BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

June 22, 2021

# **BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**:

## **Present**:

* Keith Gilless, Chair
* Rich Wade
* Darcy Wheeles
* Chris Chase
* Susan Husari
* Mike Jani

# **BOARD STAFF PRESENT:**

* Eric Hedge, Regulations Program Manager
* Jeff Slaton, Senior Board Counsel
* Edith Hannigan, Land Use Planning Program Manager
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist

# **DEPARTMENTAL STAFF PRESENT**:

* Daniel Berlant, Assistant Deputy Director, Wildfire Planning and Engineering and Fire Engineering and Investigations

**REGULAR SESSION**

**Report of the Chairman, Dr. Keith Gilless**

**Executive Officer Report - Matt Dias, Executive Officer**

Edith Hannigan, Land Use Planning Program Manager gave a brief introduction and gave instruction on meeting format.

**Report of the Regulations Program Manager** The Board’s Staff will report on the ongoing regulatory matter below.

* **Hearing:** **“State Minimum Fire Safe Regulations, 2021,”** Edith Hannigan, Land Use Planning Program Manager

Member Wheeles welcomed everyone and expressed appreciation for everyone taking time to continue the conversation on these important and fire safe regulations. The draft has been out for over 45 days as of June 22, 2021. We're looking forward to hearing from you all.

Member Wheeles officially opened the public hearing on the State Minimum Fire Safe Regulations 2021.

Agency Comment and Public Comment

Daniel Berlant, CAL FIRE, thanked the Board and Board staff for the opportunity to participate in the development of the updated, permanent State Minimum Fire Safe Regulations. He appreciates the challenge the Board has faced in balancing development with wildfire safety. However, the Department believes there remains a few areas in the draft regulations that could lead to significant wildfire hazards and dangerous situations if they do not receive some level of clarification. He noted that over the past 45 days, their staff has been able to perform a very thorough review, they have received clarification on several of the items raised. It leaves only a few areas that they would like to apply, that they believe further clarification is needed.

 The first item is in 1273.08, titled Maximum Length of New Dead-end Roads. While we support some of the changes in the application, there is one point of clarification, and that is the title states, “new,’ however, in the actual application, there are areas that, later in the regulations, would apply to existing roads under three circumstances.  While we support the application and specifically, the intent for new roads to apply, we want to make it clear that those three circumstances are also applied under these regulations. We would recommend that, at least, the title be changed, or somehow differentiate the fact, that there are circumstances where dead end roads would have to apply to these regulations.

The second area is 1273.11 Gates, in subsection D, we believe the wording, that is in the current regulations is superior in providing for a performance-based requirement of gate operation, versus mandating direction of travel, as is proposed. Those are the two areas that they want to see some continued clarification.

He thanked the Board for their collaborations in the development of this process and will continue to be a resource for the Board and Board staff throughout this process and in these regulations, for us both to be able to meet the intent of the statute and provide safe development within the State Responsibility Area against wildfires. He thanked the Board for their time and looks forward to the continued effort.

Robert Cain, Santa Clara County Associate Planner, commented their county wholeheartedly supports the Board of Forestry's efforts to make California residents safer from wildfires, and fully supports the goals and intentions of the updates to the state regulations. He asked the Board to review the letters that were submitted by their Chief Executive Officer, Dr. Jeff Smith, and President of the Board of Supervisors, Michael Wasserman, and suggested edits that were included in Dr. Smith’s letter. They want to acknowledge the severity of such wildfires is likely to continue due to climate change, and welcome comprehensive regulations. They do have a couple of concerns remaining on the regulations. One is the possibly devastating impact on the ability of property owners to construct single family homes on existing legal lots. The Board of Forestry has stated that they are updating regulations, in part, to alleviate undue restrictions that exacerbate the state’s housing crisis. However, as written, these draft amendments would make residential construction other than ADUs, very difficult and extremely costly due to road access requirements. Many existing roads in the SRA of their county do not meet the existing road standards, as proposed, and require massive grading, tree removal, and would cause impacts to watercourses and environmentally sensitive areas. They are also concerned with the impact to county public facilities, especially low impact facilities, such as parks. The county has many low intensity facilities in the SRA and very high fire severity zones. They include emergency communication relays, restrooms, picnic areas that are monitored and maintained and pose minimal risk to public health and safety or property. Because they are generally small, low cost, and do not draw large numbers of people. They have, therefore, proposed state and local public facilities be categorically exempt from the regulations, except for those involved in residential use. They understand that there are a lot of competing issues, including habitat, environmental protection, the housing crisis, and fire safety. However, there are complaints with the proposed regulations which appear to, in some cases, violate numerous federal, state, and local regulations, including those related to the protection of endangered, threatened in sensitive species. Please see our proposed amendments and we ask respectfully that you consider adopting some of those changes before you move forward. Thank you.

Tom Wheeler, Chief of Staff on behalf of Robert Macauley, Madera County supervisor, thanked the Board and appreciated the opportunity to comment. He commented, they support RCRC and their comment letters and also added that, as a self-help county, Madera County Transportation Commission works very closely with their public works team to address existing issues of egress and ingress in the county. They do feel that this is a preferred method of addressing these issues without compromising the state's objectives of providing more affordable housing in the area. Thanks again for the opportunity to comment.

Lizanne Reynolds, Santa Clara County Counsel, commented over two thirds of the land in our county is the SRA or local High Fire Severity Zones. These rates will significantly impact our own operations, especially our parks and public road systems, as well as our role in regulating private development in unincorporated areas. As Mr. Cain stated, we have the same goals as the board, to reduce the risk of wildfire and improve wildfire safety. To accomplish these goals, however, the regulations need to be achievable, if they are not, they will suffer the same fate as 1991 regulations, which unfortunately was to be widely disregarded. We submitted detailed comments on the proposed regulations on June 4th, and those comments focus on three things.

* Clarifying many ambiguities that still exist.
* Making the regulations truly implementable and feasible
* Minimizing lawsuits and conflicts with other laws.

The County’s proposed amendments addressed all of those issues while still allowing the board to fulfill its statutory duty to adopt regulations that improve wildfire protection. Some of the issues that beg clarification include: what types of project trigger compliance with the standards. When the standards for new roads apply versus existing roads, and whether new single-family homes on existing legal lots are subject to the regulations. Board Staff has told us that they are not, but the proposed regulations require all building construction and development projects to comply with certain standards. With respect to private development, requiring one property owner to bear the full cost of bringing all roads and other facilities between their property and the nearest collector road up to the standards, even the existing standards, is for the most part, cost prohibitive. We have already received letters from lawyers asserting that this is an unconstitutional taking of property, because it violates proportionality requirements. In conclusion, we urge the Board to take a little more time to get this right. We have provided concrete proposals to address these issues and we respectfully request that you consider those options. Thank you.

Donna Plunkett, Santa Clara Valley Open Space Authority, commented, we are a special district managing over 25,000 acres of public lands managed for habitat protection and passive recreation, in the San Jose, South Bay Area. We submitted a letter with written comments and applaud the Board and staff and their efforts to update and strengthen these regulations. We respectfully request that the Board consider all comments and provide an updated set of regulations prior to their approval to summarize some of the key suggestions and recommendations that we have. Again, would be to clarify several areas of the regulations that make it very difficult to interpret, both for our lands and for others in the region. Specifically, clarification on the definitions of development and how those will be construed for lands such as ours, clarification of how the proposed regulations apply to existing development, structures, and roads, matches, proposed development, also, clarifications with regards to how these regulations will apply to roads, but also trails and bridges on public lands, clarifications for bridge construction as being either for vehicular bridges or for other bridges as well. Consider adding a definition for outdoor recreation and that was provided in our letter as well.

Further, we would like to understand how environmental impacts are going to be assessed as part of these regulations. Some of these are in direct conflict with regulations that we are required to adhere to by other regulatory agencies regarding habitat protection and species take issues. Similarly, how will the California Environmental Quality Act be engaged as part of this process? And finally, we would like to understand more about the fiscal impact analysis that is being undertaken, and what level of support there might be to implement some of these regulations. Thank you very much for your time today.

Chuck Wagner, vineyard in Napa Valley commented, my parents and I started out as farmers, and we continue to farm extensively in several counties of California, and we manage considerable number of built by planning. Like so many we have been affected by the devastating fire in recent years. In 2017, some members of our team almost didn't make it out alive, as land burned around them, with mere seconds to spare. What saved three lives that night was a firebreak provided by vineyards. Our Vice President General Counsel, Mike Carlson, is an active volunteer firefighter. As a feet on the ground firefighter he would be the first to say, we need common sense rules in order to save lives and property and this is paramount, that we protect our communities from wildfires. A few critical issues that I'd like to see first, local areas need flexibility, the state should establish guidelines. But individual localities are better suited to determine what is most effective for their particular area. If regulations are to be managed from A to Z, by the state, then the process will become overly cumbersome, time consuming, and the environment and people would suffer from wildfire. The regulations as currently drafted could actually make the problem worse. Rather than end all development in the hills, it needs to be smartly managed. Development on ridgelines and slopes, especially vineyards, can provide much needed firebreaks. The best regulations build-in flexibility. Every situation is unique, as example, there are times when clearing brush will be more effective, and if necessary, then widening the roads. We must allow for common sense, again, local control is best.

Finally, I want to speak for the small growers, usually they live on the land they farm, and these new regulations will almost certainly impact the environment, their homes, and their lives. To best protect from loss of environment, animal, and human life, we need local administration and flexibility. For these reasons I ask you extend the deadline on forming these newly proposed regulations and reconsider them in light of the issues that have been outlined today. Thank you.

Craig Griesbach, Nevada County Building Official, commented the revised regulations will have significant impact on future development in Nevada County, as it will throughout many other rural jurisdictions in the state. 42% of vacant parcels in Nevada County will be negatively impacted by the proposed revised regulations. Our primary concerns remain as follows.

* The definition of access, includes, from a building to a collector road, which is too restrictive as most roads in Nevada County are not collectors, but rather, local roads. This could result in significant cost to improve many of our local roads.
* The definition of dead-end Road includes a loop roads as dead ends, which is not correct, at some loop roads connected to different roads at their end. This could drastically increase cost to develop parcels and make certain parcels undevelopable.
* The definition of driveway does not include commercial or industrial sites. The cost and property needed to construct a road is substantially more, which has the potential to affect many rural commercial businesses.

As shown in the revised regulations, only buildings lost to wildfires are exempt from these standards, other buildings lost to disasters such as earthquakes, wind damage, snow damage like we have here, common in Nevada County, would have to meet these revised regulations and lowering the acceptable road, and driveway grades to 20% slope, versus the 25% slope currently allowed, could result in many parcels being unbuildable.

We urge your board to consider these concerns prior to making a final determination regarding these revised regulations. If these standards are adopted without addressing these concerns, this will impede our ability to meet local initiatives such as our affordable housing obligations. There will also be negative economic and environmental impacts for our community, that is common with many other rural counties in the state. Thank you.

Jennifer Halferty, Mono County Board of Supervisors, commented, we did submit comments on a letter dated June 8th. Overall, the proposed minimum fire safe regulations draft changes were severely limit any new development in Mono County. 94% of the lands and Mono County are under public ownership, leaving only 6% of lands in private ownership eligible to be developed.

There are three primary sections of the proposed regulations that are particularly inflexible and harmful to rural communities like Mono.

* The new proposed standards in Section 1273, for upgrading existing roads, will impose a de facto moratorium on any new development or rebuilds in significant portions of the limited land area of the counties that is available for potential development.
* The 30 foot setback requirement for all parcels, including wildfire rebuilds, regardless of size, will push development outside of existing communities to larger, rural, lots. The lack in basic services, which, again, is in direct conflict with the county's compact development policies and our general plan in state housing and planning directives for increased density infill.
* The application of new road and dead-end road standards to secondary routes for existing routes under 1273.12 is counter-productive to county and community based efforts to increase the fire safety of communities for subdivisions and parcels created before the modern minimum fire safe regulations.

Overall, in addition to these concerns, there are a number of unintended consequences of the proposed changes: new impacts to sensitive, environmental areas required by road upgrades, increase in vehicle miles traveled, and greenhouse gasses resulting from requiring development to move into undeveloped and more remote areas, thereby exacerbating climate change and moving the state further away from its greenhouse gas goals. Significant new exceptions will exacerbate existing delays in development approvals and hampering the development of housing necessary to support jobs in Mono County. Broadly speaking, unless one understands local permitting procedures and on the ground land use in each individual jurisdiction, one may not understand the impacts that these changes create. In closing, Mono County urges the Board of Forestry to adopt the proposed, as it is for Mono County, and from other similar entities like Rural County of Representatives of California (RCRC) to prevent significant negative impacts to our counties and others like us. Thank you.

Kellie Anderson, resident, I'm a 30-year resident of a small rural forested community in Napa County, called Angwin, when we recently were spared the wrath of the Glass Fire and the LNU Fire. Unfortunately, hundreds of my neighbors were not so lucky and their homes, schools, community centers, and places of businesses were destroyed. I fully support as, do my neighbors, increased minimum road standards for fire protection and I'd like to tell you why these would not hinder rebuilding your home, at least in our community, because the surface of the land is completely destroyed. There are no trees. There's nothing to get in the way of achieving required road width, so I don't think that that holds a candle when they say that would hinder rebuilding. Very critically in Napa County is that we still have in our rural forested areas in the state responsibility areas 4,000 parcels that are designated such that they could accommodate a winery. And trust me, there are 4,000 individuals on the face of this Earth that want to come and build a winery and have marketing and have special events and have late-night parties that put the visitors and first responders in harm's way. Most of these parcels are on existing narrow one lane dead-end road. We really need to take a look at that. People being trapped at the end of these dead in roads is such a reality. I can speak specifically to what I saw here in the Glass Fire, in the Deer Park area. The roads that were completely decimated were narrow, one lane roads, that he had evolved as housing around the Saint Helena Hospital. These houses were built from the 1900’s, up to the fifties, where people largely walked the streets. The streets are completely destroyed, the vegetation, the watershed, the homes, the communities are gone. If I were a first responder, there's no way that I would have gone down one of those hellfire tunnels to try to put out a fire. They simply could not respond because of the physical danger of going in, so these proposed standards really do make sense. And we need to realize that it may be difficult for our local municipalities to implement them, but that's their job. I appreciate your time. I really support anything you can do on a state level to protect us. Thank you.

Arthur Wylene, Rural County Representatives of California, I hope that board members, or at least your staff, have had the opportunity to review the letter submitted by our litigation counsel, Wagner Jones, regarding the Board’s failure to comply with the Administrative Procedures Act and California Environmental Quality Act and the risk that this poses, should you continue to proceed down this path. Rather than repeating litigation threats, which I trust are well understood, I will use my three minutes this morning to talk about why CEQA and the APA are important, what the Board has lost by failing to comply with these requirements and what you will gain by doing the right thing.

CEQA and APA exist to promote clear eyed and conscientious decision making to ensure that administrative agencies acknowledge the environmental and economic effect of their actions and mitigate those impacts to the extent feasible. This is just basic, good governance. The county organizations and numerous local jurisdictions that have submitted comments ultimately share the same goals as the Board. We understand the need for improved fire safety and want to work with the Board to develop a strong, balanced and reasonable set of regulations that can be successfully implemented on the ground. However, the Board cannot achieve balance of any kind if it refuses to acknowledge the tradeoffs and impacts of the protections. When your documents include statements like the proposed action does not impact housing costs, you are deprived of any ability to have a serious conversation about the actual effects of your actions on California's housing crisis.

I've heard it suggested that the Board cannot consider anything other than fire safety when developing its regulations. I hope it is now clear, that, not only can the Board consider other economic, environmental values, you are fundamentally obligated to do so, and the law requires you to give serious evidence based consideration to economic and housing impact, and CEQA mandates, consideration, and mitigation of environmental effects. These requirements don't just exist to allow groups of stakeholders to sue, although they will serve that purpose, if necessary. But rather because such well rounded and well considered decision making is the right thing to do, this is not just a legal obligation. It's a moral obligation of those who would lead. If you govern myopically, you will not govern well.

We urge the Board to take the draft regulations back to the drawing board and work with local jurisdictions interactively in real time to develop a proposal to achieve increased fire safety without unnecessary and unmitigated economic environmental impacts. Thank you.

Matthew Ramirez, Environmental Protection Information Center, as we discuss in a written comment letter submitted with other organizations, we support continued focus on public safety, as was the original intent of the legislation that enacted these fire safe regulations in 1991. We oppose the 2021 proposal as drastically weakening road safety regulations for new development and fire prone communities. The BOF must conduct robust and data support analysis of the road infrastructure capacity to assess potential impacts to wildfire emergency response and evacuation plans and increase in ignition sources by unlocking thousands of parcels to development. The 2021 proposal does not meet science-based objectives. Instead, it fails to provide for safe concurrent ingress and egress. Firefighting equipment 9 feet wide cannot possibly past 6 feet wide passenger vehicles on a 14 foot wide road. Firefighting equipment and fleeing civilians would no longer be able to simultaneously negotiate roads during wildfire conditions. The proposal unequivocally lacks an adequate analysis of the impacts related to wildlife emergency response or evacuation plans, equally important, by cutting the current road standards. The 2021 proposal encourages development projects to build on unsafe, substandard roads, formerly banned in the SRA. This opens the vast number of parcels, new residential, commercial and industrial development and severe fire prone areas.

Climate change, with an increasingly dry landscape, exacerbated ongoing drought conditions and longer fire seasons, should not be the primary driver of policy in high fire severity zones, nor the short-term financial interests of industrial commercial or residential development.

We strongly oppose the new 2021 proposal of state minimum fire state regulations. We hereby request the BOF prepare an environmental impact report analyzing the effects of the new 2021 proposal relative to increasing wildfire risks and the reduced ability of firefighters to access fire sites and for civilians to concurrently evacuate, and the changes to baseline conditions and the cumulative and detrimental effects of the 2021 proposed regulations. The BOF must analyze alternatives in order to fulfill the original objectives of ensuring the safety of firefighters and the public, through adequate emergency access routes with concurrent evacuations.

An Environmental Impact Report must also assess impacts to biological resources, vulnerable populations, and greenhouse gas emissions. When development metastasizes into fire prone communities and landscapes, the problem of large fire dramatically increases. Human sources, including power lines, car sparks, cigarettes, and electrical equipment, have caused nearly all the contemporary wildfires in California. Building new developments in high fire risk areas without adequate controls, increases ignitions and places more people and the environment in great danger. Thank you for your time and consideration.

Wendy-Sue Rosen, State Alliance for Firesafe Road Regulations, we do not support this version of the updated regulations. When this legislation was established, enabling this Board, to go forward and to adopt new regulations, you embarked on putting together Fire Chiefs working group. That working group gave recommendations into what would be fire safe, and those regulations have not been implemented into this draft. As a matter of fact, in December, their recommendations were included in a draft, and in January, those recommendations were, for some reason, removed from the draft and every subsequent draft since January has gotten less and less safe, and further and further away from the fire chiefs working group. If we're going to address the climate crisis and the issues with ignitions in high fire hazard severity zones, we need to make these areas more safe, not less safe for our firefighter's, coming into areas to protect and for our civilians going out of these areas to become safe and evacuate safely. We need to look at alternatives, we need to make these areas safer. We ask that you conduct a full environmental impact report. It seems that the government agencies are not communicating with each other. The Insurance Commissioner has just come out with the recommendations to no longer allow development in high fire hazard severity zones because insurers are no longer going to insure these areas. We need to make sure that our government agencies are working together to make our area safer for the citizenry and for firefighters and not less safe, not weakening standards. The mandate was to strengthen the standards. This legislation in enabling this action was to make areas safer, not weaker. So, again, we ask that you conduct a full Environmental Impact Report to look at alternatives, to ensure that we're meeting the mandate for fire safe regulations that actually are fire safe. Thank you.

Gabriel Reza, California Fire Chiefs Association, though we support the goals and intentions of this proposal in its current written state, we cannot support for such a large substantial revision to the fire safe regulations. We feel and believe it is too soon and premature to start a 45 day public comment period. We believe that additional board committee workgroups are needed to vet the proposal to local government, the public, and specifically the fire service to review, comment, and further refine the rulemaking package, as it does not appear that much of the fire service input or involvement was adequately addressed in the development of the proposed regulations. Both our North and South committee co-chairs, as well as our WUI Committee, North and South chairs have composed a letter, just shy of 10 pages with addressing all the concerns regarding definitions, inspections, authority, turn around, driveway, surfaces. All of those are detailed in our letter that we submitted yesterday, June 21st.We, we feel that more comments need to be addressed and cannot support this proposal at this time. Thank you for your consideration.

Bob Roper, resident, I've spent 43 years in the Fire Service here in California and the State of Nevada. I'm here today to respectfully request at least a 90 day extension to the rulemaking process. At this point in our lives, no one can say that wildfires are not adversely affecting everybody, and the one encouraging thing today, with all the devastation we've encountered is the public is at a heightened awareness level that we've never seen before. The time is right for new rules, but they need to be done in a proper way. What we need to do is make sure that we involve the public into this process, to make sure that they become a partner, because we've all seen that with the California’s exceptional fire response. The problem's much bigger than what the fire service can do alone, we need the public involved. We also need to make sure that the proposed regulations have a comprehensive review by the business community, the housing markets, local government, environmental interests, and the insurance industry.

Local governments especially need to voice any concerns so that they can share economic vitality and public safety. We've all seen what the pandemic has done to our lives over the past year and a half. This has also affected our review process of many of the public agencies and the fire service. And so, giving that process, an extension of time, it allows interested parties to come forward, to build common bond, so that we can make sure that we get the buy in, that we need. The 90 day extension request allows better communications between your Board, the public, the fire service, so that whatever we do, meet the intent of what firefighter's see out in the field, which is reality. Thank you for considering this request.

Deborah Eppstein, resident, I submitted comments on June 14th, both technical and more substantive, I hope you have time to review them. On the technical comments, just the one I'll mention now, is existing versus new roads is full of loopholes that allows newly built roads to be made subpar, and then allowing new development on these newly built subpar roads. On other comments, it is really unconscionable that the requirement for safe concurrent fire apparatus ingress and civilian evacuation was removed for all existing roads, for where most development occurs. I mean, this is a huge regression in public safety. Please add that requirement back in, and also, to do that, you would need to increase the minimum road width for existing roads to 16 feet plus shoulders, which would allow most vehicles to pass. Concerning the dead-end road limitations, the Fire Chiefs Working Group really felt that was an important safety requirement, and I think the one mile limit should be added back in for existing roads, the minimum above the threshold. There are real examples of falling trees blocking the only evacuation route on dead-end road, resulting in people needing to be helicoptered out and some dying. Likewise, a turnaround requirement should be added. In the initial statement of reasons, the rationale for choosing three or more parcels to requires stricter road regulations was that it reflected the distinction between a driveway serving two parcels with up to two residential units and road. By that logic, any commercial or industrial development, which requires a road, should all be at the higher threshold, and also should be all parcels with more than two residential units each. Another huge loophole is the exceptions, with no oversight by Board of Forestry for the SRA. CAL FIRE has stated, they don't get involved in local disputes, their job is to fight fires and they need to work with local jurisdictions. So there really is no oversight of that, and we have seen whole roads have an exception applied to them, allowing a 10 to 12 foot wide road, to be deemed equivalent to a 20 foot wide road. I suggested that we limit exceptions to a portion of the road, no more than 10% or 200 feet. Without this limit, it's violating PRC 4290, because it allows local jurisdictions to avoid the minimum regulations. And in closing, many people have spoken to the regulations making certain parcels undevelopable, but that's exactly what is needed, continuing to allow development on subpar roads and fire prone areas is contrary to public safety. People are known to be the cause of most wildfires and this development will only lead to more wildfires with more loss of life and structures. California needs to face reality and stop promoting such unsafe development. And finally, as several, as other have said, the Board of Forestry and Fire Protection needs to conduct a full, EIR. Thank you.

Diana Gamzon, Nevada County Cannabis Alliance, we support the intentions of this proposal, though we do have some concerns about the impacts to rural small businesses. The Nevada County Cannabis Alliance represents over 200 cannabis farmers who are cultivating small cannabis farms. Our farms, which do not exceed 10,000 square feet, are considered micro farming by traditional agriculture standards. Cultivation at our scale often includes less than four employees, and the majority of our members farm on agricultural zone lands on which they are homesteading. Nevada County Cannabis farmers must adhere to Public Resource Code Section 4290 and 4291, California Fire Code, and California Building Code Fire Standards for all for commercial businesses. In addition to yearly reviews and inspections by the fire chief and fire marshal, requirements also include emergency water tanks and fire hydrants on our properties, automatic fire alarms for all commercial buildings, fuel modification access, Knox box access, access standards with Hammerhead T for turnaround space, and turnarounds for accessibility. While the proposed regulations may be beneficial for industrial, commercial operations, regulated to those standards, for our small farms on agricultural residential parcels is excessive. Imposing 20 foot road standards on our small rural farmer roads will limit these businesses’ chances of being economically viable. We believe the current commercial fire requirements are appropriate for our small farms to provide access and resources to the fire departments in case of an emergency. Please exempt the cultivation of cannabis, alongside agriculture, timber, and mining in Section 1270.30e. Additionally, we request an extension on the rulemaking, so that the implications of the proposed rules on small farming businesses and rural California can be fully assessed, and that there can be proper discussions with local jurisdictions. Thank you for the consideration.

Tracy Rhine, Rural County Representatives of California, as you know, we've been involved in this rulemaking process, as well as the preceding Emergency Regulations, for nearly a year and a half now. We've been very vocal about the need to include a more transparent, well rounded process in crafting the regulatory path. To that end, we are coordinated meetings with local fire officials, land use experts, County representatives and Board of Forestry staff in an effort to help construct rules that reflect the reality on the ground in both urban and rural communities. Unfortunately, it appears the Board has decided to continue down the path originally plotted presented here today in the form a very problematic set of rules that will have devastating consequences to both housing and industry and the LRA in the SRA.

As outlined in our letter, we're especially concerned with the prohibition on any building in areas that do not meet specified standards. This also applies, as we read the rule text, to the victims of wildfire trying to rebuild their homes, which, based on the previous Board member comments, is something we all agree is not appropriate. Additionally, to the extent that there is some type of exemption for rebuild, it applies narrowly only to structures destroyed by wildfire. Rebuilding a home or business after it is destroyed, by any means, such as a flood or electrical fire does not represent new impacts or increased fire risk and should similarly be exempted from all requirements. These regulations create burdens on homeowners and businesses that are overly onerous. Moreover, these rules lack balance and do not take into consideration the state's competing objectives of creating more housing and increasing wildfire safety.

As we have requested throughout the process, we would like to see the Board move to create a multi-disciplinary working group that includes local governments and land use and fire experts to create a more balanced approach to these regulations. I think it has been made apparent by the level of public input today that these regulations are not ready to move forward, and much work is needed to find an equitable approach to fire safety and land use in the state. Thank you.

Tom Wheeler, Madera County Board of Supervisors, thank you, Board members, and everyone else on here for all your work you're doing. I’ve been up here in North Fork since 1958, so I've seen it all happen, including our mill shutdown. So, what we really need, like in Madera County, is a rule that will help us enforce landowners that have properties up here in SRA areas that don't take care of their properties. In the valley, we can actually go after them and go just their properties up if they don't take. We can't do anything up here, we get more complaints from neighbors, that the neighbor doesn’t take care of their property and are afraid that it's going to burn their place. So you guys got to look at that, and I think what you're really making a mistake on these rules that you're doing now, is that you're not involving the counties that you're affecting. You need to get ahold of all of our staff, our supervisors, who live in these areas, that can help you make these rules, enforceable by all of them. We need 90 days, at least, extension for you guys to do this, right. You got to do an EIR, just like anybody else that does a big project like this. This is a major impact already, with all the new state rules that have come up for building houses, you've already eliminated low-income, medium income homes, just for all the rules. I get complaints all the time from people going down to get the permits, and what they cost to do it, to get a permit for all the stuff they have to do now. So, when you make these rules, you got to see how it's affecting everyone, I don't think you have done that. And I think that you've really got to look into extending this and get you some staff members to get ahold of all 38 rural counties and talk to their staff and see what we can do to help improve what rules we need that will help us. Some of these things you're doing today, or trying to do, is really, really bad. So, thank you very much, and please do a 90 day extension, if you don’t do it, I think you got to be compelled to do a full blown EIR, and join the rest of us with what we all got to do. Thank you very much and have a great day.

Janis Watkins, Sonoma County Conservation Action, I represent Sonoma County Conservation Action, it's the largest environmental organizations in Sonoma County with 3,000 members. We previously sent in a letter. Our founder, Bill Court, was instrumental in state land use policy, specifically the protection of public access, to the coast via the Coastal Act of 1976. This too is a land use issue. I implore you to adopt the most robust, fire safe road regulations. It's personal for me, I grew up in Sonoma County and have lived there, essentially, all my life. In 1964, I saw the Hanley Fire, it filled the visible horizon that night. My dad trapped, did not come home that night, he got out the next day. Don't let other people repeat my own mistakes. In 1979, I bought a house in the Wildland Urban Interface (WUI), despite obvious evidence it was in the Hanley Fire burn zone. I lived there for 27 years. It was at the end of a lane, off a narrow and winding road, I was oblivious to the risk. In 2017, the Tubbs Fire burned my former home, it was reduced to ashes, the owners fled for their lives. A homeowner died that night just yards from my former property line. In closing, wildfire in the WUI is the past and is the future only made worse by climate change. If people and developers must build in the WUI, despite the risk, which I myself ignored, please require truly fire safe roads. Thank you.

Forest Martinez-McKinney, resident, thank you for taking the time and offering this public comment period. I'd just like to say, I'm a fire victim from CZU wildfire, and my home is on what is considered a dead-end road. It's a dead-end road because California State Parks blocked our road and turned it into a trail. So, these regulations and state parks, being things completely out of my control, would in effect, basically take my home. So, I just wanted to let you guys know that.

Margaret Belska, resident, I am a landowner on one of these impacted roads, I'm hearing a lot of requests for extensions in time for releasing the new regulation. However, many single home residential developments were already many months and many revisions into the permitting process when they were literally ground to a halt earlier this year by this regulation. So, if a new revision isn't going to be published for another six months, or a year or longer, an exception must be made for project applications that were submitted before these issues were raised. According to the Permit Streamlining Act, it's our right to have a speedy application process. I'm having our applications literally just stalled, with no end in sight until this issue is resolved, is a violation of our civil rights. So, I do understand that more time may be needed to create a well-balanced regulation, however, some consideration must be taken with how to deal with the projects that are currently in process, that are basically on hold while these issues get resolved. Thank you.

Robert Marshall, Santa Mateo Consolidated Fire Department, we serve Foster City, the city of San Mateo and the city of Belmont. Belmont and San Mateo both have local, very high fire hazard severity zones within the jurisdiction. And I'm really concerned with these regulations in that there isn't a lot of clarity about what applies to Local Responsibility Area and what applies to State Responsibility Area. You've heard a lot of the other things that I was going to say, but I hadn't heard anybody talk about the local impacts. We have quite a few roads that are going to be impacted by this, should it move forward. It will make large swaths of the city, both cities, undevelopable based on how the regulations are currently written. So, we also would encourage you to take a step back, go back to the drawing board with several of these regulations, and allow us to move forward with something that works for us all. I think we all agree that something does need to be done, particularly when you look at some of the legislation that's moving forward now, that would potentially include the moderate and high fire hazard severity zones. This could really impact housing in one of the worst areas for housing in the state. So, we encourage you to continue the work on this, not move these regulations forward, just yet, until we can come up with regulations that that makes sense to everybody. We have submitted written comments and I know that two of the three cities in my jurisdiction have also submitted written comments. So, we hope you take a look at those as well and take them into consideration. Thank you for your time today.

Michael Waxer, Monterey County Fire Safe Council, it's a wonderful opportunity to hear this, the public comments today and the Board members, I'm sure, will find it interesting to hear kind of the broad range of comments all across the board. The Fire Safe Council of Monterey County, of which I'm a Board member, submitted comments. It's interesting, because there's no question that everyone I've heard today and I'm sure all the comments received, all have the same goal in mind, as does your board as well, which is we want to try to make things safer. The Fire Safe Council of Monterey County, and I think many others, I think, are trying to make the point that the last few homes in a rural community are not really the problem. Making regulations of how you create a new community, that I think is a legitimate discussion on how we design our future communities in rural areas, in particular with multiple access routes, for example, wider roads. But in the hundreds and hundreds of rural neighborhoods and communities, of course, with fires in California if the existing homes, the existing development is what is really the issue, that's what you've heard folks testify getting out of harm's way of fire. So, we think the focus of trying to apply standards to the remaining lots of record is not the correct way to go. We actually think that having regulations, when you design new neighborhoods is very legitimate to discuss. We further believe, that if the Board can perhaps work with other entities and incentivize existing homes to do home hardening and do defensible space, which are all absolutely required items for new development, but existing homes don't have a requirement. For example, to retrofit to a class A assembly, a noncombustible roof with the proper vent screens and gutter control and et cetera. So, it seems to us that incentives could be put in place, perhaps even just directly with local jurisdictions, that would actually be of a much greater fire safe direction, because the thousands and thousands of existing homes are at a much lower standard than new homes under existing regulations. Thank you for your time.

Dave Reid, Santa Cruz Recovery and Resiliency Analyst, first off, I want to appreciate and acknowledge the difficulty of what you're discussing here and trying to come up with regulations that apply statewide. I think there has been a lot of great comments today on the challenges that are before you. I think, as the most recent speaker has mentioned, and others as well, the existing development patterns at Santa Cruz County make applying some of the proposed regulations very, very challenging. Maintaining some local control and local discretion and reasonable means and measures provisions in the regulations are critical to allowing local fire jurisdictions and fire marshals to make reasoned and measured recommendations on making incremental safety improvements to either fire rebuild or redevelopment of existing lots or ADU developments in the WUI area. So, maintaining that local discretion to address the very nuanced issues that our diverse state jurisdictions face is critical. The other piece that I will just highlight, is that we, I agree again, with the former speaker, around really identifying ways to improve new development in these high fire risk areas and focusing on the road development network and the building type there because those are obviously places where we want to make sure that they build safely when it's new construction. And then, we need to definitely focus on the 50% of our population in Santa Cruz County that live in this environment, that live in legacy development areas and how do we make those home safer through the Home Hardening efforts. So, focusing our efforts at a regulatory level, both at the state level, where you sit, and at the local level, where we sit, to help improve the safety of those existing homes, is probably a far more effective strategy for all of us, than to create punitive or very difficult to manage statewide guidance without local control. I know that this is an important conversation, and I appreciate the time, thank you.

Laura Page, Congressman LaMalfa’s Senior Advisor, wanted to bring to the Board's attention some of the comments that were made in the June 15th letter to the Board from Congressman LaMalfa and Congressman McClintock. Congressman LaMalfa represents California District 1, eleven counties in his district and most notably, with wildfires, where the Carr and Camp Fires in 2018 and the Bear Complex in 2020 occurred. With respect to the Draft Fire Safe Regulations, the Congressman feels that the changes proposed will significantly increase the cost of rebuilding and insuring houses for the constituents in District 1 and in some cases completely prohibit them from rebuilding post fire. He does understand that the changes proposed are being made in the interest of public safety, but it is imperative that the communities that will be impacted are consulted and their concerns addressed before the regulation is implemented. The proposed changes will affect the ability of the constituents to build or rebuild post fire, to expand a home’s footprint, and even to sell unimproved land. The cost of building or rebuilding and developing would be completely cost prohibitive under the proposed regulations, particularly due to the requirements for road upgrades. The Congressman requests that the Board extend the timeline for comments, and take more time speaking with the communities, that would be affected by these policies and make changes to the proposed regulations that incorporate the feedback from the areas impacted. Municipalities and local governments in the Congressman's district have submitted grave concerns and as of this date, have received little to no feedback on their concerns. Thank you so much for taking the time to listen to everyone today, and we appreciate your work on these efforts. Thank you.

Mark Christian, American Institute of Architects California. I'll be very brief. Yesterday AIA California and several of our local components submitted a letter. I will just defer to the written comments in our letter, except I would like to say that many of these reasons stated today, urging the Board not to move forward with the regulations or ones that we agree with. Dealing with existing lots of record, for example, we agree with a lot of the comments, especially the comments made by Michael Waxer. Thank you very much.

Stacy Saetta, resident, we are homeowners at 11865 Canyon View Avenue in Lompico Canyon, Santa Cruz County. We object to the proposed 2021 Fire Safe Regulations, which if finalized will require residents of Lompico to endure the complete financial burden of paying for infrastructure upgrades to improve wildfire safety. We currently are a thriving, rural residential community of only 500 homes. Given the need to conserve water resources in this area, there is no likelihood of significant new housing developments in the future. Under the proposed regulations, the entire cost of any upgrades will fall on the few residents who live here. In the case of Lompico Canyon Road, widening alone will require moving utility poles, cutting into privately owned parcels and reinforcing hillsides. There's no way the cost for these expensive upgrades can be born only by our small community. Once enacted, the proposed regulations will do only one thing, rather than make Lompico safer, the regulations will turn Lompico into a dead zone, either we pay up or more likely abandon our now unsaleable homes. The proposed regulations failed to describe a process for community participation. We just finished spending thousands of dollars clearing our own property so that in the event firefighters try to save our house, they do so with as much safety as we can afford to provide. If we are to pay additional funds toward fire safety, we should be doing so in the spirit of collaboration with reasonableness, and not as punishment for choosing to live in the mountains or living here because it is affordable. Despite that, the same roads are used by visitors to enjoy the beauty of the Santa Cruz Mountains and government agencies to access Loch Lomond Reservoir, which serves the water needs of the city of Santa Cruz. No mention is made for local, state, and federal agencies to share in the costs associated with upgrading the roads. How can any road work be done without funding from government? Your proposed regulations asked for the impossible and as applied to Lompico, will devalue our property immediately. This is a constitutionally impermissible taking of our property, without due process. We are willing to do a reasonable, fair share but we wanted to do so as participants, not because we are threatened into compliance. We ask that you vote no if approval of the regulations as proposed comes across your agenda, and that you review and revise them with these considerations in mind. Thank you very much for this opportunity.

Dan Silver, Endangered Habitats League, my family has also lost two homes in wildfires, and we have suffered through several fraught evacuation experiences. We do not support these proposals, because they weaken safety standards. Dead-end Road lengths should be shortened, not lengthened. Shortening is consistent with the Fire Chiefs recommendation, road standards should not be weakened. It is unconscionable to put more and more new development at risk of evacuation failure. We need to curtail not facilitate expansion of the urban wildland interface. Construction standards are fine, but they are not enough, they do not ensure safe evacuation nor even the house will survive. Please get these on the right track for fire safety. Thank you.

Dee Swanhuyser, resident, I live in Sonoma County in a forested area, and I have formed a couple of organizations to work towards wildfire resilience and the health of our forests over the last 20 years. But today, I am specifically mentioning CAL FIRE’s Fire Hazard Severity Zones map. It definitely needs to be updated before CAL FIRE updates your State Minimum Fire Safe Regulations, so you have current data to inform you of where the severity zones are, how they have been expanded exponentially because of our wildfire since 2007. We have not updated this map since 2007. When is the map going to be updated? Which CAL FIRE staff are working on this update? Is it Fire and Resource Assessment Program (FRAP)? I would like to talk with someone who is involved, please let me know who I should contact and provide me with the contact information. Thank you very much, and I support many of the comments about needing to take more time and deliberation and involve more people in this decision before you take any votes. Thank you.

Marylee Guinon, resident, thank you, Board and thank you for the staff and the consultants for all the diligent work that was put into this. I will try to be brief and say something different than others. I sincerely ask that the Board of Forestry conduct a robust analysis of the baseline conditions and prepare an EIR. Some of the questions I have are: How many existing roads are substandard, including dead-end road lengths, width, and grade? What is the current ability to evacuate communities reliant upon existing road infrastructure? When is the fire history of these communities, and how does that inform evacuation warning and evacuation times? How does the wildfire science inform this analysis, including potential impacts to disadvantaged populations, natural habitats hazards, among others? What are the baseline conditions? I don't believe that's been answered. Some other questions I have, how many parcels will be unlocked to development under the exemptions provided in the proposal and the exceptions that give a significant authority, to local jurisdictions to further relax regulations? What increase in population ignition sources and site intensity will occur as a result of the proposal? What is the impact of the proposed regulations changing the definition of fire apparatus access, from the structure to the fire house is defined by California Fire Code, to structure to collector Road? What is the impact of removing safe concurrent access language from the regs applying to existing roads? How many counties require wildfire planning by qualified professionals for new development? And how will the work of these professionals be impacted by a regression of the roads standards on existing roads? What are the impacts created by the Board of Forestry removing itself from the inspection and enforcement process? I have continually asked throughout this whole process, if the RCRC and some other local jurisdictions that have spoken up are correct, and the current 2020 regulations will thwart development in high fire prone communities, what will the impacts to the environment be by upgrading the unsafe roads if these upgrades will not happen? And, lastly, if the State regresses on public safety, who will be held liable? Thank you very much. And again, I really commend the Board members and staff and the consultants in their hard work on this. Thank you.

Marco Mack, Santa Cruz County Central Fire District, my input is from the position of being a fire department plan reviewer for new development. My recommendations were included in the fire services, fire prevention officers input, plus this one additional recommendation, requesting that you separate the new development requirements from the existing requirements. Move ahead with the process toward getting a new development component forward and then go back to the existing requirements and start that process over again for the public and for the fire departments. Six months ago, the board was originally evaluating existing roads all the way back to the fire station. It is important, and are significant implications in that whole process that the Board has been trying to deal with over the last six months. There's public roads and private roads. My experience is that many residents don't realize that private roads, an easement that they have across someone else's parcel, creates a significant risk, where your parcel is not going to be moving forward if that other existing parcel from your neighbor isn’t repaired, so there needs to be some type of a mechanism in place that residents would have a pathway to be able to work together to reduce that risk. One idea would be an unincorporated area, some type of road association, coordination, or to local government entity, to be able to do that. I think that the part of this process that's challenging is there needs to be a pathway for residents to deal with existing roads where they have an easement across someone else's property. That's my input. Support the efforts on what you're doing and look forward to seeing how this progresses.

Oz Erickson, resident, my family and I own 60 acres in Napa County on three different lots. I am located at 3211 St. Helena Highway North. If you pull up the Glass Fire on Google, and take a compass to measure its perimeter, you will note that my house is in the exact middle of the fire. On September 28th at 2:00 AM, pursuant to two witnesses who were on the property, a 100 foot wall of flames came down the east side of Spring Mountain, and attacked the south side of my property. The flames burned to within four feet of my well, several hours later, flames came directly down the hill immediately north of my house. They burned the fence 30 feet from my main house. The following day, a 200 foot wall of flames coming from the south of my property, up from Highway 21. These flames burned 200 foot tall redwoods, and they came within four feet of a thousand-gallon propane tank. My main house survived, my guest house survived, nothing except trees and brush, burned.

Why did I survive? It's because I engaged in extensive fire protection. Cleared all the brush surrounding my core property, I installed a 38 KW generator, I bought expensive, big plastic tanks painted them, filled them with water during the rainy season, installed a cheap steel Rain Bird sprinkler system that covered all my buildings. When the fire hit and PG&E cut power, my generator kicked on running my fire system, my sprinklers soaked my property, and the flames jumped right over my totally soaked buildings. The flames savagely burned all the other 55 acres but spared my house. Firemen came up three days after the fire and told me I had the best fire prevention system they had ever seen. My point in writing this, is not to brag, but to point out the correct solution. That the BOF should be approving hardening, fire suppression, requiring the clearing of brush, mandating the installation of inflammable vegetation around houses. Making construction in remote areas contingent on workable generators, ordering that water be stored on site, that can be accessed by fire departments, et cetera, et cetera. BOF should not forbid construction in remote areas. If there are no roads to remote areas when a fire starts, how is a 450-gallon fire truck going to put the fire out, or a 650-gallon helicopter? They are not, but 25,000 or 45,000 gallons of immediately available water from a swimming pool, ponds, storage tanks and cleared area that would serve as a suitable and will be of incredible value. I urge you to make the appropriate solutions to the problem, not mandate very expensive solutions that won't work. Thank you.

Patricia Damery, resident, I live in Napa County and I have also gone through evacuations. Our property is not burned, but we have put a lot of work into clearing around our home. We don't have nearly the resources of the last speaker. We do have a Fire Wise group Mt. Veeder, who put three hours of free consultation in helping us do our 100 foot clearing around our home. I am very concerned about the current weakening of the safety standards that are being put forward. We cannot trust our county to make decisions. Time and time again, we have seen our county, which is very dependent on development funds, make decisions by giving road exceptions, all with the same practical effect. Even to the point of ignoring the most recent evacuation history of the Atlas Peaks Fire, on a 6.5 mile dead end road and the permitting of a large winery and event center at the end of it. I think we need the state to make regulations and coordinate with the insurance agency, which is going to make the decisions for us, if we don't do something, Climate change will also make huge decisions for us. I think many of us built our homes in remote areas 30, 40 years ago, and we had no imagination what was going to happen. We don't know where we're going, so, I really think we need to have a full EIR on the impact of the amendments that are being put forward here. Thank you.

Katherine Philippakis, member of the public, several or our clients are members of the Napa Coalition for Fire Resiliency who submitted a letter to you on June 17th. I'm speaking on behalf of the Coalition. Thank you for the opportunity to speak today. Initially, we would ask that you continue the comment period by at least 90 days, so that there's greater opportunity for comment by the public and even more importantly, by members of the firefighting and wildfire science communities. You are well served by the land use planning experts on your advisory team but there is not sufficient input from members of the scientific community and the firefighting community with expertise on wildfire prevention and management, and I think we've heard some very helpful comments today from members of those communities. It is important that you receive further input from those communities before you finalize the regulations. We would ask that the regulations be revised to show greater deference to local communities to create their own wildfire management plans and to determine the applicability of fire safe regulations on a case by case basis. As drafted, the proposed regulations will likely have the effect of prohibiting development due to the feasibility of cost of implementing the new measures, this will not result in improved wildfire prevention safety. The improvements will be made that would help prevent and manage wildfires. The best protection against wildfires is through management of the land and the measures that include fuel load reduction, defensible space, use of non combustible materials, and improved water storage and firefighting systems. It is not simply a matter of creating wider roads and ridgelines. For this reason, we would urge to delegate to the local jurisdictions the administering of the granting of exceptions to the standards. Finally, as citizens of Napa County have seen the impact of wildfires in 2017, and again last year, we ask that you adopt the recommendations of our county Board of Supervisors in their June 11th letter to you. Thank you.

Ryan Campbell, Tuolumne County Board of Supervisors, it's good to have an opportunity to hear from the other counties. We share many of the concerns that have been expressed today so I won't go over too many specifics. But the primary concerns that we have are focused on the definition of cul de sacs and how those are classified, also substandard roads. We have 610 miles of county maintained roads in Tuolumne County, much of which would be defined as substandard by the rules that are outlined here. And so, it would have a great deal of impact on the existing property owners in those areas. We're concerned about the future possibilities for development and economic advancement in Tuolumne County, if these regulations go forward in the draft that they're currently in. Tuolumne County has forwarded a draft of some of the changes that we would recommend and we certainly hope that the Board will review those, and take our concerns into consideration. With that, I will yield the balance of my time. Thank you very much for the opportunity to speak on this.

Margaret Belska, resident, thank you for giving me an opportunity to speak again. So just listening to all of the other speakers, there was a lot of concern raised about additional development causing more fire hazard. However, in cases of infill where you have one vacant parcel, that's surrounded by developed parcels, that vacant parcel can actually be a substantial fire risk, and it's actually beneficial to develop that parcel. Put in the fire suppression infrastructure, the hydrants, the water tanks, and all of those items that are either required during new development, thereby, actually increasing the fire safety of the entire surrounding neighborhood. So, I would suggest that perhaps it would be beneficial for the regulation to differentiate between new development which is infill in existing rural neighborhoods versus new development in completely undeveloped areas. Thank you.

Mark Barsanti, resident. So I own a real property in Humboldt County. It's located on a private road, and we've always had the intention of building our forever home on this property. The driveway to my property is located approximately three quarters of a mile from Highway 299 along this private road. The private road then reconnects to a different county road, 10 miles beyond my driveway in the other direction.

My understanding is that this sort of road is going to be subject to the new standards, obviously, but after reading through the draft of the standards, it's unclear to me as to whether the entire private road would have to be brought up to this new standard, or just the three quarters of a mile leading back to the highway. So, in other words, if I turn left out of my driveway would that part of the private road, be subject to the same standard as if I turn right out of my driveway. I've asked a number of different people, and I still really haven't gotten a clear answer to that question. So, if I was only going to have to bring three quarters of a mile road up to the standard, I could develop my property as I've always planned, but if I was responsible for developing 10 miles of road, obviously, that would be cost prohibitive and would greatly devalue a property. So, I guess, I would just encourage the Board to acknowledge the regulatory climates and obstacles to construction that already exist in California. I know a lot of people leaving the state because of how expensive it is to build here, and how expensive housing is, and just really try to find that balance between fire safety and project cost mitigation, so as to not further compound the housing and construction obstacles that exist in our state. Also, you know, it feels to me like not a lot of people are fully aware of these changes that are taking place, it seems like a very large, very big changes that are being proposed, at least in Humboldt County, the building department planners, nobody seems to really understand what's coming down the pike. So just anything that can be done to get this information out to the authorities in the various counties, I think, is a really, really big first step. So, I would just encourage the board to pump the brakes, and, you know, and really try to involve as many people and to make sure that everybody has had a chance to be aware of these standards, and we're gathering input from as many sources as possible. Thank you.

Mike Novo, Monterey County Planning, we've been participating through all the workshops, and we appreciate all the work that your staff has done. Monterey County has submitted a letter from our Board of Supervisors, requesting specific actions on the regulations. I won't go into details on that, I just want to point that out, so those are considered. The county has also been working with the Rural County Representatives of California, to provide an edited version of the regulations. As you are all aware, local jurisdictions will have to implement these regulations, and we've provided a set of markup regulations that we think will provide a more implementable set of regulations that still protect the public health and safety. So, we hope you consider those before you take any action on today's draft regulations. Thank you.

Paula Daneluk, Butte County Development Department, like many of the other county representatives that you've heard, our Board of Supervisors did submit a letter along with red line version of corrections and changes to these regulations, that we feel are necessary, the balance between affordable housing, our fire rebuilds and the various other impacts economically to our area be considered. We thank the staff for their efforts on this, but we do request that the Board take the time to review all of the various documents that have been submitted during this rulemaking process, and to consider the changes that experts from around the state are urging you to make to the regulations prior to adopting them. These regulations still need a lot of work before they are applied on a statewide basis and impact all of the rural communities that will not be able to rebuild after fire events or would be greatly impacted as to how those rebuilds would happen. Cities across the state are extremely impacted right now with recovery from previous disasters, as well as the situation that we've all been living through. The rush to put these regulations in place is something that we would ask that you slow down and consider the volumes that you have received in written comments. Thank you.

Kristina Herbert, attorney, I have more of a question than a comment, everything I've read so far, it does seem that those impacted by the 2017 fire, their rebuilds would be exempt from these regulations as discussed today, but I wanted to join today's hearing just to confirm that, that is correct, because it's such an important issue, for those that are victims of the 2017 fire.

Member Wheeles, Board Member, I want to thank everyone again, for participating, for submitting comments. We have a bit of an impossible task in front of us. We have people who are asking us to do diametrically opposing, taking issues that are exact opposite of each other, and we do have to try to thread that needle.

We have been at this and talking to people since July of last year now, and we do want robust participation, it’s a part of the reason we put the 45 day notice out, to get this kind of feedback and input. The comments will be considered, the written comments will be reviewed.

Member Wheeles closed the hearing for the “State Minimum Fire Safe Regulations, 2021.”

Edith Hannigan, Land Use Planning Program Manager, responded to Kristina Herbert’s question, we are, proposing that under certain conditions, wildfire roads that are being rebuilt after a wildfire do have to meet a certain standard for safety. Of course, that requirement is not in place at this time, so functionally, all wildfire rebuilds at this point would be exempt. And, but I believe this would apply to wildfire rebuilds after this proposal moves forward, it would be applicable to wildfire rebuilds after the effective date of these regulations. But, of course, please keep in mind, that this is a draft proposal that is subject to change based on the Board's review of the comments that we've received, and questions such as those by Ms. Herbert, but as it stands, that is the proposal.

# CONCLUSION

**Public Forum**

Alecia Morgan, resident, I live in Lompico on a county maintained road, there’s approximately 1200 people living here, I’ve lived here 47 years, and in 47 years the county has never done anything to upgrade one of the primary roads. It is only 12.5 feet wide. And I'm wondering if the Board of Forestry is going to provide money to the counties to widen these roads that are primary and the only roads are many, many people living on but right now the county can't even put up signs on how to evacuate from here and don't have money to widen the roads. Will any funds be given to the counties to do this, to abide by your regulations? Thank you.

Michael Waxer, Monterey County Fire Safe Council, I just wanted to mention that I had mentioned in my earlier comments about incentives, and since that probably isn't what you were looking at in the former agenda item, I just thought I would mention it under this public forum opportunity that not being too familiar with the powers that you have from the state, but it does seem like there's an opportunity, whether it's actually within your power or through your recommendation to other entities in the state to see if an incentives program could be created that would encourage existing buildings, primarily existing homes in rural areas, to upgrade their roofs to Class A roof assemblies that would include of course noncombustible roof, but also getting their vent screens of the proper gage material and the small size openings. With both the eaves and openings, the soffits, as well as ways to control debris in gutter for the traveling embers. Here in Monterey County, we've been working closely with our regional fire chiefs, and there's been ample evidence shown to us that these embers, whether you're actually in the, in the way of the fire, or if you're not actually in the path of the fire. But if you're within, perhaps even a mile away, these traveling embers can actually create these new hotspots and actually seem like one of the primary carriers. So, if we can incentivize existing homes to home harden to use the general term, it just seems like a real opportunity to many of us, I'm just hoping to re-iterate that with you. Again, I don't know if that's your purview or ability but even if you're able to encourage that with other entities, potentially to include state tax incentives for home hardening and defensible space around existing homes. We think that would go a long way to making existing rural neighborhoods and communities much more defensible. Thank you very much for your time and the opportunity to speak today.

Ryan Campbell, Tuolumne County Board of Supervisors, my question is kind of related and along the same lines of the previous question. Two years ago, Tuolumne County completed a lengthy and very costly general plan update. And so, one of the concerns that we have that's ancillary to some of the other things that we've been talking about today is the worry about what we would kind of view as this state mandate that doesn't bring any funding with it. So the question is, Tuolumne County, like I'm sure all of the counties wants to be in compliance with whatever regulations are in place, but it wouldn't necessitate us re-opening our general plan and redoing much of the work that was just completed recently, with a great deal of effort and a great deal cost. Is there any prospect of State monies coming in to backfill those costs for general plan updates and other code provisions related to these regulations as are proposed? That's my question.

Mark Vande Pol, there are a couple of things that come up with the roads here in the Santa Cruz Mountains, as opposed to widening them along their full length, which is geo physically, is not only inadvisable, but borderline impossible, financially. We can easily add turnouts, and the traffic here is low enough that turnouts should be adequate for emergency vehicle access and other such, but right now, I've tried to add them, and there's a regulation, or there's a rule that says that I would have to put a guardrail on my turnouts, in order to be able to build one. Which, at this point, is just silly considering the rest of the condition of the road that I live on. The other major impediment is that there are turns in these roads that are impossible for a low boy to negotiate around the corner, they're just too tight. And those turns could be knocked off in such a way that we could get a tractor up the road to fight the fire. It seems to me, these are relatively easy things, to take care of, in the way of rulemaking that would allow us to do a better job of preparing these areas for fighting fires. Finally, emergency medical, evacuation landing sites, and very possibly landing sites for ground crews should also be encouraged in such a way that people have less to deal with and getting the work done, such that those would be adequate. So, those are the things that come off the top of my head. Thank you.

Gina Strup, we're one of the victims of the CZU, Lightning Complex also, and we were definitely at the end of the road and as Forest mentioned earlier, the only reason we didn't have an escape route was because of state park closing our escape route. My main comment, when I am listening to all of this, hearing everybody talk about the financial impact that it will have on everybody, I just keep thinking about the number of homelessness that's already happening in our state, and how much more that this will impact it. I think that safety is definitely, obviously, the first and foremost thing to consider, and if it puts a lot of people out on the street, you're going to have similar situations. So that's really something to consider. Thank you.

John Janeski, I've given input a number of times before and sent in input. So this will be very brief. There's one thing that seems to have been overlooked numerous times, so totally today, and I believe the regulations and such should not apply to renovation or reconstruction of an existing residence, whether it's been burned or not. And there's an important consequence of doing other otherwise, that I think has been overlooked. If regulations did apply to renovation or reconstruction of an existing residence then, the extremely large number of existing residences, over large parts of the state, would be prohibited from bringing their homes up to current standards. So, you know, I've heard a few people in the last few minutes mention some of the things that would be good to do to a house, I certainly don't disagree, but it could be, we want to do those, we should do those, but now we can't get a building permit to do that. Thank you.

Chairman Gilless, I want to thank everyone for their input. In fact, some of the issues that have been raised today, a close read of the proposed regulatory text that's out for review will indicate we have heard you on many of these issues. As we try to negotiate between Scylla and Charybdis here, where we are cognizant of the fire safety issues the state is facing but also the other environmental constraints, such as the difficulties of widening a rode in steep terrain, we’re also trying to protect fisheries and prevent sedimentation going into watercourses. So, what we're trying to do, is balance all of those, we are cognizant of all of those competing mandates with respect to the Board's role.

I will just say briefly, we are engaged in this revision of the minimum fire safe standards at legislative direction. So, this is the Board's business, we have been told to do it, and we are working very diligently, because, whatever regulations are on the books, as of the end of this month, begin to apply for the first time, in very high fire hazard areas of 200 California's cities that are currently under local response area, rather than State Responsibility area, and, therefore, haven't had these regulations apply in the past. There is a significant reason for the amount of time we're putting into this and the amount of consultation we are attempting to engage in, such as today's hearing. We value your input, we do listen to it, we do modify what we're hearing in terms of things like turnouts, so read closely, the regulations as they are out for review. A number of the concerns that have been raised are already addressed in this text.

And finally, I'll say the issues of incentives to homeowners and the difficulties of finance of local government and questions about the responsibility of the state for regulations and promulgates, they do all resonate with me. I am, after all, both a forester and an economist, I worked for much of my career on the economics of resource dependent and rural communities and how their economies interact with the larger economy in which they're embedded. Issues like housing are front and center to my way of thinking in rural areas. So, we are trying to balance all of your concerns here, and we are trying to respond to legislative direction. We have, as a board, been very clear, that we feel there is a need to assist the state in a complex financial problem of moving forward in ways that both deal with housing accessibility but also deal with the realities of local finance. If you will look at the Governor's budget proposal and the budget as it was going through the legislature, there is a recognition of the need for funds to assist in hardening to assist in local projects. While the state doesn't always have each element of the state's, regulatory, and governmental apparatus fully cognizant of what they're doing, we are talking to each other, and there is some correlation of policy across the various actors.

With that, I thank you very much for your attention to this matter, we are listening to you, we do value your input, as we try to meet our obligations as defined by the legislature.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias

Executive Officer 

Keith Gilless

Chair