

From: [Becky Steinbruner](#)
To: Scalia, Melissa@CALFIRE; [Doug Aumack](#)
Cc: [Carey Pico](#); [Joe Serrano](#); [Becky Steinbruner](#)
Subject: Public Comment re: County Fire Dept. and LAFCO Countywide Fire Protection District Service and Sphere Review
Date: Wednesday, September 22, 2021 1:13:45 PM

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

Dear Fire Dept. Advisory Commission,
I was unable to attend the September 15, 2021 FDAC meeting because I was working at the Santa Cruz County Fair. I did review the FDAC agenda, but did not see an item to discuss the LAFCO Countywide Fire Protection District Service and Sphere Review, which includes County Fire Department's CSA 4 and CSA 48.

I hope that your Commission has indeed received the thorough Review, and will work with Mr. Joe Serrano, Director of Santa Cruz County LAFCO, to contribute meaningful contributions as the peoples' liaison with the Board of Supervisors.

I request that this issue be placed on the November 17, 2021 FDAC agenda for public discussion because of various issues raised in the Review. Of note, LAFCO recommends dissolution of CSA 4 and incorporating with CSA 48.

Below are my comments submitted to LAFCO regarding County Fire Department CSA 48. Please include them as correspondence to the FDAC.

Again, I respectfully request that the ability for members of the public to speak upon each agenda item as it occurs in the FDAC meeting be reinstated. The current restriction is a disservice to the purpose of the FDAC and an insult to the public.

Thank you for your work.

Sincerely,
Becky Steinbruner

(excerpt from public comment sent to LAFCO in September 22, 2021 email correspondence):

3) County Fire Dept. CSA 4 Website (page 138)

The County Fire Dept. website has been updated within the last two weeks, and now has virtually no information about CSA 4.

#5. Disadvantaged Unincorporated Communities (page 142) There are a number of migrant farm workers who live and work within the CSA 4 sphere, and many medical response calls by CSA 4 staff are for these populations.

4) County Fire Dept. CSA 48

a) Types of Training (page 146)

Davenport Volunteer Fire used to be the best-trained crew in the County for cliff rescues and surf incidents. What changed such that those training services are now not recognized?

b) Why are there only two Type 3 engines serving a rural mountainous service district with many areas of substandard roads and challenging access? (Table 69, CSA 48 Inventory (page 146))

c) Finances (page 150)

"State law requires special districts to conduct an annual audit. The law also requires special districts to file a report of the completed audit to the State Controller's Office and LAFCO (Government Code Section 56036).

However, no audits were readily available on the County's website."

Why are there no audits of County Fire Dept. finances, as required by law?

"At the end of FY 2019-20, total revenue collected was approximately \$4 million, virtually the same from the previous year (\$4 million in FY 2018-19). Total expense for FY 2019- 20 was approximately \$3.3 million, which increased from the previous year by 1% (\$3.26 million in FY 2018-19). The District has ended with an annual surplus each year since 2014, excluding FY 2016-17, as shown in Figure 59."

This is different information than was presented to the CSA 48 Special Benefit Assessment ballot procedure in that the CSA 48 Fact Sheet stated:

FACT: Without additional funds the County will be forced to close a fire station, resulting in slower 9-1-1 response times in many areas of rural Santa Cruz County.

http://www.santacruzcountyfire.com/fdac/2019_csa_48_fact_sheet.pdf

I feel there should be some discussion in the County Fire Dept. Sphere and Service Review regarding the Amador Agreement, and how that provides State funding for CAL FIRE emergency response within the State Responsibility Area (SRA) during fire season.

There should also be discussion of the CSA 48 Special Benefit Assessment fee approved in 2020: *"If approved, this assessment would provide a higher level of fire protection and emergency response service by increasing the staffing levels to nationally recognized standards and provide for improved apparatus and equipment replacement. The assessment rate would result in an estimated increase of \$1,551,118 for fiscal year 2020-21 for County Service Area 48."*

d) Public Meetings (page 153)

Notice of the Board of Supervisor meetings regarding discussions of CSA 48 fees and services provided are not placed on the County Fire Dept. website, and no notice is provided via mail or media advertisement. Doing so would improve County Fire Dept. / CAL FIRE transparency and accountability to the CSA 48 property owners & taxpayers.

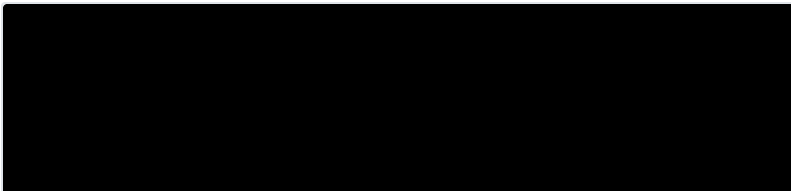
For the past year, County Counsel and General Services Director have restricted public participation in all Fire Dept. Advisory Commission meetings to only three minutes each for items on the agenda and items not on the agenda, but only at the very beginning of the meeting. Members of the public are not allowed to speak at all thereafter, severely limiting informed public comment. This Draconian policy is meant to silence dissent and streamline meetings for convenience of staff, and needs to be changed.

e) Website (page 154)

The website has been updated within the last two weeks and now provides zero information about the Special Benefit Assessment District fees, adjustments to those fees due to the CZU Lightning Complex Fire destroying 911 homes, or any information about an appeal process for this new tax passed in 2020 that is in addition to pre-existing CSA 48 fees.

Now, a property owner cannot look up their CSA 48 Special Benefit Assessment fees, and the only link to what gives the appearance of providing this information in the financial data sidebar is in fact merely a link to the County Assessor data base, but provides no information about CSA 48:

[Home Page](#)





Home Page

Santa Cruz County Assessor's Office'

Furthermore, it is very disturbing to see a three-page description of County Fire Dept. that includes a warning that State Budget Cuts will require reduction of staffing during non-fire season paid full-time staffing from 3 to 2 and deferred vehicle replacement. These are precisely the issues that CSA 48 property owners were promised would not happen if the CSA 48 Special Benefit Assessment were passed. http://www.santacruzcountyfire.com/front_page/csa48_tbwb_public_ed.pdf

The only News Release is a 2016 announcement of Chief Ian Larkin's appointment as County Fire Chief: http://www.santacruzcountyfire.com/new%20releases/new_unit_chief_5-17-16.pdf

The Santa Cruz County Fire Events page has not been updated since 2015 Firefighter of the Year awards.

There is no map of the CSA 48 service area on the website.

The 2021-2022 County Fire Dept. Budget Narraive provides ZERO information about County Fire Dept. finances, and is an incomplete document: https://sccounty01.co.santa-cruz.ca.us/prop_budget2021-22/Proposed_Budget_2021-2022.pdf

There is no e-mail contact information provided for the Davenport or Corralitos Stations, creating a barrier to potential volunteer inquiries: <http://www.santacruzcountyfire.com/>

The Santa Cruz County Fire Dept. Fire Marshal Schedule of Fees is meaningless, and provides little real information regarding cost of services: http://www.santacruzcountyfire.com/fire_marshall/scco_fees.pdf

f) Transition from Dependent to Independent (page 154)

I think this is a very positive idea. The County Board of Supervisors really does not understand the needs of rural residents, and is generally unsupportive of funding County Fire Dept. They have failed to allocate any Prop. 172 State Public Safety sales tax monies to fund County Fire Dept., and have so far allocated ZERO dollars in Measure G countywide sales tax revenues to fund County Fire Dept., even though their 2018 ballot initiative to fund the County's unmet needs listed "fire" as a beneficiary of the proposed new tax. Fire prevention and emergency response would be better served by an independent elected Board and a transparent budget process.

"Benefits include having its own board of directors, its own staff, better resident representation, and more local control by the affected communities. More importantly, it would allow the County to focus on more regional issues rather than certain municipal services, such as fire protection."

g) Formation of Zones (page 155)

The number of acres that CSA 48 encompasses is "XX", and needs to be filled in with correct information.

A discussion of the CSA 48 Special Benefit Assessment fees instituted in January 2020 should be included in this section.

h) Overlapping Sphere Boundaries (page 155)

There needs to be a discussion of CSA 48 areas that are islands of jurisdiction that can only be accessed by travelling through another jurisdiction for response. Examples of this are Redwood Drive community and Mesa Grande Road in Aptos that would be better served by annexation to Central Fire District because Central Fire responds to nearly all calls in these communities, not County Fire or CAL FIRE. Another detachment / annexation that has been recommended by the Santa Cruz County Grand Jury is the Paradise Park Community, currently in CSA 48 but is best served by Santa Cruz City Fire Dept.

i) District Summary (page 157)

The Table states there are 75 volunteers in County Fire Dept. The number of volunteers has steadily declined, much to the alarm of the Fire Dept. Advisory Commission. Here is what the Commission included in the CSA 48 FACT SHEET to help convince voters to pass the Special Benefit Assessment tax:

FACT: We have 25% fewer firefighters on staff today than we did 10 years ago -- meanwhile our number of emergency calls has grown steadily – approximately 22% since 2010.

http://www.santacruzcountyfire.com/fdac/2019_csa_48_fact_sheet.pdf

The Board of Supervisors is negligent in asking why this is so. The Commission has recently discussed using some of the new CSA 48 tax money to hire a part-time Training and Recruitment Officer.

See July 21, 2021 County Fire Dept. Advisory Commission agenda item VII(A) VII(B):

http://www.santacruzcountyfire.com/fdac/fdac_agenda_7-21-21.pdf

The contact phone number for County Fire Dept. Administration is incorrect:

(831) 722-6188

The correct phone number, according to the County Fire Dept. website home page is 831) 335-5353.

j) Service and Sphere Review Determinations (page 158)

#2 Disadvantaged Communities. According to the Central Coast Regional Water Quality Control Board, Davenport is considered a Disadvantaged Community. This was adopted by that Board on January 29, 2021.

#5. Shared facilities. The Review needs to discuss the fact that most of CSA 48 is in the State Responsibility Area (SRA) that the State funds fire suppression and emergency response costs for much of the year. This section also needs a discussion of the Amador Agreement.

It should also be mentioned that the CAL FIRE Soquel Station is closed for the next two years while a new fire station and office for Soquel State Demonstration Forest is being built, and there is no temporary quarters for firefighters that would normally respond from this station to incidents in the upper Soquel Valley. Currently, that staff is quartered at Burrell Station and Felton Headquarters.

#7 A final discussion of the Board of Supervisors negligence in their persistent refusal to fund County Fire Dept. with State Prop. 172 Public Safety money or Measure G countrywide sales tax money must be included here, with a recommendation that the Board fund County Fire with readily-available public safety tax money.

k) Sphere of Influence Review

#5. Davenport is considered a DUC.

Thank you for this thorough Review.

Sincerely,
Becky Steinbruner

From: [Becky Steinbruner](#)
To: [Scalia, Melissa@CALFIRE](#); [Doug Aumack](#)
Cc: [Carey Pico](#); [Becky Steinbruner](#)
Subject: Re: Please Agendize FDAC Discussion and Recommendations to the Board of Supervisors re: Lack of CAL FIRE After Action Review for CZU Lightning Complex Fire
Date: Tuesday, September 28, 2021 1:32:41 AM

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

Dear Ms. Scalia and Captain Aumack,
Today I discovered that the Board of Supervisor agenda for September 18 includes in Consent Agenda Item #36 the following:

Direct the Board Chair to write a letter to the California Department of Forestry and Fire Protection (CAL FIRE) requesting that an After-Action Review of the State's response to the CZU Lighting Complex Fire be conducted and provided and, if the request is declined, provide the rationale for doing so, as recommended by Supervisor McPherson and Supervisor Coonerty

Please request a copy of this letter be sent to the FDAC.

Page 1 of the Staff Report states:

"The County conducted a review of County Fire's operations pertaining to the CZU FIRE."

Where is this Report? Please include the Report on the County Fire Dept. website and in the November 17, 2021 FDAC agenda materials for public review and Commission discussion.

Thank you.
Sincerely,
Becky Steinbruner

On Monday, September 27, 2021, 11:45:30 AM PDT, Becky Steinbruner <ki6tkb@yahoo.com> wrote:

Dear Ms. Scalia and Captain Aumack,
Please include an agenda item for the November 17, 2021 FDAC to publicly discuss the lack of a CAL FIRE After Action Review of the CZU Lightning Complex Fire. After filing Public Records Act requests with various local and state agencies, including CAL FIRE, it is clear that there was no After Action Review of the disaster, and therefore County Fire Department will not have the benefit of a thorough analysis of what improvements need to be made in future disaster responses.

I was shocked that on August 19, 2021, notice of responsive materials to my Public Records Act request to CAL FIRE only included the CAL FIRE "2020 Fire Siege Report," but no actual After Action Review of the CZU Fire.

<https://www.fire.ca.gov/media/hsviuuv3/cal-fire-2020-fire-siege.pdf>

CAL FIRE Legal Dept. considers the request response completed.

The Report includes only a three-page synopsis of equipment sent, acres and structures burned, and general statement of lack of resources that begins on page 54. There is no detailed analysis of what went well, and what did not. This level of information is critical to build and improve on plans for future County Fire Department response to future disasters and interaction with CAL FIRE and other responders.

Here is what an After Action Review provides, in order to improve effective response and safety, taken

from a CAL FIRE training blog:

five simple questions are reviewed:

- 1. What was our mission? (Did we plan for this event? Were there any gaps in our planning?)*
- 2. What went well? (Did we have adequate resources? Did we do all that we could?)*
- 3. What could have gone better? (Did we observe any unsafe behaviors? Was our training effective?)*
- 4. What might we have done differently? (If we ran the same incident, what would we do differently?)*
- 5. Who needs to know? (What needs to be fixed, and how do we pass this information to the correct source?)*

<https://calfire.blogspot.com/2013/05/coffee-break-training-after-action.html>

The CAL FIRE 2020 Fire Siege Report fails to provide this level of valuable information relative to the CZU Fire but that would be of great benefit to County Fire Dept. responders and the public it serves.

For comparison, here is a link to the 2018 Carr Fire After Action Review:

<https://wildfiretoday.com/2019/04/17/after-action-review-released-for-the-carr-fire/?sfw=pass1632767320>

I respectfully request the FDAC to write a letter to the County Board of Supervisors recommending the Board require an After Action Review of the CZU Lightning Complex Fire from CAL FIRE by December 31, 2021.

Please acknowledge receipt of this message. Thank you.

Sincerely,
Becky Steinbruner

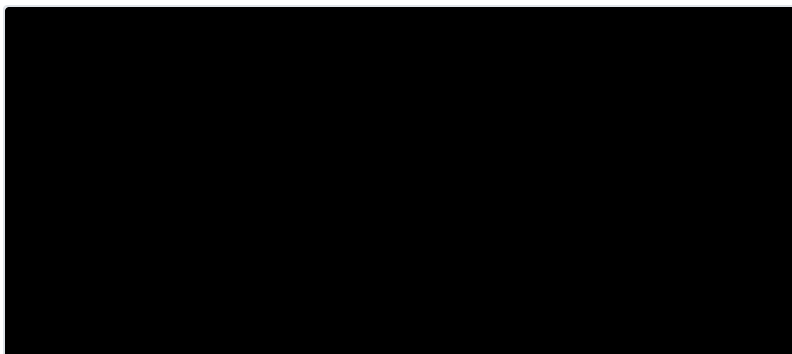
From: [Becky Steinbruner](#)
To: Scalia, Melissa@CALFIRE; [Doug Aumack](#)
Cc: [Carey Pico](#)
Subject: Please Agendize FDAC Discussion of Recommendations to Board of Supervisors re; Fire Suppression Policies on State and Federal Lands
Date: Friday, September 24, 2021 9:21:59 AM

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

Dear County Fire Department Advisory Commissioners,
I am writing to ask that your Commission place a public discussion on the November 17, 2021 agenda regarding possible recommendations to the Board of Supervisors for action regarding fire suppression policies on federal and state lands in Santa Cruz County and neighboring counties.

I ask this, based on what happened in the CZU Lightning Complex Fire and what appears to be a shift in federal and state policies regarding how resource allocation to wildland fire rapid early suppression in more remote areas is prioritized and managed.

I ask that you please read and include this August 1, 2021 LA Times article in the link below in the FDAC agenda packet: [California says federal 'let it burn' policy is reckless as wildfires rage out of control](#)



California says federal 'let it burn' policy is reckless as wildfires ra...

The U.S. Forest Service lets some blazes burn. California officials say that practices should be updated as blaz...

There are many similarities to what occurred in the CZU Lightning Complex Fire. Of note are these excerpts:

"[The National Wildfire Institute](#), a coalition that includes former Forest Service employees and industry interests such as timber companies, released a letter charging that the decision to allow it to burn "bears many hallmarks of criminal negligence" and calling for an independent investigation."

and

"Pimlott said that while firefighter safety is always the top priority, it can be too simple an excuse for not taking quick action. While it might have been risky then to insert firefighters, there are now hundreds of personnel assigned to the fire who are putting themselves in harm's way, he noted."

and

"As it is, local communities are often left seeking answers after the smoke clears, and incident command teams depart and move on to other fires. Lassen County Administration Officer Richard Egan said it is difficult to get satisfying explanations from the federal government.

"They are masters at, I think the correct term is, gaslighting," Egan told U.S. Rep. Doug LaMalfa at a meeting days after the Sugar fire hit Doyle. "They are terrible neighbors for us."

I believe that our community can say the same regarding CAL FIRE's lack of an After Action Review of the CZU Fire, and the Board of Supervisors and County Fire Department need to be demanding this level of review to improve response for future wildland fires in Santa Cruz County.

Please discuss this at the November 17, 2021 FDAC meeting for possible recommendations that the Board of Supervisors write all state and federal agencies owning land within and adjacent to Santa Cruz County to clarify what the agencies' policies are regarding rapid initial fire suppression attack and allocation of resources for wildland fires on those agency lands.

Thank you very much.
Sincerely,
Becky Steinbruner

From: [Becky Steinbruner](#)
To: Scalia, Melissa@CALFIRE; [Doug Aumack](#)
Cc: [Carey Pico](#); [Becky Steinbruner](#)
Subject: Please Include These Files as Correspondence to FDAC re: State Board of Forestry Draft Fire Safe Regulations and CZU Fire Matters
Date: Friday, September 24, 2021 10:08:50 AM
Attachments: [Spencer CZU letter \(1\).docx](#)
[BOS 2 21 Response to Minimum Fire Safe Regs \(1\).pdf](#)
[BOS 1 21 Relief from Special County Rules \(Revised\) \(2\).pdf](#)

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

Dear County Fire Department Advisory Commission,
Please include the following attached correspondence in the November 17, 2021 FDAC agenda packet. I feel that this information is of benefit to the FDAC and members of the public.

These documents are relevant to the Draft Board of Forestry Fire Safe Regulations that will greatly affect Santa Cruz County residents in the CSA 48 areas. Also included is a letter from County Supervisor Chairman Bruce McPherson regarding CZU Fire clean-up efforts and state logging permit restrictions.

Thank you.
Sincerely,
Becky Steinbruner

June 14, 2021

State Board of Forestry and Fire Protection

P.O. Box 944246

Sacramento, CA 94244-2460

Regarding: California Code of Regulations (14 CCR), Division 1.5, Chapter 7 Subchapter 2, Articles 1-5 "State Fire Safe Regulations, 2021"

Dear Chairman Gillless and Board Members,

No reasonable person would object to the creation of regulations that promote fire protection. We also want to commend your Board for reinstating exceptions for those who intend to rebuild their homes after tragically losing them to wildfire. However, the undersigned homeowners feel compelled to make the following comments.

The proposed minimum road standards your Board is contemplating are essentially a wish list created by Cal Fire. Every homeowner and landowner wants Cal Fire to be able to access their property in an emergency. To put it more bluntly, they want Cal Fire on-site protecting homes and lives during wildfires.

In many instances the proposed road standards will be extremely expensive for landowners to comply with and in some cases prohibitively expensive. The underlying problem is that landowners would incur these expenses with no assurance that Cal Fire or any other fire district would actually show up to protect their homes. That's exactly what occurred in the 2020 CZU Lightning Fire Complex.

Almost one-thousand homes in Santa Cruz and San Mateo counties were destroyed during the CZU Fire. This fire burned through much of the same land that was burned in the Lockheed Fire in 2009. Local residents experienced a professional and competent organization with the Lockheed Fire but not with the CZU fire.

During the Lockheed Fire, Cal Fire and other local fire districts had personnel and equipment at practically every threatened residence. During the CZU Fire, residents saw fire equipment and personnel parked on roads but almost no one had any kind of active fire prevention at their residences during this fire. It's critical to note that the roads and driveways that Cal Fire and other fire districts were able to effectively navigate and use to directly access residences during the Lockheed Fire do not meet the minimum road requirements now being contemplated by your Board. In fact, a number of County roads and bridges do not meet the new requirements.

No one is disputing that the CZU Fire was intense and overwhelmed local fire services. Regardless, mistakes were made; mistakes that Cal Fire has yet to acknowledge. These mistakes include, but are not limited to:

The failure to suppress the fire at Waddell Creek in Santa Cruz County when it was small and slow-moving. Sunday following the lightning storm Cal fire air craft worked to cover the Waddell fire with fire suppressant material. The planes left at dusk when the fire was almost extinguished. Monday morning the fire air craft did not return. Cal fire stated they were going to let the fire "sluff", that they could not access the upstream section. Numerous persons watched that night as the fire spread while Cal fire crew and trucks stationed in the Waddell parking lot

were not relocated to the southern side of Waddell creek to prevent fire spread, but remained watching the fire. Local residents had provided Cal Fire with specific information about reasonable access options. This fire area burned uncontrolled and eventually combined with another area of the CZU Fire which subsequently destroyed the entire community of Last Chance and almost all of the residences in the Scotts Creek watershed.

Cal Fire personnel arrived at the top of Swanton Road (again, Santa Cruz County) close to the intersection with Last Chance Road, There were a cluster of buildings and residences at this location. A bulldozer had also arrived. Although the fire was still at a distance, the Cal Fire supervisor ordered personnel to leave, including the bulldozer and operator. A local resident who had considerable experience with heavy equipment and knowledge of that specific location informed the Cal Fire Supervisors that the bulldozer operator would be able to cut an effective fire line around all the structures in less than fifteen minutes. Regardless, Cal Fire bailed. It took two hours after that for the fire to arrive at that location. The majority of homes were destroyed. In the Scotts Creek watershed the majority of homes were destroyed. There were several exceptions including homes that were saved by their owners. No one saw anyone from Cal Fire. However, Cal Fire managed to save their Big Creek Fire Station on Swanton Road. After the fire, it was the only structure standing in a mile radius. We assume Cal Fire left the area once their building was saved.

In the Bonny Doon area (also Santa Cruz County) a number of residents ignored evacuation orders and (now famously) stood their ground to defend their and their neighbor's homes despite the absence of Cal Fire. For weeks after the fire a homeowner placed a large sign along the road that stated "Thank you neighbors! Cal Fire – not so much". No one expects fire-fighting personnel to put their lives at risk and everyone understands that the CZU fire was so problematic that there was no way to save every home. But the public has an absolute right to know exactly where Cal Fire and other districts did stand their ground to protect individual residences. This information is important to both Cal Fire and homeowners. Even if every home could not be defended, residents would approve if some homes were defended.

During the fire there was a Cal Fire Incident Command Center set up in the City of Scotts Valley. The Command Center operated for about a month. During that time there were dozens of fire engines and their crews parked at that location and on a couple of days there were approximately one-hundred. It is unknown whether these engines and crews were rotating with other crews working the fire or whether they were simply considered reserves. This is relevant because Cal Fire's repetitive response to the conduct of their operations during the CZU Fire was "We needed more resources".

A formal letter was sent to Cal Fire Director Tom Porter requesting the address of every residence within the CZU Fire where fire-fighting personnel and fire-fighting equipment were physically at these residences and conducting fire-fighting efforts, as well as the dates when personnel and equipment were at these residences and what specific fire-fighting actions were taken at each residence. To date Director Porter has not responded.

If Cal Fire chooses not to respond to such public inquiries, that's a problem.

If Cal Fire can't respond because they don't have such information, that's a bigger problem.

On March 15, 2021, the San Mateo and Santa Cruz Cal Fire Unit held a CZU Lightning Complex virtual community meeting and described post-fire what actions were taken. During that meeting Ian Larkin, Cal Fire Unit Chief of the San Mateo Santa Cruz Unit informed listeners that a decision was made to ignore several small fires in the Butano watershed in San Mateo county. Those fires expanded rapidly. A caller pointed out that this proved that even small fires in the Santa Cruz Mountains should be attacked immediately. Unit Chief Larkin's response was something to the effect that "Leaving small fires burn in remote areas has worked in the past." The CZU Fire proved that is a fatally flawed policy. There is so much buildout in the rural areas of the Santa Cruz Mountains, no fire, no matter how apparently remote, should be considered anything less than a ticking time bomb.

In conclusion, we respectfully relay our concern with these proposed regulations that landowners may be subjected to onerous expenses to benefit an agency that may not show up regardless of any road improvements.

Sincerely,

Rachael Spencer
Kevin Rooney
600 Swanton Rd
Davenport, Ca 95017



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

MANU KOENIG
FIRST DISTRICT

ZACH FRIEND
SECOND DISTRICT

RYAN COONERTY
THIRD DISTRICT

GREG CAPUT
FOURTH DISTRICT

BRUCE MCPHERSON
FIFTH DISTRICT

April 27, 2021

Matt Dias
Executive Director
California Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

Dear Mr. Dias:

As clean-up and recovery efforts continue in the footprint of the CZU Lightning Complex fire, a multitude of federal, state and county contractors work daily to clear debris, assess and remediate hazards, and rebuild critical infrastructure. As part of this effort, local timberland owners are utilizing several CAL FIRE permits under the Forest Practice Rules for removing fire-killed or damaged trees. While the Permit process is efficient, there are local operational constraints and restrictions that significantly limit completion of fire remediation efforts on timberland (Ref 14 CCR sections 926.9 and 926.10).

Two localized restrictions have been identified which should be addressed to facilitate timber operations conducted under the Permits. These Special County Rules specifically relate to restrictions of weekend timber operations and weekend log hauling.

The existing harvest infrastructure in the Santa Cruz Mountains is not sufficient to adequately address the magnitude of dead or damaged timber resulting from the CZU Lightning Complex fire. This localized scarcity of Licensed Timber Operators, log truck drivers, timber fallers, and sawmills available to handle the volume of material is problematic. The Permit process does not provide a mechanism that allows for variances or exceptions to the Special County Rules, which limit weekend timber operations and hauling of forest products. These provisions are hampering clean-up efforts. Allowing timber operations and log hauling on weekends would enable better utilization of the limited available personnel and infrastructure while reducing the delays and expense that are being incurred by conforming to the Special County Rules. Two additional days

per each work week in the CZU Lightning Complex fire impact area would result in an overall shorter timeline for post-fire remediation that can be accomplished by our regionally limited pool of operators.

The Santa Cruz Board of Supervisors respectfully requests, as provided for in Public Resource Code section 4516.5, that the Board of Forestry and Fire Protection (Board) enter into emergency rulemaking to provide temporary relief as it relates to the Special County Rules identified above (14 CCR §(926.9(a), 926.10(a).) which apply specifically to the County of Santa Cruz to allow weekend timber operations and hauling of forest products to assist in the clean-up efforts associated with the CZU Lightning Complex Fire.

Requested Temporary Rule Relief

It is requested that the **Bold Type** portions of the following California Forest Practice Rules 14 CCR §(926.9(a), 926.10(a) be suspended or modified to allow for weekend timber operations and hauling forest products to assist in the clean up of dead or damaged timber associated with the CZU Lightning Complex Fire. This would pertain to those operations conducting post-fire salvage or restoration harvests under Emergency Notices, Exemption or Timber Harvest Plan within the boundary of the CZU Fire within the County of Santa Cruz. We request that weekend and holiday hours be restricted to the period of 8 a.m. to 6 p.m.

California Forest Practice Rules
Title 14 CCR

926.9 Hours of Work [Santa Cruz County]:

- (a) **Except as provided in paragraph (b) below, the operation of chain saws and other power-driven equipment shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. An exception to this rule may be granted by the Director where s/he has found that no disturbance will result from the use of such equipment.**
- (b) Within 300 feet of any occupied legal dwelling, the operation of chain saws and all other power equipment, except licensed highway vehicles, shall be restricted to the hours between 8:00 a.m. and 6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of no disturbance can be made based upon the occupant(s) agreement to a written request submitted by the RPF to the Director before plan approval.

RE: RELIEF FROM SPECIAL COUNTY RULES
APRIL 27, 2021

- (c) When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property between the hours of 9:00 p.m. and 7:00 a.m., the RPF shall provide an operating plan which reduces noise impacts to nearby residences.

926.10 Log Hauling [Santa Cruz County]:

- (a) **Log hauling on public roads is not permitted on Saturdays, Sundays, or on those days which are nationally designated legal holidays.**
- (b) Log hauling on public roads, or private roads may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to prevent a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.
- (c) During log hauling on public roads, or on private roads the timber operator may be required by the Director to post special traffic signs and/or flagpersons where determined to be necessary to prevent a hazard to traffic.

Given the devastating losses that our community has suffered due to the CZU Lightning Complex fire, it is imperative that we are able to move toward recovery as quickly as possible. Therefore, we respectfully request your assistance with temporary relief from the Special County Rules that are impeding these efforts.

Sincerely,



BRUCE MCPHERSON, Chair
Board of Supervisors

BM:cs



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

MANU KOENIG
FIRST DISTRICT

ZACH FRIEND
SECOND DISTRICT

RYAN COONERTY
THIRD DISTRICT

GREG CAPUT
FOURTH DISTRICT

BRUCE MCPHERSON
FIFTH DISTRICT

June 2, 2021

Matt Dias
Executive Officer
California Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

RE: Response to State Minimum Fire Safe Regulations 2021

Members of the Board:

Introduction:

On behalf of the Santa Cruz County Board of Supervisors, I am writing to inform you that the County of Santa Cruz supports practical and equitable regulations that increase fire safety and resilience in the State's rural areas. The County is in the early stage of recovering from the CZU Lightning Fire of August 2020 in which over 900 homes were lost. Many of these homes were among the more affordable in the County. We are very sensitive to wildfire risks and supportive of efforts to increase resiliency in our communities.

Any method of creating resiliency must account for the fact that the high fire risk areas include settled neighborhoods and communities. Effective regulations must acknowledge and consider existing patterns of development, physical and topographic setting, and the variability of conditions from place to place. This is a situation in which one size truly does not fit all and one in which local considerations must be primary in the development and implementation of standards.

Portions of the regulations, as proposed, will be detrimental to our rural community. Increased resiliency must be pursued *without* damaging rural communities with disinvestment, loss of housing, environmental damage, or the permanent displacement

of residents after a disaster. Any fire safe regulations must be practical, reasonable, and equitable in order to be successful.

In the difficult terrain of Santa Cruz County, standards for access roads are critically important. The Santa Cruz Mountains consist of deep, generally north-south oriented main drainages divided into sub-watersheds. The slopes are steep, erodible, and subject to failure. East-west road connections between drainages are infrequent, leading to a legacy road network that includes long roads that terminate without connections. Linking these existing roads is impractical and infeasible; yet we have established communities that depend on these roads. These communities are not growing by land division or commercial development, but neither are they losing population. Further, the relatively affordable housing options that are found in these areas represent an important resource during a statewide housing affordability crisis.

In consideration of these issues, we appreciate the modifications that have been made in the latest version of the fire-safe regulations, and respectfully offer the following comments and recommendations for further modification of the proposed "State Minimum Fire Safe Standards, 2021" (14 CCR §§ 1270.00 -1276.07).

Rebuilding After Natural Disaster

The March 15, 2021 revisions that added an exemption for rebuilding after a wildfire (1270.03(c)) and the exemption for Accessory Dwelling Units (ADUs) (1270.03(d)) address two of our concerns regarding rebuilding fragile communities after disaster. However, there is no difference between the situation that exists after a wildfire and after any other type of natural disaster that causes widespread damage or loss of residences, such as earthquake or flood. After any disaster modern codes will cause replacement homes to be more protected and resilient than the original homes, and simple replacement does not increase density or intensity of development. Therefore, there is a lack of nexus and proportionality in requiring compliance with the standards after disasters other than wildfire, as well as a basic logical inconsistency. We request that the exemption for wildfire be extended to cover natural disaster of any type. (For consistency, Section 1273.12(b), which addresses road standards for existing roads, should be amended to apply to non-wildfire natural disasters, as well).

The text of the regulations refers to "reconstruction" (1270.03 b(2) et seq.) This term should be changed to "replacement" to make clear that rebuilding need not create an exact replica of what was previously present. In the Santa Cruz County CZU fire recovery there are numerous instances in which shifting the footprint or relocating the replacement home decreases risks from geologic hazards, increases environmental

sustainability, decreases risk from fire, or is an otherwise superior, safer outcome. It is important that the regulations not remove or confuse this option.

Recognize the Need for Local Authorities to Administer the Exception Process

Regarding the exception process that has been added (1270.06), we fully agree with including a process that allows for case-by-case determinations in situations in which minimum standards cannot be fully met. Meeting all minimum standards for roads that are contained in the regulations is a physical impossibility on many existing roads in the Santa Cruz Mountains. The alternative to an exception process is displacement of families and small business. However, the decisionmaker on exception requests should be the local Fire Agency, the local jurisdiction, or the two local authorities working together. Designating the local authorities as the decisionmakers of the exception process in their own right, rather than identifying the decisionmaker indirectly through the Inspection section (1270.05), is more reliable, straightforward and transparent.

Standards Relative to New Development

The concept of "de minimus" development should be added to the regulations to recognize that there is some minor amount of change in the built environment that does not increase density, decrease evacuation safety, or increase intensity such that full scale road access and other improvements are triggered. The legal concepts of nexus and proportionality apply here, as well. According to the current proposal a mere addition to an existing home or construction of a shed on a commercial property could trigger significant road improvements without creating proportional impact. This is unworkable as drafted. The Board might look to accepted thresholds in other land use regulations for models, for example, the threshold of more than four new lots (definition of a subdivision in the Subdivision Map Act CGC 66401) or the threshold of four units or 2500 square feet of commercial space (CEQA Categorical Exemption Class 3, CCR 15303.3). At a minimum, residential development that does not create new lots or increase the number of units should be de minimus.

Regarding intensity, in Santa Cruz County we have small wineries, small Christmas tree and pumpkin farms, and other small commercial and non-profit enterprises scattered throughout the mountains. If the proposed road and other standards are triggered by very small improvements (as opposed to the establishment of new commercial enterprise), disinvestment and deterioration will follow. The regulations should identify a set of "de minimus" improvements for existing commercial enterprises that will not be subject to the full weight of the standards.

Feasibility of the Proposed Road Standards for New Roads

The definition of new road (1270.01 aa) should not encompass the extension of an existing road to serve existing lots of record. Where these roads are extended in existing right of way to meet existing parcels, with no new parcels being created as part of the development, that extension should be considered as existing road.

It is most likely that standards for new roads will come into play when new roads are needed to serve or upgrade existing development within a perimeter. We are concerned that the minimum radius of curvature, width in some cases, and dimensions of required turn-arounds are not feasible on some rural parcels because of terrain and geologic conditions. In those areas massive grading would be required to meet radius of curvature, necessitating extensive retaining structures or other major engineering. The regulations should acknowledge the potential for environmental impact, inside and outside of the Coastal Zone, and make provision for allowing alternate methods to minimize environmental impacts in these situations, particularly where roads will serve existing uses.

Lastly, the method for determining the maximum length of a dead-end road (1273.08) should be modified to consider the actual size of the parcels along the subject road, rather than the size indicated by the zoning. Parcels are frequently larger or smaller than the zoning for a variety of reasons, and in Santa Cruz County, for example, in the rural area the minimum parcel size is not given by the zoning. Instead, it is calculated by a Rural Density Matrix that depends on a multitude of factors. This modification would also solve the problem of defaulting to the lowest length when there are a variety of parcel sizes, which is common.

Ridgelines

The proposed regulations prohibit new building on "strategic ridgelines" (1276.02). Strategic ridgelines are not defined in the document and are not identified on any map. Therefore, it is impossible for the local community to understand the scope and effect of this prohibition. A prohibition on building on private property is an extreme measure and such regulations should only be contemplated and adopted with the utmost transparency. Because there is inadequate information available to the public to evaluate or respond to this proposed prohibition, the section should be re-written to define and provide for identification of strategic ridgelines, with appropriate regulations proposed as a discrete second step.

Page 5

RE: RESPONSE TO MINIMUM FIRE SAFE REGULATIONS

June 2, 2021

No CEQA Document Has Been Circulated

The County will be a Responsible Agency under CEQA and must rely upon the Board of Forestry's environmental document or this project. We therefore request an opportunity to comment upon any proposed CEQA document.

Conclusion

Effective and equitable minimum standards for fire safety must acknowledge and accommodate local conditions so that standards can be feasibly accomplished on the ground. They also must align with the principles of nexus and proportionality. Standards that are overly burdensome relative to the size of a development project will prevent the investment and incremental upgrading (and increased safety that results), which keep rural communities vital. In addition, we are concerned about a scenario in which a natural disaster other than wildfire damages homes, and recovery is stymied because the disaster exemption applies only to wildfire. The County of Santa Cruz urges the Board of Forestry to find a more suitable balance between ideal upgrades on one hand and realistic improvements that preserve our communities on the other. We urge the Board to take additional time as needed to make further revisions to the proposed regulations to address these comments.

Sincerely,



BRUCE MCPHERSON, Chair
Board of Supervisors

BM:cs

CC: Senator John Laird
Assemblymember Mark Stone
County Administrative Officer Carlos Palacios
Santa Cruz County Planning Director Kathy Molloy
Santa Cruz County Deputy County Administrative Officer Matt Machado
California State Association of Counties
Rural County Representatives of California
Edith Hannigan

From: [Becky Steinbruner](#)
To: Scalia, Melissa@CALFIRE; [Doug Aumack](#)
Cc: [Carey Pico](#); [Becky Steinbruner](#)
Subject: Please Agendize FDAC Discussion and Recommendations to the Board of Supervisors re: Lack of CAL FIRE After Action Review for CZU Lightning Complex Fire
Date: Monday, September 27, 2021 11:47:34 AM

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

Dear Ms. Scalia and Captain Aumack,
Please include an agenda item for the November 17, 2021 FDAC to publicly discuss the lack of a CAL FIRE After Action Review of the CZU Lightning Complex Fire. After filing Public Records Act requests with various local and state agencies, including CAL FIRE, it is clear that there was no After Action Review of the disaster, and therefore County Fire Department will not have the benefit of a thorough analysis of what improvements need to be made in future disaster responses.

I was shocked that on August 19, 2021, notice of responsive materials to my Public Records Act request to CAL FIRE only included the CAL FIRE "2020 Fire Siege Report," but no actual After Action Review of the CZU Fire.

<https://www.fire.ca.gov/media/hsviuuv3/cal-fire-2020-fire-siege.pdf>

CAL FIRE Legal Dept. considers the request response completed.

The Report includes only a three-page synopsis of equipment sent, acres and structures burned, and general statement of lack of resources that begins on page 54. There is no detailed analysis of what went well, and what did not. This level of information is critical to build and improve on plans for future County Fire Department response to future disasters and interaction with CAL FIRE and other responders.

Here is what an After Action Review provides, in order to improve effective response and safety, taken from a CAL FIRE training blog:

five simple questions are reviewed:

- 1. What was our mission? (Did we plan for this event? Were there any gaps in our planning?)*
- 2. What went well? (Did we have adequate resources? Did we do all that we could?)*
- 3. What could have gone better? (Did we observe any unsafe behaviors? Was our training effective?)*
- 4. What might we have done differently? (If we ran the same incident, what would we do differently?)*
- 5. Who needs to know? (What needs to be fixed, and how do we pass this information to the correct source?)*

<https://calfire.blogspot.com/2013/05/coffee-break-training-after-action.html>

The CAL FIRE 2020 Fire Siege Report fails to provide this level of valuable information relative to the CZU Fire but that would be of great benefit to County Fire Dept. responders and the public it serves.

For comparison, here is a link to the 2018 Carr Fire After Action Review:

<https://wildfiretoday.com/2019/04/17/after-action-review-released-for-the-carr-fire/?sfw=pass1632767320>

I respectfully request the FDAC to write a letter to the County Board of Supervisors recommending the Board require an After Action Review of the CZU Lightning Complex Fire from CAL FIRE by December 31, 2021.

Please acknowledge receipt of this message. Thank you.

Sincerely,
Becky Steinbruner

From: [Becky Steinbruner](#)
To: [Armstrong, Nate@CALFIRE](#); [Arnie Wernick](#); [Carey Pico](#); [Doug Aumack](#); [Janet Webb](#); [John Walker](#); [Larkin, Jan@CALFIRE](#); [Leman, Alex@LomaPrieta Fire](#); [Michael Beaton](#); [Petras, Ginny@CALFIRE](#); [Scalia, Melissa@CALFIRE](#)
Cc: [henry.moeller](#); [Michael Lewis](#); [Russ Mackey](#); [Steve Homan](#)
Subject: Re: Additional Materials
Date: Tuesday, September 28, 2021 10:17:24 PM

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

Greetings Fire Dept. Advisory Commission,

I am only now seeing these two documents that were sent the afternoon of your most recent meeting. I was not able to attend, but wonder what progress the FDAC made on the Operational Objectives?

How will the five vegetation management project locations be selected? I respectfully request that there be a fuel break project between Nisene Marks State Park and the Redwood Drive Community and request the opportunity to discuss it with County Fire Staff working on this project. Redwood Drive is designated as a Priority Area in the CWPP, and is a one-way in and one-way out access for over 200 households. Two PG&E transmission lines cross the Aptos Creek Canyon and Nisene Marks State Park and intersect with the Redwood and Newell Drive community.

I look forward to your response and thank you in advance.

Sincerely,
Becky Steinbruner

On Wednesday, September 15, 2021, 02:21:54 PM PDT, Scalia, Melissa@CALFIRE
<melissa.scalia@fire.ca.gov> wrote:

Hello,

Please find attached documents as additional supporting materials for tonight's meeting. In the revised County Fire Objectives you will see rough markups for the related discussion.

Thank you,

Melissa Scalia

Staff Services Analyst



San Mateo - Santa Cruz Unit

Santa Cruz County Fire CSA 48 & CSA 4

6059 Highway 9, Felton, CA 95018

Office: (831) 335-6734

Fax: (831) 335-4053

www.santacruzcountyfire.com

From: [Becky Steinbruner](#)
To: [Scalia, Melissa@CALFIRE](#); [Doug Aumack](#)
Cc: [Carey Pico](#); [Becky Steinbruner](#)
Subject: November 10 Fire Insurance Workshop re:Upcoming Changes to Fire Risk Rating Mitigation Plans and Wildfire Risk Modeling for Fire Insurance
Date: Wednesday, October 13, 2021 11:07:02 AM
Attachments: [Mitigation in Rating Plans and Wildfire Risk Models - Invitation to Prenotice Public Discussions.pdf](#)
[Mitigation in Rating Plans and Wildfire Risk Models - Revised Workshop Draft Text of Regulation \(1\).pdf](#)

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

Dear Ms. Scalia and Captain Aumack,
I respectfully request that the information from the State Insurance Commissioner's Office in the two attachments be sent to the Santa Cruz County Fire Department Advisory Commissioners so that they may share the information with those CSA 48 residents they represent.

As stated in the attached invitation, the purpose of the Workshop discussion is to:

" increase public participation and improve the quality of regulations, interested

parties are invited to attend the virtual meeting and offer comment, if they so choose. "

I also ask that this matter be placed on the November 17 FDAC agenda for public discussion.

Thank you.

Sincerely,
Becky Steinbruner

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, CA 95814**

REVISED WORKSHOP DRAFT TEXT OF REGULATION

**MITIGATION IN RATING PLANS
AND WILDFIRE RISK MODELS**

October 11, 2021

REG-2020-00015

Title 10. Investment
Chapter 5. Insurance Commissioner
Subchapter 4.8. Review of Rates
Article 4. Determination of Reasonable Rates

Adopt: Section 2644.9. Consideration of Mitigation Factors; Wildfire Risk Models.

- (a) An insurer shall not use a rate that is developed with, determined by or relies upon, in whole or in part, a rating plan or wildfire risk model that does not comply with this Section 2644.9. If a rate that is developed with, determined by or relies upon a rating plan or wildfire risk model that complies with this section is approved, in whole or in part, and thereafter such rating plan or wildfire risk model is replaced, or modified in any manner, including but not limited to, the inclusion of new factors, or different criteria or algorithms, the insurer shall, prior to implementing the new or modified rating plan or wildfire risk model, file a new rate application, which shall include the new or modified rating plan or wildfire risk model. No new or modified rating plan or risk model shall be used unless and until the new rate application is approved. Nothing in this section shall be construed to require the use of a wildfire risk model.
- (b) Pursuant to Insurance Code section 1861.05, subdivision (b), any wildfire risk model, as defined in subdivision (c) of this section, that is used, in whole or in part, in an insurer's rating plan shall be provided to the Commissioner as part of an insurer's complete rate application.
- (c) As used in this section, the term "wildfire risk model":
 - (1) Means any tool, instrumentality, means or product, including but not limited to a map-based tool, a computer-based tool or a simulation, that is used by an insurer,

in whole or in part, to measure or assess the wildfire risk associated with a residential or commercial structure for purposes of

- (A) classifying individual structures according to their wildfire risk, or
 - (B) estimating losses corresponding to such wildfire risk classifications; and
- (2) Does not include models used for purposes of projecting aggregate losses under Section 2644.4 or 2644.5.
- (d) Use of Mandatory Factors.
- (1) No insurer shall use a rating plan or wildfire risk model that does not take into account and reflect the following mandatory factors:
- (A) Community-level mitigation efforts: The rating plan, or any wildfire risk model's output, shall reflect, and the rate offered to the applicant or insured shall be based in part on, the reduced wildfire risk resulting from community-level mitigation efforts. Specifically, the rating plan and any wildfire risk model shall take into account:
 - 1. Whether a particular community has a Fire Safe Council, participates in or is certified by another nonprofit fire safety organization, or employs a defensible space program including, but not limited to, a program developed by the Office of the State Fire Marshal.
 - 2. Whether and the extent to which the community uses firebreaks, fire-watch efforts or other measures that may reduce individual exposure to wildfire loss.
 - 3. Whether and the extent to which any community-wide wildfire mitigation standards issued by the State of California have been implemented by the community in question.
 - 4. Whether and the extent to which building codes implement wildfire mitigation measures in wildfire-prone areas, and the extent to which there is widespread adherence to such building codes in the community in question.
 - (B) Property-level mitigation efforts: The rating plan, or wildfire risk model's output, shall reflect, and the rate offered to the applicant or insured shall be based in part on, the reduced wildfire risk resulting from property-level wildfire risk mitigation efforts undertaken with respect to an individual

property being assessed for risk. Individual property risk mitigation efforts include, at a minimum:

1. Defensible space measures, including but not limited to brush clearance;
 2. Implementation of building standards recommended by the Office of the State Fire Marshal; and
 3. Other building or structure fortification and construction measures intended to suppress fire, including but not limited to retrofits that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures.
- (2) A rating plan and, if applicable, a wildfire risk model shall satisfy the requirements of subdivision (d)(1) of this Section 2644.9 if and only if the rating plan taken as a whole, including the operation of any wildfire risk models that may be incorporated into the rating plan, takes into account and reflects the factors described in subdivisions (d)(1)(A) and (d)(1)(B) of this section.
- (3) No later than one hundred eighty days following the date this section is filed with the Secretary of State, each insurer shall file a rate application that incorporates a wildfire risk model that directly incorporates, or rating plan that includes, the factors described in subdivision (d)(1) of this section.
- (e) An insurer may use a rating plan or wildfire risk model which incorporates other factors that the insurer demonstrates are substantially related to risk of wildfire loss, and do not result in rates that are excessive, inadequate or unfairly discriminatory. These optional factors may include, but are not limited to:
- (1) Fuel: This factor shall take into account the various types of combustible materials, and the density of those materials, in the vicinity of the structure in question, including the location of trees, grass, brush, and other vegetation relative to the structure. The fuel factor shall take into account the fact that different fuels burn at different rates and intensities, resulting in different levels of wildfire risk. If used, this factor shall reflect the historic and estimated impact on losses related to fuel, as described in this subdivision (e)(1).
 - (2) Slope: This factor shall take into account the position of the structure in question on a slope relative to potential sources of ignition, and the steepness of the slope between those potential sources of ignition and the structure. If used, this factor shall reflect the historic and estimated impact on losses related to slope, as described in this subdivision (e)(2).

- (3) Access: Access reflects the ease or difficulty with which firefighting personnel and equipment can reach structures at risk of wildfire. The access factor shall include consideration of the presence of dead end roads, road width, shoulders, and availability of multiple access points with respect to the structure in question. If used, this factor shall reflect the historic and estimated impact on losses related to access, as described in this subdivision (e)(3).
 - (4) Distance to other high risk areas: When the structure is not in a high risk area, the model may take into account the distance to the nearest high risk area, which can increase or decrease a property's exposure to wildfire. If used, this factor shall reflect the historic and estimated impact on losses related to distance to other high risk areas, as described in this subdivision (e)(4).
 - (5) Aspect: The aspect factor shall reflect the direction the slope upon which the structure in question is located faces. If used, this factor shall reflect the historic and estimated impact on losses related to aspect, as described in this subdivision (e)(5).
 - (6) Structural characteristics: The structural characteristics factor shall reflect the materials used in the construction, and may reflect such items as the design, of the structure in question. If used, this factor shall reflect the historic and estimated impact on losses related to structural characteristics, as described in this subdivision (e)(6).
 - (7) Wind: The wind factor shall take into account the degree to which wind speed and direction in the vicinity of the structure in question may impact a wildfire's progression. If used, the wind factor shall reflect the historic and estimated impact on losses related to wind, as described in subdivision (e)(7).
 - (8) Other community-level or property-level mitigation efforts not specified in subdivision (d) of this section as recommended by a state or local fire safety agency or organization as reducing wildfire risk.
- (f) Any rating plan, or wildfire risk model submitted to the Commissioner in connection with a complete rate application pursuant to subdivision (b), or any additional documentation relating to such rating plan or model as may be requested by the Commissioner during the review of any such application, including any records, data, algorithms, computer programs, or any other information used in connection with the rating plan or wildfire risk model used by the insurer which is provided to the Commissioner, shall be available for public inspection pursuant to Insurance Code sections 1861.05, subdivision (b), and 1861.07, regardless of the source of such information, or whether the insurer or the developer of the rating plan or wildfire risk model claim the rating plan or wildfire risk model is confidential, proprietary, or trade secret. Pursuant to Insurance Code section 1855.5, subdivision (a), a wildfire risk model as defined in subdivision (c) of this section that is made available by an advisory organization to its members for use in California shall be filed with the Commissioner and made available for public inspection.

- (g) The initial rate or rate change application that utilizes a wildfire risk model as authorized in this section and/or rating plan shall incorporate the insurer's own California wildfire loss data to the extent that it is credible to support each segment, rating differential, or surcharge being requested. To the extent the insurer's own California data is not fully credible, the insurer shall credibility-weight its data with an appropriate complement of credibility to support each segment, rating differential, or premium surcharge. If the Commissioner aggregates California premium-and-loss data by wildfire risk to create a wildfire-exposure-risk manual, an insurer may rely on the then-current version of the manual as support for each segment, rating differential, or surcharge being requested, either directly or as a complement of credibility to the insurer's own California wildfire loss data.
- (h) An insurer utilizing a wildfire risk model, or specific rating factor, to segment, create a rate differential, or surcharge the premium based upon the policyholder or applicant's wildfire risk shall, within 180 days after the date this section is filed with the Secretary of State, implement a written procedure to provide, in writing, to each such policyholder or applicant for property insurance no later than fifteen days following the submission to the insurer of the applicant's completed application, at least forty-five days prior to each renewal, and at any other time upon request, the specific wildfire risk model score or other specific factor used by the insurer to segment, create a rate differential, or surcharge the premium based upon the policyholder or applicant's wildfire risk.
- (i) The procedure described in subdivision (h) of this section shall permit a policyholder under, or applicant for, a policy of property insurance who disagrees with the assignment of a wildfire risk score, or other wildfire risk factor, used by the insurer in its wildfire risk model or rating plan, the right to appeal orally or in writing that assignment directly to the insurer. The insurer shall notify the policy holder or applicant in writing of this right to appeal the wildfire risk model score or other wildfire risk factor, whenever such score or factor is provided to the policyholder or applicant, in the manner set forth in subdivision (h) of this section. If a policyholder or applicant appeals a wildfire risk score or other wildfire risk factor, the insurer shall acknowledge receipt of the appeal in writing within ten calendar days of receipt of the appeal. The insurer shall respond to the appeal in writing with a reconsideration and decision within 30 calendar days after receiving the appeal. In the event that an appeal is denied, the insurer shall forward a copy of the appeal, and the insurer's response, to the Department.
- (j) If the policyholder or applicant is represented by a broker, or the insurer is represented by an insurance agent with respect to the policyholder's policy or the applicant's application, the policyholder or applicant may appeal orally or in writing to the agent or broker the assignment of wildfire risk model score or other wildfire risk factor, who shall then forward that appeal to the insurer no later than five calendar days after receiving the appeal from the policyholder or applicant. The insurer shall acknowledge receipt of the appeal in writing to the policyholder or applicant and the agent or broker no later than five calendar days after receipt of the appeal from the broker or agent. The insurer shall respond to the appeal to the policyholder or applicant and the agent or broker with a

written reconsideration and decision of the appeal within 30 calendar days after receiving the appeal from the broker or agent. In the event that an appeal is denied, the insurer shall forward a copy of the appeal, and the insurer's response, to the Department.

- (k) Whenever a wildfire risk factor score, or other factor used by the insurer to segment, create a risk differential or surcharge the premium for a particular policy holder or applicant, is identified or provided to the policy holder or applicant pursuant to subdivision (h) or (j) of this section, the insurer shall also provide in writing:
- (1) The range of such scores or factors that could possibly be assigned to any policy holder or applicant;
 - (2) The relative position of the score or factor assigned to the policy holder or applicant in question within that range of possible scores or factors, and the impact of the score or factor on the rate or premium; and
 - (3) A detailed written explanation of why the policy holder or applicant received the assigned score or factor; the explanation shall make specific reference to the features of the property in question that influenced the assignment of the score or factor.

The insurer shall provide, in addition, the following information:

- (A) Which mitigation measure or measures can be taken by the policyholder or applicant to lower the wildfire risk score or factor, and
 - (B) The amount of premium reduction the policyholder or applicant would realize as a result of performing each such measure under the insurer's rating plan that is in effect at the time.
- (l) When an insurer responds to the applicant or policyholder in connection with an appeal pursuant to subdivision (j) of this section, it shall also notify the policyholder or applicant in writing that the policyholder or applicant may contact the Department of Insurance for assistance if the policyholder or applicant disagrees with the insurer's written reconsideration and decision. In any event, the insurer shall provide the policyholder or applicant with the Department of Insurance toll-free consumer hotline and web address of the Department's Consumer Complaint Center.
- (m) Nothing in this section shall be construed to limit the right of an applicant or insured to complain directly to the Commissioner at any time or to pursue any other remedy or other action allowed under California or federal law.
- (n) This section shall not apply to a commercial policy insuring multiple locations, none of whose wildfire risk is considered in rating the policy.

NOTE: Authority cited: Sections 1858, 1859, 1861.01, 1861.05 and 1861.07, Insurance Code; *20th Century v. Garamendi*, 8 Cal.4th 216 (1994). Reference: Sections 1851, 1855.5, 1858, 1861.05, 1861.07 and 1861.13, Insurance Code.

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, CA 95814**

October 11, 2021

REG-2020-00015

**INVITATION TO PRENOTICE PUBLIC DISCUSSIONS ON
MITIGATION IN RATING PLANS AND WILDFIRE RISK MODELS**

The California Department of Insurance (“Department”) will conduct prenotice public discussions regarding contemplated addition of California Code of Regulations, Title 10, Chapter 5, Subchapter 4.8, Article 4, section 2644.9.

For these contemplated regulations, the Department previously issued an invitation, dated February 23, 2021, for prenotice public discussions originally planned for March 30, 2021. The Department subsequently issued a notice of postponement dated March 24, 2021.

You are now invited to participate in these rescheduled prenotice public discussions. The purpose of these discussions is to provide interested and affected persons an opportunity to present statements or comments regarding the contemplated regulation changes.

Although the Department ordinarily prefers in-person participation, due to unique circumstances, during this pandemic, the Department will use a virtual web conferencing format for this workshop.

Date, Time and Location

Date: November 10, 2021

Time: 1:00 p.m. The virtual workshop shall continue until all in attendance wishing to provide comments have commented, or 5:00 p.m., whichever is earlier.

Location: Link to Register for the Web-based Virtual Format:
https://us06web.zoom.us/webinar/register/WN_I0csTLZiTaioC5MHesoAmA

Attendance. To increase public participation and improve the quality of regulations, interested parties are invited to attend the virtual meeting and offer comment, if they so choose.

The moderated call-in line to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to review available accommodations, if necessary.

Please direct all inquiries regarding these workshops to the contact persons named below.

Regulation Text. For purposes of promoting discussion, a draft of the text of the proposed regulatory changes is attached. Participants should be prepared to present specific comments on the attached draft regulation text during the public discussions. Participants are also invited to

submit written statements and are encouraged to provide supporting documents and materials as well.

Public Input regarding Alternatives. The Department hereby seeks public input regarding alternatives to the contemplated regulations, in connection with these prenotice public discussions. Please provide written or oral comments outlining any alternatives that would secure the same benefits as the contemplated regulations. The benefits of the contemplated regulations are stated below.

The anticipated benefits of the contemplated regulations include the following:

- Incentivizing individual and community mitigation efforts by requiring consideration of property- and community-level mitigation against wildfire risk;
- Reducing the risk of loss posed by wildfires;
- Improving accuracy in the classification of wildfire risk and the resulting rates and premiums;
- Increasing transparency in, and consumer awareness of, insurers' rating and/or scoring of wildfire risk;
- Enhancing consumer protection by establishing a consumer appeals process;
- Reducing unfair discrimination by enhancing consistency in insurers' wildfire rating practices and/or risk scoring practices; and,
- Potentially improving availability and affordability of property-casualty insurance for communities and properties where wildfire mitigation measures have been implemented.

Please provide in your comments analysis and supporting information detailing the economic impact on entities that would be subject to or affected by the contemplated regulations, for each suggested alternative. Please provide this input regarding alternatives to Alec Stone, using the contact information below, on the day of or prior to the workshop.

This is Not a Formal Public Hearing on Proposed Regulations. Please be advised that participation in these prenotice public discussions will be in addition to, and not in substitution for, any participation in any formal rulemaking process that may follow. This invitation to the prenotice public discussions does not constitute a Notice of Proposed Action. Consequently, comments (oral or written) received in connection with these prenotice public discussions will not be included in any record of rulemaking that may follow. Similarly, the Department is not required to respond to comments received in connection with the prenotice public discussions. For this reason, if you wish to have comments included in any rulemaking file that may follow, or if you wish to have the California Department of Insurance respond to your comments as part of the process by which it adopts this regulation, you must present your comments during the public comment period according to the procedures outlined in any Notice of Proposed Action. Again, comments submitted in connection with these prenotice public discussions will not be considered in any subsequent rulemaking proceeding unless they are resubmitted after the Notice of Proposed Action is issued. However, the Commissioner will consider public comments received in these prenotice public discussions as he contemplates regulatory changes that may be proposed in a Notice of Proposed Action.

Contact Persons. All substantive questions and concerns regarding the contemplated regulations and/or these public discussions should be directed to Alec Stone. If possible, due to unique circumstances, please submit any written comments via electronic mail to Alec.Stone@insurance.ca.gov by November 10, 2021.

Logistical Inquiries

Kathryn Taras, Staff Services Manager I
California Department of Insurance
300 Capitol Mall, 16th floor
Sacramento, CA 95814
Phone: (916) 492-3675
CDIRegulations@insurance.ca.gov

Substantive Inquiries

Alec Stone, Assistant Chief Counsel
California Department of Insurance
300 Capitol Mall, 11th Floor
Sacramento, CA 95814
Phone: (916) 492-3596
Alec.Stone@insurance.ca.gov