



June 18, 2021

Board of Forestry and Fire Protection
 Attn: Matt Dias
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Re: Oppose Weakened 2021 Board of Forestry and Fire Protection’s State Minimum Fire Safe Road Regulations for State Responsibility Areas and Local Responsibility Areas – Very High Fire Hazard Severity Zones

Dear Mr. Dias and Members of the Board:

The undersigned organizations representing millions of members and supporters across California oppose the Board of Forestry and Fire Protection’s (BOF) proposal that will drastically weaken fire safe road regulations for new development in fire-prone communities. This change unequivocally endangers the public and firefighters. Public safety has been the paramount intent of the fire safe regulations for thirty years, but the proposal eliminates the requirement for concurrent safe access for fire apparatus and civilian evacuation on existing roads. It fails to implement the intent of SB 901 (its enacting legislation). Instead the proposal weakens regulations statewide, and fails to analyze the environmental effects as required by the California Environmental Quality Act (CEQA).

Since 1991, the BOF’s minimum fire-safe access standards have applied to all new residential, commercial, and industrial development within State Responsibility Areas (SRAs). Among other requirements, the current regulations require roads to be at least 20 feet wide, have adequate surfaces, and avoid steep grades. The length of dead-end roads has been limited to one mile. The sole

exemptions from these standards are for post-fire rebuilds and roads used exclusively for agriculture, timber harvesting, or mining. Since 1993, the BOF and Office of the Attorney General confirmed that the regulations apply to roads built before 1991, where most new development occurs.

In November 2020, the BOF consulted with a Fire Chiefs Working Group, which suggested shortening the maximum length for dead-end roads to one-half mile to “provide for greater fire safety than the current standards.” (BOF, Initial Statement of Reasons, p. 28). The December 2020 draft of the proposed revisions reduced the maximum length of all dead-end roads to one-half mile as the Fire Chiefs recommended, and retained the existing 20-foot road width standard.

Then the BOF yielded to pressure from the development industry and local jurisdictions that argued for weakening the regulations. While the December 2020 draft proposal emphasized public safety, the April 2021 draft increasingly ignores public safety to promote development rights, undermining the 2020 regulations. The BOF’s significantly weakened proposal has been submitted to the Office of Administrative Law, commencing the formal rulemaking process.

Except for very large developments, the proposal only requires existing roads to be 14 feet wide, instead of 20 feet as in the current regulations. This change could potentially unlock thousands of parcels for residential, commercial, and industrial development on existing roads, but would no longer require that firefighters and fleeing civilians are able to concurrently navigate roads during a wildfire. The proposal unequivocally fails to provide for safe concurrent ingress and egress—a fire apparatus that is 8-9 feet wide cannot possibly pass 6-foot-wide passenger vehicles on a 14-foot-wide road. Even worse, the inadequate 14-foot standard can be reduced with loophole “exceptions” by local jurisdictions to approve only 8- or 10-foot-wide roadways, a recipe for disaster for both civilians and firefighters during a wildfire. Furthermore, the proposal completely exempts Accessory Dwelling Units (Granny Flats/Secondary Dwelling Units) from all fire safe regulations, allowing a doubling of residences on already substandard roads.

There are not adequate roadway standards to ensure the safe operation of fire equipment, including turnarounds, curves, and grades that fire apparatus can negotiate. The regulations allow only half of a roadway to be unpaved, and allow up to 25 percent grades on unpaved roads. The proposal not only ignores the Fire Chiefs Working Group recommendation to limit dead-end roads to one-half mile, it abandons the existing one-mile limitation and allows unlimited length dead-ends for all existing roads.

Development projects on unsafe substandard roads in fire-prone areas were previously banned. The proposal now encourages development projects on those unsafe substandard roads. New development could occur on parcels accessed by existing dead-end roads over one mile long, by narrow roads far less than 20 feet wide, and by unpaved roads with grades far greater than 16 percent. By gutting existing standards, the proposal unlocks a vast number of parcels to new residential, commercial, and industrial development.

A single fallen tree can block a dead-end road and trap residents in a wildfire conflagration. By ignoring the advice of our Fire Chiefs and Fire Marshals to reduce dead-end road lengths to a maximum of one-half mile, the proposal makes such a catastrophe far more likely.

SB 901 requires the BOF to extend the fire-safe regulations by July 1, 2021 to include very high fire hazard severity zones within the Local Responsibility Area (LRA). The proposal would allow increased development and population density in high fire-prone communities and wildlands in both LRAs and

SRAs, resulting in significant adverse impacts to public safety and the environment. Loopholes would even allow “new roads” to be considered “existing roads,” thus avoiding all regulations applicable to newly built roads. If current sprawl-inducing land-use practices continue, instead of focusing on increasing affordable housing near city centers, 640,000 to 1.2 million new homes would be built in the state’s highest wildfire-risk areas by 2050 (Mann et al. 2014).

Abundant scientific evidence shows that when development encroaches into fire hazard severity zones, the probability of large conflagrations dramatically increases. Human sources such as power lines, car sparks, cigarettes, and electrical equipment caused nearly all contemporary wildfires in California (Radeloff et al. 2018, Syphard et al. 2007; Balch et al. 2017). Permitting new development in high fire-risk areas increases ignitions and places more people in danger. Since 2015, almost 200 people in California have been killed in wildfires, more than 50,000 structures have burned, hundreds of thousands of residents have evacuated their homes, millions have endured power outages, and tens of millions have been exposed to unhealthy levels of air pollution.

Impacts of wildfire disproportionately affect vulnerable communities with less adaptive capacity to respond to and recover from hazards like wildfire. Low-income and minority communities, especially Native American, Black, Latinx and Southeast Asian communities, are the most marginalized when wildfires occur, in part because they have fewer resources to have cars in which they can evacuate, to buy fire insurance, to implement defensible space around their homes, or to rebuild. Vulnerable communities also have less access to disaster relief during recovery (Fothergill and Peak 2004; Morris 2018; Harnett 2018; Davies 2018; Richards 2019). Health impacts from wildfires, particularly from increased air pollution due to fine particulates (PM2.5) in smoke, also disproportionately affect vulnerable populations, including low-income communities, people of color, children, the elderly, and people with pre-existing medical conditions (Künzli et al. 2006; Delfino et al. 2009; Reid et al. 2016; Hutchinson et al. 2018; Jones et al. 2020).

At an August 18, 2020 workshop, BOF indicated the proposal’s potentially significant environmental impacts would be reviewed using an Environmental Impact Report. It appears the BOF is poised to determine the draft regulations are either not a project under CEQA or categorically exempt. Neither of these CEQA determinations is supported in law.

Incredibly, the BOF has indicated it does not intend to prepare an Environmental Impact Report to analyze the effects of increased wildfire risks and sprawl. No exemption can suffice to avoid environmental review here. The BOF must prepare a comprehensive Environmental Impact Report for the proposal, as it initially announced it would, to analyze the proposal’s detrimental effects to public safety, biological resources including California’s already threatened native flora and fauna, climate resilience, vulnerable populations, emergency access, evacuation plans, and cumulative impacts. In addition, because the environmental impacts of BOF’s temporary exclusion for accessory dwelling units included in its July 2020 emergency regulations were not analyzed, that exemption should now be analyzed as well.

The current proposal would be devastating to public safety and the environment. We urge the BOF to undertake thorough environmental review and refocus its efforts to ensure the proposed regulations meet the intent of its enabling legislation and enhance public safety rather than rolling back so many sensible safety standards.

Thank you for your consideration of these comments.

Sincerely,

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