



# COUNTY OF MENDOCINO

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April 5, 2021

Chair J. Keith Gilles,  
Chair Vice Chair Darcy Wheelles  
Member Mike Jani  
Member Rich Wade  
Member Susan Husari Member Marc Los Huertos  
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 Gilles and Board Members:

On behalf of Mendocino County Board of Supervisors, we wish to register our strong opposition to the most recent draft of the Board of Forestry's (BOF) proposed Fire Safe Regulations revisions. The new regulations proposed by BOF staff will have dire consequences for many communities throughout the state, effectively prohibiting residential construction and business expansion in large parts of our counties. In recent years, the Legislature has focused on creating progressive fire safe and wildfire risk reduction policies for the state. These efforts have consistently recognized both the important role of local planning processes in achieving fire safe communities, and the need to balance these important goals with the equally critical - and often competing - housing needs of our residents. Governor Newsom reiterated that point in his veto message for major fire planning legislation last year (Senate Bill 182), urging that "wildfire resilience must become a more consistent part of land use and development decisions. However, it must be done while meeting our housing needs." The proposed regulations would summarily deem many miles of existing public roads throughout the state "substandard," and would require immensely costly upgrades as a condition of building or rebuilding a single residential unit - at the property owner's expense. Even more onerous - and often infeasible - improvement requirements would apply to the creation of even a single new parcel, no matter how large, or any change to a use permit or zoning, no matter how minor. Such requirements will certainly affect the state's ability to address the housing crisis, especially in more rural, less economically advantaged parts of California. BOF staff have been unable to provide any estimate of the number of housing units these regulations would prevent or render unaffordable - but it will unquestionably be large, given that these restrictions apply to an area containing approximately one quarter of California's housing stock. In addition to the effects on housing, the proposed regulations would apply the

same restrictions and improvement requirements to any business that proposes to increase service capacity, such as adding an outside seating area to accommodate social distancing requirements. This will seriously threaten many of the remaining small businesses that have been struggling to survive during the pandemic, and will eliminate any prospect of business growth in large swaths of the state. As above, BOF staff cannot provide any assessment of the number of small businesses jeopardized by this proposal, but it is substantial. More broadly, this regulatory proposal ignores the realities on the ground. There are unacknowledged environmental impacts of changing the width or grade of a road that have not been meaningfully considered at any point during BOF's process. Additionally, even if upgrading a road is feasible and not environmentally damaging, the costs are extraordinary and unreasonable for a small business or property owner to bear. BOF staff have repeatedly stated that the full impacts of the regulations are unknown, and that additional information is needed, but have nonetheless rushed this process forward. There is clearly a need to broaden the drafting discussion to include the full range of subject matter experts with "on-the-ground" experience in local land use planning and administration. Unfortunately, it appears the BOF lacks real interest in considering the concerns of those most involved and impacted by the regulations at the local level. At the March 3rd Board meeting, numerous representatives of local governments, local fire officials, and statewide associations all called on the Board to slow the process down, and engage in meaningful stakeholder conversations before moving forward. However, BOF ignored these requests, and directed staff to schedule a special meeting for the sole purpose of expediting Board action on the proposal. We hope the BOF reconsiders moving forward in this manner. We appreciate BOF's desire to move forward with all deliberate speed, and understand that the current Fire Safe Regulations will become applicable to portions of the Local Responsibility Area on July 1, 2021. Many counties have been administering those regulations in the State Responsibility Area for years, and can apply those well-known rules in the LRA for a few more months without difficulty. Those existing provisions could indeed benefit from updating, if done in a deliberate fashion – but no provision of the governing law, nor any state policy mandates that BOF act in haste. The proposed changes the Fire Safe Regulations are lengthy, complex, and far reaching, yet the board is poised to make a decision on a proposal that was first released in draft form December 1, 2020, less than four months ago. We urge BOF take the necessary time to truly partner with local governments, and allow a robust discussion with all interested parties on possible revisions to the fire safe standards in the future.

Sincerely,

Dan Gjerde, Chair

CC: Matt Dias, Executive Director, Board of Forestry

Wade Crowfoot, Secretary, Natural Resources Agency

Rhys Williams, Senior Advisor on Emergency Preparedness and Management, Office of the Governor

Edith Hannigan, Land Use Planning Manager, Board of Forestry

Senator Mike McGuire

Assemblyman Jim Wood