



October 26, 2020

Napa County Board of Supervisors
1195 Third Street, Suite 310
Napa, CA 94559

RE: **Emergency Orders: Clarifications, Extensions, Enactment**

Chair Dillon and Supervisors:

The COVID-19 pandemic and two wildfires during harvest have caused unprecedented damage and economic harm to Napa County. Napa Valley Vintners, Napa Valley Grapegrowers, and Winegrowers of Napa County submit this united request that the Board of Supervisors continue its leadership role and take action to assist residents, businesses, and landowners in the recovery from this year's historic disasters.

The numbers are staggering. According to a recent report, the Glass Fire alone could result in another \$1 billion in losses to wineries. Crop damage from smoke started with the LNU Lighting Complex Fire and has cost growers and wineries hundreds of millions of dollars. For those with crop insurance, coverage rarely equals full market price, and there currently is no disaster relief available for losses resulting from smoke damage. A preliminary analysis shows that vineyard workers have lost an average of \$5,500 each, which could equate to nearly \$50 million in lost wages. Some wineries report that no 2020 vintage will be produced.

The COVID-19 pandemic also continues to impact our community. While we thankfully have entered the orange tier, other parts of the nation are experiencing spikes in cases and deaths. Experts predict a difficult winter for the nation, which will depress visitation during an already slow time. Even if Napa County stays in the orange tier, wineries and related businesses will feel the economic effects of the pandemic. Napa County already is experiencing a steep drop in sales tax and TOT, and these drops are early indicators of drops in employment, wages, and sales. The overlapping disasters of COVID-19 and the fires threaten the economic viability of our agriculturally based economy.

After the 2017 fires, the Board adopted legislation creating Chapter 8.80 of Napa County Code to facilitate disaster recovery. That legislation must be extended to rebuilding after the 2020 fires. Because this year's damages are different in degree and character, additional measures are needed to help our community recover from the fires and persevere through the pandemic. This letter lists that immediate actions to recover, near-term actions to rebuild, and preventative measures to reduce fire risks and damage in the future.

RECOVERY & CLEAN-UP

Clarify responsibility for erosion control and clean-up of brush piles around bulldozed and containment lines. After the 2017 fires, CalFire expended significant resources to place erosion control measures around firebreaks. Our understanding is that CalFire lacks the resources to repeat



those erosion control measures after this year's historic fires. This leaves many landowners with erosion hazards resulting from CalFire's efforts to protect our community. As the regulator for earthmoving and erosion prevention, Napa County should take the lead with respect to property clean up and debris removal. Where landowners have the means to safely assist, Napa County should clarify that removal of brush piles, trees, and debris is permitted and will not result in enforcement or liability.

Streamline the process for removal of burned out vineyards/vines and waive the November 15 deadline for winterization. The deadline for winterization has been extended to November 15, 2020 with further extensions on a case-by-case basis, however the toxic clean-up necessary before growers can pull vines cannot be accomplished by that date. Winterization deadlines make sense in normal years, but the catastrophic damage to the land cannot be stabilized in a short time period. County staff very likely will be bogged down in extension requests. Rather than establishing an infeasible timeframe and requiring landowners to apply for extensions, Napa County should allow for winterization to continue past November 15.

Clarify the approval process for wineries to use a tent or tents onsite for visitation. Our understanding of the current process is that a tent permit is submitted to the Fire Department and reviewed by all other divisions. Fire Department review is critical for safety and compliance with the California Fire Code, but review by other divisions appears redundant to the guidelines outlined in Resolution 2020-72.

Waive enforcement of custom crush or alternating proprietor limits in winery use permits. Wineries that experienced burned out production facilities and/or tasting rooms need to make wine elsewhere, taste their wine elsewhere, and sell their wine elsewhere for several years. County policy already has abandoned "custom crush" limitations in winery use permits, but some winery use permits still contain these antiquated limits. The Board should waive all existing use permit limits on custom crush or alternating proprietorships.

Facilitate property tax relief and reassessment. California law provides that owners of property damaged in a disaster may defer currently owned property taxes and have those properties reassessed to reflect post-disaster values. Such requests this year very likely will exceed those made in 2017. The Assessor's Office should be given whatever support is needed to process these requests quickly.

Support affected wineries with prompt response on notifications and clearances to TTB or ABC. Impacted wineries will have to report to TTB lost wine due to fire. Wineries making and selling wine at alternate locations will need licensing approvals. To the extent that Napa County is contacted by these agencies, we ask that County staff prioritize responses to facilitate the permitting processes of these other agencies. This can be accomplished through direction to PBES and the possible designation of a PBES point-person for assisting fire impacted wineries.

Advocate that the SF Regional Water Quality Control Board recognize the complexities of meeting the WDR's requirements given wildfire disasters. For some vineyard properties subject to the Regional Board's jurisdiction, grading to stop wildfire would complicate or prevent compliance with



a property's farm plan. Napa County's voice could help convince the Regional Board to waive the WDR on wildfire impacted properties during this time.

REBUILDING

Fast-track and prioritize rebuilding permits for homes and wineries; waive or discount County fees. After the 2017 fires, Napa County admirably prioritized rebuilding permits and waived certain fees. The Board should again prioritize rebuilding permits. Rebuilding is an expensive, capital intensive process for residents and businesses. Plans have to be prepared for structures that were built long ago. Waiving County fees for rebuilding is not giving anyone a free pass. Instead, waiving fees helps rebuild not only our lost structures, but also our local economy.

Exempt fire affected properties from the Track II requirements for replants. While vineyards make excellent firebreaks, vineyards are not immune to fire. Acres of damaged vineyards must be replanted. Requiring Track II replant applications for fire damaged properties will cause significant delay and cost. For vineyards with an approved erosion control plan, those properties should be allowed to replant per the previously approved ECP with a notice of intent submitted to PBES. Additionally, staff should be directed to allow for greater flexibility on field modifications to help streamline the process. For property owners with vineyards developed prior to the requirement of an ECP, those vineyards should be allowed to redevelop with submission of aerial photography or other evidence demonstrating the pre-fire vineyard area.

Allow flexibility to rebuild safe and smart. Our community's experience with wildfire has informed where and how structures can be more susceptible to fires. Where a safer location is identified, residences and wineries should be allowed to rebuild in that safer location with minimum permitting. For wineries, such relocations should be processed as minor modifications assuming no increases to production or visitation are proposed. Rebuilding also should be given maximum relief from County Road and Street Standards (RSS). Meeting current standards will be cost prohibitive in many cases. Administrative RSS exceptions that consider costs of improvements can provide flexibility while not lessening the access that existed before the fires. Lastly, the County should implement a streamlined process for water storage tanks or reservoirs on site to combat future fires.

PREVENTION

Take a more proactive approach to fire prevention. Napa County has suffered multiple devastating wildfires over the past several years, and it is undeniable that business as usual will result in similar devastating results in the future. Therefore, we must change business as usual and take a proactive approach to how we manage wildland areas to prevent devastating fires.

Invest in prevention, maintenance, and suppression with participation by Firewise groups. We must increase our collective effort to reduce fuel load in our rural areas. These strategies include removal of invasive species, prescribed burns, chipping programs, and enforced requirements for defensible space. Firewise councils are great resources of local knowledge and can be conduits for funding an investment in fire prevention. New residential and winery construction should be



reviewed for wildfire protection measures. A mechanism like design review for fire safety would promote construction that is less prone to fires.

Empower landowners to appropriately protect their lands during emergency conditions. Our community has fought fires alongside firefighters from CalFire and other agencies. Some landowners have taken actions on their properties or neighboring properties in these emergency conditions. These actions include grading, emergency tree removal, or other efforts for fire and damage prevention that would not be authorized absent an emergency. The Board should state outright that these landowners do not face liability or County enforcement when taking protective actions during an emergency. Without confirmation from the Board, landowners may fear that necessary emergency firefighting actions could result in liability.

Advocate for the State Insurance Commissioner to protect our homes and businesses. Insurance companies already are communicating an unwillingness to continue insuring undamaged properties that were anywhere near the fires' perimeter. At a minimum, costs to insure will rise. Napa County should add this issue to its legislative platform.

These actions are critical for our community to recover from the 2020 fires and the pandemic. We appreciate the Board's leadership role now more than ever, and look forward to working with you and your staff to implement these and other measures. Thank you.

A handwritten signature in black ink, appearing to read "Linda Reiff".

Linda Reiff
Napa Valley Vintners

A handwritten signature in blue ink, appearing to read "J. Putnam".

Jennifer Putnam
Napa Valley Grapegrowers

A handwritten signature in black ink, appearing to read "Michelle Benvenuto".

Michelle Benvenuto
Winegrowers of Napa County

cc: Minh Tran
Jeff Brax
John Tutuer
David Morrison
Steve Lederer