

Hannigan, Edith@BOF

From: Margaret B [REDACTED]
Sent: Tuesday, December 7, 2021 12:05 PM
To: Hannigan, Edith@BOF
Subject: Fwd: Regulations Priority Review

Warning: this message is from an external user and should be treated with caution.

Edith,

This is the email I sent on November 16, 2021. It didn't bounce, so I assume I sent it to the correct email address.

Thank you,
Margaret

----- Forwarded message -----

From: Margaret Belska <mbbof21@belska.com>
Date: Tue, Nov 16, 2021 at 9:14 AM
Subject: Regulations Priority Review
To: <PublicComments@bof.ca.gov>
Cc: <mbbof21@belska.com>

Board of Forestry and Fire Protection
Attn: Regulations Priority Review
P.O. Box 944246,
Sacramento, CA. 94244-2460

Dear Board of Forestry and Fire Protection,

I am providing public comment regarding PRC §§ 4290 as per the October 6, 2021 call for public comments as part of the 2021 Regulations and Priority Review.

The current version of the PRC 4290 Fire Safe Regulations is fundamentally flawed and must be revised immediately. Thousands of miles of California's rural roads don't meet these standards. Bringing these roads up to the requirements in PRC 4290 is a major infrastructure project that requires state and local coordination and funding. It is NOT something that can be burdened upon individual landowners trying to build single-family homes in existing communities. The costs involved are hugely disproportionate to the impact of these projects and therefore violate fundamental Constitutional principles. Strictly applying these regulations will ensure a halt to all development, including incremental road improvements that were going to be done as part of these developments. With the current version of PRC 4290 everyone loses – landowners can't build on their legal land, communities remain just as vulnerable as before because there is no money for road improvements, and!

the State and local jurisdictions face massive lawsuits for regulatory taking.

The exception process outlined in the Regulations is also not working. CAL FIRE refuses to grant any exceptions, except in cases of grade, leaving the decision in the hands of local jurisdictions. Local jurisdictions

are terrified to go against CAL FIRE, so they refuse to grant any exceptions either. Neither side is even willing to consider alternative means that provide the same practical effect. Those terms are so vague and arbitrary that no matter what alternatives landowners propose, they are told that they don't provide the same practical effect. There is no guidance as to what *would* provide the same practical effect. Landowners are left guessing, and no matter what they guess, CAL FIRE or the local jurisdiction can simply say 'no'.

These regulations should not apply to existing roads or to in-fill development of single-family homes on lots zoned for such development by right. As they stand, the regulations are impractical, irrational, and unconstitutional. They also go directly against the intentions of Governor Newsom by blocking all residential development in fire hazard zones.

Sincerely,
Margaret Belska