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From: nvhigh@aol.com
Sent: Friday, October 13, 2023 1:02 PM
To: Public Comments@BOF; Hannigan, Edith@BOF
Subject: comments for Call for Regulatory Review

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October 13, 2023

Board of Forestry and Fire Protection

Re: 2023 Regulations and Priority Review

Thank you for this opportunity to comment on several issues in the State Minimum Fire Safe Regulations. By way of introduction, I am a grape grower and winemaker on Spring Mountain, which is just west of St. Helena, in the Napa Valley.

I got my first Permits from the California Department of Forestry for a THP and a TCP in 1971 to convert forest land to vineyards. In May 2000 I received a Less Than 3 Acre Conversion Exemption and then in June of 2001 I received Plan 1-01NTMP-017 NAP. I mention these permits as evidence of my long familiarity and respect for both the California Department of Forestry and the Board of Forestry.

Unfortunately, during the last several years the Board of Forestry's chaos surrounding the oppressively harsh State Minimum Fire Safe Regulations I lost that respect. Why should I or anyone be required to build a twenty-foot paved road with 1-foot aprons costing hundreds of thousands of dollars or even more and then not have CalFire use it?

Behrens Family Winery, also on Spring Mountain, was required to build $\frac{3}{4}$ of a mile of 20-foot paved road with 1-foot aprons at a cost of \$750,000.00. However, on Monday morning, September 28, 2020 their winery burned to the ground because CalFire never used that road. If the Board of Forestry is requiring property owners to spend this enormous amount of money to improve the road, then there is an implied contract that CalFire will use that road to protect their buildings. Both Sherwin Family Winery and Ritchie Creek Wineries use part of that road and also perished because CalFire never used that very expensive road.

CalFire does not need freeways built into the rural landscape and mountains to get access to properties. Equivalent access can be made much cheaper with more frequent turn-outs and narrower roads than 22-feet. Why is it acceptable that CalFire engines can access a 12,000 square-foot house with a 14-foot required roadway, but my 4,000 square-foot winery needs a 22-foot wide road base? My winery is surrounded by vineyards that are farmed to not burn.

The Board of Forestry failed to provide any direction on how to mitigate the financial burden of the road building requirement when that new road benefits other properties on the road. Using the above Behrens example other numerous properties benefited from the Behrens' road improvements, but were not required to contribute money. Fortunately for Behrens most of the property owners that use part of the road contributed something to the project.

How to deal with multiple users of a road when only one property owner is required to bring the road up the new standards is unclear and completely ignored by the Board of Forestry. This is not proper. I imagine that this is a common issue within rural areas and should have been addressed before the adoption of these regulations.

Maybe you could ask the Office of Administrative Law folks to be creative and address this issue?

I believe that the Board of Forestry's Road standards are illegal because the Board of Forestry does not enforce the law equally. Napa County felt forced to adopt the new Road and Street standards, yet Sonoma County's Board of Supervisors has not and I have heard from reputable sources apparently will not be enforcing the new road standards.

Lastly, I suggest that CalFire rethink the State Minimum Fire Safe Regulations and instead of building freeway-like roads in the mountains that CalFire can never guarantee they will use, you require brush/fuel reduction corridors along all access roads to buildings. Creating a brush/fuel standard for roads throughout California would be less expensive, provide for a safer road use that would be consistent with CalFire's community outreach programs for fuel reduction. Having a 22-foot or more firebreak on both sides of a road might have a greater overall impact on safety than an un-used 22-foot wide road.

Sincerely,

Stuart Smith

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