BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Scotts Valley, CA

July 14, 2022

# **BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**:

## **Present**:

* Keith Gilless, Chair
* Rich Wade
* Chris Chase
* Mike Jani
* Katie Delbar
* J. Lopez

## BOARD MEMBERS ABSENT:

Elizabeth Forsburg-Pardi

# **BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Eric Hedge, Regulations Program Manager
* Jeff Slaton, Senior Board Counsel
* Robert Roth, Board Counsel
* Dr. Kristina Wolf, Environmental Scientist
* Laura Alarcon Stalians, Administrative Manager
* Claire McCoy, Wildfire Planning Specialist
* Anna Castro, Executive Assistant

# **DEPARTMENTAL STAFF PRESENT**:

* Matthew Reischman, Deputy Director, Resource Management

# **AGENCY STAFF PRESENT**:

# **Announcement of Action(s) Taken in Executive Session:**

Jeff Slaton, Senior Board Counsel, reported that the Board discussed three litigation matters that were on the agenda. There are no reportable actions taken during the Executive Session.

**Brief Instructions on meeting Format, Edith Hannigan, Executive Officer:**

# Consent Calendar Items:

* RPF/CRM Vital Statistics, license withdrawals and voluntary relinquishments.
* Review of Rulemaking Matrix.

**07-14-01 Chairman Gilless moves to accept RPF/CRM Vital Statistics, license withdrawals and voluntary relinquishments and the review of Rulemaking Matrix. Member Lopez seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Wade: Aye**

**Jani: Aye**

**Delbar: Aye**

**Chase: Aye**

**Forsburg-Pardi: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

# MONTHLY BOARD REPORTS:

## **Report of the Chairman, Dr. Keith Gilless**

* Chairman thanked Santa Cruz unit staff for a great field trip yesterday. Great chance to get out in the area. Thank you to Nate Armstrong, Unit Chief and Angela Bernheisel, Soquel Demonstration State Forest Manager, and all the unit staff for preparing the tour. Thank you also to Nadia Hamey and David Lennep who gave a good perspective from the practicing forester aspect as to what is going on, what changes in policy might be needed to deal with the challenges caused by climate change, the fire regime and difficulty in dealing with biomass. Great discussion and appreciated all the thought that went into preparing the agenda to educate the Board on the local issues.
* Board Staff Katie Harrell forward the coverage that there is Emerald Ash Borer on the west coast that has been injected into Oregon. It has been a devastating invasive in much of the country. Glad to hear we are getting a little purchase on the fire activity in Yosemite. The fire history the last couple years has threaten our Redwood and Giant Sequoia. Thank you to the firefighters that are trying to get control of that.

## Report of the Director, Deputy Director Matthew Reischman, Resource Management

**California Department of Forestry and Fire Protection**

**Forest Practice Program**

* AB2889 provided us with some insight on developing a checklist that would assist our RPFs in developing Timber Harvest Plans. Staff is working on this guidance; it’s been a collaborative effort since 2018. Very pleased to be moving forward with that.

**Watershed Protection Program**

* Interagency Monitoring and Sampling of the Forest Fire Prevention Exemption is now complete. Hope to have a report by mid-July.
* PG&E bankruptcy that occurred 15 years ago led into acquiring some of these properties into the State Forest Program across the state.

**Stewardship Lands Acquisitions**

* As of June 24, the Cow Creek acquisition in Shasta County added 2200 acres.
* As of June 30, the Upper Bear River acquisition added 267 acres in Placer County.
* Hoping to close Lake Valley in September, it will add another 1100 acres to our State Forest Programs.

**Mountain Home**

* Testifying tomorrow on bipartisan forum at the Federal level to support the Save our Giant Sequoias Act.
* Providing information on Mountain Home Restoration Management that made a difference. Preserving and protecting the Redwoods that are there. After doing a 100% inventory of what was left found that the number of trees that we regain on Mountain Home is a bit higher than those in adjacent properties. CAL FIRE is attributed to the management activity that has occurred.

**Soquel**

* Took out some representatives from Cal Poly San Luis Obispo and the Swanton Advisory Council to view the collaborative work being doing on the forest and providing insight and looking into continuing to work with them and possibly support some classes in leadership at Cal Poly.

**Forest Entomology and Pathology**

* There has been an uptake on invasive pests. Incense Cedar have seen a significate dieback across the state. It appears to be some type of canker disease. This is unusual since Cedar is relatively pest resistant.
* There appears to be an unfamiliar wood boring insect to Cedar across the state. CAL FIRE will be monitoring and will report back with more information on that.

**Biometrics Program**

* The 100% resurvey of the old growth Giant Sequoias at Mountain Home is nearly complete. Preliminary data suggest a 5-6% mortality rate due to the Castle Fire, which is significantly less than most Giant Sequoia stands impacted by the fire.

**Prescribe Fire**

* The Cultural Burning Awareness Project, in Orleans on June 7, 2022, was an informative event with the Karuk and Yurok Tribes. The program appreciated the support from the tribes and continues to look for ways to build the relationships with Cultural burners to revive cultural burning across the State.

**L.A. Moran Reforestation Center**

* For the 2023 growing season there was a total of 209,000 seedling requests.
* Capable of growing 300,000 at the nursery. Some of the 209 seedlings will be outsourced through local RCDs to support local nurseries.

**Forestry Legacy Program (FLP)**

* CAL FIRE will be submitting three projects for FY 24 Federal Forest Legacy funding. Brushy Mountain and Perry Gulch Ranch in Mendocino County and Arrowhead Ranch Phase II in San Bernardino County.
* FLP staff is currently working on 12 projects which are under contract.
* Forest Legacy monitoring season is under way and numerous monitoring inspections will be occurring this summer.

**Climate and Energy**

* Forest Health received $120 million as of July 1.
* Open with solicitation within the next month or two to support another round of Forest Health grants.

**Fire Protection Program**

* As of April and May 2022, CAL FIRE Law Enforcement officers made 59 arrests and issued 85 citations. Continue to have a heavy workload in our Fire Prevention division.

**Hired Equipment**

* CAL FIRE is instituting a temporary fuel surcharge for its Hired Equipment supplier rates. This will help augment and support the additional raises in fuel prices that we are seeing.

**Conservation Camp Program**

* Currently for Type I California Department of Corrections and Rehabilitation (CDCR) Hand Crews is 46 crews staffed out of a total of 152 funded. California Conservation Corps (CCC) currently has 20 hand crews staffed out of 29 totaled allocated. This leave 66 Type I Hand Crews available between CDCR and CCC. 13 out of 13 California National Guard Crews are Type I and available for statewide response.
* CAL FIRE has 16 funded Hand Crews and 7 of the 16 are up and running as Type I certified. There is funding for an additional 16 crews; 5 of those 16 are up and running as Type I certified. The rest of them are going through training.

**Annual Focus on Safety**

* This year’s primary focus is hazard tree removal and managing “incidents within an incident.” Moving forward to make sure CAL FIRE staff goes through those qualifications and training.

**Land Use Planning**

* 529 communities in the state are Firewise qualified. 250 are in progress; this will bring us to top of the nation as far as Firewise communities goes.
* In Wildfire Prevention Grants there were 144 applications for nearly $118 million in Wildfire Prevention Grants.
* Also have $500 million that is coming to support the next round of Wildfire applications around July 1.

**Defensible Space**

* We are up to 86,000 Defensible Space inspections. This is up by more than 15,000 for the same timeframe last year.
* Relying on our cooperators and providing training because of AB35. Continuing to roll out curriculum to train some of the local government to assistance for some of local cities and towns.

**Home Hardening**

* CAL FIRE kicked off program with California Governor’s for Office of Emergency Services (Cal OES) to provide expertise and grant funds to support homeowners in low-income communities to become fire safe and Defensible Space.
* Three pilot communities have been selected: Dulzura in San Diego County, Whitmore in Shasta County, and Kelseyville in Lake County.

**Damage Inspection**

* There has been a total of 33 residences that have been destroyed and 18 damaged so far in 2022.

Thank you to the local units, local staff and region support that provided the support for the field tour.

### Board Questions and Comments

* **Member Jani**- On the Fire Prevention Grants when are the deadlines for the next set of applications?
  + Chief Reischman- Do not have the exact date but maybe in early September. Usually parallel with Forest Health grants. Will follow up with the exact date.
* **Member Chase**- Do you have any recent update on the staff level of your federal partner in particularly the forest service?
  + Chief Reischman-Do not have an update at this time but will follow up with the Board.
* **Member Delbar**- Do we know what the completion rates on these grants are and how much are we getting done? The percentages of completed projects on the loans that we are giving out.
  + Chief Reischman-The grants are good for three years. We monitor and track those each individual grant based on invoicing. So, as they complete an area in the grant or geography. As that invoice comes in that gets captured in our CAL Member program. We are continually tracking and can provide those numbers to the board. CAL FIRE has developed a dashboard based on that data base that we are getting ready to rollout that will provide some of those numbers as far as how many grants we have that are active how many acres have been treated in any given year.
* **Chairman Gilless**-What are the agency’s plans for evaluation other than an accounting standpoint – is there a plan in place to evaluate the efficacy of some of the work? Are we creating an index for a post fire assessment if one of these projects is engaged by a fire front – do we come back with some lessons learned? I encourage the department to establish a way to evaluate the impact of these projects.
  + Chief Reischman-CAL FIRE has within the Fire Prevention Program we do “success stories”. We do a post fire assessment, debrief with the troops that were out there on the ground at the time. What was happening prior behavior wise as the fire came through? What effects on the fire did they see? We are mapping that and putting it on our web viewer. The wildfire resilience task force is looking at tree mortality. We are looking at way to evaluate resilience in context of fuel treatments and what that looks like.
* **Chairman Gilless-**In your home hardening program will the department or the units be working directly with homeowners or property owners or is this being mediated through local government?
  + Chief Reischman-The program is doing both by providing technical expertise at the property owner level and to local communities.
* **Member Lopez**-Will the grant be part of a data base like CAL mapper? Can it be used to track if there is an incident?
  + Chief Reischman-stated yes and not only tracking the acres treated but it is a spatial data base that allows us to track where on the ground acres have been treated so that when we do have an incident in the unit, we have those pre-fire maps that we can provide resources. We can provide wildfire preparedness maps that we provide our troops with.
* **Chairman Gilless**-The Board would benefit from an update on the electronic THP submission.
* **Member Chase**-In regard to Member Lopez’s comment about the Fuel Treatments, we had a discussion yesterday after our last stop regarding the shade fuel break and trying to balance sufficient canopy closure to inhibit underscoring growth while at the same time maintaining enough space in between the trees. I think the third component to weave into that is retardant penetration. Will the retardant be able to penetrate down to the ground? All this stuff needs to inform future specs in different fuel types on the space of trees within the shaded fuel given breaks the vegetated composition. I agree with Member Lopez’s comment about the need for that feedback and tracking the efficacy.

**Public Comment**

* **Cedric Twight**- Sierra Pacific Industries-Has Director Tyler and his USFS counterparts been asked to project where new vegetation management projects are occurring? What is the status of the plan? Where are new vegetation management projects are occurring? What is the forward vision versus accounting for completed projects?
  + Chief Reischman-Appreciate the question. We are coordinating and planning on multiple fronts. Wildfire and Forest Resilience Task Force is driving a lot of that coordination. There are lots of planning efforts at hand that the task force is trying to pull together to avoid piecemealing projects across the state and have a comprehensive look at where we are going across the state.
* **Mike Garabedian-**When Firewise communities experience a fire, is there some kind of assessment about how successful the Fire-wise community was?
  + Chief Reischman-We do damage inspection and post fire review but unsure of any Firewise assessments.
* **Marco Mack**-**Santa Cruz County Fire Safe Council and Fire Prevention Officers WUI North**, appreciate outreach to the public, especially Fire Safe Council. The CAL FIRE grant provided funding for staff person for SC FSC.
* **Member Lopez**-Firewise communities is not a static assignment. They must maintain that level of commitment to maintain certification.

### Report of the Executive Officer, Edith Hannigan

* Legislative update has been added to Board’s binders.
* Continue to respond to bill analyses requested by CAL FIRE and look forward to working with CAL FIRE’s new Deputy Director for Legislation.

**Report of the Regulations Coordinator, Eric Hedge Regulations Program Manager**

**“Class IIL Determination Amendments, 2022”**

* Regulations regarding Class II Large water courses to eliminate a determination method which is not effective in achieving the goals of the active rules while maintaining one that does. Which eliminates the regulatory timeline set by the sunset date. The rulemaking action brought to the Board on March 6, 2022, and was noticed on March 25th, for 45 days. Last month a public hearing was conducted on the rulemaking. Following the public hearing, the Board directed staff to prepare the Final Statement of Reasons and Final Rule Text, which are before you today. Board staff recommend approval and adoption of those documents.

**Agency and Public Comment**

* None

**07-14-02 Member Wade moved to approve the Final Statement of Reason for the Class II-l Determination Amendments. Member Delbar seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Wade: Aye**

**Jani: Aye**

**Delbar: Aye**

**Chase: Aye**

**Forsburg-Pardi: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**07-14-03 Board member Wade moved to adopt the draft regulatory text for the rule making entitled “Class II-L Determination Amendments” and authorize staff to take all actions reasonably necessary to have the adopted regulations go into effect, including making appropriate non-substantive changes and any changes to facilitate OAL review and approval. Member Jani seconds motion.**

**Roll Call:**

**Lopez: Aye**

**Wade: Aye**

**Jani: Aye**

**Delbar: Aye**

**Chase: Aye**

**Forsburg-Pardi: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**Report of the Standing Committees:**

**Forest Practice Committee, Rich Wade, Chair**

* Northern Spotted Owl Take Avoidance Pathways and Habitat Definition Updates. Discussion on Tuesday focused on the definition of Northern Spotted Owl Habitat - biological habitat verses functional habitat and how that could be interpreted as we go forward.
* Discussion of CAL FIRE’s Draft NSO Survey Data Submission Guidance Document. This provided guidance to RPFs who need to provide an annual update of the status of their owl surveys. It is designed to provide clarity and clear direction to RPFs. Would like to put this out so that agencies can look and comment. This is a guidance document in keeping with our requirement in the Forest Practices Act now pursuant to Assembly Bill 2889, to help the public through the process.

**Report of Management Committee, Chris Chase, Chair**

* Timberland conversion issue is something we have been working on for over a year. The department has been working with the board staff and continues to attempt to reconcile some of their concerns or identify a path forward.
* Thank you to George Gentry and his group for extensive work they have done on basal area stocking standards. It has been heavily informed by science and experiences with the Dixie Fire. It promotes increase resilience and encourages more even aged management of the landscape. We will ask the board at the conclusion of report to notice this rule making and would like to schedule a tour in the next month or two to discuss the issue on the ground and get a feel for what this rulemaking is going to promote. The rulemaking addresses:

1. Simplifies the utilization of both snags and species that meet stocking standards.
2. Eliminates the seed tree standard which is an uneven aged standard as a component of the base stocking standards and uneven aged units.
3. Increases the percentage of group selection unit that can meet post-harvest from 20% to 33% and then there is a corresponding increase in the minimum age of the trees that used to meet that stocking increasing from 10 years up to 17 years.

* Review of Forestry Management Plans will remain a priority for the Management committee for the second half of the year and potentially some work from the Stewardship lands acquisitions.
* Management Committee can take on another issue so we reviewed list of priorities. Potential need for some sort of Board policy statement on the promotion or need for additional infrastructure in the state to absorb the volumes of wood fiber that must come off the landscape. Another topic to cover is maximum sustained production. Board staff will pull background document that will help us to scope the issue.

### Public Comment

* None.

**07-14-04 Member Chase moved to authorize Board Staff to submit the rulemaking entitled “Forest Resiliency Amendments, 2022” for noticing of the 45-day Comment Period and take all appropriate actions consistent with the Administrative Procedure Act for this purpose, including preparation and submission of the Notice of Proposed Action and Initial Statement of Reasons. Member Wade seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Wade: Aye**

**Jani: Aye**

**Delbar: Aye**

**Chase : Aye**

**Forsburg-Pardi: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**Public Comment**

* Karen Maki, member of the public- Interested in the idea of biochar. Encourage you consider biochar and climate change when removing all this biomass. Biochar conserves the carbon and rebuilds the soil with nutrients and carbon.

**Report on Resource Protection Committee, J. Lopez, Chair**

* The Zone 0 committee has expanded by an additional 23 members. There was a discussion of progress on the rulemaking for a defensible space 0–5-foot zone, with a focus on the definitions and requirements sections. There were discussions of issues around mature trees and outbuildings in Zone 0. Board staff anticipated 45-day noticing at the December Board meeting, given the treatment of Zone 0 as major regulations and the associated need for Department of Finance review.
* Chief Matt Damon provided an update on the Land Use Planning Program’s activities.
  + There were no safety elements to review
  + The Subdivision Review Program had no jurisdictions to review this month. The program had received one supplemental comment letter from a local jurisdiction following review of subdivisions in support of adding secondary egress.

**Report of Board’s Advisory Committees**

**PFEC April 2022 RPF Examination results, YG Gentry, Exam Grader**

The following individuals are recommended for licensing as Registered Professional Foresters (RPF) by the PFEC:

RPF 3162 Lee Reno

RPF 3163 Benjamin Stone

RPF 3164 Mitchel Bosma

RPF 3165 John Breazeal

RPF 3166 Nick Coleman

RPF 3167 Brett Agler

RPF 3168 Roberta Lim

RPF 3169 Yu-Tung “Jessica” Huang

RPF 3170 Ian McBride

RPF 3171 Travis Munoz

RPF 3172 Connor Kennedy

RPF 3173 Clayton Wanzer

RPF 3174 Givonne Law

RPF 3175 Dillon Sheedy

RPF 3176 Dana Dysthe

RPF 3177 Domingo Escamilla III

RPF 3178 Carson Engelskirger

RPF 3179 Azalie Welsh

RPF 3180 Victor Hollister

RPF 3181 Mallory Scaccianoce

RPF 3182 Mark Ogren

**07-14-05 Member Chase move to certify as license Registered Professional Foresters those individuals recommended by Professional Foresters Examining Committee as fulfilling all qualifications required under the Professional Foresters Law. Member Wade seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Wade: Aye**

**Jani: Aye**

**Delbar: Aye**

**Chase : Aye**

**Forsburg-Pardi: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**Effectiveness Monitoring Committee, Dr. Kristina Wolf, Board staff**

* EMC met last April and will not be meeting until August 7.
* EMC will release solicitation for project proposals in the next few weeks. There will be a grant funding process instead of contracts which will allow for projects to begin sooner.
* The Strategic Plan update is in progress. A review of the research themes and critical monitoring questions is currently in process. Public comment period will open next week for the critical monitoring questions and will be advertising on Board website. Feedback will be reviewed at the next EMC meeting on Tuesday, August 2.
* The EMC has one new research project that started this year. The project title is Evaluating the Response of Native Pollinators to Fuel Reduction Treatments in Managed Forests.
* EMC has two seats that are currently unfilled and will be circulating applications until seats have been filled. The solicitations for applications will be posted on the EMC website, the Board website and have been circulated to agencies.

**Report on Range Management Advisory Committee, Dr. Kristina Wolf, Board staff**

* State Lands’ Grazing License and Land Management subcommittee has been working since January to develop templates for grazing licenses and land management plans on state lands and guidance documents to help landowners and state agencies navigate the process of developing grazing leases on state lands. Drafts of these 3 documents will be presented at the next RMAC meeting on July 21. The final drafts will be brought before the Board.
* RMAC is also working on meeting its annual priorities for 2021, including the development and communication of the annual educational workshop. This year’s workshop will likely have virtual sessions and in person field day, and the RMAC is working on logistics for filming the field day in collaborations with the Media Department at California Polytechnic, San Luis Obispo. This workshop is a collaboration with Cal Poly and the California Fire Science Consortium.

**Public Comment**

* None.

### SPECIAL BOARD HEARINGS/REPORTS

**Public Hearing “Notice of Intent Amendments”, Andrew Lawhorn, Board Staff**

* The purpose of the proposed action is to require the disclosure of all proposed silvicultural methods within the footprint of a THP or PTHP. There was one comment received from CAL FIRE that was in support of this rulemaking. The Board approved this for noticing at their regular meeting on April 6, 2022. It was published in the notice registrar on May 6, 2022.Staff requests the Board to open the public hearing.

**Agency Comment**

* **None.**

**Public Comment**

* **None.**

**Chairman closed the Public Hearing.**

Chairman Gilless directed the staff to prepare a Final Statement of Reasons for the Rulemaking entitled Notice of Intent Amendments.

# CONCLUSION

## Public Forum

* **Marco Mack, President of Santa Cruz Fire Safe Council**- 3 topics I would like to bring to your attention. First, consider making the Boards evaluation of our new regulations specifically for fire safe standards and defensible space. Documents that are existing that are helping me: The National Cohesive Strategy, Firescope plans. The Cohesive Strategy has three parts: fire community, resilient landscape and safe and effective wildfire response. I have shared these with our residence. We created strategies on how to implement each of these different functions. What we are trying to do with our regulations it’s interesting to start back with this process and share with with the community some of these documents and what we have been doing with that because it does help with your strategy on feeling comfortable on what you are implementing and what is the end results. The other part would be this is so important in relations to what we are trying to accomplish. FireScope’s land line infrastructural defense this is the basis for what fire fighters do when they go out. It starts off with a process of as a firefighter is this home defensible or not defensible. And one of the things that have been ingrained to our communities is your home defensible? Safety zone and TRA’s are present. A safe place for fighters to work. We are not requiring temporary refuge or safety zones. It is a strategy for mitigation that maybe should be available. Lastly the community need for local responsibility. We have the urban forest and the required for safety would be the 1979 Urban Forest Protection Act. Why that forest in urban area and then go three blocks away and there is no concern for defensible space, protection of the forest and there is an incomplete need. The problem is that maintenance is required and it’s very difficult to do maintenance there. There is an important need for our residents for existing non-conforming missing the stress of access in water. Residents needs to figure out how can we replace our missing infrastructure. Work with residents on the private roads where I have difficult access to my property because of something that’s happening on someone else’s property. There is no effort statewide to help residence find a pathway to reduce risk. There is an opportunity for the Board to add emphasis.
* **Lee Ann Wade-** Lives on a dead-end road exceeding 800 feet in Los Gatos. I want to build fire safe home. But the Fire Safe Regulations have a long history. I brought it to the attention of our town and Santa Clara County Fire Department, the Board of Realtors had no idea that this is only being enforced in Santa Clara County. Would like to see common sense regulations adopted by the Board and consistently, effectively regulated and applied throughout all counties. Also, to speed up the process of the 4290.
* **Frank Toriello-**Have a few questions. 1. Are there previous studies on the Northern Spotted Owl population at Jackson Demonstration State Forest where a trend can be determined? 2. Regarding the Forest Carbon inventory methods comparison in which Nadia Tase noted at the end that there is a trend of declining carbon storage in the lands that are overseen by the Board of Forestry and slowing productivity, is the Board going to take this up in the future and assess and investigate this situation?

## Adjournment

Respectfully submitted,

ATTEST:



Edith Hannigan

Executive Officer

Keith Gilless

Chair