BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

August 21, 2019

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

## **Present**:

* Keith Gilless, Chair
* Katie Delbar
* Marc Los Huertos
* Chris Chase
* Rich Wade
* Susan Husari

## **Absent**:

* Mike Jani
* Darcy Wheeles, Vice Chair

# **BOARD STAFF PRESENT:**

* Matt Dias, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Board Counsel
* Edith Hannigan, Land Use Planning Program Manager
* Brandi Goss, Environmental Scientist

# **DEPARTMENTAL STAFF PRESENT**:

* Thom Porter, Director
* Helge Eng, Deputy Director, Resource Management
* Mike Mohler, Deputy Director of Communications
* Matthew Reischman, Assistant Deputy Director, Resource Protection and Improvement
* Daniel Berlant, Assistant Deputy Director, Planning and Risk Analysis
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration

# **RESOURCES AGENCY STAFF PRESENT**:

* Jessica Morse, Deputy Secretary for Forest Management

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

1. Coast Action Group vs. California State Board of Forestry and Fire Protection (Case No. RG17860755)
   1. No reportable actions were taken.

# **Consent Calendar Items**:

1. Approval of June and July Board Meeting Minutes
2. Review of the Board’s Rulemaking Matrix

**08-21-01** - Chairman Gilless moved to approve the Consent Calendar. Member Los Huertos seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Delbar aye

Los Huertos aye

Chase aye

Gilless aye

The motion carried with two Members absent.

# MONTHLY BOARD REPORTS

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

Chairman Gilless commented that it was good to see attendees working to balance environmental considerations and fire at the Tahoe Summit. Additionally, he stated that as we look at the complexity of managing things like water quality, it is great to see that the issues of the Board are important to lawmakers and policy makers in varied fields.

## Report of the Director, Director Thomas Porter:

### **Fire Sea**son

* Director Porter commented that we are experiencing a delayed fire season with fuel moisture levels becoming hazardous 4-6 weeks later. We are starting to see some bigger fires now, but only have 2,700 acres burned this year to date, compared to 620,000 last year. 50,000 acres total have burned in all jurisdictions compared to about one million last year by this time. However, Director Porter warns that these reductions should not mean that Californians should not be prepared.

### **CAL FIRE Airframes**

* The first Blackhawk helicopter has been delayed due to significant landing gear modifications, but is expected around the 1st of October and additional helicopters are expected to come every 2 months following the first. One C130 has been painted in CAL FIRE colors. CAL FIRE also is taking advantage of an exclusive use contract with Coleson to train pilots on a similar C130. These pilots have helped with Border 8 & 9 fires, keeping these fires out of the United States and aiding in suppression efforts.

### **Department Succession**

* Staff Chief Dan Sendek retired, and CAL fire has appointed Gabrielle Avina as Deputy Chief of the Local Government Program.
* Director Porter stated that he recognizes existing staffing shortages for the archeology training program and is planning to put on the full 5 day class. CAL FIRE is working with CLFA to schedule this class.

### **California Fire Management Agreement (CFMA)**

* CAL FIRE is working with USFS, OES, and local governments to renew the CFMA by the end of this year. Director Porter commented that this agreement is key for effective fire management in California and that good discussions took place at the Tahoe Summit and the meeting of the House Oversight and Reform Committee in Simi Valley.

### **35 High Priority Projects**

* The 35 projects had 653 acres of treatment completed at the last meeting, and have 1905 acres completed currently. The environmental clearance and physical barriers to progress have been passed and all projects are moving forward rapidly.

Public comment – Richard Geinger, Forests Forever – is there any word on timelines for THP approvals in 2012 versus today? Executive Officer Dias commented that he will follow up with Richard Geinger individually to address this issue.

## **Report of Executive Officer, Matt Dias:**

* David Ludwig is engaged in his first leg of training at Riverside and will be there for the next 7 weeks.
* Board staff has been notified that we have not yet met expectations on ADA compliance, especially with older documents. In response, we have removed old information from the website and will respond via Public Records Requests should any of these documents be requested by the public.
* Increased interest in the RPF exam has resulted in increased number of appeals for qualification. The PFEC will be looking at the appeal process to develop a regulatory structure that provides clear guidance to future staff and examinees.

1. California Vegetation Treatment Program Draft PEIR Update
2. The draft PEIR went out for a public comment period which closed at midnight on August9, 2019. Approximately 95 comments were received in total and have been distributed to the Board for their review.
3. Discussion of Wood Products Siting Project as Mandated by AB 2518
4. A CAL FIRE budget change proposal put forth last year resulted in $200,000 for a joint Board/CAL FIRE contract to meet this legislative mandate.
5. Discussion of CAL FIRE Fuel Treatments and Fire Effects Monitoring Program Plan
6. Chief Eng and FRAP have been working on a monitoring protocol for prescribed fire and plan to engage in this effort soon. They request that the Board look at the draft protocol and provide comments.
7. Legislative Update
8. AB 1160 has been chaptered and will require regulatory efforts to extend the lifetime of a sustained yield plan to 20 years.
9. SB 69 has the potential to impact the Board the most and would require a review of Anadromous Salmonid Protection rules including a literature review and a review of EMC funded project findings.
10. SB 632 points out the importance of the CalVTP and would require the CalVTP be certified by Feb 1 2020.
11. SB 182 would require modifications to the safety element review process and the associated expectations of local agencies.
12. RMAC – Workshop September 16th
13. RMAC will be hosting a workshop regarding the use of grazing as an effective management tool on September 16th. They will be providing relevant information on targeted grazing for wildland fire prevention activities, one of the tools analyzed in CalVTP. Chair Gilless added that he enjoyed RMAC’s presentation at the last Board meeting, and that to be consistent with the Board’s treatment of the Joint Institute and the EMC, RMAC should update their Strategic Plan and bring the revised version forward for approval by the Board.

## **Report of the Standing Committees:**

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

1. Update on Reporting to Legislature on Exemptions and Emergency Notices (PRC § 4589)

CAL FIRE reported on the status of their Exemption and Emergency report to the legislature that is due on December 31st. CAL FIRE intends to prepare a shorter, 15 page report that just conveys key findings by October, 2019 and a full document which includes scientific methods and analysis by December, 2019 for the Board’s review.

1. Discussion of the Development of Non-Regulatory Action Supporting the Use of Feller-Bunchers within a Watercourse and Lake Protection Zone (WLPZ) under Specified Best Management Practices.

Comments were received from CAL FIRE staff and Board staff was directed to coordinate with CAL FIRE to bring a revised version to the Committee in September.

1. Discussion of existing Forest Practice Rules within 14 CCR §§ 914.2[934.2, 954.2], and 914.3[934.3, 954.3] pertaining to limitations on the use of ground-based equipment in cable and tractor yarding areas, and discussion of potential regulatory or non-regulatory actions.
2. Discussion on the permitting of timber operations conducted pursuant to 14 CCR § 1104.1(a) within WLPZs.

After substantial discussions with CAL FIRE and Board staff, the consensus was that this item is no longer an issue and the Committee decided to drop this issue from future agendas.

### **Management Committee - Chris Chase, Chair**

1. Discussion on the Potential Revision of Stocking Standards within 14 CCR §§ 913.8 and 927 et. seq.

The Committee instructed staff to make a number of changes for review at September meeting including: strike the requirement that 50% of all pre-harvest trees between 12-18 inches be retained, recommend language on the use of hardwoods to meet stocking without the requirement of planting conifers on sites where that may not meet management goals, and review the existing language regarding eucalyptus.

2. Discussion on the Potential Revision of Basal Area Stocking Standards within 14 CCR 913 et. seq.

Bill Stewart from the William Main group was present at the Committee meeting, but they don’t have clear recommendations yet on this issue. Larry Camp submitted some suggestions in a letter to the Board and George Gentry is planning to develop an uneven-aged working group to further investigate this issue and discuss further at November meeting.

3. Discussion of issues surrounding Limited Timber Operators License and Timber Operator Education.

Mr. Dias will reach out to the Association of California Loggers and several other stakeholders to further discuss this issue. CAL FIRE is working on a proposal for a more comprehensive review of the LTO licensing procedures and the scope of this item may expand.

### **Resource Protection – Susan Husari**

1. Safety Element Review

a. City of Mammoth Lakes

b. City of Santa Paula

c. County of Mariposa

d. County of Tuolumne

CAL FIRE’s land use planning team has been an active participant at RPC meetings and has worked with Ms. Hannigan to complete these reviews.

2. Review of Proposed Rule Text and ISOR for Vegetation Clearance of Utility Infrastructure 14 CCR § 1250 et. seq.

Attendance from CAL FIRE and representatives from various utilities and stakeholders was high at the meeting and progress was made on this rulemaking. The Committee is hoping to bring a revision to the full Board in September for possible action.

# **SPECIAL BOARD HEARINGS/REPORTS:**

## **Presentation: State Responsibility Area Review 2020 Update**; Daniel Berlant, CAL FIRE/OSFM Assistant Deputy Director, Office of State Fire Marshal and Scott Witt, CAL FIRE/OSFM Deputy Chief, Fire Plan and Prevention Grants

## **Presentation: California Society of American Foresters (SAF) Position Statement on Wildland Fire,** Nick Dennis, Member of SAF

## **Initial Hearing: “Nonindustrial Timber Management Plan Amendments, 2019” (14 CCR § 1090 et. seq.)**

* Larry Camp, Forest Landowners of California: Suggested that the Board not include the use of management units proposed by CAL FIRE. He stated that this may require substantial work on behalf of small landowners to subdivide the area under consideration and could also lead to significant cost for non-industrial land owners.

### **08-21-02** - Chairman Gilless moved to approve the supplemental statement of reasons and 15 day notice for the rule text. Member Chase seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Delbar aye

Los Huertos aye

Chase aye

Gilless aye

The motion carried with two Members absent.

## **Initial Hearing: “Stocking and Silvicultural Standards Amendments, 2019.”**

* Larry Camp, Forest Landowners of California: FLC is supportive of the regulations as proposed.
* George Gentry, CFA: CFA is supportive of the regulations as proposed.

### **08-21-03** - Chairman Gilless moved to direct staff to prepare the final statement of reasons for the “Stocking and Silvicultural Standards Amendments, 2019” rule package. Member Chase seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Delbar aye

Los Huertos aye

Chase aye

Gilless aye

The motion carried with three Members absent.

## **Initial Hearing: “Permanent Post-Fire Recovery Exemption, 2019.”**

### **08-21-04** - Chairman Gilless moved to direct staff to prepare the final statement of reasons for the “Permanent Post-Fire Recovery Exemption, 2019” rule package. Member Husari seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Delbar aye

Los Huertos aye

Chase aye

Gilless aye

The motion carried with three Members absent.

# CONCLUSION

## Public Forum

Eric Carleson, Associated California Loggers: Recognized Ed Ehlers, past Executive Officer of ACL, who recently passed away.

George Gentry, CFA: Recognized Dan Sendek (past Executive Officer for Licensing and past Executive Officer for the Board), who recently retired.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias

Executive Officer

Keith Gilless

Chair