BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Fresno, CA

September 26th, 2019

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

## **Present**:

* Keith Gilless, Chair
* Katie Delbar
* Marc Los Huertos
* Chris Chase
* Rich Wade
* Susan Husari
* 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
* Laura Alarcon-Stalians, Program Analyst
* Edith Hannigan, Land Use Planning Program Manager
* Brandi Goss, Environmental Scientist
* Katie Harrell, Joint Institute for Wood Products Innovation

# **DEPARTMENTAL STAFF PRESENT**:

* Helge Eng, Deputy Director, Resource Management
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration
* Michael Bradley, Northern Region Chief

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

1. Coast Action Group vs. California State Board of Forestry and Fire Protection (Case No. RG17860755)
2. Board Consideration of Administrative Law Judge Decision on Civil Penalty CP-18-20; Bareilles Trucking

The Board adopted the administrative law judge decision for civil penalty CP-18-20. No other reportable actions were taken.

# **Consent Calendar Items**:

1. Approval of May and August Board Meeting Minutes (with minor edits if requested by members of the Board); and
2. Appointment of Frank Mulhair as Vice-Chair of the Professional Foresters Examining Committee, and
3. Appointment of Mike Bacca (public) and James Eggleton (consultant) to four year terms to the Professional Foresters Examining Committee, and
4. Approval of RPF and CRM Withdrawals and Voluntary Relinquishments, and
5. Review of Rulemaking Matrix

09-26-01 -Chairman Gilless removed the August meeting minutes and the appointment of Mike Bacca to the PFEC from the Consent Calendar and moved to approve the remaining items on the Consent Calendar. Member Jani seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

# MONTHLY BOARD REPORTS

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

Chairman Gilless expressed thanks to the Fresno-Kings Unit and Ryan Stewart, Julie Stewart, John Malmount, Steve Bird with Southern California Edison for the informative field tour. He stated that it was great to see land that had been under a consistent conceptual management regime that involved fire.

## Report of the Director, Michael Bradley, Northern Region Chief

### Forest Practice

Submissions for THPs were down 12% this year, but emergency notices were 18% higher. NTMP submissions were also reduced this year. 365 exemptions were submitted covering 885 acres on the Butte fire recovery exemption in response to the Camp Fire. There are currently 86 active civil penalty cases. Boggs Mountain Demonstration State Forest is currently in collaboration with Oregon State University, the USFS Rocky Mountain Field Station, and the USFS Pacific Southwest Research Station to conduct research on resistance to runoff on skid trails.

### Urban Forestry

The Urban Forestry and Community Forestry program is starting an urban canopy coverage analysis project and results should be available next year. A prescribed fire BMP manual is also in development and is expected to be incorporated into the VMP guidebook once the CalVTP is approved.

### Demonstration State Forests

A targeted grazing project utilizing goats on Boggs Mountain Demonstration State Forest is in initial discussions.

On Jackson Demonstration State Forest, the Caspar Woods “Little Red Schoolhouse” restoration is underway. $31,000 in revenue has also been collected from camping fees on Jackson Demonstration State Forest. Timber operations are complete on the Sequoia Timber Sale with 5.4 MMBF ($4.1 million) harvested.

La Tour Demonstration State Forest had a timber sale last month and is currently working on an adaptive management experiment to masticate site preparation materials.

Mountain Home Demonstration State Forest is still doing salvage harvesting from the Alder fire.

Soquel Demonstration State Forest’s manager is talking to the CCC’s to complete a grant funded fuel project along roads.

### CFIP

$1.5 million is being made available in 4 quarterly application periods for CFIP cost-share projects and $2 million more will be available in block grants.

### Invasive Pests

$5 million in funds is expected to be released to counties soon to combat the invasive shot hole borer.

### Fire Protection

42 arrests were made last month by CAL FIRE with 132 citations issued. Almost $3 million in civil cost recovery reimbursements were collected as a result of those actions.

One s70i Blackhawk is expected to be prepared for use on October 11th and will be housed at McClellan Air Force Base. The Department is also acquiring three new communications vehicles and two new mobile kitchens for incidents. The Department is still working diligently to set a date for the CFMA meeting with the US Forest Service.

The Department is monitoring a new OSHA smoke regulation requiring smoke masks for all California employees. Training will be expected for all Resource Management staff in VMP/VTP upon the CalVTP’s certification. Fire Plans have all been submitted and review of these Plans is underway.

Revisions for the SRA boundaries will be available to the Board members by March with pending implementation following in July.

The 19/20 Fire Prevention Grant cycle opened on September 25th and closes December 4th.

Public Comment – Gary Rynearson: Sat with Chief McDougald during the field tour and learned that larger diameter logs coming off of the 35 projects in Fresno-Kings Unit are being chipped and sent to Anderson even though there’s a biomass plant close to Fresno. The Board needs to address biomass in the future.

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

Mr. Dias is in conversations with Chiefs Berlant and Witt regarding the 2020 SRA Review. Staff will report back to the Board on the level of commitment necessary to assist in this review.

1. Legislative Update

Legislative season is wrapped up and several bills are sitting on the Governor’s desk that will impact the Board if signed. SB 69 has become a 2-year bill.

1. EMC Requests for proposals

Mr. Dias discussed the 5 projects that have been received and the wide range of topics covered in this year’s initial concept proposals.

Member Husari also discussed the EMC process for reviewing the proposals, including an initial concept proposal, letters to the PI’s with direction from the Committee, and full proposal review. She also discussed the end of her term with the EMC and indicated that the Board would have to considered the appointment of a Board member as Co-Chair to the EMC at the November meeting.

1. Announcement of the Annual Call for Regulatory Review

The Annual Call for Regulatory Review will be distributed within a week with a comment submittal deadline prior to the December Board meeting.

## Report of the Regulations Coordinator, Eric Hedge:

1. Board consideration of approval of the Final Statement of Reasons and adoption of draft regulatory text for the rulemaking entitled “Nonindustrial Timber Management Plan Amendments, 2019” (14 CCR § 1090 *et. seq*.)

09-26-02 – Member Chase moved to approve the Final Statement of Reasons for the Nonindustrial Timber Management Plan Amendments, 2019. Member Los Huertos seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

09-26-03 – Member Chase moved to adopt the draft regulatory text for the rulemaking entitled Nonindustrial Timber Management Plan Amendments, 2019, 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 the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

1. Board consideration of approval of the Final Statement of Reasons and adoption of draft regulatory text for the rulemaking entitled “Stocking and Silvicultural Standards Amendments, 2019.”

09-26-04 – Member Chase moved to approve the Final Statement of Reasons for the Stocking and Silvicultural Standards Amendments, 2019. Member Jani seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

09-26-05 – Member Chase moved to adopt the draft regulatory text for the rulemaking entitled Stocking and Silvicultural Standards Amendments, 2019, 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 the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

1. Board consideration of approval of the Final Statement of Reasons and adoption of draft regulatory text for the rulemaking entitled “Permanent Post-Fire Recovery Exemption, 2019.”

09-26-06 – Member Wade moved to approve the Final Statement of Reasons for the Permanent Post-Fire Recovery Exemption, 2019. Member Los Huertos seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

09-26-07 – Member Wade moved to adopt the draft regulatory text for the rulemaking entitled Permanent Post-Fire Recovery Exemption, 2019, 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 Delbar seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

1. Board consideration of authorization of a 15-day public notice of modifications to the regulatory text and additions to the rulemaking file for action entitled “Registered Professional Forester and Certified Specialty Amendments, 2019.”

09-26-08 – Chairman Gilless moved to approve the Supplemental Statement of Reasons and modified rule text for the rulemaking entitled Registered Professional Forester and Certified Specialty Amendments, 2019, and authorize noticing for a 15-Day Comment period. Member Los Huertos seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

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

### Forest Practice Committee - Rich Wade, Chair

1. Update on Reporting to Legislature on Exemptions and Emergency Notices (PRC § 4589).
   1. The Department has some field sampling remaining, but will have a 15-page report prepared by the end of November for the Board’s review.
2. 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.
   1. Chair Wade will be making some small final revisions to the paper, and it will be brought forth to the Full Board at the November meeting for consideration.
3. 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.
4. Discussion of Regulatory Amendments to 14 CCR § 1052.4 “Emergency Notice for Fuel Hazard Reduction” – Permanent Rulemaking.
   1. The Committee is still discussing issues for the permanent rulemaking, but is hoping to present a fully vetted rulemaking to the Board in the next couple of months.

### Management Committee - Chris Chase, Chair

1. Discussion on the Potential Revision of Stocking Standards within the Southern Sub-District (14 CCR §§ 913.8 and 927 *et. seq.*)
   1. Several revisions were incorporated including removal the requirement to maintain 50% of pre-harvest stems between 12 in-18 in in diameter, clarifying that Group B species may be used to meet stocking, and repeal reference to eucalyptus as it is no longer a commercial species. Additional discussion of eucalyptus management may be discussed at a later time by the Management Committee. Mr. Chase also discussed the amendments which align Southern Sub-district stocking requirements with the rest of the state.
2. Discussion of Limited Timber Operators License and Timber Operator Education (14 CCR §§ 1022.1 and 1024).
   1. Initial discussions were had regarding revisions to Timber Operator Education. Eric Carleson is engaged with the Committee and the Department to represent Licensed Timber Operators in the rulemaking discussion.

### Resource Protection – Susan Husari

1. Safety Element Review
   1. City of Desert Hot Springs
   2. City of Villa Park
2. Review of proposed rule text and ISOR for Vegetation Clearance of Utility Infrastructure 14 CCR § 1250 *et. seq.*
   1. The Committee anticipates requiring additional financial and economic analysis for this rule text. Staff continues to work with the Committee on this item but will not be able to bring the text before the full Board until the economic analysis is finalized.

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# Report of Board’s Advisory Committees:

1. Professional Foresters Examining Committee – Licensing Officer, Dan Stapleton
   1. Board consideration of approval of the Initial Statement of Reasons and authorization for 45- Day comment period for the rulemaking entitled “Licensing Fee Amendments, 2020”.

09-26-09 – Chairman Gilless moved to approve the Initial Statement of Reasons for the rulemaking entitled Licensing Fee Amendments, 2020, and authorize noticing for the 45-Day Comment period. Member Los Huertos seconded the motion.

**Roll Call**:

Wade aye

Husari aye

Jani aye

Delbar aye

Wheeles aye

Los Huertos aye

Chase aye

Gilless aye

The motion passed unanimously.

* 1. Introduction of draft rule text entitled “Appeal Procedure Amendments, 2020”.

1. Range Management Advisory Committee – Brandi Goss, Environmental Scientist

Ms. Goss discussed some of the outcomes of RMAC’s September Workshop focused on Targeted Grazing for Fuel Reduction including attendance by 160 people including agency representatives, legislative staff, industry representatives, and non-profit staff. The next project before RMAC is a presentation at the November CLFA workshop focusing on alternative uses for biomass in Forestry.

1. Joint Institute for Wood Products Innovation – Katie Harrell, Joint Institute Program Analyst

The scope of work team is being led by Dan Sanchez out of UC Berkeley and the scope of work was presented at the Institute meeting in August. Ms. Harrell updated the Board on the key points in the scope of work developed by the Institute.

# CONCLUSION

## Public Forum

Cedric Twight, Sierra Pacific Industries – On the subject of wood products utilization in California, the supply from the National Forest isn’t consistent and the state has a huge vested interest in getting their permitting process figured out beginning with expectations of how much material will be coming from certain sources. This will provide a consistent stream of products to support the wood products utilization industry in California which focuses on more valuable wood products in addition to dead and dying wood that is typically focused on as a concern for wood utilization.

Gary Rynearson, Green Diamond Resource Company – Green Diamond Resource Company has its new Forest Habitat Conservation Plan. This replaces the 1992 Spotted Owl Plan, the first of its kind at the time. Green Diamond has cultivated a large Spotted Owl database and this revised plan will allow this effort to continue in the future. This effort has resulted in many insights for the management of Spotted Owls in California.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias

Executive Officer

Keith Gilless

Chair