

Napa Valley Coalition for Fire Resiliency

July 12, 2021

Board of Forestry and Fire Protection  
Attn: Resource Protection Committee  
Board of Forestry and Fire Protection  
PO Box 944246  
Sacramento, CA 94244-2460  
Email: [PublicComments@BOF.ca.gov](mailto:PublicComments@BOF.ca.gov)  
CC: [Edith.hannigan@bof.ca.gov](mailto:Edith.hannigan@bof.ca.gov)

Members of the Resource Protection Committee:

On June 17, 2021, the Napa Valley Coalition for Fire Resiliency (the "Coalition") submitted a letter to the California Board of Forestry and Fire Protection ("BOF") that included a request that BOF analyze the environmental effects of proposed State Minimum Fire Safe Regulations 2021 in compliance with the California Environmental Quality Act ("CEQA"). The Coalition is submitting this letter to the Resource Protection Committee of the BOF to repeat its request for CEQA analysis.

As explained in the Coalition's June 17 letter, which is attached, the Coalition believes that the BOF's actions regarding the State Minimum Fire Safe Regulations 2021 must be viewed as whole and, in that light, categorized as a "Project" within CEQA. Failing to do so undercuts CEQA's two basic purposes. First, CEQA is designed to inform decisions makers and the public about potential environmental effects of a "Project." Second, CEQA directs public agencies to avoid or reduce environmental damage, when possible, by requiring alternatives or mitigation measures. Without any CEQA analysis it is unclear, and does not notify the public or decision makers, if the "Project" has any environmental impacts. With respect to the State Minimum Fire Safe Regulations 2021, there are both direct and indirect environmental impacts that need to be analyzed before anyone can make an informed decision about the proposed regulations, including ways to avoid or reduce environmental damage that may arise from compliance with the proposed regulations.

While we commend the BOF for its effort and commitment to reducing wildfire impacts, it appears that the BOF is neglecting its obligations as the lead agency to conduct environmental review and to disclose any environmental impacts of the revisions to the Fire Safe Regulations.

Sincerely, \*

Napa Valley Coalition for Fire Resiliency \*



S. Osborn Erickson \*

Napa Valley Coalition for Fire Resiliency

June 17, 2021

*Via email, facsimile, and overnight delivery*

Board of Forestry and Fire Protection  
Attn: Edith Hannigan  
Land Use Planning Program Manager  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814  
Facsimile: 916-652-0989  
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Members of the Board of Forestry and Fire Protection:

Thank you for your service protecting the lives of California residents and the resources of our State, as well as for the opportunity to comment on the “DRAFT State Minimum Fire Safe Regulations, 2021” (the “Proposed Revisions”). We represent many long-time residents of California and property owners in Napa County. We have collectively witnessed many of the past wildfires that resulted in fire storms, and some of us lost our homes and commercial properties. . Parallel to the mission and members of the Board of Forestry and Fire Protection (“BOF”), we are advocates for improved fire safety across the State.

We were disappointed, however, to learn that the Proposed Revisions, which are intended to improve fire safety, are being rushed through a rulemaking process seemingly without meaningful consideration of comments raised by the public and in absence of environmental review as required by the California Environmental Quality Act (CEQA). There is significant risk that the Proposed Revisions miss the mark in prevention and protection from wildfires and instead could even exacerbate the spread of a wildfire. Namely, if the Proposed Revisions are adopted, privately held rural land may be left unmanaged, while investment in asphalt rather than fuel load abatement will be encouraged – the result of which could be larger and more out-of-control wildfires. The potential consequences of these regulations should be carefully considered, and further input is needed, from both the public and from fire prevention professionals.

**For this reason, more time and consideration are needed before these critical regulations are adopted.**

We, the Coalition, stand behind all rules and regulations that reduce fire threats, but are very strongly opposed to these Proposed Regulations as currently drafted. As a result, we request that BOF (1) **extend the comment period for the Proposed Revisions by at least ninety (90) days for the BOF to review and respond to thoughtful public comments**; (2) during the extension, consider the requests by the Napa County Board of Supervisors (the “Napa BOS”) in the letter

attached as Addendum A; and (3) during the extension, analyze the environmental effects of these Proposed Revisions pursuant to CEQA.

### 1. Request for an Extension of Time

The manner in which the Proposed Revisions mitigate California’s fire risks is a topic worthy of thoughtful and considerable debate. Frankly, a 45-day comment period for the current iteration of the Proposed Revisions is insufficient in light of the potential health and safety effects of the rules. We strongly urge the BOF to extend the comment period for the Proposed Revisions to allow sufficient opportunity to better understand various approaches to fire prevention, along with potential unintended consequences of the Proposed Revisions stated in feedback from counties, residents, and business owners.

As a preliminary matter, local jurisdictions are questioning the prudence of a one-size-fits-all approach to fire prevention across disparate counties. Napa and at least twenty-two (22) other counties have presented strong arguments for more local control of fire prevention techniques, with decisions based on a range of prevention methods in addition to modifications to road standards—defensible space, development site restrictions, construction material selection, vegetation management, water supply improvements, among others—that are tailored to the risks and issues faced by different areas of the State.

There is no debate that the highest priority for new regulations is ensuring public safety and the maximum effectiveness of fire prevention and mitigation measures.. However, potential adverse effects of new requirements could also negatively impact public wellbeing, including: the possibility of larger wildfires with the absence of fuel management and fire breaks; disruptions to housing and business development; takings lawsuits brought by impacted landowners; adverse environmental consequences of road improvements; and weakened insurance policy coverage.

Additional time is urgently needed to examine the effects of the Proposed Revisions in all these areas, which must be better understood before issuing the Proposed Revisions.

We understand that pursuant to Public Resources Code (PRC) Section 4290, as amended by SB 901, the BOF is required to “adopt regulations implementing minimum fire safety standards related to defensible space” and to more frequently update regulations relating to fuel breaks and greenbelts near communities to reduce fire risk and improve fire protection. Yet these Proposed Revisions miss the intent of the BOF’s explicit mission. The Proposed Revisions disproportionately require standards and financial improvements that target investment in infrastructure instead of attention to fire fuel load reduction or wildfire suppression and home hardening techniques.

### 2. Napa County Board of Supervisors’ Modifications

The Coalition strongly supports the suggested modifications as described in the attached letter from the Napa BOS and respectfully requests your consideration. While we concur with the Napa BOS that all of the Napa BOS’ suggested revisions should be adopted, several revisions are

imperative to amend and vital in protecting against unfair results and literal property “takings”, as described below.

- The Proposed Revisions should grant local jurisdictions flexibility to adopt fire safety standards and processes that are consistent with other standards and processes that the local jurisdiction has implemented and that respond to the needs of that particular jurisdiction. Furthering this policy, Napa BOS proposes, and we support, the changes to the Proposed Revisions described in recommendation #2 of the attached letter, which revise the definition of “Substantial Compliance” in a manner that allows local decision-making in the exception process, and changes described in recommendation #8 of the attached letter, which provide an exception from ridgeline restrictions for local jurisdictions that have prepared a Community Wildfire Protection Plan.
- With regard to the proposed ridgeline restrictions, we would also urge greater flexibility. We know from fire ecology that wildfire spreads rapidly on steep slopes, and that a well-managed ridgeline may serve as a necessary firebreak. Rather than restricting development on ridgelines, we would propose that any ridgeline development should be accompanied by fuel load reductions and other fire management devices to help prevent the spread of wildfire along ridgelines. The regulation could be tailored to operate in a manner similar to Napa County’s Viewshed Ordinance: not a prohibition on development, but rather a series of guidelines for how ridgeline development must be implemented in order to ameliorate wildfire risks and improve the local ecology, thus representing a net benefit over non-development.
- The Proposed Revisions should ensure that existing homeowners are not effectively barred from ordinary renovations and home improvement projects as a result of the enormous costs of compliance with the Proposed Revisions. Compliance with the Proposed Revisions is triggered by, among other things, a use or a building permit that would increase intensity or density, whether the project involves the addition of a bedroom or the construction of a new multifamily apartment building. Since compliance with access road standards in the Proposed Revisions potentially demands upgrades from a construction site to a “Collector Road” and since Napa County has few “Collector Roads” that meet the standards of the Proposed Revisions, the costs of compliance with the Proposed Revisions could be enormous and lack the legal nexus for minor projects. The result of this may well be unpermitted construction or decisions not to improve existing structures that desperately should be improved, all to avoid high costs of compliance with the Proposed Revisions. To remedy these effects, Napa BOS has proposed, and we strongly support, recommendations #5 and #1 in the attached letter, which insert a de minimis exception for density and intensity increases and which remove the use of “Collector Road” in the Proposed Revisions, respectively.
- We agree that, depending upon the number of housing units served by existing access routes to parcels in Napa County, these access routes may need enhancements for public safety. However, any enhancements should be under the purview of the local jurisdiction for individual compliance and should consider fuel reduction treatments (*e.g.*, grazing, mechanical, burning or application of prophylactic long-term fire retardants) along the

access routes to meet the same overall and practical effect, in lieu of substantial compliance, with the standards in the Proposed Revisions.

- The Proposed Revisions should consider the limitations of CALFIRE’s “Very High Fire Hazard Severity Zone” maps. These maps are based upon macro level topography and fuel type. They do not reflect recent wildfires (loss of fuels), do not reflect proactive efforts by property owners, and are not updated on a regular basis. The maps also provide a false sense of security that wildfires may not cause devastation in High, Moderate or unclassified lands. To help resolve this situation, AB38 (2020) and SB901 (2018) charged the Office of Planning and Research (OPR) to evolve from “Hazard” maps to true “Risk” maps so that property owners can use science to prioritize fuel reduction and home hardening activities. These new “Risk” maps will show dynamic factors that better reflect the risk of living in a wildland fire environment. True “Risk” values are being developed and any proposed rulemaking should be deferred to coincide with those developments.
- The Proposed Revisions should be sensitive to the fact that a wide range of development projects, in many instances spanning years, will be detrimentally affected and, in some cases, barred as a result of the Proposed Revisions. As a matter of fairness and good governance, the BOF should grandfather projects that have received entitlements prior to the effective date of the Proposed Revisions or should grant some other form of leniency to ongoing projects.

### 3. The Lead Agency Must perform CEQA

Section 15378 of the CEQA Guidelines provides the following definition of a project: (a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvement to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants subsidies, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. The term “project” refers to the whole of an action and to the underlying physical activity being approved, not to each government approval (CEQA Guidelines Section 15378(c)). Thus, the environmental effects from this action must be analyzed pursuant to the California Environmental Quality Act, or CEQA.

### Conclusion

We need stronger fire safety regulations in California. But we need to be confident that our regulations fit the bill. Please consider bolstering public confidence in the regulations by extending the comment period for the Proposed Revisions to evaluate feedback and by accepting

the thoughtful revisions proposed by the Napa BOS. Thank you again for your service and the opportunity to comment on the Proposed Revisions.

Sincerely,

Napa Valley Coalition for Fire Resiliency

A handwritten signature in black ink, appearing to read "S. Osborn Erickson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

S. Osborn Erickson

And the additional signatories attached hereto

cc: Governor Gavin Newsom  
Matt Dias, Executive Director, Board of Forestry and Fire Protection  
Wade Crowfoot, Secretary, Natural Resources Agency  
Rhys Williams, Senior Advisor on Emergency Preparedness and Management, Office of the Governor  
Edith Hannigan, Land Use Policy Planning Manager, Board of Forestry and Fire Protection  
Senator Bill Dodd  
Congressman Mike Thompson  
Assembly Member Cecilia Aguiar-Curry  
Members, Napa County Board of Supervisors  
Minh Tran, Napa County Executive Officer

Additional Signatories to Board of Forestry and Fire Protection Letter

/s/ Amy Christopherson Bolton  
/s/ Benjamin Erickson  
/s/ Bill Keever  
/s/ Carole Meredith  
/s/ Chuck Meibeyer  
/s/ Chuck Wagner  
/s/ Denise Levine  
/s/ Denise Seghesio Levine  
/s/ Edward Clark  
/s/ Emily Hardin  
/s/ Eric Lilavois  
/s/ Fernando Octaviano  
/s/ Gail Morgan Lane  
/s/ Georg Salzner  
/s/ George Bachich  
/s/ Harvest Duhig  
/s/ Hendrik Smeding IV  
/s/ Isaac Tersel  
/s/ Isabel Valdes  
/s/ Jessica Erickson  
/s/ Joel Dickerson  
/s/ John Kirilin  
/s/ Julie Arbuckle  
/s/ Kathleen McIntosh  
/s/ Keith Block  
/s/ Kirsty Shelton  
/s/ Lee Hudson  
/s/ Manuel Frias Sr.  
/s/ Mary Davidek  
/s/ Michael Covarrubias  
/s/ Ofer Tenenbaum  
/s/ Paul T. Kern  
/s/ Paul Woolford  
/s/ Peter Read  
/s/ Randy Gularte  
/s/ Riaz Taplin  
/s/ Rick Freeman  
/s/ Rina Alcalay  
/s/ Russ Taplin  
/s/ Sasha Janev  
/s/ Scott Greenwood  
/s/ Simón Guendelman  
/s/ Stephanie Mathis  
/s/ Steve Lagier

/s/ Steven H. Levine  
/s/ Stuart Funk  
/s/ Stuart Kern  
/s/ Stuart Smith  
/s/ Suzanne Kelley  
/s/ Sylvia Guendelman  
/s/ Terry Scott  
/s/ Valentin Humer  
/s/ Winegrowers of Napa County



Addendum A

See attached



A Tradition of Stewardship  
A Commitment to Service

**Board of Supervisors**

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Main: (707) 253-4421  
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**Alfredo Pedroza**  
Chair

June 11, 2021

*(via email)*

Chair J. Keith Gillless,  
Vice Chair Darcy Wheelles  
Member Mike Jani  
Member Rich Wade  
Member Susan Husari  
Member Katie Delbar  
Member Christopher Chase  
State Board of Forestry and Fire Protection  
Post Office Box 944246  
Sacramento, CA 94244-2460

**RE: Proposed Revisions to the State Minimum Fire Safe Regulations**

Dear Chair Gillless and Board Members:

Thank you for the opportunity to comment on the proposed revisions to the State Fire Safe Regulations. At this time, the Napa County Board of Supervisors wish to register our strong concerns with the draft document being considered by the Board of Forestry and Fire Protection (BOFFP) on June 22, 2021.

Napa County has experienced significant loss of life and property in recent years due to wildfire. Since 2017, nearly a dozen people have died in fires and over 10% of our housing in the unincorporated area has been destroyed. Last year alone, over 40% of the County burned. We acknowledge the critical need to strengthen measures to ensure the safety of our residents, workers, and visitors. At the same time, we also need to ensure that our families displaced by wildfires are allowed to rebuild their homes, our existing communities and institutions are able to be maintained and allowed to responsibly grow in the future, and our investment in the safe economic redevelopment of Lake Berryessa recreation is realized. Reasonable standards are needed to both protect the public and reduce the potential for widespread destruction. Our specific comments on the draft regulations are as follows:

1. Section 1270.01.(a) – Access:

The use of distance to a Collector Road in the proposed definition of Access is highly burdensome for rural development and will trigger significant improvements to public roads, including historic access corridors that were established and accepted by the local jurisdiction decades before minimum fire safe regulations were in effect. Napa County has very few Collector Roads that meet the standards in the draft regulations. We request that Access be redefined as: "The Roads on a route from a Building to the nearest public Road."

Requested Language: %

§ 1270.01. Definitions %

The following definitions are applicable to this Subchapter. %

(a) Access: The Roads on a route from a Building to the nearest ~~Collector~~ Public Road.

2. Section 1270.01.(II) – Substantial Compliance:

The definition of Substantial Compliance is vague and subjective, requiring the local jurisdiction to interpret the % threshold of what constitutes “nearly complete.” We request deleting the term “nearly complete,” leaving the decision on determining consistency with the purpose of the applicable FSR to the Fire authority and/or local jurisdiction.

Requested Language:

§ 1270.01. Definitions

(II) Substantial Compliance: ~~Nearly complete~~ The Fire Authority shall determine the extent to which satisfaction of all material requirements have been substantially satisfied consistent with the purpose of the applicable State Minimum Fire Safe Regulations even though the formal requirements are not satisfied.

3. Section 1270.03 - Effective Date:

The draft regulations are currently anticipated to take effect on July 1, 2021, with no grace period or consideration for projects currently pending. We request that the requirements be applied only to new discretionary or ministerial applications submitted after the effective date, or alternatively that pending applications be provided a reasonable period of time in which to come into compliance.

Requested Language: %

§ 1270.03. Scope.

(a) These regulations shall apply to:

(1) the Perimeters and Access to all residential, commercial, and industrial Building construction within the SRA approved after January 1, 1991 and those ~~approved permit applications submitted~~ after July 1, 2021 within the VHFHSZ, except as set forth below in subsections (b), (c), (d), and (e) below.

4. Section 1270.06.(d) – Appeals:

Any appeal of an Exception to Standards would require a consultation with the Inspection Entity before a decision could be made on the appeal. This would create an extra step in the County appeal process and introduces new evidence after the fact, which would be unknown to the maker of the decision being appealed. We request that any consultation be made prior to the decision and that the Findings become a part of the decision that is then heard upon appeal.

Requested Language: %

§ 1270.06. Exceptions to Standards. %

(d) Exception decisions may be appealed. The Local Jurisdiction may establish or utilize an appeal process consistent with existing local Building or planning department appeal processes.

(1) In addition to local requirements, the Local Jurisdiction shall consult with the inspection entity prior to making a ~~determination on an appeal~~ decision on an Exception.

(2) The inspection entity shall provide documentation demonstrating how the requested Exception does or does not substantially comply with the standards in this Subchapter.

(e) If an appeal Exception is granted, the Local Jurisdiction shall make written findings of the Exception’s Substantial Compliance, as defined § 1270.01 (Definitions), with the minimum standards in this Subchapter, supported by Substantial Evidence. Such findings shall include a written statement of reasons for ~~overriding~~ declining the ~~decision recommendation~~ of the inspection entity, if necessary. A written copy of these findings shall be provided to the Board and the CAL FIRE unit headquarters that administers SRA fire protection in that Local Jurisdiction, or in the county in which the Local Jurisdiction is located.

5. Section 1273.(c) – Scope:

The new standards would apply to existing roads or driveways whenever there is a change in zoning or use permit that increases intensity or density. As written, that could be the addition of even one person, which then could require a disproportionate cost of improvements. We request that the language be revised to define a de minimus threshold for

intensity and density, such as equivalency equal to the four residences currently exempted in the draft regulations (the creation of two new parcels each of which may contain two new residences).

Requested Language: %

§ 1273. Purpose and Application. %

(c) The provisions of this Article and Article 3 (Signing and Building Numbering) shall further apply to any Existing Road, Driveway, or Road or Driveway Structure that provides Access to Building construction which includes

- (1) the permitting or approval of three (3) or more new parcels, excluding lot line adjustments as specified in Government Code (GC) section 66412(d); or
- (2) an application for a change of zoning which proposes to increase in zoning intensity or density that results in a change of 40 Average Daily Trips (ADT) or more; or
- (3) an application for a change in use permit which proposes to increase use intensity or density that results in a change of 40 Average Daily Trips (ADT) or more.

6. % Section 1273.08.(a).(3) – Dead-End Roads:

The maximum length of dead-end roads serving parcels zoned for more than five acres to 2,640 feet (one-half mile). This would vastly expand the number of existing dead-end roads and affect hundreds of landowners not currently subject to this requirement. We request that the current maximum length of 5,280 feet for dead-end roads serving parcels zoned for 20 acres or more be retained.

Requested Language: %

§ 1273.08. Maximum Lengths of New Dead-end Roads %

(a) The maximum length of a New Dead-end Road, shall not exceed the following cumulative lengths:

- (1) for Roads with parcels zoned not to exceed one (1) acre - 800 feet;
- (2) for Roads with parcels zoned-up to 4.99 acres - 1,320 feet;
- (3) for Roads with parcels zoned for 5 acres to 19.99 or larger - 2,640 feet.
- (4) for Roads with parcels zoned 20 acres or larger - 5,280 feet.

(b) All New Dead-end Roads shall meet the Turnaround requirements in § 1273.10 (Road and Driveway Turnarounds).

(c) All New Dead-end Roads shall meet the width requirements in § 1273.05 (Road and Driveway Traffic Lane Width and Clear Width).

(d) Each New Dead-end Road shall be connected directly to a through Road (a Road that is connected to other Roads at both ends).

(e) The length of New Dead-end Roads shall be measures from the center line of the through Road it connects to, to the terminus of the Dead-end Road at its farthest point.

(f) Where a New Dead-end Road provides access to differing zoned parcel sizes requiring different length limits, the shortest allowable length shall apply.

(g) The Local Jurisdiction may grant exceptions for New Dead-end Roads that exceed 5,280 feet, where there are physical site limitations such as localized topography, slope stability or soil conditions such that any of the requirements in (b) through (f) are not possible. Where an Exception is granted, access shall provide for locations for vehicles to pass each other at reasonable intervals.

7. % Section 1273.12.(b) – Rebuilding After A Wildfire:

Section 1270.03.(c) of the proposed draft regulations exempts the reconstruction or repair of a building due to wildfire from these regulations, so long as the work complies with all of the following: (1) setbacks are not encroached upon; (2) the use of the building does not change; (3) the damage was caused by a wildfire; and (4) the legal character of the building is not altered. However, Section 1273.12.(b) states that all structures rebuilt after a wildfire are required to provide a driveway at least 14 feet in width for a distance of 22 feet, at an interval of every 400 feet. Alternatively, opportunities for vehicles to pass each other must be provided at reasonable intervals. The two sections are clearly in conflict.

Since 2017, 1,329 homes have been destroyed in Napa County by wildfire. To date, 994 owners of destroyed homes have not yet filed an application to rebuild. In fact, 359 properties have not completed Phase 2 ash and debris clean-

up from the 2020 Hennessey and Glass fires. The proposed requirement will prevent these families from returning to their homes and businesses, create significant new obstacles to disaster-stricken areas struggling to recover, and could financially devastate community water, fire, and wastewater services that depend on re-establishing the number of users. Insurance is unlikely to cover the additional costs of access improvements and the proposed regulations will create another substantial barrier to bringing our residents home. We request that the internal consistency be corrected by clearly exempting reconstruction that complies with the requirements of Section 1270.03.(c). In addition, we also request that the reconstruction exemption be applied to all disasters, and not limited just to wildfire. Owners of structures that are devastated by earthquake, flood, landslide, or other event should have the same opportunity to rebuild as those affected by wildfire.

Requested Language: %

§ 1273.12. Standards for Existing Roads %

(b) Unless otherwise exempted under § 1270.03.(c) (Scope), Access to Buildings after a Wildfire Damaged or Destroyed by an Accident or Act of God shall provide for at least one (1) fourteen (14) foot Traffic Lane for a distance of at least twenty-two (22) feet at an interval of at least every 400 feet; provided, however, where such Traffic Lanes are not possible due to physical site limitations such as localized topography, slope stability or soil conditions, Access shall provide for locations for vehicles to pass each other at reasonable intervals.

8. % Section 1276.02.(a) and (b) – Ridgelines:

These provisions require that local jurisdictions designate Strategic Ridgelines where most new building construction would be prohibited. Earlier this year, the Napa Community Firewise Foundation completed an extensive process for developing a Community Wildfire Protection Plan (CWPP), in accordance with Federal Emergency Management Agency (FEMA) and US Fire Administration guidelines. Specifically, the CWPP does the following:

- Identifies areas of high hazard in which topography, fuel and weather create the potential for extreme fire behavior regardless of socio-political boundaries.
- Identifies where there is interest, willingness to participate and resources for preparedness and mitigation activities. %
- Addresses structure ignitability. %
- Protects at-risk communities and essential infrastructure. %
- Prioritizes fuel reduction and recommends types and methods of treatment. %
- Contributes to effective strategies for community outreach and education. %

As indicated in the proposed regulations, not all ridgelines are strategic. Similarly, there are other areas in addition to ridgelines that provide important fire breaks and where fuel management is critical. Creating a new assessment of ridgelines appears redundant, when there is already a countywide plan that was prepared with dozens of stakeholders and has received millions of dollars in County funding to implement. We request that a CWPP be considered as fulfilling the requirement of identifying strategic ridgelines and that Local Jurisdictions that have prepared a CWPP be exempted from this provision.

Requested Language: %

§ 1276.02. Ridgelines.

(a) Unless the Local Jurisdiction has previously prepared a Community Wildfire Protection Plan (CWPP), tThe Local Jurisdiction shall identify strategic Ridgelines, if any, in consultation with the Fire Authority. Strategic Ridgelines shall be identified through an assessment of the following factors:

- (1) Topography;
- (2) Vegetation;
- (3) Proximity to any existing or proposed residential, commercial, or industrial land uses;
- (4) Ability to support effective fire suppression; and
- (5) Other factors, if any, deemed relevant by the Local Jurisdiction and Fire Authority.

It is our understanding that the draft Fire Safe Regulations will likely become effective on October 1, 2021. We appreciate the need for urgent action. Large parts of California, including Napa County, are already classified in Exceptional Drought. CalFire has indicated that the State has already seen an increase of more than 400% in the number of acres burned compared to this

same time last year. This year has the potential to be another long and devastating fire season, and steps need to be taken quickly to limit the effects of any future disasters.

Although action is imperative, it also must be balanced and deliberate. California residents face a wide range of potential natural disasters, including: wildfire, earthquake, flood, landslide, tsunami, wind shear, lightning, snow storm, and tornado. In each of these cases, development standards have been created based on sound science and engineering to ensure the protection of nearly 40 million residents and to meet the needs of the world's 5<sup>th</sup> largest economy. These efforts have consistently recognized both the important role of local planning processes in achieving safe communities, and the need to balance these important goals with the equally critical – and often competing – housing and economic needs of the public.

Napa County does not oppose the need for stronger Fire Safe Regulations. However, the proposed rules as currently drafted are inconsistent, unclear, and inflexible. Amendments are needed to provide a better process that can be successfully implemented by landowners, local jurisdictions, and State agencies. We strongly urge the Board of Forestry and Fire Protection to take the time necessary to thoroughly review and consider incorporating our requested changes into the draft Fire Safe Regulations before adoption.

Once again, thank you for the opportunity to offer our suggestions and comments on this extremely important issue.

Sincerely,



Alfredo Pedroza  
Chair, Napa County Board of Supervisors

cc: Matt Dias, Executive Director, Board of Forestry and Fire Protection  
Wade Crowfoot, Secretary, Natural Resources Agency  
Rhys Williams, Senior Advisor on Emergency Preparedness and Management, Office of the Governor  
Edith Hannigan, Land Use Policy Planning Manager, Board of Forestry and Fire Protection  
Senator Bill Dodd  
Assembly member Cecilia Aguiar-Curry  
Members, Napa County Board of Supervisors  
Minh Tran, Napa County Executive Officer  
Paul Yoder & Karen Lange, Shaw, Yoder, Antwih, Schmelzer, and Lange  
California State Association of Counties  
Rural County Representatives of California

Brad Wagenknecht  
District 1

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District 4

Belia Ramos  
District 5