

BOARD OF FORESTRY AND FIRE PROTECTION

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



Craig Tarpenning
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, California 95814-4339
Subject: Readoption of Emergency Rule 04-0615-04E.

September 30, 2004

Dear Mr. Tarpenning:

The Board of Forestry and Fire Protection (Board) is requesting the Office of Administrative Law (OAL) approve readopting the emergency rule titled **Fuel Hazard Reduction Emergency Rule**, OAL Emergency Number 04-0615-04E. This emergency rule included adoption of 14 CCR section 1052.4 and amendments to 895.1, 1052 and 1052.1. The emergency rule become effective June 25, 2004 and expires October 26, 2004.

The Board has initiated the process with OAL to make this a permanent rule (Z-04-0824-12) with public noticing published on September 3, 2004 and a public hearing on November 3, 2004. Because the Board can only make permanent rules effective on January 1 of each year as required by Division 4, Chapter 8, Public Resource Code 4554.5, Emergency rule 04-0615-04E will expire on October 26, 2004 if not readopted. During October 26, 2004 to January 1, 2005, there will be no emergency rule allowing fuel hazard reduction activities permitted by the regulation. Since the conditions described in the findings of the emergency conditions contained in Emergency Rule 04-0615-04E continue to exist, the Board is proposing readopting the emergency rule to provide continuity of hazard reduction and provide time to adopt the permanent rule through the regular rulemaking process.

It is our understanding, in conversation with OAL, if the Certificate of Compliance is filed with OAL prior to the expiration of the readopted emergency rule (approximately in late February, 2005), the readopted emergency rule will stay in effect through 2005 until the permanent rule is made effective on January 1, 2006. This procedure adequately meets the Board's intended course of action for this regulation.

Please make the readopted rule effective October 26, 2004. Attached is the rule language to be readopted and other documents of the rulemaking file previously submitted for Emergency Rule 04-0615-04E. The rule language to be readopted has minor revisions due to discovered typographic errors found in the original emergency rule language. Thank you for your assistance in this matter.

Sincerely,
Christopher Zimny
Regulation Coordinator
Board of Forestry and Fire Protection