BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

San Diego, CA

May 11, 2023

**BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**

**Present:**

* J. Keith Gilless, Chairman
* Chris Chase
* Rich Wade
* Mike Jani
* Elizabeth Forsburg-Pardi
* J. Lopez
* Dawn Blake
* Katie Delbar
* Jeremiah Hallisey

**Absent:**

**BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Robert Roth, Board Counsel
* Jane Van Susteren, Senior Environmental Scientist
* Dr. Kristina Wolf, Environmental Scientist
* Anna Castro, Executive Assistant
* Andrew Lawhorn, Forestry Assistant II
* Alexandra La Plante, Administrative Unit Manager

**DEPARTMENTAL STAFF PRESENT:**

* Matthew Reischman, Deputy Director Resource Management CAL FIRE
* Eric Huff, Staff Chief, Forest Practice Program, CAL FIRE

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

Jeff Slaton, Senior Counsel for the Board reported that during executive session the Board discussed the following matters, but no reportable actions were taken.

* California Chaparral Institute, et al., vs California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
* RCRC vs Board of Forestry and Fire Protection (Case No. 22CECG00123)

**Consent Calendar**

**05-11-01 Chairman Gilless moves to adopt the Consent Calendar as noticed. Member Lopez seconds the motion.**

**Roll Call:**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Aye**

**Gilless: Aye**

**Motion passes unanimously.**

**Report of the Chairman, J Keith Gilless**

Chairman Gilless thanked all the agencies and landowners involved for providing such an informative field day for the Board.

**Board Comments:**

Member Chase commented that there is no definition on conserved lands but saw that there is an opportunity to partnership on working lands that would benefit from projects that have an ecological promise. Hopes that the definition of land eligible for partnership on projects like is expansive as possible.

**Report of the Director, Matthew Reischman, Deputy Director for Resource Management, CAL FIRE**

Forest Practice Program

* The annual basic Forest Practice training class for CAL FIRE and Review Team agency staff is scheduled for June 5-9.
* On April 12, staff presented a well-attended webinar titled “Mitigating Potential Sediment Delivery from Post-Fire Salvage Logging” based on the recently published California Forestry Report No. 7.

Resource Protection and Improvement Program

Urban and Community Forestry

* The USDA Forest Service, through the Inflation Reduction Act, has awarded $43,200,000 for Urban and Community Forestry in California. Funding will build staff capacity, improve statewide partnership programs administered by the Arbor Day Foundation and other organizations, and select sub-grants to serve disadvantaged communities.
* The Green Schoolyards grant request for proposals closes on April 28, 2023. More than 160 proposals have been received.

Forest Biometrics

* The follow-up Request for Proposals for the Forest Inventory Analysis (FIA) Temporal Intensification Project resulted in several additional bids. The program is working through the review process with Business Services.

Demonstration State Forests

Jackson

* Senior Environmental Scientist Roberta Lim and Biologist Michael Baker from Sacramento HQ set up acoustic monitoring equipment within the Greenhouse Gas Fire Fuels Mitigation treatment areas the week of April 10. This equipment will record bird calls and bat sounds before and after mastication treatments and prescribed burning treatments. Information on changes in bird and bat of the treated areas can be gathered through this acoustic monitoring.

Soquel

* Representatives from California Geological Survey, California Department of Fish and Wildlife, and CAL FIRE Forest Practice visited the Forest on April 6 to survey conditions and develop recommendations for repairs to forest roads, crossings, and streambank sites. These designs will be used in the scope of work for emergency contracting. Forest Staff continue to work with CGS on finalizing designs for emergency road repairs.

Prescribed Fire and Environmental Protection

Prescribed Fire

* The SB 926 pilot program to establish a prescribed fire burn loss claims fund is close to accepting applicants for enrollment into the program.
* The new program will be used for increasing the use of prescribed and cultural burning.
* One of the primary obstacles to increasing two of these essential types of the use (prescribed and cultural) in California is the difficulty for practitioners to obtain adequate liability coverage.

Wildfire Resilience

Reforestation Services Program

Seed Bank

* The L.A. Moran Reforestation Center will host an open house to all parties, from 9am-12pm on Wednesday, May 17.

Nursery

* Staff completed sowing of 279,928 seedlings (gross production) to produce the net seedling production of 134,410 by the end of the calendar year.1312f

California Forest Improvement Program (CFIP)

* CAL FIRE released $2.087 million in CFIP grant funds for the March 1 batch. The May 1 batch will be released after review is completed.
* The program is continuing to release $2-3 million in grants every two months.

Climate and Energy Program

Wood Products & Bioenergy

* The Business and Workforce Development Grant solicitation closed on March 31, and received a record number of applications in this cycle.
* 13 million available for Workforce and Development and received 60 applications with a total of about $74 million dollars.

Forest Health

* Tribal Wildfire Resilience application review continues. Step 2 presentations are scheduled for May with CAL FIRE Tribal Liaison Len Nielson and CNRA Assistant Secretary for Tribal Affairs Geneva Thompson.

Fire and Resource Assessment Program (FRAP)

* Forest Health Research Grant. Solicitation is now open for concept proposals through March 27. Approved concepts will be invited to submit full proposals.

Fire Protection

Law Enforcement/Civil Cost Recovery

* During the month of March 2023, CAL FIRE Law Enforcement officers made six arrests and issued four citations.

Fire Protection Operations

* CAL FIRE personnel, equipment, crews, and incident Management Teams (IMT) remained Mission Tasked by Cal OES to assist with flooding and storm related incidents throughout for the majority month of April.
* As of April 17, CAL FIRE moved from Winter Preparedness to Transitional staffing level. 182 CAL FIRE engines are staffed statewide. The recent dry weather has already resulted in an uptick or fire starts and acres burned.

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

* AMU participated in the USFS Airworthiness Staff Ride in Tucson, AZ, April 11-13. The focus of this event was to take current leadership through a journey of aerial firefighting history which allowed a team of subject matter experts to reflect on triumphs, failures, and innovations within the industry. The goal of this staff ride was to help educate and guide leadership in future decisions and actions within their wildland fire fighting organization.

Mobile Equipment Program

* In 2022-2023, BCP’s gave CAL FIRE 630 different resources/assets.
* 135 engines are on order and being delivered. These are separate from the 630 previously mentioned.

Cooperative Fire Protection

Camps and Crews Program

* The current statewide strength of Type I Hand Crews is 94 of the 231 funded. This includes 58 California Department of Corrections and Rehabilitation (CDCR) crews staffed out of a total of 152 funded, 24 California Conservation Corps (CCC) Crews Staffed out of 32 funded, 3 of the 34 funded CAL FIRE Firefighters I Crews, and 9 of the funded 13 California National Guard Crews.

Safety/EMS Program

* A safety Communication on the 2023 Radio Frequency Changes has been released to coincide with the 2023 radio load release. There are significant changes to CDF Air to Ground and CDF Tactical Net naming and numbering conventions.

Academy Training Program

* Training Center North in Redding, located at Shasta College will open with a Firefighter Academy (4-week) on Monday, May 8th.

**Board Comments:**

Member Chase asked about the status of hand crews, if there any indications if what forest service and other federal partners are doing to increase numbers.

* Deputy Director Reischman will follow up with an email to Edith Hannigan, Executive Officer.

Member Delbar asked how CAL FIRE is overseeing ”ag passes” for landowners during wildfire events.

* Deputy Director Reischman stated that most of those evacuations and access issues are being handled by local law enforcement and Sheriff Deputies. CAL FIRE’s responsibility would be to work with them.

Chairman Gilless asked if the Workforce Grant is oversubscribed and is it anticipated by the department as being something that can be put back and be requested in an upcoming year or in other years. What kind of an evaluation would you do?

* Deputy Director Reischman stated that this is the second year of the program. CAL FIRE is monitoring the requests and the applications received. In addition to what is appropriated for those specific grants we do have the discretion to move additional funds into the Workforce Grant. Goal is to continue to fund those with what was appropriated but also to be able to ask for additional funds to support those projects that have been proven to be great projects.

Member Jani asked where does that request come from? Does the Board need to make it an issue? Or is this something that CAL FIRE handles?

* Deputy Director Reischman stated that funds are requested through the Wildfire Forest Resilience.

Chairman Gilless stated that the Board does not directly participate in the development of the budget request. The Board strongly supports this but hopes that a monitoring is set in place that keeps track of how many people have been trained moving in and how many are still in the workforce in the area after five years out. Board encourages tracking success beyond the actual impact of the program and reporting back on if it works as well as everyone hope it does.

* Deputy Director Reischman stated that they are doing their best in tracking how many people are being trained.

Chairman Gilless commented regarding the changes in air frequency. Will the frequency change cause some of the smaller units to have problems? Or is everyone moving forward with the change.

* Deputy Director Reischman stated that this is an annual update that is internally done. Those actions and those frequencies that CAL FIRE communicates with local government are all on board.

Chairman Gilless asked about the monitoring up in Jackson. How broad is this monitoring?

* Deputy Director Reischman stated that the way it’s set up is with audio monitors out in the forest. It is monitored before staff goes out and does any fuel break work. So, the bats and birds are monitored post treatment and through the treatment to see if there is a change species diversity.

Member Chase stated that Natural Alliance for Forest Landowners executed an MOU signed by Chief Moore on Fire Suppression MOU. It codified the rule that foresters or private landowners can play an initial attack on fires on private or federal lands. Is CAL FIRE looped in the discussion of how it may change the landscape as we grow into the fire season? If not, will CAL FIRE be reaching out to them?

* Deputy Director Reischman state he will follow up on that issue.

Chairman Gilless stated to make note that when the National Regional Forester Annual Presentation to the Board that we advise them in advance that the Board would like to hear about the status of that MOU.

Member Jani asked about the change in the requirement for position at Jackson State Forest, has there been any success in attracting some applicants?

* Deputy Director Reischman stated that initially had it as an environmental scientist position and since then it’s been changed back to a forester. The position is flying now.

**Public Comments:**

Richard Gienger stated he sent to Edith Hannigan, Executive Officer several things, including excerpts from the Institute of California Department of Forestry and Fire Protection Archaeology Program for Board to review. He is glad to hear about the monitoring that is going on in Jackson.

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

Staffing Update

* The contract analyst position has closed and will be reviewing applications and scheduling interviews in the next couple of weeks.
* Currently being flown is the land use planning program manager position which will close on May 29th.
* The wildfire planning specialist will be flown soon hoping to have position filled by this fall.
* The land use planning program manager position filled by mid-summer.
* Still working on filling the Board’s regulations program manager position.

Legislative Update

* There is an updated Legislative memo in your meeting materials that reflects a few changes. Bills that have been added are reflected in the memo for your review.
* Regular meetings have been set up with CAL FIRE Legislative Office.
* This past month the Board sent a letter to the US Fish and Wildlife Service commenting on potential California Spotted Owl. Largely we echoed and supported CAL FIRE’s letter

**Board Comments:**

Chairman Gilless thank Executive Officer Edith Hannigan and her staff for working short handed and keeping the department running.

**Report of the Unit Chief, Ryan Silva**

Presentation on Community Risk Reduction

**Public Comment:**

Nancy Macy, Santa Cruz County is wondering if any of the environmental review was done before initiating the 20-foot clearing or the spraying related to possible erosion problem or slope stability or over spray onto agricultural growth. Do you have plans to do follow up to see if there are issues?

* Chief Silva stated that the 20-foot clearing, the Board of Supervisors have conducted CEQA (California Environmental Quality Act) on all of that. All the 20-foot clearance of 200 miles that have been selected CEQA was done. As far as long-term roadside retardant we didn’t’ need to do CEQA on that. There is no harm to vegetation or life. It is environmentally safe.

Andrea Eggleton, California Licensing Forester Association, stated she was very impressed by the amount of work that the program is accomplishing in San Diego County. In terms of the funding if there is a substantial amount of funding that’s just coming from regular county tax revenues as well. Is this possible to recreate in other counties that do not have such a large population or urban tax base?

* Chief Silva stated that as he mentioned earlier that San Diego County and Fire Protection District contracts with CAL FIRE. I don’t think that CAL FIRE alone would just do this because we have our own program set up. It depends on the county that you are living in. Contact your Fire City Council if you have one so they can go after those grant monies.

**Report of the Standing Committees**

**Report of the Forest Practice Committee, Rich Wade, Chair**

The Forest Practice Committee met and discussed three agenda items.

* Discussed the Water Board 2022 letter pertaining to priorities and issues to the wording in the Forest Practice Rules pertaining to approved crossings.
* Discussed fuel reduction in watercourse zones.
* Discussed potential change in the definition of the term “Ford” in the Forest Practice Rules brought up by the Water Board.

**Agency Comment:**

North Regional Water Quality Control stated he appreciates the work that the committee has put into this regarding our concerns that we raised in our October letter.

**Public Comment:**

No public comment.

**05-11-02 Member Wade moves to authorize Board staff to submit the rulemaking entitled “Ford Definition Amendment 2023” for noticing of the 45-day comment period and take all appropriate actions consistent with the Administrative Procedures Act for this purpose, including preparation and submission of the Notice of Proposed Action and Initial Statement of Reasons. Member Delbar seconds the motion.**

**Roll Call:**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Aye**

**Gilless: Aye**

**Motion passed unanimously.**

**Management Committee, Chris Chase, Chair**

The Management Committee had 3 items on the agenda yesterday.

* Discussed Wet Areas and Meadows definitions. We are making progress and made a list of priorities for over the next month.
* Discussed the potential Updates to the Joint Statement on Hardwoods. Board staff has scheduled a meeting with Fish and Game Committee staff for later this month. Member Blake is taking the lead on behalf of the Committee on this issue.
* Discussed consideration of Rulemaking for Silvicultural Methods allowed within the California Coastal Commission Coastal Zone. To allow more flexibility to treating fuels while protecting the values associated with these special treatment areas.

**Agency Comments:**

No agency comments.

**Public Comments:**

No public comments.

**05-11-03 Member Chase moves to authorize Board staff to submit the Rulemaking entitled “Coastal Commission Special Treatment Areas Silviculture Amendments 2023” 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 Blake seconds the motion.**

**Roll Call:**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Aye**

**Gilless: Aye**

**Motion passed unanimously.**

**Resource Protection Committee Meeting, J. Lopez, Chair**

The Resource Protection Committee had three items on the agenda.

* Land Use Planning Program Update from Chief Shane Vargas, Northern Region:
	+ No personnel changes were made and almost fully staffed.
	+ Safety elements to come up for review to the Board.
	+ Firewise have about 676 good standing communities. It is the highest in the nation.
	+ Training continues for Defensible Space and Home Hardening for CAL FIRE personnel.
* 1400 subdivision reviews throughout the state have been completed. This month the Committee reviewed Santa Barbara County and Santa Barbara City.
* Safety Element Reviews were done on the following:
	+ Shasta County
	+ City of Colfax
	+ Fresno County
	+ City of Claremont

**Report of Board’s Advisory Committees**

**Effectiveness Monitoring Committee, Dr. Elizabeth Forsburg Pardi, Co-Chair**

* EMC has released their request for proposals which are due on May 24th.
* The EMC funds scientific research aimed at the efficacy of the Forest Practice Rules. The application information is on the Board’s website.
* Final decisions will be made by the EMC in September.
* There are still four open seats in the EMC and call for applicates to join us is on the board’s website.
* The next EMC meeting is scheduled for June 7, where initial concept proposals will be reviewed.

**Range Management Advisory Committee, Dr. Marc Horney, Chair**

Presentation on Programmatic Integration and Public Education Program for the Management of Rangeland Resources by Dr. Marc Horney, Chair.

**Professional Foresters Examination Committee, Update on Professional Foresters Licensing, Dan Stapleton, Assistant Executive Officer**

Activities for Licensing

* Outreach:
	+ Oregon State: 105 students reached.
	+ Mt. Hood Community College: 9 students reached.
	+ College of the Redwoods: 20 students reached.
* RPF CRM Exam:
	+ 45 applicants for RPF Exam
	+ 2 applicants for CRM Exam
* One complaint received and scheduled for review.
* Budget:
	+ $200,000 in fees collected but will be in the red again in 2024. There is another fee change in the horizon in FY 2024/25
* Board staff had discussions with USFS staff about the 1992 MOU between the Board and Region 5. The MOU requires RPF involvement for specific contract forestry work on USFS land.

**Public Comment:**

John Andersen, Mendocino Redwood Company, would like to know what you will call this person that takes this shorten test, upon graduation. Will it be an APF? And what does the A stand for?

* Dan Stapleton stated they will be a special forester apprentice.

John Andersen also wants to know what effective value this gives to these students. They take shorter tests, they are an APF if they pass, and then to get their RPF is it also like half of the APF test? Is this open to schools outside of California?

* Dan Stapleton stated that if they complete the program then they would take an abbreviated exam instead of the 7-hour exam. This program is only in California.

John Andersen wants to know if APF have any additional responsibilities or authorities because of passing this? Will the cost to take the two abbreviated tests be the same as the full RPF test?

* Dan Stapleton stated there is not any additional responsibility. The abbreviated test costs the same as the full RPF test.

**CONCLUSION**

**Public Forum**

**Public Comment:**

* Dan Cortney thanked the Board for accompanying the group yesterday on the field trips. Regarding PG& E’s management practices, just wanted to make sure everyone is aware of AB1155 it allows trees to be marked for removal by areal recognizance such as a drone, helicopter, or airplane.
* Via email:Nancy Macy, Santa Cruz County resident, It was frustrating for all that the speakers' voices were blurred for those the May 11 Board of Forestry meeting online or by phone. I was unable to be in San Diego and parts of the presentations could not be understood as they faded in and out. Nonetheless, I am grateful for the opportunity to participate.

I was going to provide information on two topics.

First, to let you know that we have filed two Public Records Act requests for information regarding the many Notices of Violation against PG&E for their egregious tree clearing on private and public property after the **CZU Lightning Complex Fire.** As you know, a case report and a total of 18 NOVs were filed, but no action has been taken. Each of the NOVs documents PG&E's many failures to comply with Forest Practice Rules, damaging waterways, slopes and soils - endangering the environment and the health and well-being of those living there or trying to rebuild. We hope you are as concerned by the lack of action - Civil and Criminal — as we are.

Second, We agree with Dan Courtney that AB 1155 is a very deceptive and dangerous bill. It appears to provide a reasonable set of requirements to determine which trees are Danger Trees and to facilitate the removal of those trees. Instead the bill removes all oversight over utilities’ actions.  The “rebuttable presumption” clause removes constitutionally guaranteed property rights, including any possibility of landowners to prevent the felling of healthy, mature trees that are important, of not vital, to the value, health and well-being of their property. It allows both inadequate training of inspectors and inadequate inspections of the trees, so any tree can be considered a Danger Tree. This is a bill we should all be concerned about and work to defeat.

**Adjournment**

Respectfully submitted,

ATTEST:





Edith Hannigan J. Keith Gilless

Executive Officer Chairman