BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

**November 3, 2021**

# **BOARD MEMBERS** PRESENT*:*

* Keith Gilless, Chair
* Rich Wade
* Katharine Delbar
* Elizabeth Forsburg Pardi
* J. Lopez
* Susan Husari
* Mike Jani

# **BOARD MEMBERS ABSENT:**

* Chris Chase

# **BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Deniele Cade, Staff Analyst, Licensing
* Andrew Lawhorn, Forestry Assistant II
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist
* Sara Walter, Contacts Analyst
* Katie Harrell, Joint Institute for Wood Products Innovation
* Laura Alarcon-Stalians, Administrative Manager
* Linda Cano, Executive Assistant
* Jane Van Susteren, Regulations Coordinator

# **DEPARTMENTAL STAFF PRESENT**:

* Thom Porter, Director, CAL FIRE
* Craig Tolmie, Chief Deputy Director
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program

# **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. The Board took one action.

* California Chaparral Institute, *et al*., vs. California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
* Discussion of matters pursuant to Government Code section 11126(a)(1) with respect to the Executive Officer position. Potential appointment of Executive Officer.
	+ Chair Gilless announced the appointment of Edith Hannigan to the Executive Officer position, Board of Forestry and Fire Protection, effective November 3, 2021.

# Consent Calendar Items

* Approval of the September 22, 2021 and October 13, 2021 meeting minutes (with minor edits if requested by members of the Board);
* Review of Rulemaking Matrix;
* RPF-CRM vital statistics, approval of RPF- CRM license withdrawals and revocations for non-payment.
* Appointment of the following persons to the Joint Institute for Wood Products Innovation Advisory Council:
	+ Jason Ramos, Blue Lake Rancheria – for an initial term from Nov 4, 2021 –
	March 31, 2024 for consistency of reappointment dates, followed by 2-year-terms if service is extended.
	+ Jeff Nuss, Impact Investor and Advisor – for an initial term from April 1, 2022 – March 31, 2023 for consistency of reappointment dates, followed by 2-year-terms if service is extended. Mr. Nuss will be replacing Council Member Henigan, CalRecycle.

**11-3-01 Chair Gilless moved to approve the items on the Consent Calendar with the exception of Agenda Item (d). Member Lopez seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Chase absent**

**Lopez aye**

**Forsburg aye**

**Gilless aye**

**The motion passed.**

# MONTHLY BOARD REPORTS

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

Chair Gilless congratulated Edith Hannigan on her appointment as the Executive Officer.He acknowledged the hard work of the entire Board staff during the pandemic as they worked to move the Board’s agenda items forward despite the difficulties posed by COVID.

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

Director Porter congratulated Edith Hannigan on her appointment as the Executive Officer, to the Board of Forestry and Fire Protection, he looks forward to working with her.

He looks forward to when all Board members and members of the public can have board meetings in the new building in person again sometime soon.

**Fire Activity**

Rain has shut down the peak of fire season in the north and central parts of the state. The Southern California range had a pretty damp monsoon, for most of the summer, which kept the activity fairly low. There are still conditions that could produce large and damaging fires if there are wind events. It's been a less active public safety power shutoff season this year, but that could change very quickly, and it looks like there may be some conditions that show up within the next month or so that would put us back in that space.

Typically, after getting a couple of inches of rain, the department starts to down staff, and go to transition in parts of the state but the Director has elected to keep Cal Fire fully staffed until moisture is received in the south part of the state. They will maintain that posture into December and will be re-assessed on a weekly basis.

The Department is taking the opportunity, with the slowing conditions, to rotate in aircraft for annual maintenance.

**Demonstration State Forests**

The Department is currently working their way through Jackson Demonstration State Forest and continuing work on the harvest plans that are open. The Caspar 500 THP is still in a strategic pause, working with the community and local tribal members to get that harvest plan back on track for Spring.

CAL FIRE has gone into winter operations, the heavy rains received in October stopped all of the timber harvest plans for about 10 days. There were a couple of plans that have yarders up and working to move logs, however, they were waiting for road conditions to dry out for hauling operations on most of the forest. The Department has winter operations capability on most of the plans, because they have good rock road systems and are using yarding systems as the primary means of getting the wood off the ground.

The Department was at Mountain Home Demonstration Forest, looking at the effects particularly of the Castle Fire and other fires that the state had in the giant Sequoia region this past year, looking at managed forest versus unmanaged forest in the giant sequoias and looking at what the effects are on some of the large and old trees.

**Wildfire Resiliency Program**

The Department is continuing to look at reforestation needs and boosting nursery production. They are going to continue to grow that capability out at the LA Moran Reforestation Center. They are looking at producing about 220,000 seedlings, approximately 36,000 of those will be speculative, meaning small landowners that have not yet been identified will have the opportunity to purchase those trees and plant, or they can be added to CFIP projects and, other reforestation efforts. Between federal agencies and private nurseries, there's a massive flux of seedling needs behind the fire, particularly in 2020 and 2021. CAL FIRE will continue to work collaboratively across the seedling producing industry to meet the requests and needs as best they can.

**California Forest Improvement Program (CFIP)**

The Governor's Early Action budget in the spring gave CAL FIRE $10 million of CFIP program projects that has been allocated, there is an additional $4 million that are poised to be distributed. Those projects have been selected, and we're poised to get the funding moving through the system for all types of forest management under CFIP.

**Fire Protection**

**California Department of Corrections and Rehabilitation Crews (CDCR)**

The CDCR crews allocated to CAL FIRE are seven CAL FIRE camps, and one, McCain Valley in Eastern San Diego County, is a CDCR facility. The current allocation is 152 crews. The Department is currently staffing only 57 of those crews with inmates. CAL FIRE worked with the Governor's office to allocate $14 million to the contract counties to boost their crew capabilities with the effort of putting one additional crew in each of the of the contract counties.

The California National Guard Taskforce Rattlesnake crews have been able to continue. General Baldwin has been able to justify keeping those crews on Title 32 federal funding for most of the last 18 months. It's been able to keep those crews working through the winter months, until Spring, hoping to re-establish a funding structure next fiscal year to keep them going even longer. Currently the Department has 12 crews staffed across the state. CAL FIRE has been hiring out of those National Guard crews onto some of our firefighter crews and into our firefighter ranks. It's a nice joint program that is producing dedicated, hard-working individuals and increasing diversity in that space. The Department added permanent staff funding for seasonal firefighters nine months a year for 12 crews and they are all in place. This current fiscal year, there was an augmentation for an additional eight above and beyond that 12 to make 20. The versatility and the capabilities of paid firefighter hand crews is even more than could have expected.

**Fuels Crews**

While there have been some challenges with keeping crews fully staffed, the department is working on ways to try to maintain staffing. The capabilities of having a Department crew that is fully capable of running equipment, having hand crew capabilities attached to the masticating equipment and operators, as well as the fire fighters, fire captains, and fire apparatus engineers that are attached to the departments crew, made for a very cohesive unit, that didn't need additional supervision. This shows the versatility of the department’s fire managers and resource management staff working together in a very collaborative way.

**Safety/Emergency Medical Services (EMS)**

Governor Newsom appointed Curtis Brown, CAL FIRE’s Assistant Region Chief, Southern Operations to the state EMS Commission.

Governor Newsom signed AB 579. It is a bill that exempts CAL FIRE from purchasing personal protective equipment (PPE) from Prison Industry Authority (PIA). It should help with being able to get the personal protective equipment that is needed in bulk in a timely manner.

**Law Enforcement**

There is a sharp uptick in arson, particularly in 2020 and 2021. The department continues to work through the fire prevention program in identifying and catching arson when it's happening. In September, 36 arrests were made.

**State Fire Marshal**

Director Porter acknowledged Chief Richwine and the Fire Marshal's office, particularly Pipeline Safety, for their assistance during the Orange County oil spill in October. CAL FIRE doesn’t have jurisdiction there, but they have a lot of expertise in helping with investigatory type of efforts and that's where they spent their time working on that incident.

**Other Items**

Director Porter has been very much engaged with National Association of State Foresters (NASF), including virtually attending the recent meeting in Pittsburgh. There's a lot of exciting things happening and as he has reflected on previous Director's reports, how much similarity there is across the nation regarding the need for more forest management, more prescribed burning, for engaging with Native and Indigenous peoples and the reduction of fuels on the landscape, for the purposes of reducing the effects of wildfire.

The federal government will hopefully be funding more of the activities that the department has been backfilling funding for in California, which will offer more capabilities and more funding to the private and state lands.

He commented that he would be attending the Council of Western State Foresters on November 16-18.

A draft report on very low and low severity fire on the landscape in California versus moderate and high severity fire on the landscape is coming together. What they’ve been able to determine thus far is between 2015 and 2019, the average number of low and very low severity fire, or “good fire,” is about 188,000 acres annually. The total number of acres burned during that period in the low and very low was 942,000 acres. The average for moderate and high severity fires for the same period was 193,000 acres. The total number of acres over that period was 965,000 acres. We are almost at 50/50 on low and very low vs. moderate and high; moderate, and high for this conversation is stand replacing fire. Moderate, might be stand replacing and has a seed source, think of very high as stand replacing without much of a seed face left on the landscape to reforest naturally. There is a need to identify those areas where natural regeneration is going to take years or decades. The Department is looking at how large those areas area and where they are on the landscape so they can target their efforts in reforestation into those areas on the private land and then work with the Forest Service and other federal agencies to identify those same areas for reforestation capabilities that they might be able to put to the federal lands.

In 2020, there was 870,000 acres of low and very low severity “good” fire; 1.25 million acres of stand replacing fire.

Good fire in 2021, 762,000 acres, bad fire, stand replacing,1.5 million acres. California has seen 2.4 million acres of forests burned at moderate and high severity compared to 1.6 million acres of forest burned at very low/low severity in an approximate 12-month period. This is something the department is sharing with the Forest and Wildfire Resiliency Task Force and working on developing plans to target some of those areas, particularly in in important watersheds. FRAP is looking at ways to gain more fidelity in the gaps in the data.

The departments recognition and need to continue to work on our diversity. While the department meets federal guidelines and standards, they are and have been working on methods to increase their diversity. This year the Department will be able to relaunch the Camp Cinder Program directed at young women, high school age, and getting them a fire department, training and exposure, in a camp type setting in Redding and San Luis Obispo and possibly a third in the Bay Area. It's not exclusive for young women, but they will be screening applicants for that capability to increase interest in young women, in the fire service and specifically in the wildland capabilities.

Diversity is better in the forester classifications than across the Department’s fire classifications. At both the undergraduate and graduate level, the number of women joining the profession from UC Berkeley is higher than anywhere else in the nation. CAL FIRE is seeing if there are things that they can replicate and encourage the other two forestry universities, Cal Poly San Luis Obispo and Humboldt State as well as community college programs across the state to increase the numbers of women in all of the professional development programs. That dovetails very well into efforts of the forest and fire resiliency task force job development portions of the $1.5 billion budget that Governor Newsom just signed recently. A good portion of that is going toward professional and technical development of forest workers and professional series of foresters.

**Public Comment**

Larry Camp, Forest Landowners of California, commented, with respect to the Jackson State issues, he understands the process is being worked through, however, a decade or more ago we went through this process, under the direction of John Helms at Berkeley. Mr. Camp thought it would be helpful if some of the detailed management plans, that that study group put together could be posted, since it recognizes a significant number of areas that were going to be reserved to meet cultural needs and large trees. He added that some of the information that's being spread by advocates of converting it to a park or the “30 by 30” program are making misstatements that the data from the Jackson Study Group could easily be used to rebut.

Richard Gienger commented that everything seems to be moving ahead, except for some vague references to try to incorporate some meaningful connections with the tribal concerns. Much more needs to be done to restore public confidence and support, not only the tactical mission of fighting fires and dealing with emergencies that Cal Fire does, but also getting confidence in the stewardship standards going down the line as we move forward. Getting a real examination, not just from Cal Fire and Natural Resources Agency but having a real independent body to take a look at things for two years to get into the depth of it, because we're talking about a heavy duty, cultural perspective of hundreds of years, about how lands and the resources had been treated and then adding the population in California, that is approximately 40 million now, it's a pretty dire situation. Some things need to be done, to have a more inclusive body of public concerns be represented in evaluating and making recommendations for moving forward. It is important because things are so insular and this whole catastrophic situation has limited the perspectives that are considered appropriate to the emergency, when there actually isn't, makes it more important, broader, more in depth, realization and input needs to take place.

# Staff Report

* Legislative Update

# Report of the Regulations Coordinator

* Board consideration of second re-adoption of emergency rulemaking entitled “Fire Safe Regulations Applicability”

**11-21-02 Member Husari moved to re-adopt the finding of emergency and rule text for the rulemaking titled “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 Jani seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Chase absent**

**Lopez aye**

**Forsburg-Pardi aye**

**Gilless aye**

**The motion passed.**

# Report of the Standing Committees

## Forest Practice Committee, Rich Wade, Chair

* Discussion on Class II-L determination Regulations within 14 CCR §§ 916.9, 936.9, 956.9– Eric Hedge, Regulations Program Manager
* Discussion of consistency between Substantially Damaged Timberland Regulations and Special Harvesting Methods in the Southern Subdistrict of the Coast Forest District, 14 CCR § 913.8 - Andrew Lawhorn, Forestry Assistant II

**11-21-03 Member Wade moved to authorize Board staff to submit the rulemaking entitled “Substantially Damaged Consistency Amendments” 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 Delbar seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Chase absent**

**Lopez aye**

**Forsburg-Pardi aye**

**Gilless aye**

**The motion passed.**

* Discussion of Permanent Rulemaking for Emergency Notice Fuel Treatment & RPF Responsibilities, 14 CCR §§ 1052 and 1052.4, Jane Van Susteren, Regulations Coordinator

**11-21-04 Member Wade moved to authorize Board staff to submit the certificate of compliance rulemaking entitled “Emergency Notice Fuel Treatment & RPF Responsibilities” 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 seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Chase absent**

**Lopez aye**

**Forsburg-Pardi aye**

**Gilless aye**

**The motion passed.**

## Resource Protection, Sue Husari, Chair

* Land Use Planning Program Update – Matt Damon Deputy Chief, Land Use Planning
* Subdivision Review Program Update – Assistant Chief Carmel Barnhart
* San Luis Obispo County
* Tuolumne County
* Calaveras County
* Safety Element Review
* City of Duarte – Captain Shelley Redden
* City of San Juan Capistrano – Captain Brian Barkley
* City of Cloverdale – Captain Shane Galvez
* City of Dana Point – Captain Brian Barkley
* City of Highland -- Captain Shelley Redden
* City of Los Gatos – Captain Chase Beckman
* City of Rolling Hills -- Captain Shelley Redden
* City of Sierra Madre – Captain Shelley Redden
* City of Loma Linda -- Captain Shelley Redden
* City of Clermont -- Captain Shelley Redden
* City of Rancho Cucamonga -- Captain Shelley Redden
* City of Beaumont -- Captain Shelley Redden
* City of Burbank – Captain Shelley Redden

# Report of Board’s Advisory Committees

* Effectiveness Monitoring Committee – Sue Husari, EMC

EMC met on October 12 and evaluated three initial proposals that were received for funding out of this year's cycle. EMC voted to request full proposals from two initial proposals to be completed by December 1st. Kristina Wolf sent a letter to all three sets of PIs to make EMC’s decisions known. During the EMC meeting they experienced technical issues, as a result of those issues, the two co-chairs and staff who attended the meeting did an after-action review. Member Husari commented, that it was a valuable exercise to go through, and what could be improved, going forward. As a result of the discussion, there will be extra staff support during the EMC meetings, so that future meetings will run more smoothly.

# CONCLUSION

## Public Forum

Ethan Arutunian, Friends of the South Fork Gualala: Data from Landsat satellite imagery shows dramatic overall loss in forest canopy in the majority of California since 2000, due to wildfire and unsustainable timber harvesting practices. Given the extensive losses to the state’s forests in the past 20 years. He asked if the Board will take up the issue of adopting thresholds for cumulative effects and will future cumulative effects analysis be required to include loss of timberland from wildfires.

Chair Gilless encouraged him to take the substance of what he said, put it in a letter, addressing it to the Board. The Chair promised that it would be addressed within the context of the Forest Practice Committee.

Margaret Belksa, Santa Clara County landowner: she first congratulated Edith Hannigan on her appointment to Executive Officer, Board of Forestry and Fire Protection. She expressed her concerns regarding the Fire Safe Regulations particularly on roads improvement.

Larry Hanson expressed his concerns with the even aged thinning of forests. He asked when evaluating what to do to reduce fire, do you parse out wind driven, high severity fire events vs regular fires? If the focus is on wind driven fires, is it the best strategy to thin out forests that open them up to wind events? Fire maps indicate that even age logging areas are more susceptible to high severity fire events. This indicates that, first and foremost, the wise move would be to reduce and stop more even aged logging to keep from creating more potential for catastrophic wildfire events. He added that thinning operations in the wildlands everywhere could have the unintended consequences of creating even age regimes that allows sun entry, drying effects, increased flammable vegetative growth, and increased ability for wind to move through. He hoped the Board will take up this issue at some point.

Richard Gienger says things are being very limited, such as in the EMC, to a very small range of interests, which prevents a holistic and transparent view of the practice of forestry. There should be a blue ribbon panel at Jackson, if not broader, to make suggestions for reform and alternatives to select from.

## Adjournment

Respectfully submitted,

ATTEST:

Edith Hannigan

Executive Officer 

Keith Gilless

Chair