BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

August 19, 2020

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

## **Present**:

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

# **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
* Katie Harrell, Joint Institute for Wood Products Innovation
* Clair McCoy, Environmental Planner
* Laura Alarcon-Stalians, Staff Services Manager I

# **DEPARTMENTAL STAFF PRESENT**:

* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration
* Steven Hawks, Staff Chief
* Angela Lottes, Assistant Deputy Director, Climate and Energy
* Matthew Reischman, Assistant Deputy Director, Resource Protection and Improvement
* Kevin Conway, State Forest Program Manager

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

Jeff Slaton, Board Counsel, reported that the Board discussed the items on the agenda during Executive session. No reportable actions were taken.

# Consent Calendar Items

Chair Gilless removed consideration of Draft meeting minutes from the Consent Calendar.

1. Review of Rulemaking Matrix
2. Board acceptance of RPF and CRM License Withdrawals
3. Review of the Legislative Report

**08-20-01** **Chair Gilless removed item a) from the Consent Calendar and moved to approve the remaining items on the Consent Calendar. Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carries unanimously.**

# MONTHLY BOARD REPORTS

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

Chair Gilless commented on the wildfires currently occurring throughout the state and extended his sympathies to those dealing with those fires, the historic heatwave, and the pandemic. He also thanked everyone participating in the webinar and those supporting the state forestry sector.

## Report of the Director, Thom Porter, Director, CAL FIRE:

Director Porter was unavailable and the report was delivered by Angela Lottes, CAL FIRE Assistant Deputy Director, Climate and Energy.

### Fire Activity

* CAL FIRE is active on 19 major incidents currently, many of which are complexes and anticipates additional wildfires due to winds and potential lightening. Five Incident Command Teams are currently deployed and California is beginning to receive support from other states on both State and Federal lands.
* A Watershed Emergency Response Team (WERT) is active on the Apple fire with more WERTS to be deployed soon to other fires, including the CZU lightening complex.
* CAL FIRE was successful in acquiring six additional crews from the California Conservation Corps with Fire Protection Augmentation funding. These crews will be focused on suppression efforts.
* Five success stories have been documented where fires have encountered fuel reduction projects, including one of the Governor’s 35 projects. It has been reported that fire behavior, including rate of spread, was reduced when the wildfire encountered these treated landscapes.

### Aviation

* The Aviation Management Unit is on track to receive the next CAL FIRE Hawk on the week of October 12th.
* The transition of the Vina Helitack Base has been completed and the Columbia Helitack Base is on track for transition by October 5th – 16th.
* The Department has moved forward with ordering the last three airframes with the passage of this year’s budget.

### Licensed Timber Operator Classes

* Seven Licensed Timber Operator classes are scheduled to occur in August and September at Shasta and Sierra Colleges.

### Forest Health

* On August 13th, the Newsom administration and the USFS announced a new joint State and Federal initiative called the “Agreement for Shared Stewardship of California’s Forests and Rangelands”. The intent is to reduce wildfire risk, restore watersheds, protect habitat and biodiversity, and help meet California’s climate objectives.
* Incense cedar trees throughout California are showing indications of limb dieback, sometimes leading to entire tree death. CAL FIRE Forest Pest Management is trying to determine the cause and the extent of the problem.
* FRAP has launched the 2020 data collection season for the Logging Utilization study meant to update utilization factors. Findings from this effort will be incorporated into the Board’s Forest Carbon and Accounting Reporting. It is anticipated findings will be published in 2022.

### COVID-19

* No new positive COVID-19 cases were reported within the Department over the last month. There are 17 known active cases within the Department, 40 personnel in isolation or on ordered quarantine, and 79 known recoveries.

## Report of the Executive Officer, Matt Dias:

Executive Officer Dias shared that staff lost access to the Board’s Facebook page and has relaunched the page in the last month. He also commented that a Declaration of Emergency by Governor Newsom was released the morning of the Board meeting in response to the extreme impacts from wildfire across the state. It was stated that the end of the legislative season is nearing and Board staff will be watching closely for legislative impacts to the Board program as bills are enrolled and considered by Governor Newsom.

It was shared that Board’s staff has been working on filling several vacancies and some appointments have been made. Andrew Lawhorn has been accepted the position as a Forestry Assistant II. He is expected to start in mid-September. Claire McCoy has been hired as an Environmental Planner for the Land Use Planning Program and assumed her role on August 3rd. Sara Walter has accepted an offer as an Associated Government Planning Analyst and will begin on September 14th.

Board staff is currently working on fulfilling the statutory mandate to develop a Research Plan as required under Public Resources Code 4789.6. Mr. Dias has been in contact with Deputy Director Eng and members of FRAP to begin working on plan development. Staff intends to bring the Draft Plan to the Board early in 2021 and requests that the Board provide any recommendations for research needs to staff for inclusion in the plan.

CAL FIRE is working internally to provide training to their staff on the California Vegetation Treatment Program and the supporting PEIR. Board staff is working to reach out to external entities and programs which are eligible to use the Cal VTP. In order to provide training, staff felt that it was important to have some Project Specific Analyses (PSAs) completed as examples, so staff is partnering with UC Regents and Midpeninsula Open Space District to develop PSAs and will begin developing training modules once they are completed. Board staff intends to make web based training modules available statewide by the end of this year or early next year.

## Report of the Regulations Program Manager:

1. Eric Hedge, Regulations Program Manager introduced the draft Final Statement of Reasons and the draft rule text for consideration by the Board for the rulemaking effort entitled “Camping Fee Amendments, 2020”.

**08-20-02** **Member Chase moved to approve the Final Statement of Reasons for the rulemaking as amended entitled Camping Fee Amendments, 2020. Member Los Huertos seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carries unanimously.**

**08-20-03** **Member Chase moved to adopt the draft regulatory text for the rulemaking entitled Camping Fee Amendments, 2020, 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 Los Huertos seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carries unanimously.**

## Report of Board’s Advisory Committees

1. Range Management Advisory Committee – Edith Hannigan, Land Use Planning Manager

Ms. Hannigan reported on the virtual workshop regarding grazing as a fuel reduction tool that RMAC is planning for November. Possible topics include how grazing and prescribed fire function on rangelands together, how to utilize grazing for fuel reduction while also leaving enough forage for winter feed, ecosystem health, and to reduce erosion, and having a day of case-study speakers to discuss successful projects that have occurred. RMAC will be partnering with the California Fire Science Consortium for this event.

## Report of the Joint Committee Workshop

### Darcy Wheeles, Chair, Resource Protection Committee reported out on the following issues discussed at the Joint Committee:

1. A presentation offered by Molly Mowery, Wildfire Planning International, covering Work Plan Development for Permanent Rulemaking for Fire Safe Regulations
2. Update on potential regulatory amendments to the Defensible Space Regulations and/or Defensible Space Guidelines
3. Update on Safety Element Assessment and Regulations, Safety Element Review for the County of San Bernardino

### Forest Practice Committee-Rich Wade, Chair Forest Practice Committee, reported out on the following issues discussed at the Joint Committee:

### Review of Staff Report on Botanical Resource and the Timber Harvest Process

### Management Committee-Chris Chase, Chair, Management Committee, reported out on the following issues discussed at the Joint Committee:

1. Update on potential amendments to Conversion Exemptions within 14 CCR § 1104.1.

# Special Board Hearing and Reports

* **Public Hearing: “Tethered Operation Amendments, 2020” -** The purpose of the proposed action is to provide for the implementation of specific tethered logging systems for use in timber operations within the Rules and clarify what manner of system is intended for such use. Eric Hedge, Regulations Program Manager, introduced the written public comment received and the draft rule text and opened the public hearing.

**Public Comment:**

**Elliot Chasin, California Department of Fish and Wildlife**: Expressed that CDFW is concerned that the changes do not allow for a data-driven examination of the environmental impacts on steep slopes, particularly as some of the supportive science is from international locations such as New Zealand, and that some caution is warranted as we proceed. CDFW recommends that 1) there be public demonstrations of tethered logging operations on the coast and in the interior, 2) that steep slope tethered logging operations be prohibited in exemption and emergency notices until a pilot study is completed, 3) that a multi-agency monitoring effort be included in the rule package following the pilot study, and 4) that a sunset date for the rule package be included to allow for incorporation of the findings from the pilot study and the subsequent monitoring effort.

**George Gentry, California Forestry Association**: Requested that as the Board moves forward with these regulations that the Board not forget about potentially using this technology in the future for the Emergency Fuel Hazard Reduction rule or the Forest Fire Prevention Exemption. Slope limitations contained in these rules currently prohibit the use of steep slope tethered logging operations and this should potentially be reconsidered in the future as the rule and the technology mature. He also commented that he has some confusion over the regulation itself regarding the section at the bottom of page three, line 18 where there is a clear exception for tethered operations on steep slopes (the interpreted intent being that tethered operations could be used on steep slopes). However, in the rule text, there is potentially a perceived limitation of tethered operations over 50% and Mr. Gentry requested clarification on these draft rule sections.

**Dave Fowler, North Coast Regional Water Quality Control Board**: The NCRWQCB supports the exploration and evaluation of new technologies but are concerned by the lack of data presented regarding the impacts of tethered logging. Limited studies have been conducted elsewhere, but none in the California timberland ecosystem. CVRWQCB is concerned that the evidence of minimal impacts is incomplete and that the rule text gives little direction to govern tethered operations. Slash packing of tethered corridors is critical for tethered operations and the CVRWQCB recommend that this be included as a requirement in the rule text. They also have concerns that tethered operations could be allowed on emergencies or exemptions. The CVRWQCB recommends that the Board reconsider approval at this time to allow for monitoring studies within California on tethered logging operations. They also recommend that the rule text contain required erosion control measures such as slash packing. Finally, they recommend that the rule text contain a sunset date to allow for future revisions following additional science.

**Jonathan Meurer, Central Valley Regional Water Quality Control Board**: The CVRWQCB board feels that there are potential benefits to be gained from the use of this technology. CVRWQCB appreciates the opportunities to observe tethered operations and have found that the post-harvest soil disturbance levels were favorable. They have found that controlled driving speed and winch speed were responsible for much of the favorable results and are concerned that these are not required features in tethered logging operations in the rule text. CVRWQCB is also concerned that slash packing is not required in the rule text. Additionally, lack of science in California and on the particular machines they have seen operating in California make it impossible for the water boards to predict water quality impacts from tethered operations. The Central Valley board feels that studies should be conducted and results made available on all of the proposed equipment that could be used under the proposed rule text prior to approval.

**Jacob Lee, California Geological Survey**: CGS agrees that tethered logging is a viable logging method and has participated in many consultations in Humboldt County. Observations of operations indicate minimal impacts on the ground, but there is a risk of slope failure in areas where legacy skid trails already exist. They have also noticed that there is variety in the types of equipment that fall under “tethered equipment”. They recommend that existing tractor roads over 50% that are proposed for reuse be identified and that limitations be added on the slope steepness possible for tethered operations. CGS also recommends that the redacted statement on water bar applications be reinstated and that language be added regarding erosion control measures wherever disturbance is noted. Mr. Lee additionally commented that CGS would like to add language clarifying that tethered operations should be treated the same as tractor operations during winter weather. CGS also recommends mapping planned logging routes, legacy skid trails, swales, and ditches that may be traversed during operations. Finally, CGS recommends reevaluating the use of this technology in a post-fire environment and concurred with CDFW and the Regional Waterboards regarding a sunset date for the regulations.

**Cedric Twight, Sierra Pacific Industries**: SPI is in favor of this rule package. He recommends restoring section 914.2(i) regarding an open-ended call for erosion control where needed. He also commented that there are other built-in protections for water quality in the rule text and that trees will be limbed onsite providing additional protection. Finally, he agreed that additional research could be useful, but that it is important that this technology could provide additional capacity to respond to catastrophic wildfire.

**Gary Rynearson, Green Diamond Resource Company**: Mr. Rynearson commented that the rule text may need to be modified to allow tethered feller-bunchers to operate within cable areas because they are defined as a tractor operations within a cable area. He commented that tractor operations are defined as including shovel yarding, tethered cut-to-length operations, and all feller-buncher operations including tethered and non-tethered (typically tree-length operations as opposed to cut-to-length). He also wanted to emphasize that the slash packing during shovel operations works well, but it would not work with cable operations and that these operations already have requirements for erosion control. He is also concerned about the comment regarding prevention of operations during the winter months. Green Diamond has provided a study to the Board supporting the use of this technology and showing minimal impacts.

**Eric Huff, CAL FIRE**: CAL FIRE is in support of the package if their provided edits are made. CAL FIRE has outlined their concerns at every meeting to date. He notes that he agrees with Mr. Twight’s suggestion of reincorporating section 914.2(i). CAL FIRE does not support the idea of sunset date because the Board always has the opportunity to revisit rules including during the annual regulatory review period.

**08-20-04** **Member Wade moved to approve for noticing, for a 15-day Comment Period, the modified rule text as discussed and authorize staff to prepare and distribute any necessary associated rulemaking documents related to the modified rule text. Member Jani seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar absent**

**Wheeles aye**

**Los Huertos absent**

**Chase aye**

**Gilless aye**

**The motion carries unanimously with two absences, with one absence due to technological issues.**

# CONCLUSION

## Public Forum

No public comments were offered.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias, Executive Officer

Keith Gilless, Board Chair