BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

April 7, 2021

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

## **Present**:

* Keith Gilless, Chair
* 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
* Deniele Cade, Staff Analyst, Licensing
* Andrew Lawhorn, Forestry Assistant II
* Edith Hannigan, Land Use Planning Program Manager
* Robert Roth, Attorney IV­­­­
* Claire McCoy, Environmental Planner
* Sara Walter, AGPA
* Katie Harrell, Joint Institute for Wood Products Innovation
* Laura Alarcon-Stalians, Administrative Manager
* Linda Cano, Executive Assistant

# **DEPARTMENTAL STAFF PRESENT**:

* Thom Porter, Director CAL FIRE
* Helge Eng, Deputy Director, CAL FIRE
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration
* Tom Smith, Sr. Plant Pathologist, Resource Management
* Matt Damon, Battalion Chief, AVL Project Manager, CAL FIRE

# **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.

* California Chaparral Institute, *et al*., vs. California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)

No reportable actions were taken.

# Consent Calendar Items

* Approval of the January, March 3, and March 22, 2021 Board Meeting Minutes (with minor edits if requested by members of the Board);
* Legislative Update;
* Review of Rulemaking Matrix;
* Reappointment of Marc Horney to the Range Management Advisory Committee (RMAC) for a term of 4 years;
* Reappointment of Marc Horney to Chair and Rich Ross to Vice Chair of RMAC.

**Member Los Huertos moved to approve the items on the Consent Calendar, with the exception of the January Meeting Minutes. Member Jani seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar absent**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

# MONTHLY BOARD REPORTS

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

## The chair thanked everyone who has been working with the Board for the last 9 monthsto move the Fire Safe Regulations forward. This includes staff at the county planning offices, members of the public, the state agencies and Board staff.

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

Director Porter thanked Deputy Director Eng for reporting at the March Board meeting in his stead.

He reported that the Matrix information was not in the printed Director’s report and he presented the report verbally.

**Fuel Reduction, Prescribed Fire and Defensible Space**

* Prescribed Fire: 10,586 acres i(just over 35% of the goal).
* Fuel Reduction: 8,965 acre (45% of the goal).
* Defensible Space Inspections: 120,618 (48% of the goal).

These numbers are less than the target, largely because of the active 2020 fire season and having to divert efforts away from meeting the goals. The department will be assessing if Covid-19 played a part in missing the goals but he does not believe it did. The department continues to work diligently with their local government partners on land use planning through the Office of State Fire Marshal. The program has proven to be beneficial moving into the future, in protecting homes and property, also in building and development strategies.

### Jackson Demonstration State Forest (JDSF)

* The department is in the process of fielding many letters of concern regarding that project. The Director wrote a rebuttal to a news article that the department felt was significantly flawed. He asked the Board to report any concerns they may have to the department and himself.

**Western Pine Beetle**

* The Western Pine Beetle seems to be back actively in the Northern Sierras. It’s not at an epidemic level, however, the department does have concerns that with drought conditions, low snow pack and moisture, it will escalate. The situation will be monitored and reported to the Board,.

### Prescribed Burn Program

### He is happy to report, the department has two new Terra torches one at the Riverside Unit and one within the Tuolumne-Calaveras Unit. They will be deployed and may be used this year on prescribed burns.

**L.A. Moran Reforestation Center**

* Cone collection is ramping up throughout the state. The department is happy to have a healthy program at the LA Moran Reforestation Center. There are new greenhouses and additional greenhouses that are being prepared to erect as soon as the permitting process is complete.

**Fire Protection**

* In the 2020 calendar year, there were 120 arson arrests. This year, through February, there have been 19 arson arrests. With additional people enjoying the outdoors there are also more people in the outdoors and this is keepingaw enforcement very busy.
* He noted, that in the February Director’s written report, it was reported that there was an officer involved shooting in Tulare County. This was the second one in two years. Two years ago, in Riverside, CAL FIRE law enforcement was involved in a mutual aid response, that had one of CAL FIRE’s officers in the line of fire. That had been the only one in 10 years. The department is seeing more incidents that are near misses for CAL FIRE’s law enforcement, these incidents are seeming to be on the increase, where the department is directly involved. It is a highlight of how critical our mutual aid program is to the broader law enforcement community.

**Technology**

* The department is fully deployed in the Technosylva Wildfire Analyst Program. It will be utilized on every fire dispatched by the department.. They are reaping the benefits of where the spread of the fire is likely to be, making decisions on evacuation planning and resource deployment. The department will continue to report out on the challenges and success of the program. They are also working with Technosylva to expand into fire response which is a common operating picture platform. It will allow sharing of information at the engines and resource level, to draw on maps in a digital platform.

**Report on Conditions**

* The Report on Conditions has been automated, they are still working on some things. It will be fully functional ahead of peak season. The report on conditions report will go out directly, via email as soon the information is available instead being forwarded from the Director’s office.

**Aviation**

* The department is continuing work with the U.S. Air Force and Coast Guard and in some cases, Washington D.C, staff. The program has experienced some setbacks but is hopeful that in 2023 the department will be flying the C130 airtanker.
* The aviation department will accept full ownership of five S-70i Firehawk helicopters soon, two are still in sea level testing. They expect two additional to be delivered from Colorado, they will then go into sea level testing. The department is hopeful to have seven S-70i’s before peak season.

**2020 Fire Siege Report**

* CAL FIRE, has put together a 120-page report, on the 2020 season, hard copies have been printed and it has been posted (ADA compliant) on the CAL FIRE website. Hardcopies will be made available to Board members upon request.

**Fire Activity**

* CAL FIRE has seen a 30% to 40% increase of fires for this time of year, over the 5-year average.
* Acres burned have doubled for this time of year, over the 5-year average.

**Budget**

* The department has been working with the Department of Finance and the Governor’s office on a proposed augmentation of the department for early staffing, and this requested augmentation has been approved. CAL FIRE received $80.74 million to cover staffing through July.
* Of 20 hand crews that are comprised of Firefighter Level I, 30% to 40% had been hired at the time of this meeting. 350 surge firefighters or extra engine staffing and relief for firefighters have also been added. The augmentation for early staffing includes standing up 6 BCP crews, these crews will be available for fuels work and fire activity.

***Executive Officer Report, Matt Dias***

* Provided a staffing update – The Executive officer introduced Jane Van Susteren, Regulations Coordinator.
* Provided a Legislative Update
* Provided a Research Plan Updateuss Henly, Fire Resource Assessment Program (FRAP) Forest Advisor provided a Research Plan update.

**Public Comment**

Cedric Twight, Pacific Industries, wanted to note he would like to see a focus on Wood Utilization in the Research plan.

* Review of Lumber Assessment Regulations

***Report of the Regulations Program Manager*.**

* Board Consideration of Re-adoption of Finding of Emergency for Fire Safe Regulations- Edith Hannigan- Land Use Planning Program Manager

**04-21-02 Member Jani moved to re-adopt the finding of emergency and rule text for the rulemaking titled “Emergency Fire Safe Regulations Applicability”, and authorize staff to take all actions reasonably necessary to have the re-adopted regulations go into effect, including making appropriate non-substantive changes and any changes to facilitate OAL review and approval. Member Wheeles seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar absent**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

**Public Comment**

* Margaret Belska, landowner Santa Clara County requested that the anticipated timeline for the building permit application to be unblocked due to PRC 4290.

Edith Hannigan, Land Use Planning Program Manager responded that our processes do not place any particular requirement on local government to pause or suspend and/ or otherwise revise their own permitting processes. Those are regulated at the local government level if a local government has decided to suspend and processing building permits until new laws are in place. It is completely under their authority.

* The Board of Forestry is in receipt of a written public comment by the Bel Air Beverly Crest Neighborhood Council, stating their concerns about fire safety and its intersection with development practices.

***Report of the Standing Committees***

Forest Practice Committee, Rich Wade, Chair

Committee Chair Wade reported that the following items were discussed during the Forest Practice Committee Meeting:

* Botanical Issues within the Timber Harvest Plan Process, which included the review of a DRAFT letter to Department of Fish and Wildlife regarding membership to CNDDB and the potential development of a Board Guidance Memorandum outlining process on scoping, assessment and protection of botanical resources to be addressed in the Plan process;

**Agency Comment**

Isabel Baer, Department of Fish and Wildlife offered her assistance to answer any questions the Board or Board staff may have, regarding membership to CNDDB during the review process. Discussion of potential regulatory amendments to the Prohibition of Broadcast Burning for Slash Treatment in the Southern Subdistrict of the Coast Forest District – 14 CCR §§ 917.3 – 917.4 – Eric Hedge, Regulations Program Manager

* Update on Reporting to Legislature on Exemptions and Emergency Notices (PRC § 4589); and
* Discussion of Future Actions for Consideration based upon 2021 Committee Priorities.

***Management Committee, Chris Chase, Chair***

Committee Chair Chase reported that the following items were discussed during the Management Committee Meeting:

* A staff update on potential amendments to the Less Than 3 Acre Conversions Exemption - 14 CCR § 1104.1 *et seq*.;
* An updated on potential amendments to Utility Right of Way Conversion Exemptions - 14 CCR § 1104.1 *et seq*.;
* Discussed defining “Crop of Trees” as it relates to Timberland to address for Defensible Space standards (PRC § 4291); and
* Future Actions for Consideration based upon 2021 Committee Priorities.

***Resource Protection, Darcy Wheeles, Chair***

Committee Chair Wheeles reported that the following items were discussed during the Resource Protection Committee Meeting:

* An update on the County of San Diego Safety Element;
* Discussed the DRAFT Fire Risk Reduction Communities Rule Plead and DRAFT Initial Statement of Reasons- 14 CCR § 1268 et. seq.; and
* An update on Public Resources Code 4290.5 Fire Safety Survey/Subdivision Review Unit Program.

**04-21-03 Member Wheeles moved to authorize Board staff to submit the rulemaking entitled “Fire Risk Reduction Communities List, 2021” for noticing of the 45-day Comment Period and take all appropriate actions consistent with the Administrative Procedure Act for this purpose, including preparation and submission of the Notice of Proposed Action and Initial Statement of Reasons. Member Husari seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar absent**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

**Report of Board’s Advisory Committees**

* Effectiveness Monitoring Committee – Sue Husari, Co-Chair
* Board Consideration of 2020 Annual Report and Workplan

**04-21-04 Member Husari moved to approve the Effectiveness Monitoring Committee 2020 Annual Report and Workplan. Chair Gilless seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar absent**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

## SPECIAL BOARD HEARINGS/REPORTS

* **PRESENTATION:  Status of Fire Hazard Severity Remapping. Using Climate Data to Inform Statewide Hazard Mapping to People and Property.** Daniel Berlant, Assistant Deputy Director, CAL FIRE and David Sapsis, Research Supervisor, CAL FIRE Fire and Resource Assessment Program (FRAP)

**Public Comment:**

**Kevin Rynearson, Deputy Fire Marshal, Riverside County Fire**, asked what the timeframe will be for local jurisdictions to review and work with FRAP, to modify the mapping for SRA and LRA.

**Daniel Berlant, Assistant Deputy Director, CAL FIRE** responded that pursuant to statute, local jurisdiction have 90 days to adopt the map. It will most likely differ from city to city, and county to county.

There be an opportunity for local fire or jurisdiction to have the high and moderate area mapped for within the LRA, which is a similar process to how the department manages the SRA mapping process as well.

The statute only requires bringing forward the very high and only requires local jurisdiction to adopt very high, but they apply the model evenly, and the data are available. Local jurisdictions can choose to adopt a moderate and very high level.

**Bob Ramer, California Building Industry Association,** looking for administrative ability to petition at future dates. They find that the mapping is more stringent than it should be, specifically development, typography when fuel load has changed because of development. They would be interested in some manner or process to fine tune the maps.

**Daniel Berlant, Assistant Deputy Director, CAL FIRE** state that the department is committed to working CBIA and with all stakeholders.

**Larry Camp, Forest Landowners of California**, asked if they intend to have discussions with the insurance industry, before the maps are released.

**Daniel Berlant Assistant Deputy Director, CAL FIRE** responded that the severity zones are not intended to be used as insurance modeling. They are having discussions with the California Department of Insurance and Insurance Association.

**Mike Garibedian, Placer County Tomorrow,** asked how far back in fire history they go for information and if they look at fire perimeters.

**Dave Sapsis, CALFIRE FRAP** responded by stating that CAL FIRE FRAP relies upon a 30-year history, and they are using fire perimeter data.

# CONCLUSION

**Public Forum**

## No public comments were offered.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias

Executive Officer

Keith Gilless

Chair