



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

June 5, 2020

RECEIVED 06/05/2020
Board of Forestry and Fire Protection

Ms. Edith Hannigan
Land Use Planning Program Manager
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA, 94244-2460

Transmittal Via E-mail: edith.hannigan@bof.ca.gov

RE: Emergency Fire Safe Regulations – June 2020 Board Meeting

Dear Ms. Hannigan:

On behalf of the Rural County Representatives of California (RCRC), we appreciate the opportunity to comment on the revised Emergency Fire Safe Regulations proposal presented at the June Board meeting. We appreciate the revised proposal no longer incorporating the road standards provisions which we had expressed concern. We look forward to addressing those issues with members and staff of the State Board of Forestry and Fire Protection (the Board) in the coming months.

Additionally, we greatly appreciate the efforts to clarify the express exemption for "reconstruction or repair...due to a wildfire," and to explicitly state that the enumeration of this specific exemption does *not* alter the extent to which the regulations apply to other repairs and rebuilding. This will ensure that the new limited exemption for wildfire rebuilds is not erroneously interpreted to imply that all other "reconstruction or repair" must not be exempt. As we indicated in prior communications, rural counties seek only to ensure local governments do not lose any *authority currently possessed* with regard to repairs and rebuilding – and this language provides that assurance.

We are somewhat troubled by the revised verbiage of Section 1270.02(e) in the June 9, 2020 draft, including the deletion of "not relating to an existing structure" from Section 1270.02(e)(1). While we appreciate the ambiguity in the current phrasing, and the potential for anomalous results, it is not clear that the Board has fully considered the implications of simply removing this language, rather than clarifying it. The Notice of Proposed Action posits "a business enterprise [with] a shed on their property" "expand[ing] their operations by constructing a packaging facility with staff quarters" – which clearly should not be exempt from the regulations. But what of the converse

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scenario, where a business with an existing packaging facility wants to build a shed? Likewise, what does this mean for residential property owners who want to build garages or outbuildings? Could this revision be interpreted to mean that the standards now apply to all of those minor projects?

These are potentially difficult questions, with significant effects for residents and business owners. The Board should ideally address those questions head-on, and adopt clear, express, and reasonable provisions for these common situations. We encourage the Board to have that conversation, preferably before finalizing the emergency regulations, but in any event during the permanent rulemaking process.

Thank you again for the opportunity to participate in the Board's rulemaking process. We look forward to working with you further as this matter proceeds.

Sincerely,



TRACY RHINE
Legislative Advocate