsworthy commented on the Zone Zero Regulations
- Member Blake commented on the Zone Zero Regulations

Public Comments:

- Jeffrey Bloomfield commented on the Zone Zero Regulations
- Michel Thouati, local Firewise & Fire Organizer commented on the Zone Zero Regulations
- Jeff Blum commented on the Zone Zero Regulations
- Steve Hawks commented on the Zone Zero Regulations
- Mark Sektnan, A.P.C.I.A commented on Zone Zero Regulations
- Phyllis Aguilera commented on the Zone Zero Regulations
- David Fowler commented on the Zone Zero Regulations
- Margit Roos-Collins commented on the Zone Zero Regulations
- Greg Hurner commented on the Zone Zero Regulations
- Nick Cammarota commented on the Zone Zero Regulations
- Teresa Feo, Mega Fire Action commented on the Zone Zero Regulations
- Mike Wara commented on the Zone Zero Regulations
- Larry Aguilera commented on the Zone Zero Regulations
- Sarah Clarity, Senior Legislative Deputy for Los Angeles City Council member Tracy Park commented on the Zone Zero Regulations
- Thelma Waxman, President of the Brentwood Homeowners Association commented on the Zone Zero Regulations
- Larry Williams commented on the Zone Zero Regulations

- Todd Lando, Battalion Chief Central Marine Fire Department commented on the Zone Zero Regulations
- Pamela Bree, Landscape Architect Technical Committee commented on Zone Zero Regulations
- Kimbery Burr commented on Zone Zero Regulations
- Ruben Grijalva commented on Zone Zero Regulations
- JC Hyde commented on Zone Zero Regulations
- Stephanie Landregan commented on Zone Zero Regulations
- Jane Terjung commented on the Zone Zero Regulations
- Yen Track commented on the Zone Zero Regulations
- Matt Dobbson commented on the Zone Zero Regulations
- Diana Nicole commented on the Zone Zero Regulations
- Yael Pardess commented on the Zone Zero Regulations
- Deb Gordon commented on the Zone Zero Regulations
- Candence W. commented on the Zone Zero Regulations
- Teri Sasia commented on the Zone Zero Regulations
- Dave Lefkowith commented on the Zone Zero Regulations

Final Board Comments:

- Katie Delbar, Board member commented on the Zone Zero Regulations
- Terrence O'Brien, Chair commented on Zone Zero Regulations
- Elicia Goldsworthy, Board member commented on the Zone Zero Regulations
- J. Lopez Board member commented on the Zone Zero Regulations

Consider approving the draft Guidance Document for establishing and maintaining defensible space for Zone 0, 1, and 2.

08-19-07 Chair O'Brien move to approve the Draft Guidance Document for establishing and maintaining defensible space for Zones 0, 1, and 2 and authorize the Executive Officer to make substantive changes and updates as necessary to the Guidance Document prior to and following its publication. Member Lopez seconds the motion.

Roll Call:

Hilburn:	**Aye**
Williams:	**Aye**
Lopez:	**Aye**
King:	**Aye**
Blake:	**Aye**
Delbar:	**Aye**
Pardi:	**Absent**
Goldsworthy:	**Aye**
O'Brien:	**Aye**

Motion passed.

Respectfully submitted,
ATTEST:



Tony Andersen
Executive Officer



Terrence O'Brien
Chairman

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

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DRAFT BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

***Sacramento*, CA**
November 5, 2026

BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS:
Present*:*

- Terrence O'Brien, Chair
- Katie Delbar
- Elicia Goldsworthy
- Rhys Williams
- Ryan Hilburn

Quorum established

At the November 5, 2026 Board of Forestry and Fire Protection (Board) meeting, the Board took the following actions:

09-26-03 Chair O'Brien moved to approve the updated finding of emergency, adopt the emergency Zone 0 regulations, and authorize Board staff to submit the emergency rulemaking entitled "Zone 0 Defensible Space" to the Office of Administrative Law for noticing of the 5-day Comment Period and take all appropriate actions consistent with the Administrative Procedure Act, including making non-substantive changes and changes for clarity, for the purpose of enacting the emergency regulations. Member Goldsworthy seconded the motion.

Roll Call:

Delbar	**aye**
Goldsworthy	**aye**
Hilburn	**aye**
Williams	**aye**
O'Brien	**aye**

The motion carried unanimously.

These draft minutes have been reviewed by the Executive Officer and represent an accurate record of the meeting.

Tony Andersen, Executive Officer
November 9, 2026

DRAFT

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
OFFICE OF THE STATE FIRE MARSHAL
P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 568-3800
Website: www.fire.ca.gov

November 2, 2026

Tony Andersen
Executive Officer
Board of Forestry and Fire Protection
715 P St, Sacramento CA 95814

RE: Confirmation of Consultation Regarding Ember-Resistant Zone Pursuant to Public Resources Code Section 4291(a)(1) and Government Code Section 51182(a)(1)

Executive Officer Andersen,

The CAL FIRE - Office of the State Fire Marshal (OSFM) has carefully reviewed the proposed regulations for consistency with existing fire prevention statutes and defensible space requirements. Based on this review in accordance with the provisions of Government Code Section 11359(a), I find no conflict in the proposed regulations.

Additionally, pursuant to Assembly Bill 1455, Public Resources Code section 4291(a)(1) and Government Code section 51182(a)(1), I confirm that the OSFM was appropriately consulted with in the development of the Board of Forestry and Fire Protection's Ember-Resistant Zone regulations, including the elimination of materials in the zone that would likely be ignited by embers.

Should you have any questions regarding this letter, please do not hesitate to contact me at Daniel.Berlant@fire.ca.gov.

Sincerely,

DANIEL BERLANT
State Fire Marshal

Statement of Confirmation of Mailing of Five-Day Emergency Notice
(01 CCR § 50(b)(3)(A))

The Board of Forestry and Fire Protection sent notice of the proposed emergency action to every person who has filed a request for notice of regulatory action at least five (5) working days before submitting the emergency regulation to the Office of Administrative Law in accordance with the requirements of Government Code § 11346.1(a)(2).



_____

Jane Van Susteren
Policy Advisor, Board of Forestry and Fire Protection
November 9, 2026
Sacramento, California