

RULE IMPACT STATEMENT

TITLE 155. OKLAHOMA CONSERVATION COMMISSION **CHAPTER 45. CONTROLLED BURN INDEMNITY FUND**

(A) PURPOSE OF THE PROPOSED RULE:

These proposed rules are to assist in the implementation of the Oklahoma Controlled Burn Indemnity Fund Program (Fund). The intent of this program is to provide landowners, who perform properly planned and executed controlled burns (prescribed fires), some coverage for property losses incurred from a fire that spreads beyond the control of the burner (agent/landowner). These proposed rules will allow the Indemnity Fund Program to organize and maintain itself by defining eligible parties, allowable costs, methods, limitation of reimbursement, corrective action, completed work, and standards that will protect the health, safety and welfare of the state and its environment. These proposed rules will also set out the procedures for speedy and timely reimbursement of allowable costs to eligible parties.

(B) CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:

These rules affect persons who conduct controlled or prescribed burns (fire) on their property and voluntarily want to meet the requirements under these rules as an added protection should a fire get out of control and burn and damage the lands and properties of another.

(C) PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:

Persons who own surface rights and want to utilize controlled or prescribed burns (fire) as a land management practice.

(D) DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:

Affected persons stand to benefit from the proposed rule because the program will provide access to limited protection for damages caused by unforeseen events associated with properly planned and executed controlled or prescribed burns. Persons participating in the program will benefit from additional limited coverage above their existing insurance in case of damages caused by unforeseen events.

(E) PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:

The Commission shall receive \$50,000 from the interest income accrued for each year to administer the Fund. The Commission plans to utilize current resources and staff to establish these rules and set up the program. Administration should be relatively low until either the legislature funds the Fund or other funding sources are found.

(F) DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:

No effect on any political subdivision is anticipated by these rules.

(G) DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

The agency knows of no adverse effects the rule will have on small business. Small business will benefit from the rules should they receive damages from unforeseen events associated with a properly planned and executed controlled or prescribed fire.

(H) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

This is a non-regulatory program. The agency knows of no less costly method to achieve the purpose of these rules and the Oklahoma Controlled Burn Indemnity Fund.

(I) DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The proposed rules will benefit the environment and public health by encouraging better land management through properly planned and executed controlled or prescribed burns. This improved land management increases forage quality and quantity, improves wildlife habitat, decreases unwanted plant species that increase wildfire danger, decreases unwanted plant species that negatively impact the hydrologic cycle and decreases plant species that increase respiratory illness caused by allergies.

(J) DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:

The agency is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

December 14, 2009

