BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Redding, CA

September 22, 2022

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

**Present:**

* Keith Gilless, Chairman (remote location)
* Chris Chase, Acting Chairman
* Rich Wade
* Mike Jani
* Elizabeth Forsburg Pardi
* J. Lopez
* Dawn Blake

**BOARD MEMBERS ABSENT:**

* Katie Delbar

**BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Jane Van Susteren, Senior Environmental Scientist
* Laura Alarcon-Stalians, Administrative Manager
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist
* Anna Castro, Executive Assistant

**DEPARTMENTAL STAFF PRESENT:**

* Matthew Reischman, Deputy Director, Resource Management, CAL FIRE
* Dennis Hall, Assistant Deputy Director Forest Practice, CAL FIRE

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

Jeff Slaton, Senior Board Counsel, reported, that no reportable actions taken during the Executive Session.

**Consent Calendar Items**

1. RPF/CRM Vital Statistics, license withdrawals, voluntary relinquishments, and revocations for non-payment.
   * 1. CRM60, Edith Jacobson voluntarily relinquished her license but was not removed from the revoked for nonpayment list.
2. Approval of the August 17, 2022, meeting minutes
   * 1. Removed from Consent Calendar Items
3. Review of Rulemaking Matrix

**09-22-01 Member Lopez moves to accept the two items on the consent calendar. Member Wade seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**MONTHLY BOARD REPORTS**

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

* Board of Forestry and Fire Protection has two newly appointed Board Members, Dawn Blake and Jeremiah Hallisey. Dawn has joined us this week. She attended the committee meetings and the field tour. Look forward to working with you and your contributions to the Board. Thank you for your service here.
* Thank you to the work the fire services have done over the course of this fire season, which is not behind us, but it’s been an extraordinary number of weeks. Also, we would like to send condolences to those in the state that lost loved ones, homes, and property, including six civilian lives lost in Siskiyou this month. The devastation from the fires is staggering but it could have been far worst had it not been for the aggressive actions taken by the fire services in the state. Thank you to CAL FIRE and all the other agencies and first responders who responded to these events.
* Thank you to the staff of LaTour Demonstration State Forest, the Shasta Trinity Unit and everyone who participated in our tour yesterday.

**Report of Director Joe Tyler, Matthew Reischman, Deputy Director, CAL FIRE, Resource Management, California Department of Forestry and Fire Protection**

* I would like to welcome Dawn and Jeremiah to the Board. Looking forward to working with you and continuing to support our efforts with the Board, specifically regarding Culture Resource Protection. We are in the process of growing our program and looking forward to how we can better work with tribes and integrate some of their traditional practices into our practices, in all that we do like our response to fires, and this is a totality of circumstances throughout our efforts.
* A big thank you to the unit and the region for the support and the tour we had yesterday.

**Forest Practice Program**

* Continue to have challenges with our staffing in regard for our forestry classifications.
* The draft for the Forest Fire Prevention Exemption Monitoring Report that we have been conducting has been completed.
* The Watershed Emergency Response Teams are our teams that we send in post fire that evaluate debrief flow and potential and landslide potential and take a look at the downstream potential for impacts to culverts, bridges, communities, those types of things.
* McKinney fire closed last week. Watershed emergency response has been initiated on the Oak Fire down in the Madera/Mariposa Unit.
* A work team has been deployed to the Fairview Fire this week.

**Demonstration State Forest**

**Land Acquisitions**

* Kevin Conway will put together a summary that will be provided to Edith Hannigan that has some links to the status of the PG&E land transfer and acquisition projects.
* The McCullum property in Amador/El Dorado closed escrow in 2019. Cow Creek which we saw yesterday is a 2200-acre property here locally that closed in June. The Bear River in Placer/Nevada is 267 acres and closed in July. We have the Lake Spalding which is an 1100-acre piece not far from Bear River which is in Nevada/Yuba/Placer Unit. Placer Land Trust is holding that easement and that closed in September 21st. Papers were signed for Battle Creek, a 2000 acre property, in September. It will go to Public Works Board in November and we hope to bring that on into the system in December. Pit and Tunnel which is the largest of the properties up in Shasta is 6900 acres. The final documents were signed in September, and it will also go to Public Works Board in December.

**Jackson**

* The Jackson Advisory Group meet in August to review the new vision for future management document. It was well received and they had a good discussion out in the field. As we move forward, we will continue to focus on our co-management efforts with the Coyote Valley Band of Pomo but also with the Sherwood Valley.
* In the process of renaming a lot of the trails so that they are more representative of the local sites, cultural resources. Sherwood Valley gave us a name of a trail that we have there outside of Caspar, and we are in the process of developing the signage.
* Kyle Farmer is a UC Extension representative that we have brought on board through contract. He is coordinating the public outreach for the forest in various areas. In August he conducted a bat tour where they went to look at bat refuge and opportunities that bats have on the forest.

**Mountain Home**

* Thank you to Jim Kral for his engagement yesterday and his work out at Mountain Home.
* We are about 65 trees away from having our full inventory done on the Giant Sequoias. Jim has been in communication with Sequoia National Forest, and we are looking at putting together a cooperative prescribed burn. Looking forward to opportunities across jurisdictional boundaries.

**Soquel**

* Soquel’s advisory committee met in August and looking to meet again in September. They have a great example of co-management with the local tribes in Santa Cruz.

**Prescribed Fire Program**

* The Prescribe Fire Program has a cultural burn coming up at Cache Creek at the end of October.
* There are three TREX burns planned on the Klamath over the next couple months.
* Prescribe Fire staff provided a presentation to the Coastal Commission on the process behind developing a burn plan and the administrative process on environmental permitting on what we would do before implementing a burn.
* CAL FIRE will be meeting with the US Fish and Wildlife Service regarding the California Red Legged Frog and some other species issues that we have been working through with them surrounding our CA VTP projects.
* September 23 is Native American Day and we have a booth as well as several other state agencies, Natural Resource Agency and several tribes will be there sharing information and celebrating Native American Day.

**Fire and Resource Assessment Program**

* The FRAP Program completed their fire hazards severity zones in September.
* Final reviews to be out by early 2023.

**Fire Protection**

* UCSD and USGS completed 84% of the LIDAR project of the range collection in the Sierra Region. The data has been provided to the California Department of Conservation. The CAL FIRE Intel Program is coordinating with CAL FIRE programs that could benefit from the data to provide direction as to how the data can be utilized and disseminated along with data security, data destruction, and required disclaimers on derivative products.

**Aviation Management Unit (AMU)/Tactical Air Operations (TAO)**

* The Aviation Management Unit (AMU) continues to meet with the Department of General Services and Air Methods United Rotorcraft (AMUR) regarding the contract extension and price adjustment for firefighting helicopters.
* Recently worked with NOAA and San Jose State regarding some sensory or air quality monitoring. CAL FIRE provided them with their space coordination training.

**Cooperative Fire Program**

* The CMFA or the California Master of Cooperative Fire Management and Stafford Act agreement that is the agreement that we have with our Federal Cooperators. You hear the term “balancing of acres” - it establishes the Federal DPA from the State DPA. There are several components but at the end of the day it’s basically treating state lands within Federal DPA the way CAL FIRE would treat state lands. And we would treat Federal lands in State DPA the way they would treat Federal Land. I believe we are the only state in the nation that has this type of agreement with our Federal Cooperator. This agreement expires in March and our coop fire program is in the process of reaching out and making those adjustments.
* Through the US Forest Service we received $133,000.00 dollars to support the federal volunteer fire capacity grants.
* Working with the Coast Guard in setting up an MOU that will allow them to come out and mirror us on incidents. It is basically focusing on ICS training.

**Crews**

* 121 Type I hand crews available out of 227 that are funded; 56 Department of Correction Crews out of a potential 152 that are funded; 23 CCC Crews out of 30 that are funded. 29 out of the 32 CAL FIRE hand crews funded are up and running. We are in the process of staffing the remainder of those. 13 out of 13 of the National Guard Crews are up and running.
* In the Camp population world, we we are about 33% crew capacity. CDCR has the potential to support 2584 inmates and we are currently at 843.

**Community Wildfire Preparedness**

* The community wildfire preparedness and mitigation division that is Chief Berlant’s division that recently stood up through some legislation, six months to a year ago. There are workshops that will provide the public with information on fire safety topics and fire safety regulations. The first one is going to be focusing on the wildfire prevention grants which will be putting out a solicitation in October.
* CAL FIRE is leading the nation in Firewise Communities. We are at 566, about 25% of the total Firewise communities nationwide.
* Our Wildfire Prevention Grants solicitation will be here in early October. Also looking at rolling out the Forest Health Grants. Those solicitations will be coming soon.
* Annually the units go through a fire plan update. That has been completed and they are moving to post those on our internet. That is the road map that CAL FIRE uses to prioritize and identify some of the projects that we move forward and how we engage locally.
* Lastly, I would say regarding our wildfire preparedness and our damage inspection there are a total of 2686 structures that have been impacted as a result of the fires. About 1800 of them survived with no damage. 858 have been damaged or destroyed. Of these 491 were single family residences.

**Board Members Questions**

Member Chase-CMFA, I have heard that it may be potentially get pushed back a year is that correct?

* + Matthew Reischman-I believe there has been in the past there has been some level of extension to that. I don’t know specifically but will follow up with you.
  + Chief Hall-I just wanted to elaborate on something that you mentioned Acting Chair Chase and Chief Reischman, which is the fires that we had this year luckily was not near as bad as last couple of years. We must keep in mind and especially as we focus on restoration activities that have burned over. We had fire two years ago; the El Dorado Fire was the Apple Fire combined with the El Dorado Fire and we sent a watershed emergency response team out there. And we identified some critical areas. Two years later we had significant debrief low this year from those storms that came through earlier. And we did lose life there. So, I want to just bring that to the forefront that our firefighting efforts are a big piece of what we do. We also must protect those communities for long term. That is part of the restoration practices that we are trying to implement. That goes hand in hand with our work teams, our watershed emergency response teams. The ability to go out there. Those were identified as being critical and there were advance warnings set up in those areas but those are areas are where we need to build. We need to be able to protect those communities for a term.
* Acting Chair Chase- There is a lot of good work being done by folks on that Suppression Repair side that does not get as much attention as the Active Suppression.
  + Chief Hall- That does show that kind of stepwise progression of preventing the fires in the first place and taking aggressive suppression action but then there is a lot of follow up in these communities. They are not done when the fire moves on and we contain it. The Board has been working on reforestation efforts. There is a lot of work that goes on that really is a whole package.
* Member Jani-I know we must do this post fire restoration work. What is the process that CAL FIRE does for the training of the people that you send out there? And do you coordinate that with Department of Fish and Wildlife or is all CAL FIRE driven?
  + Chief Hall- if you are talking about the work teams themselves, they are on the job training. We take experts that are leaders in incident command team. Also we take experts in geology and we are strong partners with CGS. We are also working with the forest service BLM. In terms of training, we try to pull for every team we send out we try to add people that can learn how that process works. How the truth satellite data out in the field. We are trying to improve models in the north we don’t have really good models. There has been a lot of focus in Southern California on Debre flow and flood. We are trying to develop getting more information, tools and staffing to develop that kind of modeling to help support that. We have annual debriefing meetings on how we can improve.
* Member Lopez-Efforts are appreciated. Doing a great job of incorporating local knowledge into what the decision making is going to be. The locals have the tools and the knowledge that has been provided. They work closely with the burn area emergency response from the Board of Services as well.
  + Chief Huff- Staff Chief of the Headquarters Forest Practice Program, I would like to say that it might be beneficial for the Board to hear a report in a future meeting so that we can clarify what work is. Also, we have emergency Forest Restoration Teams or Effort Teams out there that are really focused on reforestation and helping property owners with getting their timberlands back into productivity. That is very distinct what watershed emergency response teams do. Which is identifying threats to life and property exclusively. We don’t integrate with our sister agency other than the California Geological Survey because we are focused on Watershed hazards in the form of debris flows, no flooding and rock fall. One of the downsides to having to get our reports in to the Director for Board of Forestry and Fire Protection Meeting is that we are often behind in our information dissemination. For example, we have deployed WERT or some version of WERT out on fires dating back till June. We were on the Mountain Fire as well doing emergency response teamwork. We will be deploying next week out to the Mosquito Fire. This year we have been on the coastal, Colorado, Emerald, Fairview, McKenny, Mountain, Oak and will start Mosquito next week. It is important to note that the folks we are using as team members are the very same folks that are doing plan review, that are overseeing our watershed protection program. Drew Cole, our Forester III, Watershed Protection Program Manager is an integral part of our deployments. So, Forest Practice is very interval to this Watershed recovery effort. Going forward working with the California Geological Survey, the future vison is to try to get ahead of these fires and to identify areas where hazard could have of occurred. For example, if we do a backfire on a slop that is later going to be prone to land sliding. We want to have a handle on that so that we can help guide our fire suppression air boots. We want to be able to get out ahead and model the potential Debre flow and flooding should a fire occur in watershed. And help focus our ongoing reforestation on lands that have been impacted. This is a big piece of reforestation and an overall recover post fire. Also, this work goes on 12 months of the year. We do a work deployment. We work with the local responders and local governments to try to develop a good plan of response with our fire suppression side. We are often called in to do the work of protecting lives and property based upon their findings. As Chief Hall mentioned we had a fire up in El Dorado and it has been active ever since 2020 and this year was most recently particularly active. The work that we do is a key part of Forest Practice, and we clearly need to increase staffing and funding to help continue this mission. It would be great for us if we could make a presentation to the Board on what WORT is all about and help the Board members fully understand what it is that we do in this post fire recover effort.
* The board would be interested in having that discussion with you. Chair Gilless is very passionate about and encourage you to work with Edith and Chair Gilless on scheduling a meeting.

**Public Comment**

* Richard Gienger- Referenced letter sent to the Board regarding Jackson Demonstration State Forest.
  + Matthew Reischman - One of the items that we have identified in our modernization or vision document moving forward is establishing a tribal advisory group for the forest so that we can better engage and co-management opportunities and so I certainly hear your comments. We can do better, and we are in the process of doing better. But we need insight from the tribes to engage them and truly hear their interests and move forward on project work that can take their traditional knowledge into consideration and work with them. We hear that and we appreciate it.
* George Gentry, Cal Forests: Yesterday’s field trip was a source of great personal pride, and I was very gratified by it. Jason’s presentation and outlining of how that forest work was simply outstanding. It epitomizes what the demonstration state forest system is about - the training, education, research - and I think it extends to all those forests. Mountain Home has its challenges. Jim Kral has done an amazing job with very limited staffing. It extends to Jackson which is a rich set of data and demonstration and research over the years. I applaud the department all their accomplishments in the State Forest System. Was there any discussion Chief Reischman on the budget for reforestation? Has that been discussed?
  + Chief Reischman- No, not mentioned but I will say that we are putting together a plan or strategy on how we are going to administer those funds. AB2011 was part of the trailer bill language that gave us some direction on those funds, specifically utilizing our forest health program. We are tying those funds to action items in the Wildfire and Forest Resilient Reforestation strategy to make sure that we are connecting our efforts with the task force efforts or priorities as far as reforestation. We are looking at administrating those funds through the Forest Health Program but also relying on some of our existing programs, which the language in AB211 allows us to do. We will be moving forward with providing that plan within the next couple weeks.

**Executive Officer Report, Edith Hannigan**

1. Legislative update in Board Binders. Our call for Regulatory Review is out and active. The deadline is 5:00 pm on October 14.
2. There were will a brief meeting on October 5, at 10 am in room 221 at the Natural Resources building in Sacramento. Brief meeting to make some announcements and actions related to the Forest Resiliency Amendments.
3. Reist Ranch Conservation Easement

**09-22-02 Acting Chairman Chase moves to adopt resolution 2022-02 regarding the Reist Ranch Conservation Easement. Member Lopez seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**Report of the Regulations Coordinator, Jane Van Susteren, Senior Environmental Scientist**

**Consideration of adoption of rule text and approval of the Final Statement of Reasons for the Rulemaking titled “Spotted Owl Resource Plan Amendment, 2022”.**

**Public Comment**

* Chief Dennis Hall, CAL FIRE- Thank you Board for your support on this. This is important for small landowners and I’m glad it’s moving forward.

**09-22-03 Member Wade moves to approve the Final Statement of Reasons for the “Spotted Owl Resource Plan Amendment, 2022”. Member Jani seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**09-22-04 Member Wade moves to adopt the draft regulatory text for the rule making titled “Spotted Owl Resource Plan Amendment, 2022” and authorize staff to take all actions reasonably necessary to have the adopted regulations to effect, including making appropriate non-substantive changes and any changes to facility OAL Review and Approval. Member Jani seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**Report of the Standing Committees.**

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

1. Discussion of Northern Spotted Owl Take Avoidance Pathways and Habitat Definition Updates pursuant to 14 CCR §§ 895.1 and 919.9 – Jane Van Susteren, Regulations Coordinator

**Public Comment**

* Chief Dennis Hall, CAL FIRE-Thank you Board and Committees for your work on this. We were trying to achieve by bringing issue forward was recognition of some of the pathways that are being used and to see if we could kind of windle those down to the clear and relevant pathways that landowners can use to ensure the protection when they are conduction timber operations and gain efficiencies in Timber Harvest Plan review. We have been working on Spotted Owl Resource Plans. Both inland and now on the coast to give landowners and particularly small landowners the opportunity to have that halfway flushed out and a long term planning document. Have worked with US Fish and Wildlife Service on Safe Harbor agreements. I support this and appreciate you looking at it.
* Tim Ryan, Department of Fish and Wildlife-Just want to thank the Forest Practice Committee, Board Staff, and CAL FIRE. It has been a real collaborative process working through this package the past few months. Take Avoidance of the listed species is a complex biological and regulatory setting. We got to a place in this rule package that should provide some much need clarity for review team and stakeholders regarding Take Avoidance of the species on Timberlands. I hope the Board moves forward with it.

**09-22-05 Member Wade moves to authorize Board staff to submit the Rule Making entitled “Northern Spotted Owl Take Avoidance Pathways Definition Updates, 2022” for noticing of the 45-day Comment Period take all appropriate actions consistent with the Administrative Procedure Act for this purpose, including preparations and submission of the Notice of Proposed Action and Initial Statement of Reasons. Member Jani seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

1. Discussion of Treatment of Slash to Reduce Fire Hazard [All Districts] pursuant to 14 CCR § 917.2 [937.2, 957.2] – Eric Hedge, Regulations Program Manager

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

1. Discussion of Issues related to the Maximum Sustained Production of high-quality timber products as described within PRC 4513
2. Discussion of Silvicultural Methods allowed within Coastal Commission Special Treatment Areas per 14 CCR § 921.3
3. Discussion of CFIP Cap Rate Increases, Stewart McMorrow, Staff Chief, Wildfire Resilience

**Comments**

* John Ramaley, Forestry Assistance Program Manager- Took a couple of contracts and compared them. One was a 27% increase which is what the new rates would mean and the other one was a 25% increase. Also, we did add a new practice which is called substantial damaged site prep. It is limited to areas that are substantially damaged Timberlands, Wildfire, or under blight reduce, the staking before. This involves the removal of large quantities of dead unmerchantable trees and snags to eliminate dangerous conditions and prepare the site for reforestation. The rate will be negotiated on a case-by-case bases.
  + Acting Chair Chase-This sector has been disproportionately affected by inflation, rising fuel cost. Shortage of workers and high demand for work that needs to be done. There are a lot of factors driving theses cost increases.
* Larry Camp -I fully support Mr. Ramaley’s comments about this. I recently did a site preparation, Fuels Management Project. The cost rates were $1800.00 an acre and the actual cost were $2,200.00 an acre. It’s clearly needed if you are going to encourage the non-industrial landowners to participate in these projects.
  + Acting Chair Chase-Is there a landowner map requirement?
* John Ramaley, Forestry Assistance Program Manager-Yes, that is correct. It is a 75%, either landowners need to pay 25% if they own more than 500 acres or must pay 10% if they own less than 500 acres or if they own more than 500 acres and their property is substantially damage, they can also get a 90% reimbursement.

**09-22-06 Acting Chair Chase moves to approve the new proposed 2022 CFIP Cap Rates in the table that was provide to the Board today. Member Forsburg-Pardi seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**Public Comment**

* Richard Gienger – Comment on discussions about maximum sustained production of high-quality timber products. Just want to reiterate that revamping is needed in your MSP requirements taking into account Mark Jameson’s comment of the December Rules Review and Lorretta Moreno’s recommendations in that same review.

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

1. Land Use Planning Program Update – Matt Damon Deputy Chief, Land Use Planning
   1. Subdivision Review Program Update – Assistant Chief Carmel Barnhart
      1. Riverside County
      2. City of Anaheim
      3. City of Escondido
   2. Safety Element Reviews
      1. Marin County
      2. City of Anaheim
      3. City of Burbank

**SPECIAL BOARD HEARINGS/REPORTS**

**Public Hearing “Forest Resiliency Amendments, 2022”, Eric Hedge, Regulations Program Manager**

**Agency Comment**

* Dennis Hall, CAL FIRE-I am going to rely on Chief Huff if he is on to supplement my comments. This is an important package. I think the Board has recognized the need to do something to help landowners manage their land for fire resiliency. To try to reduce the damage to private Timberlands and to make the forest able to come back after a large devastating fire. I believe that working on the stalking standards is a good method forward. I understand there were some questions on the field trip regarding enforcement that were brought up. Chief Huff was attending the field trip and he can elaborate on that but I think we support moving forward with a form of this as long as we can be sure that when we are out there doing inspections with RPF’s and landowners that we understand what the extent of the treatment area is. It will take awhile to see the benefits from this in terms of getting landowners to start applying and recognizing it as a method to apply.
* Eric Huff, Staff Chief, Forest Practice Program, CAL FIRE-I would like to echo Chief Hall’s comments that the department is supportive of this proposal moving forward in some form or fashion. I believe there could be some clarity that could be added to the rule set based upon a limited field review of a group selection. Regards of further modifications we might consider here I do think that it is time to move ahead with striking the even age seed tree standard. For the sake of clarity it would be great for the Board to consider spelling out the range of possibilities here. So going from 20% openings up to 33% openings in small group areas under this method. We have allotted for inspectors to try and sort out whether the silviculture has been appropriately applied. It would be helpful for the regulated public to have some sort of a table or some other methodology for knowing what the minimum age of the trees would be. In the gradient from a 20% group opening to 33% group openings. Having a table that would lay out what the minimum age of tree would be before you can re-enter and put in more groups. A table would be very useful from an inspection standpoint. From a Forest Resilience standpoint, we had an opportunity to ask the unit forester and the unit chief if they felt that this group selection approach and the option to increase the number of groups would result in better opportunities for fire suppression activities and the collective group, I think was in agreement that this approach could be useful. There was an emphasis on need for Slash to be appropriately treated. It was very helpful to see group selections in relatively low site, lower value stands because it’s one thing to talk about variable retention and group selection on the Coast and it’s another to be out there in the area where it’s difficult from a financial perspective. To look at it in the context of the silviculture paying for itself, I believe it was very useful to be at the site. Thank you for the opportunity of being out there with the board staff looking at the group selection example we had before us. Again just want to clarify that it would be great to see some additional language that spells out the differences between a 20% groups all the way up to 33% groups. Some tabular form that would clearly spell out what that minimum tree age would be before you could re-enter and put more groups in.
* Dennis Hall, CAL FIRE-just want to echo what Chief Huff said on a couple of points that he raised. One was Slash Treatment you can see how Slash Treatment is integrated in all activities. We need to understand where it’s appropriate, where it’s not appropriate and what the intent of it is. These cases having that Slash Treatment done really enhances survivability of the seedlings as well as our fire suppression which is a key thing we are trying to address. The other thing in terms of enforceability understanding the information that goes into the plan not only helps the plans submitter whoever’s preparing that to be able to percent what’s going to happen in the future, but it helps the public and the other agencies understand what the impacts are going to be and what’s actually going to happen on the ground over long term.

**Public Comment**

* George Gentry, California Forestry Association- Lead staff for the Uneven Age Working Group. Thank you to the Management Committee for their indulgence over the last few months of having this discussion on our proposal. Both Member Pardi and Member Chase your feedback was invaluable to help move this forward. Also, I would like to thank Board Staff for their attention to detail in catching some of the edits and some of the additional comment that we need to make this a more complete rule package. This rule package is a great first step to giving an additional tool that I believe is well supported by the scientific documents that we have submitted along with this rule package. I believe it’s a great first step. I believe there is going to have to be additional work that is done in the future with that. We will continue to be looking at uneven age standards so that we can continue to move forward in this direction. Especially after the events of the last couple years. I don’t disagree with CAL FIRE’s comments. I do think that having a clear table is probably the easiest mythology for making sure that everyone is on the same page. Whether it’s a formulaic approach or a table approach they all accomplish what we said out to do.
* Richard Gienger-I agree with some of Eric Huff’s comments about this package. Two things, one it would be helpful especially for the public is to have a graphic example of the current prescriptions compared to what the prescriptions are in this rules package. Secondly, I am wondering whether the having prescriptions that will ensure that our larger more resilient trees in the future.
* Larry Camp, Forest Landowners of California- I was a member of the Unevenaged Working Group, thank you to the members of the Management Committee and thank you to the staff for putting together a complete ISOR. What their concerns are from going to 20% to 30% it seems like it’s simply an increase in the percentage of openings that can occur on the landscape. To my knowledge there’s not been a concern about using the figure of 20% and I’m not sure what the concern would be about increase that from 20% to 33%. Would be glad to work on this. There should be some examples from the Mosquito Fire. Rob York has put together a short video because of Mosquito Fire where they had high severity fire impacts. There was an area where it had been treated to effectively back burn but in the background, there is a group opening. The 20% group opening and almost all those trees except those around the immediate edge. They were still alive. They were about 13 years old. I think there is already some proof of some of this. I would encourage the Board to move forward on this package. If we delay this by additional regulatory things, we are waiting for another year we have the risk of additional substantial wildfires.
* Andrea Eggleton, California License Foresters Association- Just want to express the associations support for this rule package. We have been involved in the working group. That was a diverse stakeholder group that really brought together the key players in using Unevenaged Management Methods on private lands in the state. I believe that that committee has done a great job at getting a rule package put together that is moving towards some of the research that is recently coming out around forest resilience and resilience structure. Also restoration objectives such as increasing regeneration of pine. I just want to thank the committee for their work on this. I think it’s an important package and I hope the Board will support moving it forward today.
* Eric Huff-CAL FIRE Staff Chief Headquarters, Forest Practice Program- This comment is directed toward this hearing. Just wanted to clarify following Larry Camp’s question that the Department has no opposition to increase the number of openings allowable up to 33%. My selfish concern is I don’t want to have a guidance document that helps us to understand how to implement this rule set and so the more explicit that we can make it the better. I do want to emphasis that it was Foresters who indicated it would be helpful to have a clear and tabular form preferably is I think their preference. Some sort of a table that would indicate what the minimal age of trees would be dependent upon the number of openings. There is opportunity to make subtle changes nothing that would trigger a lengthy noticing period. Maybe changes that would result in a 15-day notice. If that’s not the Board’s perspective then you have the Department’s commitment that we will continue to work though this as we implement this rule set in 2023.

Acting Chair Chase closed the Public Hearing and opened up Board deliberation.

**09-22-07 Acting Chair Chase moves to authorize Board staff to Notice a 15-day Comment Period for the rulemaking entitled “Forest Resiliency Amendments, 2022” and to clarify using the expanded table showing minimum age class by individual years and take all appropriate actions consistent with the Administrative Procedure Act for this purpose, including preparation and distribution of the 15-day Notice of Proposed Action and Supplemental Statement of Reasons. Member Forsburg-Pardi seconds the motion.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Absent**

**Gilless: Aye**

**Motion passed with one member absent.**

**CONCLUSION**

**Public Forum**

* Jim Ostrowksi-Register Professional Forester, consulting Forester from Mount Shasta, President of the Sierra Cascade Logging Conference- This year marks our 74th Conference. The Sierra Cascade Logging Conference is one of the regional logging conferences in California we also have Redwood Region Logging Conference. Our theme this year is working forest and skilled loggers building strong communities. It is on February 9th, 10th, and 11th. The Sierra Logging Conference has played an important role in promoting professional forest management in California and we hope you can join us at this year’s conference in Anderson at the Shasta County Fair Grounds.
* Dan Courtney-Property owner in Tuolumne County, member of the Utility Wildfire Prevention Task Force-I wanted speak in regards to PG & E’s vegetation management program is much more aggressive than it has been in previous years. I have heard several horror stories about trees getting cut down, while people are at work and all the trees are down without notice. An example of one despite having a meeting coming with PG&E to walk the property and look at the trees. The meeting was postponed due to COVID. Three days later I get a call from a neighbor reporting chainsaw on my property. Turns out they cut down about 6 giant oak trees some of which were inspected previously by and RPF and Chair of the Highway 108 Fire Safe Council. They were found to be in full health. An example of this is it was a 200-year-old Black Oak which was 125 feet from a tap line. The tree was originally 75 feet tall. It was topped at about 50 feet and then it was cut at the base area. They had crossed the line into conducting a timber operation. With no permit the THP’s are all expired. That topic was heard by your organization about a year ago. We haven’t heard anything on it for quite a while. I want to thank those hear that opposed Senate Bill 396 which would have allowed PG&E or all California utilities to basically cutting the trees they want without any proper notice without supervision and without requirement to have easements or pay damages to the property owners. I encourage the Board to revisit the issue of utility compliance and utility exemption permits.
* Richard Gienger-I appreciate Dan’s commentary. Glad that Bill 396 died before coming to a vote. This is an issue that will not go away. I would like to congratulate Jeremiah Hallisey and Dawn Blake to their appointment to the Board of Forestry and would admonish both of you to dive as much as you can into the history of forestry and forestry regulation in California especially the trajectory from World War II and all the incredible struggles to get adequate protection for the forest and the fisheries. Thank you, Jim Ostrowski, for your years of service.
* John Anderson, Humboldt and Mendocino Redwood Companies- I just want to second the discussion of having as many options in regards to returning into group selection areas. Every landowner will have a different goal. So, if we can have as many options between 10 and 17 as possible would be most helpful.

**Adjournment**

Respectfully submitted,

ATTEST:





Edith Hannigan J. Keith Gilless

Executive Officer Chairman