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April 8, 2020

**VIA E-MAIL: Joanne.Kerbavaz@parks.ca.gov**  
**AND FACSIMILE 831.335.6394**

Joanne Kerbavaz  
Chris Spohrer  
Manresa State Beach

Re: Sand Dollar Beach HOA Fire Hazard

Dear Ms. Kerbavaz and Mr. Spohrer:

This law firm has been retained by the Sand Dollar Beach HOA to assist in reducing the fire hazard created by multiple eucalyptus trees on or adjacent to the Manresa State Beach boundary with the Sand Dollar Beach HOA property. You are aware of the specific trees in question as a result of your previous communications with representatives of our client. Eucalyptus trees are particularly problematic in so far as fire hazards are concerned. They continually drop leaves, pods, bark and branches and leave an unacceptable fuel load. Eucalyptus trees also contain oils that make them particularly flammable. The trees are located in an area that is subject to high winds at periodic intervals that would blow fire and fire embers towards the Sand Dollar Beach HOA residences. Many of the residences have wood shingle roofs and others have wood shingle sidings.

After viewing the trees and other potential fire fuel, I have advised our client that the non-native eucalyptus trees create a dangerous condition of public property in violation of California Government Code §835 as well as creating a nuisance in violation of Civil Code §3479 which would impose liability on the State for damage to the members of the HOA and the HOA itself for fire losses resulting from the hazardous trees. If there is a major fire that damages the homes of the Sand Dollar Beach HOA Community where any or all of the 12 trees are a significant contributing factor, the State will face potential liability claims of millions of dollars, so this is a serious matter.

Even though our client has previously advised you and other state representatives of this serious hazard, the State has done nothing to eliminate this substantial risk and our client has become increasingly concerned over the unreasonable delay of the State in dealing with this

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obvious hazard.

It is the State's legal responsibility to remove this obvious fire hazard promptly before we enter the next fire season. The horrible fires that have occurred over the past 2 years vividly illustrate the catastrophic damage that results from poor management of trees and forests. The State's poor management of the trees adjacent to the Sand Dollar Beach HOA property has resulted in a very dangerous fire hazard that needs to be corrected without delay. Since time is of the essence, we request that you advise us in writing on or before May 1, 2020, of what the State is going to do to correct this dangerous condition and when the work will be completed.

Thank you for your anticipated cooperation in promptly correcting this dangerous condition of State property.

Very truly yours,

THE GRUNSKY LAW FIRM PC

  
Frederick H. Ebey

FHE:jmm

cc: State Assemblyman Mark Stone  
State Senator Bill Monning

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