**Meeting Announcement and** **Agenda**

**California Board of Forestry and Fire Protection**

**Posting Date: May 3, 2024**

**Location: 715 P Street, Sacramento, CA 95820**

**Webcast registration links:** [**https://bof.fire.ca.gov**](https://bof.fire.ca.gov)

Due to the repeal of Government Code section 11133, the Board of Forestry and Fire Protection has resumed physical in-person meetings for the Board and its Standing Committees. These in-person meetings are not “teleconference” meetings within the meaning of the Bagley-Keene Open Meeting Act. As a result, the public’s right to observe the meeting and provide public comment is required under Bagley-Keene only for those who are present at the physical meeting location. However, as a courtesy, the Board may provide an option to observe a meeting remotely for members of the public who cannot attend in person via webcast by completing registration links available on the Board of Forestry and Fire Protection website (<https://bof.fire.ca.gov/>). Please review the “Important Board Meeting Information” portion of this agenda for potential limitations for online participation at this meeting.

**FULL BOARD MEETING:**

**EXECUTIVE SESSION:**

Natural Resources Building

715 P Street, Sacramento, CA 95820

Room 2-201

Date: May 15, 2024, 8:30 a.m.

**REGULAR SESSION:**

Natural Resources Building

715 P Street, Sacramento, CA 95820

Room 2-201

Date: May 15, 2024, 9:00 a.m.

| COMMITTEES: |  |  |  |
| --- | --- | --- | --- |
| FOREST PRACTICE COMMITTEE Natural Resources Building  715 P Street, Sacramento, CA 95820  Room 2-201  Date: May 14, 2024, 9:00 a.m. |  |  |  |
| RESOURCE PROTECTON COMMITTEE Natural Resources Building  715 P Street, Sacramento, CA 95820  Room 2-302A  Date: May 14, 2024, 1:00 p.m. |  |  |  |
| MANAGEMENT COMMITTEE Natural Resources Building  715 P Street, Sacramento, CA 95820  Room 2-302B  Date: May 14, 2024, 1:00 p.m. |  |  |  |

**BOARD MEETING AGENDA**

**EXECUTIVE SESSION**

1. **Call to Order.**
2. **Adjourn to Executive Session.**

**Executive Session (Closed to the Public) -** Discussion of matters pursuant to Government Code section 11126, including pending litigation (subd. (e)), potential disciplinary actions (subd. (f)(2)), licensing matters and examinations (subd. (c)(1)-(2)), administrative adjudication proceedings (subd. (c)(3)), and public employee hiring and evaluation (subd. (a)(1)). (The Executive Session may be reconvened if determined necessary.) **Possible Action Items.** The Board will discuss:

* 1. California Chaparral Institute, *et al*., vs. California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
  2. Valdovinos and Madrigal v. Board of Forestry and Fire Protection, et al. (Case No. 23CHCV0166)
  3. Bareilles v. Board of Forestry and Fire Protection (Case No. 24CV00809)

**REGULAR SESSION**

1. **Reconvene.**
2. **Announcement of Action(s) Taken in Executive Session.**
3. **Brief Instructions on meeting format, Board Staff**
   1. Meeting format and guidance on stakeholder participation
4. **Consent Calendar Items:** Consent items are expected to be routine and non-controversial. It is recommended that the Board adopt these items without discussion. If any interested party, member of the Board, or staff member requests that an item be removed from the Consent Calendar, it will be considered separately. **Possible Action Items.** 
   1. Review of Rulemaking Matrix;
   2. Approval of April 2024 minutes;
   3. RPF-CRM Vital Statistics, Approval of license withdrawal requests.

# MONTHLY BOARD REPORTS

1. **Report of the Chairman, Terrence O’Brien**
2. **Report of the Director, Joe Tyler**
3. **Executive Officer Report - Possible Action Items.**
   1. Staffing Update
   2. Annual Report
   3. Legislative Report
   4. Consideration of revised charter for the Jackson Advisory Group
4. **Report of the Standing Committees.** Committee Chairpersons will report on the items discussed from Committee meetings. **Possible Action Items:** The Board may act in response to Committee recommendations. (See Committee Agendas which are incorporated as though fully set forth herein.)
   1. Forest Practice Committee, Rich Wade, Chair
   2. Management Committee, Chris Chase, Chair
   3. Resource Protection Committee, J. Lopez, Chair
5. **Report of Board’s Advisory Committees.** 
   1. Professional Foresters Examining Committee, Apprentice Professional Forester Educational Program proposal, Dan Stapleton, Assistant Executive Officer, **Possible Action Item**.

**CONCLUSION**

1. **Public Forum.**

*Note that the Board may not discuss or take action on any matter raised during the public forum period, except to decide whether to place the matter on the agenda of a future meeting. [Government Code §§ 11125, 11125.7(a).]* At the discretion of the Board, members of the public observing the meeting may address the Board on any topic within its jurisdiction not otherwise on the agenda. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board. Please be prepared to summarize comments to three minutes in length, or otherwise at the discretion of the Chairman. Submit your request to address the Board under this item via supplied speaker cards prior to the item being called. Webcast attendees should use the “Raise Hand” function to indicate a desire to speak under this item.

1. **Adjournment**

**MANAGEMENT COMMITTEE MEETING**

1. Staff update covering in-person meeting format and guidance on stakeholder observation
2. Consideration of Rulemaking for Less than Three Acre Conversion Amendments – Andrew Lawhorn, Forestry Assistant II
3. Consideration of Rulemaking for Public Agency and Utility Right of Way Exemption Amendments – Edith Hannigan, Executive Officer

**FOREST PRACTICE COMMITTEE MEETING**

1. Staff update covering in-person meeting format and guidance on stakeholder observation
2. Consideration of Rulemaking for Approved Watercourse Crossings, Significant Existing and Potential Erosion Sites, and Emergency Notice Watercourse Crossing Requirements – Andrew Lawhorn, Forestry Assistant II
3. Consideration of Rulemaking for Drought Mortality and Forest Fire Prevention Exemption Amendments – Andrew Lawhorn, Forestry Assistant II
4. Discussion of Vegetation and Fuels Treatment in the WLPZ under §916.13 [§§936.13, 956.13] – Jane Van Susteren, Regulations Coordinator
5. Discussion of Exemption Use on Active Plans – Jane Van Susteren, Regulations Coordinator

**RESOURCE PROTECTION COMMITTEE MEETING**

1. Staff update covering in-person meeting format and guidance on stakeholder observation
2. Land Use Planning Program Update – Deputy Chief Carmel Barnhart – Land Use Planning Program
   1. Subdivision Review Program Update – Deputy Chief Carmel Barnhart – Land Use Planning
      1. Modoc County
      2. Sierra County
   2. Safety Element Reviews
      1. City of Irwindale
3. Fire Risk Reduction Community List Update- Marcie Yates

**Note:** The Board’s Committees may continue discussion of items included in the Committees agenda, or the Full Board agenda, if the Board recesses or adjourns. To facilitate the Board’s business, items in the Committee agendas may be moved to the Full Board agenda for discussion and consideration. In addition, at the Committee Chair’s discretion, relevant items in the Full Board agenda are eligible for supplemental discussion at the respective Committee meeting, and the Full Board agenda is incorporated by reference for this purpose. Items in the Full Board agenda discussed at a Committee meeting will nonetheless remain on the Full Board agenda.

**IMPORTANT BOARD MEETING INFORMATION**

**CONTACT INFORMATION**

Those requiring further information regarding this meeting notice may contact Edith Hannigan, Executive Officer, State Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA, 94244-2460, (916) 653-8007. This meeting notice is also available in electronic format at: [Board Meeting Agendas and Schedules](http://bof.fire.ca.gov/business/meeting-agendas-and-annual-schedules/) (http://bof.fire.ca.gov/business/meeting-agendas-and-annual-schedules/)[.](file://fphq01/Root/Data/Board_of_Forestry/Board%20Business/Agendas%20and%20Minutes/1%20Agendas/2019/.) For meeting materials and register for webinars, go to: [the Board's Website](http://www.bof.fire.ca.gov/) (<http://bof.fire.ca.gov>).

**WEBCAST**

Please be advised: Because the Full Board, Committee, and/or Workshop meetings are convened under the “in person” requirements (as opposed to the “teleconference” meeting requirements) of the Bagley-Keene Open Meeting Act, the Board is not obligated to make those meetings available via webcast or any other online or electronic means. As a result, the opportunity for the public to attend and offer public comment via webcast is offered solely at the discretion of the Board. The webcast option is supplemental to, and therefore exceeds, the public participation requirements imposed by the Act. Also note that if a webcast option is provided, it may be subject to technology limitations that may result in an impaired visual or auditory experience.

The Full Board, Committee, and/or Workshop meetings may be accessible for viewing via live webcast. Board members will be in attendance at the meeting’s noticed locations, along with any members of the public that choose to attend. Members of the public may register for the webinar(s) at [the Board's Website](http://www.bof.fire.ca.gov/) (http://bof.fire.ca.gov). Audio recordings of the full Board meeting may be preserved and available on the Board’s website. Due to space limitations on its servers, the Board does not preserve video recordings of its Board meetings and/or audio recordings of its committee meetings or Workshops. The physical meetings may continue if the webinar broadcast is interrupted or terminated for any reason.

Please see section on “Speaking at the Full Board or Committee Meeting” for instructions pertaining to the potential ability for webcast attendees to offer verbal public comment as part of the physical meeting.

**PERSONS WITH DISABILITIES**

Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to observe and participate in a State Board of Forestry and Fire Protection or a committee meeting may request assistance by sending an email to Edith Hannigan, Executive Officer, at [PublicComments@bof.ca.gov](mailto:PublicComments@bof.ca.gov) or by calling (916) 653-8007. Requests should be made one week in advance whenever possible. Upon receipt of a request for reasonable modification or accommodation from individuals with disabilities, the Board will swiftly resolve the request consistent with the Americans with Disabilities Act.

**SUBMISSION OF WRITTEN MATERIALS**

The public is encouraged to comment on any item on the agenda. The Board may accept written materials as public comment on agenda items if feasible and if received prior to the deadline below. However, to ensure a public comment is considered by the Board during the discussion of the agenda item, please attend the meeting and provide the comment directly to the Board, or if the meeting allows for participation via webcast, please register for the meeting and provide your comment in accordance with the instructions included herein. You may submit your comments by one of the following methods (only one is necessary):

**E-mail:** [publiccomments@bof.ca.gov](mailto:publiccomments@bof.ca.gov)

**U.S. mail:** Board of Forestry and Fire Protection

PO Box 944246

Sacramento, CA 94244-2460

**All written materials shall be due no later than 12:00 p.m. on the Thursday preceding the meeting, unless there is a date specified on a specific hearing notice pursuant to the Administrative Procedures Act (Chapter 3.5 (commencing with § 11340), Part 1, Division 3, Title 2, of the Government Code). Timely submittal of written materials provides Board staff and Board members the opportunity to familiarize themselves with content of written documents. Note that depending on the volume of written materials received, Board staff and Board members may not be able to review all materials received prior to the public meeting. Written materials received after the deadline above will not be considered. Written materials submitted may be posted online by Board staff to allow for public inspection. All written materials submitted will be considered part of the public record. To ensure comments and other materials submitted comply with the Board’s website posting requirements, please provide all comments and materials in a format that satisfies the Americans with Disabilities Act (ADA) and applicable Web Content Accessibility Guidelines (WCAG). Comments and materials that do not satisfy these requirements will be accepted, but will not be posted to the Board’s website.**

**SPEAKING AT THE FULL BOARD MEETING**

Attendees at physical meeting location:

If you wish to speak on an agenda item, please fill out a "Speaker Card" and give it to Board staff BEFORE the agenda item is heard. Cards will be available near the entrance of the meeting room. If you wish to speak on a non-agenda item within the Board’s jurisdiction during the Public Forum period of the Board meeting, please see the Public Forum section of this agenda.

The Board may limit the amount of time allocated to each person for public comment on an agenda item, as authorized by the Bagley-Keene Opening Meeting Act. Depending on the circumstances, time limits imposed for public comment typically range between three and five minutes per person.

Beverages, food, and sticks or any other objects with handles are strictly prohibited. Larger signs, or signs with handles, may be left in the area outside the auditorium entrance for retrieval after the meeting.

Attendees viewing webcast:

Meetings at which the Board members convene “in person” at the same physical location are not “teleconference” meetings within the meaning of the Bagley-Keene Open Meeting Act, and the corresponding provisions of Government Code sections 11123(b), 11123.2, and 11123.5 do not apply. Accordingly, the public’s right to observe and offer public comment to the Board at these meetings is guaranteed only for individuals attending at the physical meeting location. Although the Board is not required to do so, as a courtesy, it may provide a supplemental option for the public to observe its meetings via webcast. However, while the Board aspires for the webcast technology to improve public access and transparency, the Board cannot guarantee the quality of the audio or video webcast or the opportunity to provide public comment via the webcast.

Nonetheless, the Board generally attempts to accommodate webcast attendees who wish to speak on an agenda item, subject to any conditions imposed by the Board.

Webcast attendees will typically be recognized for such comments upon the conclusion of comments made by attendees at the physical meeting location. As previously stated, the Board is not responsible for technical difficulties that may preclude the Board from accepting verbal public comment from webcast attendees at a meeting. Please be advised that the Board, at its discretion, may limit speaking opportunities to attendees at the physical meeting location based on circumstances such as time constraints or high levels of in-person participation at the physical meeting location. In order to ensure consideration of your public comment, please either attend at the physical meeting location or submit your comments in writing either before or after the meeting to publiccomments@bof.ca.gov

**It is highly recommended that all GoToWebinar participants who wish to speak on an agenda item utilize either a landline or mobile phone for audio connection to assure the best connection and experience during GoToWebinar broadcasts.**

During the meeting, all webcast participants are muted by the meeting organizer; it is unnecessary for you to mute your phone or device. To indicate your desire to verbally address the members, select the “Raise Hand” icon on the left-hand side of the GoToWebinar interface. The meeting organizer will call you by name and unmute you so you can address the Board or Committee members. An example image of the GoToWebinar interface with the “Raise Hand” icon is in Figure 1 at the end of this agenda. If your comment relates to a particular agenda item, please use the “Raise Hand” tool indicate your request to comment at the beginning of or during the consideration of that agenda item in order to ensure comments relate to the particular agenda item being discussed. If your comment relates to a topic within the Board’s jurisdiction and is not otherwise on the agenda, please indicate your request to comment during the Public Forum period, which will occur at the end of the meeting. The meeting organizer will manage the queue of comments.

Considerations applicable to all speakers:

* Individuals with a shared position are encouraged to select a spokesperson for their group.
* Individuals who sign up by the deadline will have a maximum of three minutes to speak.
* The three-minute speaking time may be amended by the Chair, depending on the number of speakers. A speaker may not cede time to another speaker. The total amount of time to be allotted to a comment period is based upon the number of those wishing to comment, and will be announced by the Chair prior to the beginning of the comment period.
* The order of speakers will generally be based on random selection, but public officials may be taken out of order.
* The Chair retains the right to stop any speaker who raises an issue that is not under the Board’s jurisdiction.
* Speakers may provide written copies of their own comments to the Board meeting for distribution to the Members of the Board. Please see the Submission of Written Materials section above.
* The Board retains the right to remove disruptive attendees from the Board meeting.
* The Board reserves the right to override the above rules in case of emergency or other unforeseen circumstances.

**WHEN WILL MY AGENDA ITEM BE HEARD?**

The Board begins each session at the time listed on the Meeting Notice and generally considers each agenda item in the sequence listed; however, the Board may take any non-hearing agenda item out of order as time permits. The Board may also act on recommendations by its committees on items listed in their respective agendas, including recommendations for notice of rulemaking.

**VISUAL PRESENTATIONS**

PowerPoint presentations must be provided via electronic mail to [publiccomments@bof.ca.gov](mailto:publiccomments@bof.ca.gov) no later 12:00 pm the Thursday prior to the Board Meeting. **All presentations are considered part of the public record**. All electronic formats must be Windows PC compatible. Please provide all materials in a format that satisfies the Americans with Disabilities Act (ADA) and applicable Web Content Accessibility Guidelines (WCAG) in accordance with the Board’s policies to allow posting to the Board’s website. Materials that do not satisfy these requirements will be accepted, but will not be posted to the Board’s website.

**Figure 1. Participant View of GoToWebinar interface.** To submit a verbal comment, select the “Raise Hand” icon - it is circled below. Please refrain from submitting written comments via the “Questions" pane (it is in a bold box in the graphic below), as meeting organizers monitor that pane primarily for questions pertaining to technical difficulties with the webcast.

