

1 **Forest Improvement Program, Urban Forestry, Chaparral Management Regulatory**
2 **Updates, 2009**

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4 **Title 14 of the California Code of Regulations (14 CCR):**

5
6 **Adopt:**

7 §1530.05 Waiver of Cost Sharing

8
9 **Amend:**

10 § 1553 Grant Guidelines

11 § 1554 Acceptance for Review and Filing

12 § 1561.1 Definitions

13 § 1562 General Eligibility Criteria

14 § 1564 Cost Sharing Schedules

15 § 1567 Rejection of Application

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17
18 **Adopt § 1530.05. Waiver of Cost Sharing**

19 The Director may waive the landowner cost share requirement when the state's funding source
20 for the authorized forest improvement work prohibits cost share requirements.

21
22 Note: Authority cited: Sections 4799.02 and 4795, Public Resources Code. Reference: Section
23 4795, Public Resources Code.

1 **§ 1553. Grant Guidelines.**

2 The Director may make grants to share the cost of eligible urban forestry projects. The
3 proportion of the project cost financed by the Director shall be determined as follows:

4 (a) The Director will finance at least 25 percent of the costs of eligible planting projects if the
5 maintenance necessary for survival is guaranteed by the applicant to be provided for two (2)
6 years from the completion of planting.

7 (b) The Director will finance at least 50 percent of the costs of eligible planting projects where
8 the required maintenance is guaranteed by the applicant to be provided for three (3) years or
9 more from the completion of planting.

10 (c) The Director will finance at least 50 percent of the costs of eligible projects which do not
11 involve planting.

12 (d) Additional funds are available at the rate of 15 percent of the projects cost for each criterion
13 listed in 14 CAC 1554.3(a) except for (2) and (4) of that subsection provided that the cost-share
14 rate for projects with a two (2) year maintenance commitment does not exceed 70 percent of the
15 project cost, and 90 percent for all other projects.

16 (e) The Director may waive the cost share requirement when the state's funding source for a
17 grant prohibits cost share requirements.

18 Note: Authority cited: Section 4799.12, Public Resources Code . Reference: Section
19 4799.12, Public Resources Code.

20 **§ 1554. Acceptance for Review and Filing.**

21 The Director shall mail to persons upon request and publish in the California Administrative
22 Notice Register a request for proposals for urban forestry projects at least once each year. The
23 Director shall accept for review and filing applications for grants to ~~partially~~ finance urban
24 forestry projects if there is reasonable assurance that funds will be available to finance such
25 grants. Applications will not be accepted past the final filing date specified in the Director's
request for proposed urban forestry projects.

Note: Authority cited: Section 4799.12, Public Resources Code and Section 11344, Government
Code. Reference: Section 4799.10, Public Resources Code.

1 **§1561.1. Definitions**

2 "Act" means the provisions of Chapter 525, Statutes of 1980.

3 "Board" means the State Board of Forestry and Fire Protection.*****

4 ***** "Cost-share" means the proportionate amount of the resources needed for site preparation,
5 prescribed fire operations and liability insurance that is to be provided by each party according
6 to the cost sharing ~~contract~~ agreement. The state's share of the costs shall bear the same ratio
7 to the total costs of the operation as the public benefits bear to all public and private benefits to
8 be derived from the operation, but will not exceed 90% of the total project cost. *****

9 *****"Cost-sharing ~~contract~~ agreement" means the written agreement between an
10 eligible landowner
11 and the Department whereby the state assumes responsibility for a percentage of the total cost
12 of the prescribed burning or other hazardous fuels reduction that the state does for the
13 landowner. *****

14 *****"Department" means the Department of Forestry and Fire Protection.

15 "Director" means the Director of the Department of Forestry and Fire Protection or his/her duly
16 authorized representative.*****

17 "Prescribed burning or prescribed fire and other hazardous fuel reduction" PRC 4464(d),
18 4464(g).

19 "Prevailing costs" means the values of supplies, material and the pay rental rates for services
20 and equipment that are approved by the Board for use by the Director in estimating and
21 computing the cost of completing a prescribed burning or other hazardous fuels reduction
22 project.*****

23 *****"Project" means all work necessary to complete the planning, ~~burning~~ prescription
24 development, ~~pre-fire~~ preparation of the site or sites, and to complete the prescribed burning or
25 other hazardous fuels reduction treatment of wildlands.

1 "Project manager" means the designated officer of the Department responsible for working
2 with landowners, preparing prescribed burning or other hazardous fuels reduction plans,
3 determining cost-share ratios, preparing and administering ~~cost-sharing contracts~~ agreements
4 providing leadership of interagency planning to satisfy environmental requirements and
5 evaluating the results to determine project effectiveness.*****

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7 Note: Authority cited: Section 4475.5(b), Public Resources Code. Reference: Sections 4475,
8 4475.5 and 4476, Public Resources Code; and 14 CACCCR 895.1.

9
10 **§ 1562. General Eligibility Criteria.**

11 The Director may ~~contract~~ enter into agreements to do prescribed burning or other hazardous
12 fuels reduction projects if all of the following conditions are met:

13 (a) The applicant is the owner of, or has legal control of, the property on which the project is
14 proposed.

15 (b) The project is located on wildlands ~~classified as State Responsibility Area and includes any~~
16 ~~land having a plant cover consisting principally of grasses, forbs, shrubs or trees~~ as defined in
17 PRC 4464(a).

18 (c) The applicant agrees to pay for that portion of the cost, as determined by the Director, to be
19 the private share.

20 (d) Before any work begins, the participant deposits in a California-licensed financial institution
21 funds equal to the Director's estimate of the private share, or agrees in writing to provide
22 materials, services, equipment, or some combination thereof, in an amount equal to the private
23 share.

24 (e) The purpose of the ~~contract~~ agreement includes one or more of the purposes described in
25 PRC 4475 (a)-(f).

(f) Notwithstanding other sections of this chapter, the director may waive the landowner cost
share requirement where the state's funding source for the project prohibits cost share
requirements.

1 Note: Authority cited: Section 4475.5(b), Public Resources Code. Reference: Sections 4464,
2 4475 and 4476, Public Resources Code.

3
4 **§1564 Cost Sharing Schedules**

5 Pursuant to PRC 4475.5, the Director may enter into ~~contracts~~ agreements with eligible
6 landowners whereby the Director may share the cost of eligible ~~chaparral management~~
7 practices.

8 (a) The State may assume a proportionate share of the cost of site preparation and prescribed
9 burning, and other hazardous fuel reduction not to exceed 90% of the total costs, except as
10 provided in section 1562(f). The state's share of such costs shall bear the same ratio to the total
11 costs of the operation as the public benefits bear to all public and private benefits from the
12 operation as estimated and determined by the Director.

13 (b) In estimating and determining the public and private benefits, the Director shall be guided
14 by the following standards:

15 (1) use of the formula:

$$X/T=(B1)/B1 + B2$$

16 X = state's share of cost

17 T = total project cost

18 B1 = estimate of public benefits

19 B2 = estimate of private benefits

20 and

21 X/T is not > 0.9

22 (2) benefits shall be limited to benefits occurring within ten years of the completion of
23 the contract;

24 (3) benefits shall be divided into two classes: public and private. Public and private
25 classes shall be further subdivided into seven categories: fire hazard reduction; water
yields; watershed stabilization; wildlife habitat improvement; fisheries habitat
improvement; air quality improvement; and range forage improvement;

(4) benefits shall be described qualitatively under each of these classes and
categories, and, where feasible, shall be quantified and valued by department
employees consistent with procedures to be enumerated in the Department's
administrative manual;

(5) the Director shall arrange the projects in order of their priority for funding as
money is available, consistent with Section 1566;

(6) all or part of the total costs to prepare the site and ~~or to~~ conduct the burn or other
hazardous fuels reduction action, and which is the participant's share, may be met by the value

1 of necessary material, services, or equipment time and use. The above costs shall be
2 determined by the Department, using the prevailing costs. (14 CAC 1564.1)

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4 Note: Authority cited: Section 4475.5(b), Public Resources Code. Reference: Sections 4464,
5 4475.5 and 4476, Public Resources Code.

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7 **§1567 Rejection of Application**

8 Whenever the Director rejects an application for a ~~cost-sharing~~ project, or establishes
9 conditions following a preliminary review that are unacceptable to the applicant, the Director
10 shall return the application to the applicant and state the reasons for rejecting the application.

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12 Note: Authority cited: Section 4475.5(b), Public Resources Code. Reference: Section 4475,
13 Public Resources Code.