

FIREFIGHTING: Backlash to rural protection fee expected

Some say a \$150-per-dwelling fee will prompt rural communities to annex to cities or find other ways to leave state fire jurisdiction

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PM

SACRAMENTO — For decades, the boundaries of the rural areas where the state has the main firefighting duty have remained largely unchanged, even as tens of thousands of people moved in.

But a \$150 fee to be imposed on an estimated 800,000 houses in the 31 million-acre state responsibility area could prompt an exodus that would shrink the state's jurisdiction.

About three-quarters of houses in the state area also are served by local fire agencies, and officials say they expect some of those communities to seek to leave the state jurisdiction to avoid the fee. Other places could seek annexation to a nearby city, which would automatically take an area out of the state firefighting area.

Any significant reduction in the number of homes in the responsibility area would mean less money raised from the state fee, adopted last year to help the state balance its budget.

"We're looking at all our options," said Mark Hartwig, chief of the San Bernardino County Fire Department, which serves the bulk of the estimated 63,000 houses in San Bernardino County that are in the responsibility area.

Possible moves include trying to get the county fire district out of the state zone, he said.

The responsibility area was created decades ago, primarily to fight wildfires that threaten the state's watershed, timber and rangeland resources. But the number of houses and people in the area has steadily grown, intensifying the need for structure protection.

Some critics say the new fee, if it withstands threatened legal challenges, will give the state an incentive to keep the responsibility area as large as possible.

"This fee is setting us up for that exact kind of conflict of interest ... when it comes to deciding what should be SRA and what shouldn't be SRA," said Assemblyman Kevin Jeffries, R-Lake Elsinore, whose heavily rural district in Riverside and San Diego counties includes an estimated 36,000 houses that will be subject to the fee. Jeffries has introduced a bill to eliminate the charge.

But George Gentry, executive officer of the Board of Forestry and Fire Protection, said the board's primary mission is to protect the watershed in the responsibility area, fee or no fee.

The fire-prevention charge was part of the budget package passed last June and, for 2011-12, is supposed to raise \$50 million for Cal Fire, offsetting a general-fund cut. It would raise as much as \$100 million in future years. Properties covered by a local fire district would get a \$35 discount.

Emergency regulations imposing the fee received final approval last month. But the state Board of Equalization, which will collect the fee, doesn't expect to begin until July at the earliest. The agency and Cal Fire are still building a list of parcels subject to the fee.

The state recently arranged for a \$24 million loan to Cal Fire to cover the fee's start-up costs. Future fee revenue will repay the loan, spokeswoman Janet Upton said. There will be no service cutbacks as a result of the delay, she said.

MORE HOMES TO PROTECT

The forestry board normally reviews responsibility area boundaries every five years. Land is removed if it incorporated, was transferred to the federal government or if the housing density is at least three homes per acre across at least 250 acres. The last review was in 2010 and resulted in little change.

In recent decades, meanwhile, the number of people and houses in the responsibility areas has mushroomed. From 2000 to 2010, the number of houses in those areas grew by about 16 percent, based on census numbers.

Fire officials say the presence of so many houses and people in the state area has complicated the firefighting mission and made it more expensive. State firefighters also have answered more medical calls.

The Brown administration and other fee supporters contend that taxpayers essentially are subsidizing people living in the state areas.

Critics, however, call the proposed charge an illegal tax and unfair to residents who already pay local fire districts. Some groups and local governments have talked of filing a lawsuit as soon as the Board of Equalization tries to collect the fee.

As a result of the fee, "it's very fair to acknowledge that we expect an increase in requests" to withdraw from the responsibility area, said Dean Cromwell, chief of planning and risk analysis for the state fire marshal, part of Cal Fire.

But attempts to leave the state areas are easier said than done, Gentry said. Local communities' firefighting responsibilities would inevitably increase, he said.

"The process for getting out of SRA is saying, 'You'll accept wildland fire protection in addition to structure fire protection.' I don't think that's well understood," Gentry said. "It's going to be difficult for locals to be as efficient as the state to protect wildland area."

As for areas near cities, local agency formation commissions, not the forestry board, would review requests to leave the state areas and annex to cities.

That's a likelier scenario in parts of Southern California, particularly Riverside County, which has about 41,000 houses in the state firefighting areas. Roughly 6,000 of those are within a mile of at least one of the county's 28 cities, and more than 25,000 are within two miles.

"When residents get this bill ... people are going to start asking, 'Why don't I just petition to get annexed and go across the street?'" said Paul A. Smith, the senior legislative advocate for the Regional Council of Rural Counties.

INEQUITIES

Jeffries' bill to eliminate the fee is unlikely to advance far. But some Democrats also have raised concerns that the fee, as structured by the forestry board, is inequitable.

"You can be someplace where it rains 60 inches a year and hasn't had a fire in 100 years and in a one-room shack and you pay the same as someone living in chaparral in a high fire-prone area in a home that is vastly more valuable," said Assemblyman Wes Chesbro, whose fog-shrouded North Coast district includes some 89,000 houses in the responsibility area, during a budget hearing last week.

Chesbro, D-Eureka, said he plans to pursue changes to the fee this year.

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