BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

MAY 15, 2024

**BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**

**Present:**

* Terrance O’Brien, Chair
* Elizabeth Forsburg-Pardi, Vice-Chair
* Chris Chase
* Mike Jani
* J. Lopez
* Rich Wade
* Katie Delbar

**Absent:**

* Dawn Blake
* Ali Jahangiri

**BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Dan Stapleton, Asst. Executive Officer, Foresters Registration
* Jeff Slaton, Senior Board Counsel
* Robert Roth, Board Counsel
* Jane Van Susteren, Senior Environmental Scientist
* Anna Castro, Executive Assistant
* Andrew Lawhorn, Forestry Assistant II
* Alexandra La Plante, Administrative Unit Manager
* Mazonika Kemp, Office Technician
* Marcie Yates, Staff Services Manager, Land Use Planning
* Alexandra Vest, AGPA
* Kristina Wolf, Senior Environmental Scientist

**DEPARTMENTAL STAFF PRESENT:**

* Anale Burlew, Chief Deputy Director, Forestry & Fire Protection, CAL FIRE
* Helen Lopez, Deputy Director of Tribal Affairs, CAL FIRE

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

Jeff Slaton, Senior Counsel for the Board reported that during executive closed session the Board discussed the following items on the agenda, and no reportable actions were taken.

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)

**Consent Calendar Items:**

1. Review of Rulemaking Matrix
2. Approval of April 2024 minutes with amendment to reflect Member Jani was present and voted on Consent calendar in March.
3. RPF-CRM Vital Statistics, Approval of License withdrawal requests.

**05-15-01 Member Lopez moves to accept items on the Consent Calendar with the correction to reflect Member Jani was present and voted on April’s consent calendar. Member Chase seconds the motion.**

**Roll Call:**

**Wade: Aye**

**Jani : Aye**

**Chase: Aye**

**Delbar: Aye**

**Forsburg-Pardi: Aye**

**Lopez: Aye**

**Blake : Absent**

**Jahangiri: Absent**

**O’Brien: Aye**

**Motion passed.**

**Report of the Chairman, Terrence O’Brien**

Chairman shared he has been attending committee meetings and stated they have been very informative. He also shared he hopes that in the near future the Board can conduct Board business travel once travel restrictions have been lifted.

**Report of the Director, Anale Burlew, Chief Deputy Director, Forestry & Fire Protection, CAL FIRE**

Resource Management

Forest Practice Administration

* Development team is completing the final stages of testing online THP submittals through CalTREES.
* A revised THP form will be uploaded soon and announcements for RPFs and the BOF will be delivered prior to the deployment of online THP submittal functionality go live.

Resource Protection and Improvement Program

Urban and Community Forestry

* Applications are due by May 30, 2024, for CAL FIRE’s Urban and Community Forestry Grants funded by the USDA Forest Service through the Inflation Reduction Act. $30.8 million is available. Information is available online.

Demonstration State Forests (DSF) Program

Jackson

* On April 19, 2024, JDSF hosted Dr. Jixin Cao, Associate Professor at the Beijing Academy of Forestry and Landscape Architecture, and Michelle Passero of the Nature Conservancy for a tour of the Fire Fuels Mitigation Project and the Whiskey Springs Thinning Experiment. Dr. Cao manages the Miyun watershed which provides drinking water to Beijing and was touring land management projects in California as part of a partnership with the Nature Conservancy.

Mountain Home

* Mountain Home will once again be hosting an American Forests Cone Camp this summer on June 25 – 27, 2024. This free training will provide the skills needed to survey, monitor, and facilitate collections of native conifer cones to increase the state’s reforestation capacity.

Soquel

* Soquel is closed to all public use Monday – Friday except on public holidays to accommodate operations on the Sulphur THP and a Forest Health Grant administered by Cal Poly San Luis Obispo.

Prescribed Fire and Environmental Protection Program

Prescribed Fire Program

* Numerous prescribed fires continue to be completed by our CAL FIRE staff and cooperators as reflected in the fuel reduction report from OFSM.

Tribal Affairs Program

* CAL FIRE’s newly appointed Deputy Director of Tribal Affairs, Helen Lopez, started on March 28, 2024. She is participating in the Cultural Burn Awareness training and Tribal Liaison meeting at the end of May as well as several additional supporting activities for Vegetation Management and Environmental Protection.

Cultural Resources Program

* One Cultural Burn awareness training is occurring in Blue Lake CA with the Blue Lake Rancheria on May 29 – 30, 2024.

Wildfire Resilience Program

Reforestation Services Program

* The second round of seed sowing was completed April 24, 2024, bringing the total 2024 production year output to just shy of 300,000 seedlings.
* 24 students representing a variety of affiliations (including 6 CAL FIRE staff) will comprise the first cohort of an inaugural cone collection climbing training to be held at Boggs Demonstration State Forest May 6-9, 2024.

Climate and Energy Program

Climate Change

* Met with the California Department of Public Health on April 29, 2024, to kick off a topical synthesis report on public health impacts of climate change for California’s 5th Climate Assessment.

Tribal Wildfire Resilience

* The first three Tribal Wildfire Resilience Grants were executed and encumbered. This is approximately $5 million to the Esselen Tribe of Monterey County, Tule River Tribe and Round Valley Indian Tribes.
* We partnered with CNRA to directly fund five grants with their Tribal Nature-Based Solutions grant solicitation. The Governor’s Office announced our $6.7 million in implementation and planning grant awards to tribes and tribally led nonprofits.

Fire and Resource Assessment Program (FRAP)

Forest Management Scenarios

* FRAP is conducting a modeling project with American Forests to evaluate the effects of different management scenarios on carbon storage compared to business as usual (BAU) scenario. Nadia Tase provided an update of the project at the March 2024 Board of Forestry meeting. Currently, reviewing draft model results. Anticipate presentation of results in June 2024 BOF meeting with final report to follow.

Forestry Inventory and Analysis (FIA)

* Gerad Dean received the U.S. Forest Service Director’s award for FIA excellence in the category of field data collection. There is a large team in the CAL FIRE and PNW-FIA programs working hard to implement temporal intensification and the success of the program is dependent on many individuals. There have been many challenges to the project. Gerad’s dedication to the program has resulted in numerous efficiencies and improvements. In 2023, he completed several QA/QC inspections and several other tasks that are usually completed by PNW-FIA staff. Gerad took on a key leadership role to coordinate with PNW-FIA and help other CAL FIRE staff learn how to assist with these tasks.

Fire Protection

Fire Protection Program

Law Enforcement Cost Recovery

* Through April 2024, CAL FIRE Law Enforcement Officers have made 39 arrests and issued 88 citations.
* In Fiscal Year 23/24, $146.2 million has been collected by Civil Cost Recovery.

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

* The 2024 California Aerial Supervision Academy was held April 22 -2 May 3, 2024, in training locations located in Sacramento and Redding. Eighteen students completed the course. Participants in the class included personnel from CAL FIRE, United States Forest Service, the State of Florida, the State of Oregon, the State of Washington, the State of Minnesota, and the New South Wales, Australia.
* CAL FIRE Aviation will be hosting the first ever Exclusive Use Helicopter pilot safety training on May 21, 2024, at McClellan. There are over 100 pilots registered for the class.
* CAL FIRE Aviation will host the first ever Night Helicopter Operations Workshop June 2 – 13, 2024. Multiple partner agencies and Exclusive Use operators will be attending.
* The C-130 Retardant Delivery System installation on Air Tanker 122 is progressing and on track for flight testing later this year.

Cooperative Fire Protection

State/Federal Programs

* Over the past eight months the international program has been meeting with Germany to identify a potential partnership. In late April 2024 a Memorandum of Understanding (MOU) was drafted. The MOU between CAL FIRE and Fire of Germany has been signed and posted to the SFI program page.
* On May 10, 2024, members of CAL FIRE met with representatives from France and presented a variety of areas related to wildfire and how CAL FIRE addresses these challenges. These areas include Forest Practices, Law Enforcement, Training, Incident Management Teams, Hand Crews, Strategic Communications, Predictive services, and Research and Development.
* On Thursday May 2, 2024, the California Fire Assistance Agreement (CFAA) committee met to continue working on the agreement rewrite. This process will continue through June 2024 to address and finalize any concerns.

Hand Crew Program

* CAL FIRE Hand Crews continue to staff up and complete fire preparedness exercises. Once the crews certify their Type I status, they will be available for statewide response.
* The current statewide strength of Type I Hand Crews is 114 of the 236 funded.

Statewide Training

* CAL FIRE, as a member of the National Association of State Foresters, is hosting the National Wildfire Coordinating Group the Introduction to Incident Management Teams Course (S-320) at Natomas Training Center, June 25 – 27, 2024.

Office of the State Fire Marshal

Wildfire Preparedness

* Defensible Space: Qualified Entities training has begun in the units and contract counties. Educating and training our unit staff and contract counties will make a smooth transition when training the interested parties doing the field assessments.
* Home Hardening: LNU and SDU CWMP projects have begun retrofitting their first homes. They should have a finished product in the next month.
* Utility Wildfire Mitigation Program: The Wildfire Mitigation Plan Updates (WMPs) are in review for PG&E SCE, BVES, SDG &E and are planned to have a draft decision published on July 2, 2024. The Wildfire Mitigation Plan Updates (WMPs) for PacificCorp, Liberty Utilities, Trans Bay Cable, Horizon West Transmissions, LS Power Grid California will be submitted for review on July 8, 2024, with the draft decision date of October 8, 2024. Ongoing training with the Defensible Space Inspectors (DSI’s) for PRC 4292 and 4293 inspections is occurring in multiple units over the next three months.

Community Wildfire Mitigation Assistance

* National Fire Protection Association (NFPA) Firewise USA:
  + 835 communities in good standing. Several New applications in the portal each week.
  + A celebration is held for every 100th community. May 18, 2024, we will be celebrating the 800th community of KenCrest Ridge in Ventura County.

Communications

Statistics

CAL FIRE All Incident Activity

* 2024 All Incidents (YTD) – 194,947 Total Incidents.

Education and Safety Messaging

* May 5 – 11, 2024, is Wildfire Preparedness Week. Four statewide news conferences emphasize the importance of wildfire prevention and preparedness.
* Defensible space and home hardening messages are being run on social media, encouraging residents to prepare their homes and properties ahead of peak wildfire season.
* A home hardening social media photo contest is underway through mid-May 2024, to encourage social media engagement on home preparedness topics.

Program Messaging

* As a member of the Giant Sequoia Lands Coalition, CAL FIRE will participate in a collaborative press event with the National Park Service for a “checkup” of the General Sherman tree. The focus will be on the overall health of giant sequoias, important research being conducted, and the work being done by the Coalition to protect these trees.

Traditional and Non-Traditional Media

* The airborne firefighter’s documentary series filmmakers are active at CAL FIRE airbases across the State, gathering footage to tell in-depth stories about aviation, firefighting and the women and men engaged in this work.

**Board Comments:**

* Member Chase commented regarding the staffing levels of the fire crews. What is CAL FIRE’s expectations.
  + Chief Deputy Director stated that crews are only funded 9 months out of the year but expect all positions to be filled by June.
* Member Lopez commented that he has worked with the newly appointed Deputy Director of Tribal Affairs and stated she will be a great asset for CAL FIRE.

**Executive Officer Report, Edith Hannigan, Executive Officer**

Executive Officer Hannigan reported the following to the Board.

* Staffing Update:
  + Dan Craig has been hired as our Regulations Program Manager. The board is now fully staffed.
* Annual Report has been provided for the Board for review and potential approval.
* Legislative Report has been provided to the Board. It was proposed to have two board members on a committee to discuss new Legislative Laws that impact the Board functions. Chairman O’Brien and member Jani have volunteer to be on the committee.
* Consideration of revised charter for the Jackson Advisory Group. It has been revised and asking the Board for approval.

**Public Comments:**

* Larry Aguilera, citizen, commented on his lack of satisfaction of how the Jackson State Forest is being managed.
* George Gentry commented regarding the Legislative Report. He feels that AB 31 50 will take the Boards current authorities away and feels that this is not the right thing to do.
* Richard Gienger stated he supports that the Board retain its authority. He also shared that he felt that there was not enough time given to the people to review the changes to the charter.
* Member Jani stated that JAG is an advisory and wonders if the Board’s mandate to engage with the tribes to develop that relationship having a workshop may be an option.
  + Executive Officer is in the process of reaching out to other agencies across the country that have similar issues.

**Report of the Standing Committees**

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

Forest Practice Committee met yesterday and we have one actionable item coming out of the proceedings yesterday. The committee discussed the following 4 agenda items:

* Continuing consideration of Rulemaking for Approved Watercourse Crossings, Significant Existing and Potential Erosion Sites, and Emergency Notice Watercourse Crossing Requirements. There were a few revisions to the Statement of Reasons that we could not accommodate before today’s meeting. So, the motion to move this forward to a 45-day notice is postponed for at least one month.
* Committee had continuing discussions of proposing to allow for heavy equipment operations in Watercourse zones to achieve fuel reduction goals. That would include commercial harvesting. Committee discussed several of the elements of that rule package and the committee was not able to distill those concerns down to create language at this moment. The committee will continue discussions till next month.
* The issued raised by CAL FIRE was that there are overlapping harvest documents. They have asked for direction as to resolve some of those issues.
* Last item on the agenda is actional. Consideration for Rulemaking for Drought Mortality and Forest Fire Prevention Exemption Amendments. Changes to 2 separate exemptions. One is 10 38 B, the Drought Mortality Exemption and 10 38 3, the Forest Fire Prevention Exemption.

**05-15-02 Member Wade moves to authorize Board staff to submit the rulemaking entitled “Watercourse Crossings and Emergency Notice Watercourse Crossing Requirements, 2024” 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 Jani seconds the motion.**

**Roll Call:**

**Wade: Aye**

**Jani : Aye**

**Chase: Aye**

**Delbar: Aye**

**Forsburg-Pardi: Aye**

**Lopez: Aye**

**Blake : Absent**

**Jahangiri: Absent**

**O’Brien: Aye**

**Motion passed.**

**Management Committee, Chris Chase, Chair**

The Management Committee met yesterday and discussed 2 items on the agenda:

* Discussed the consideration of Rulemaking for Less than Three Acre Conversion Amendments. Received public comments expressing concerns about potential serial conversion associated with removing the limitation of conversions. There was a lengthy discussion on it and many valid points were brought up. There is one Amendment that was made on plea dated May 14th, on page 17 line 15, the blue text is what was added yesterday. This acknowledges the reversion to the current language that references this continues landownership. Committee suggests we should strike that text in blue.

**Board Comments:**

* Member Jani stated during these discussions was there any discussion on how to engage us and make decisions about what is our hardship or not.
* John Ramaley stated that the rules are clear on how to apply for a waiver. He also stated he supports the modifications made.

**05-15-03 Member Chase moves to authorize Board staff to submit the rulemaking entitled “Less Than 3-acre Conversion Exemption Amendments, 2024” 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. With the friendly amendment provided earlier. Member Delbar seconds the motion.**

**Roll Call:**

**Wade: Aye**

**Jani : Aye**

**Chase: Aye**

**Delbar: Aye**

**Forsburg-Pardi: Abstain**

**Lopez: Aye**

**Blake : Absent**

**Jahangiri Absent**

**O’Brien Aye**

**Motion passed.**

* The second item on the Management Committee agenda was the Utility Exemption. Consideration of the Rulemaking for Public Agency and Utility Right of Way Exemption Amendments. There was a workshop 2 weeks ago and made extensive changes, looked at all concerns people had with the pleading. The Committee was not able to advance a plea at this time. The committee will have Board staff integrate some of the comments made yesterday into a revised plea and then push it out to everyone. I suggest the stakeholders review it and come up with suggested edits at the July meeting.

**Public Comment:**

* Mark Krausse, PG&E, thanked everyone on the Board. He stated they appreciate that this did not go out today because they feel they need more time to estimate costs.
* Richard Gienger stated he just wonder about the PG&E issue and CAL FIRE and its authority. He commented that it is like setting up a whole other system. He does not see how this will be done so that the public has faith in the outcomes.

**Resources Protection Committee, J. Lopez, Chair**

The Resource Protection Committee met yesterday and discussed 2 items on the agenda.

* The Land Use Planning Program Update given by Deputy Chief Carmel Barnhart.
* Received Fire Risk Reduction Community List update from Marcie Yates, Board Staff.

**Report of the Board’s Advisory Committees**

**Professional Foresters Examining Committee, Apprentice Professional Forester Educational Program proposal, Dan Stapleton, Assistant Executive Officer**

**Board Comment:**

* Member Wade commented on the number of applicants.
* Member Chase stated he appreciates the remarks today and he stated he is in support of the proposal.
* Member Lopez also supports the proposal.

**05-15-04 Chairman O’Brien moves to authorize Board staff to submit the rulemaking entitled “Apprentice Professional Forester Educational Program Proposal, 2024” 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 Lopez seconds the motion.**

**Roll Call:**

**Wade: Aye**

**Jani : Aye**

**Chase: Aye**

**Delbar: Aye**

**Forsburg-Pardi: Aye**

**Lopez: Aye**

**Blake : Absent**

**Jahangiri: Absent**

**O’Brien: Aye**

**Motion passed.**

**CONCLUSION**

**Public Forum**

**Public Comments:**

* Richard Gienger shared that there is a lack of transparency by CAL FIRE.
* George Gentry shared that we lost 2 foresters this past week. Registered Professional Forester #2680, Mark Pawliki and Registered Professional Forester #3108, Ryan Tompkins.
* Phyllis Aguilera stated she acknowledges the dedication and time of the Board members and just wanted to say thank you. She feels that there is a lack of process as far as doing the work that needs to be done. She stated she would like to see more transparency across the board whether it is positive or negative results.

**Adjournment**

Respectfully submitted,

ATTEST:





Edith Hannigan Terrence O’Brien

Executive Officer Chairman