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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
November 7, 2018

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gillless, Chairman
Mark Andre, Vice Chair
Rich Wade
Chris Chase
Sue Husari
Katie Delbar
Mike Jani
Darcy Wheelles

BOARD MEMBERS ABSENT:

Marc Los Huertos

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Licensing Officer
Jeff Slaton, Board Counsel
Edith Hannigan, Land Use Planning Program
Manager
Katie Harrell, AGPA, Joint Institute for Wood
Products Innovation
Conner Pompa, Forestry Assistant II
Laura Alarcon-Stalians, AGPA
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Janet Barentson, Chief Deputy Director
Thom Porter, Southern Region Chief
Dennis Hall, Assistant Deputy Director, Forest
Practice
Bill Solinsky, Forester III, THP Administration
Stewart McMorrow, Deputy Chief Forestry
Assistance Programs
Helge Eng, Deputy Director Resource Management
Matthew Reischman, Assistant Deputy Director,
Resource Protection & Improvement
Jim Robbins, Forestry Assistant Specialist

Natural Resources Agency:

Russ Henley, Assistant Secretary of Forest
Resources Management

Announcement of Actions Taken in Executive Session

Board Counsel reported on the following matters:

- The Board discussed the items on the agenda and there were no reportable actions taken.

Consent Calendar items

11-18-01 Chairman Gilless moved to accept Board action on items 2 and 3 on the Consent Calendar. Member Jani seconded the motion.

- Review of the Board's Rulemaking Matrix; and
- Resolution supporting Jacoby Creek Forest Legacy Project Conservation Easement

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Abstained
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one abstention and one member absent.

MONTHLY BOARD REPORTS

Report of the Director, Thom Porter Southern Region Chief

Chief Thom Porter reported on the following matters:

Succession Planning

- Jake Hess was appointed Santa Clara Unit Chief, effective November 1, 2018.
- Bruce Crane has been appointed Chief Legal Counsel.

Fire Activity

- The Department has been successful in utilizing available resources due to moderate wildland fire activity to engage in prescribed fire across the state during this fall season..
- Year to date, CAL FIRE has responded to 5,638 fires, which is just above the annual average. There have been with 622,000 acres burned within the State Responsibility Area, which is three times the annual average acres burned.
- There will be Red Flag Warning for much of the north part of the state for the next couple of days. Prescribed fire projects will be suspended during the upcoming red flag conditions.

Public Safety Power Shut Down

- Utility companies are implementing a program to institute localized power shut offs during periods of red flag warnings.
- CAL FIRE and the Office of Emergency Services are working with the power utilities and the Public Utilities Commission for utility companies to provide advance notice to the State Operations Center and local emergency response organizations of anticipated shutoff locations.
- Pacific Gas & Electric has indicated they will potentially be implementing the Public Safety Power Shutoff in selected areas November 7, affecting customers in a variety of northern California locations.

Ventura Training Center

- First cohort of 20 parolees started training on October 22, 2018. Two trainees withdrew themselves from the program and were immediately replaced with other available candidates.
- The cohort is currently receiving life skills training and beginning EMS skills training before fire training starts in January.

Fuels Treatment Progress

- The Department has conducted 6,536 acres of prescribed burning year to date and are at 26% of their target of 25,000 acres for the year. Other fuel reduction projects, such as mechanical treatments, are at 18,000 acres out of their target 20,000 acres.
- 90,000 defensible space inspections have been conducted; which equates to approximately 35% of the Department's goal.

Fuel Reduction Crews

- The Department received 246 approved applications for the Forestry Technician examination. The Department currently has 60 or positions available for vegetation treatment crews. It is anticipated that crews will be staffed by mid-January and will undergo training through the early spring months before being released to full duty.

C-130s

- Under the 2019 Defense Authorization Act, the Department is working with the US Air Force, the US Coast Guard and the US Forest Service to acquire seven available C-130s for conversion to firefighting airtankers.
- One is currently in New Mexico receiving the CAL FIRE paint scheme. The remaining six are located in Sacramento, Alaska, the east coast.
- The aircraft must receive maintenance before being transferred to the State. CAL FIRE is working with the Air Force on the specifications for the retardant delivery system.
- The aircraft will be placed in service in fiscal year 2021-22.

Forest Health and Fire Prevention Grants

- The Department is working diligently to get funds dispersed through various grant programs.
- Forest Health and Fire Prevention grants:

- In Fiscal Year 2014/15: 35 projects for \$14.5 million were funded and the Department is working on closing those out;
- In Fiscal Year 2016/17: 5 projects for \$21 million were funded and targeted several large projects related to central Sierra tree mortality;
- In Fiscal Year 2017/18: 22 forest health projects for \$91 million were funded and 142 fire prevention grants for \$80 million were funded.

Budget Process Post Election

- The Department is working with the new administration on the proposals that have been discussed with the current administration in an effort to bring them into the January Governor’s Budget rather than relying on the budget change proposal process as in the past.

Report of Executive Officer, Matt Dias:

Executive Officer Dias reported on the following matters:

- Introduced Katie Harrell as the new Associate Governmental Program Analyst with the Joint Institute for Wood Products Innovation program.
- Discussed the Annual Call for Regulatory Review. The deadline for public comment is November 21.
- Terry O’Brian, Senior Advisor on Forests, gave an update on SB 901 implementation and requested that the Board continue their efforts in a timely manner to adopt necessary regulations.

Report of the Regulations Coordinator

Executive Officer, Matt Dias reported on the following matters:

The topic of discussion to consider permanent rulemaking for Post-Fire Recovery was brought forth to the Board. Additionally, the Draft Final Statement and Reasons and Draft regulatory text for the “Fire Safe Regulations, 2020 were also brought forth for Board consideration.

11-18-02 Chairman Gilless moved not to approve the Initial Statement of Reasons and not to authorize a 45-day Notice for the Rulemaking to Facilitate Post-Fire Recovery Efforts within the Counties of Napa, Sonoma, and Mendocino. Member Andre seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

11-18-03 Chairman Gilless moved to approve the Final Statement of Reasons for the “SRA Fire Safe Regulations, 2020” draft regulatory text. Member Husari seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

11-18-04 Chairman Gilless moved to adopt the “SRA Fire Safe Regulations, 2020” regulatory text. Member Jani seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

Report of the Standing Committees:

Forest Practice Committee, Rich Wade, Chair

Committee Chair Wade reported on the following matters:

- Provided an update on reporting to Legislature on Exemptions and Emergency Notices (PRC § 4589); and
- Discussed potential amendments to 14 CCR § 1038 *et. seq.* pursuant to PRC § 4584 *et. seq.*; and
- The ongoing development of a Northern Spotted Owl problem statement(s) and potential Board action; and
- The development of a non-regulatory action supporting the use of feller-bunchers within a watercourse and lake protection zone (WLPZ) under specified best management practices.

Management Committee, Mark Andre, Chair

Committee Chair Andre reported on the following matters:

- Discussed potential updates to the Nonindustrial Timber Management Plan that may result from the chaptering of SB 901, as well as other revisions that focused upon attaining consistency with Working Forest Management Plan mapping standards; and
- Potential revision of stocking standards in 14 CCR 913 *et. seq.* and other portions of the Board existing regulations; and
- The committee review of Board Policy 0353 – 0353.5 – Nurseries

11-18-05 Member Andre moved to adopt Nursery Policy 0353 with a friendly amendment by Member Chase was offered and accepted by Member Andre. Member Chase seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

Resource Protection Committee, Sue Husari

Member Husari reported on the following matters:

- Discussed Safety Element Reviews for the following local jurisdictions:
 - County of Shasta
 - County of Tuolumne
 - City of Rancho Santa Margarita
 - City of Rancho Palos Verdes
 - City of Colton
- Member Husari also reported out on the committee review SRA Fire Safe Regulations Certification for the County of Plumas.

11-18-06 Member Husari moved to certify the county of Plumas’s Ordinance 2018-1114 as meeting or exceeding the requirements in 14 CCR § 1270 et seq. Member Wheeles seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye

Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

- Discussed development of Draft Regulations and Draft Initial Statement of Reasons for the following regulatory efforts for Very High Fire Hazard Severity Zone Local Ordinance Adoption, 2019; and

11-18-07 Member Husari moved to approve the Initial Statement of Reasons for the rulemaking entitled “Very High Fire Severity Zone Local Ordinance Adoption, 2019.” Member Wheeles seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

11-18-08 Member Husari moved to authorize for 45-day Notice the rulemaking entitled “Very High Fire Severity Zone Local Ordinance Adoption, 2019.” Member Wheeles seconded the motion.

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

- Committee Chair Husari introduced the committee work on a regulatory proposal for “Safety Element Review, 2019”.

11-18-09 **Member Husari moved to approve the Initial Statement of Reasons for the rulemaking entitled “Safety Element Review, 2019.” Member Wheelles seconded the motion.**

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheelles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

11-18-10 **Member Husari moved to authorize for 45-day Notice the rulemaking entitled “Safety Element Review, 2019.” Member Wheelles seconded the motion.**

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheelles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

- Committee Chair Husari introduced the committee work on a regulatory proposal for “Subdivision Map Act Fire Protection Findings, 2019”.

11-18-11 **Member Husari moved to approve the Initial Statement of Reasons for the rulemaking entitled “Subdivision Map Act Fire Protection Findings, 2019.” Member Wheelles seconded the motion.**

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye

Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

11-18-12 **Member Husari moved to authorize for 45-day Notice the rulemaking entitled "Subdivision Map Act Fire Protection Findings, 2019." Member Wheeles seconded the motion.**

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

Report of Board's Advisory Committees

Effectiveness Monitoring Committee (EMC)

Co-Chair Russ Henly reported on the following matters:

- The Board considered the DRAFT 2018 EMC Annual Report and Work Plan and draft update to the EMC Strategic Plan.

11-18-13 **Member Husari moved to approve the Draft 2018 EMC Annual Report and Work Plan and the Draft EMC Strategic Plan. Member Andre seconded the motion.**

Roll Call Vote

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Los Huertos	Absent
Gilless	Aye

The motion carried with one member absent.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: Francis H. Raymond Award- Recipient: Lois Kaufman. The award was named after Francis H. Raymond who was the Director of the California Department of Forestry and Fire Protection from 1953 to 1970, and was one of the primary advocates for the passage of the Professional Foresters Law in 1973. Since 1987 it has been awarded to groups or individuals who have achieved excellence in forestry in California.

Speakers on behalf Ms. Kaufmann's career and support of forestry in California included Bill Snyder, Chair California Tree Farm; Brita Rustad, nominator; George "YG" Gentry, California Forestry Association; Jim Robbins, CAL FIRE; and Ms. Belden, member of the public.

Presentation: California Public Utilities Commission Wildland Fire Mitigation Regulations
Koko Tomassian, Senior Utilities Engineer, California Public Utilities Commission

Public Comment

Susan Robinson, Ebbetts Pass Forest Watch, (online submission) asked, was the "project" CEQA decision by the CPUC just based on the regulations or also the guidelines in Appendix E, and when dead trees are all removed from a community will the hazard ratings decrease?

CONCLUSION

Public Forum

Richard Gienger, Forests Forever, (online submission) commented that it looks like a whole new world with Forest Management Task Force. Further complications for achieving true long term forest stewardship standards.

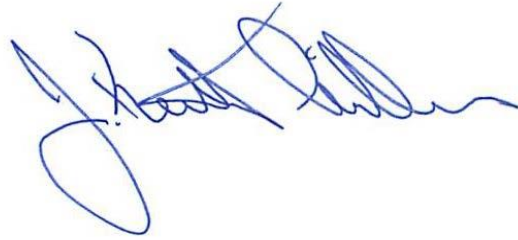
Taiga Takahashi, Latham & Watkins LLP, (online submission) commented that they submitted a written request for continuance on Rancho Guejito's petition for rulemaking to be concurrent with the Certified Range Management rulemaking or to be continued to early next year. We are not yet certain if we are even able to attend the December Board meeting and continuing the consideration of the petition slightly would be more productive for the reasons outlined in our letter. Since we are traveling from Southern California we are requesting the continuance now so we can try to plan our travel and arrange our schedules accordingly.

Respectfully submitted,

ATTEST:

A handwritten signature in blue ink, appearing to read "Matt Dias". The signature is fluid and cursive, with the first name "Matt" written in a larger, more prominent script than the last name "Dias".

Matthew Dias
Executive Officer

A handwritten signature in blue ink, appearing to read "Keith Gilles". The signature is highly stylized and cursive, with the first name "Keith" written in a larger, more prominent script than the last name "Gilles".

Keith Gilles
Chair