BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

June 9, 2021

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

## **Present**:

* Keith Gilless, Chair
* Rich Wade
* Darcy Wheeles
* Katharine Delbar
* Chris Chase
* Susan Husari
* Mike Jani

# **BOARD STAFF PRESENT:**

* Matt Dias, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Deniele Cade, Staff Analyst, Licensing
* Andrew Lawhorn, Forestry Assistant II
* Edith Hannigan, Land Use Planning Program Manager
* 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 VanSusteren, Regulations Coordinator

# **DEPARTMENTAL STAFF PRESENT**:

* Thom Porter, Director, CAL FIRE
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Tom Smith, Sr. Plant Pathologist, Resource Management
* Matt Damon, Deputy Chief, Land Use Planning, 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 May 2021 Board Meeting Minutes (with minor edits if requested by members of the Board);
* Review of Rulemaking Matrix;
* Board review of RPF Vital Statics and acceptance of withdrawn RPF licenses; and
* Yana Valacovich and Danielle Lindler appointed to the Professional Foresters Examining Committee for terms of 4 years.

**06-21-01 Chair Gilless moved to approve the items on the Consent Calendar. Member Chase seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

# MONTHLY BOARD REPORTS

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

## Chair Gilless recognized former Deputy Director Helge Eng, CAL FIRE, for his service and for his recent participation in a panel discussion on climate, organized by the California Natural Resources Agency regarding actions the Board could take to implement the 30 x 30 and climate change objectives of the state.

* He expressed concern for citizens living in high fire severity zones and to fire and public safety staff laboring on the state’s behalf as we move into fire season.

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

Thanked Chair Gilless for recognizing Helge Eng and his contributions to the state. He shared that he has spoken with Helge, who is doing well in his role of State Forester of Alaska.

**Demonstration State Forests**

* Director Porter reemphasized the mission of the demonstration state forests and the importance of Jackson State Forest in developing forest practices adapted to climate change in the north coast.

### Fire Protection

* Six S-70i helicopters, have been delivered in state. Five are operational and one is in the process of its final sea level testing. The department will have nine by the end of the calendar year, eventually having a total of twelve operational by peak season 2022. In the interim the department still has its Huey fleet and they will be maintained through the purchase cycle on the S-70i.

**Fire Crew Program**

* The Director is concerned with the Fire Crew Program. Out of the 152 allocated California Department of Correction and Rehabilitation (CDCR) Type I Fire Crews, only 55 are available.
* There are currently 16 California Conservation Corps (CCC) Type I Fire Crews.
* The National Guard has 13 Fire Crews that are available for fire activity and fuel reduction project work.
* Currently there are 20 Fire Fighter I hand crews that are available. These hand crews provide 24/7 coverage, without restriction. They are a valuable resource and helps balance the deficit with CDCR.
* The federal agencies are facing similar deficits in the number of crews available.

**Fire Prevention**

* The department has been working diligently with the California Governor's Office of Emergency Services (CalOES), Housing and Community Development, Department of Insurance and Fire Safe Council on the JPA and actions that need to be taken under AB 38 related to defensible space and community hardening.

**Budget**

* There is some indication that the broader funding will be pushed to further negotiations over the next several months.

**Covid-19**

* The department had fewer than 10 cases, out of approximately 9,500 to 10,000 personnel. CAL FIRE is watching developments with the state reopening and isplanning on continued indoor masking requirements, particularly with indoor efforts at base camps.
* The Director, with Secretary Crowfoot and Deputy Under Secretary Morse met with Dr. Dave Daly, a rancher in Butte County, whose cattle and livelihood were affected by the Air Fire in the North Complex. Dr. Daly’s story was moving, his family has worked the same land for 150 years. It was a reminder of the values that individuals have across the spectrum that are very long-ranging. While there’s tragedy there is also optimism, with optimism there is also concern. However, there is a dedication looking at 50 to 100 years out, doing things now that will bring us to a better place. It was also a reminder of how valuable the Board tours and remote meetings are in the forests, rangelands and Wildland Urban Interface (WUI). He looks forward to the Board’s field meetings returning in the near future.

**California Natural Resources Agency (CNRA) Move**

* The move to the new CNRA location will take place in August 2021. The Director commented, the silver lining will be that CAL FIRE, Office of the State Fire Marshal and the Board of Forestry will all be under the same roof.

***Executive Officer Report***

* Provided a Legislative Update
* DRAFT letter to California Department of Fish and Game and the California Natural

Diversity Database

**06-21-02 Member Wade moved to approve the CNDDB Affordability and Access Letter and distribute it to the Director of the California Department of Fish and Wildlife. Member Jani seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

* Provided update on the 45 Day Public Comment Period and July 22nd Hearing Date for the “State Minimum Fire Safe Regulations, 2021”

Executive Officer Dias announced his resignation from the Board and that his last day with the Board is June 30, 2021. He stated that it has been a pleasure working for the Board, with staff and all stakeholders over the last 9 years. He cannot speak strongly enough about the competency and dedication of all the individuals, who are currently working with the Board of Forestry and Fire Protection, the program is as strong as it has ever been. On his departure he feels the Board is in good hands. He added, working under the leadership of Chair Gilless has been a tremendous experience as well as working with Board members over his 9 years with the Board. He wanted to express to CAL FIRE, the Board and Board staff, Resource’s Agency, the Department of Fish and Wildlife, Department of Conservation, Regional Water Quality Control Board, how appreciative he is with the level of acceptance and respect that has been provided to the Board over the course of his tenure. He looks forward to working with the Board from another perspective in the future.

Chair Gilless along with Board members congratulated and expressed their gratitude and pleasure in working with Executive Officer Dias over the course of the years and wished him the best on his future endeavors.

**Public Comment**

Russ Henly stated that it has always been a pleasure working with Executive Officer Dias and wished him well on his next endeavors.

Mr. Krauss speaking on behalf of Pacific Gas and Electric, shared his concerns on the De Minimis language. He offered his thanks to the Board and Management Committee, but urged that the language be extended beyond legally recorded easements.

Mr. Krauss offered, Executive Officer Dias his best wishes.

Frank Harris, California Municipal Utilities Association (CMUA) also commented on the De Minimus language. The Association will be submitting written comments and will be participating in future meetings as this item continues to be discussed.

Mr. Harris congratulated Executive Officer Dias on his experience with the Board. He commented he has always been very balanced, thoughtful and engaged, and always welcomed feedback and conversation with CMUA members and himself. He wished him great success.

**Agency Comment**

Thom Porter, Director, CAL FIRE, thanked Executive Officer Dias for his service and offered, that he will be missed. He commented, he knows that foresters don’t disappear, and will be able to interact with him in the near future, in a different venue, in a different way. He added that it has been a pleasure working with him.

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

* Provided an update on the regulatory process for, and discussion of potential revisions to, “Conversion and ROW Exemption Amendments” and “Conversion and ROW De Minimis Exemption Amendments” (14 CCR § 1104.1 et al.) rule text and associated rulemaking materials.
* Provided an update on the State Water Board hearing on its general order inregards to the CAL VTP.

***Report of the Standing Committees***

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

* No actionable items.
* The committee discussed botanical issues within the Timber Harvest Process. There will be a new version of the DRAFT Board Guidance Memorandum outlining the process on scoping, assessment, and protection of botanical resources to be addressed in the Plan process next month.
* The committee discussed Emergency Rulemaking for Registered Professional Forester Responsibility and slash treatment in association with Emergency Notices – 14 CCR §§ 1052 and 1052.4 Changes will be presented in July.
* The committee discussed Substantially Damaged Timberland within the Southern Sub-District of the Coast Forest District – 14 CCR § 913.Salvage is currently not allowed in the Southern Subdistrict. If changed, this would be in effect in 2023.

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

* Discussed defining “Crop of Trees” as it relates to Timberland Conversion within 30 feet of structures.
* Discussed the terms “Cutover Land”, “Meadows and Wet Areas”, and “Wet Meadows and Other Wet Areas” and their consistency in the Forest Practice Rules – 14 CCR §§ 895.1, 906, 913.4, 933.4, 953.4, 953.12, and 1027.1. This discussion will be continued after additional staff work.

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

* Land Use Planning Program Update was provided by Matt Damon Deputy Chief, Land Use Planning.
* Public Resources Code 4290.5 Fire Safety Survey/Subdivision Review Unit Program Update was provided by Chief Carmel Barnhart, CAL FIRE Land Use Planning. Chief Barnhart introduced the dashboard that tracks progress in completing the review.
* The Safety Elements for Mendocino County, Mono County and the City of San Clemente were introduced by the Land Use Planning Staff and discussed. All were excellent.

# *Report of Board’s Advisory Committees.*

#  *Range Management Advisory Committee* – *Kristina Wolf, Staff Environmental Scientist*

RMAC discussed an email from a member of the public, in regard to the hiring of biologists at the Tahoe National Forest, that didn’t have explicit range management experience, particularly as relates to livestock grazing. RMAC Chair and staff decided to draft a letter in response to Tahoe National Forest to support the hiring of Certified Range Manager or other individuals with Range related expertise and have encouraged correspondence with RMAC with job postings so that RMAC can assist in disseminating the posting to a wider audience. Since then, RMAC has received a response from Tahoe National Forest to continue brainstorming on how to increase a wider audience for the job postings. Discussions will continue in the coming weeks. RMAC will report on the results in upcoming Board meetings.

***Effectiveness Monitoring Committee***

* Loretta Moreno, Senior Environmental Scientist, California Natural Resources Agency, provided an Introduction of the Effectiveness Monitoring Committee Completed Research Assessment guidelines

**06-21-03 Member Husari moved to approve the Guidelines for Completed Research Assessment for the Effectiveness Monitoring Committee, with minor edits suggested by the Board.****Member Wade seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

**Public Comment**

Mike Garabedian, made some observations in regard to the timeliness of the board’s research plan.

***SPECIAL BOARD HEARINGS/REPORTS***

* Presentation: Final Draft of the Board of Forestry and Fire Protection DRAFT Research Report - Russ Henly, CAL FIRE FRAP

**06-21-01 Chair Gilless Move to approve the Board of Forestry and Fire Protection Report on Forest Management Research. Member Jani seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles not available for this motion**

**Chase aye**

**Gilless aye**

**The motion passed.**

**Public Comment**

Larry Camp, Forest Landowners of California, commented that more input from owners and managers is needed.

* Presentation: Final DRAFT of the Report on Exempt Timber Harvesting for the Reduction of Fire Hazard Within 150 Feet of Structures - Drew Coe, CAL FIRE Forest Practice Monitoring Program Manager

The Board deferred approval on this item to give Board members additional time to review the report. It will be added to the July agenda, for potential approval.

**Public Comment**

Larry Camp, Forest Landowners of California, commented the report should be forwarded to Senate Resources Committee for consideration when voting on AB 431.

Chair Gilless asked Mr. Camp to put his comments in writing.

**Agency Comment**

Eric Huff, Staff Chief, Forest Practice, CAL FIRE, thanked the Board for the opportunity to present the report at a full Board meeting. He added he thought it appropriate to defer action to the July meeting to give the Board a chance to review the latest iteration of the report.

* Presentation: Introduction of the California Forest Pest Conditions 2020 report – Tom Smith, CAL FIRE Senior Plant Pathologist

# CONCLUSION

**Public Forum**

Nancy Macy, Chair of the Valley Women’s Clubs Environmental Committee for the San Lorenzo Valley, shared concerns regarding PG&E’s prioritization of enhanced vegetation management over the more cost effective and greater safety of modernizing its infrastructure.

Kevin Collins asked the Board of Forestry to urge PG&E to start updating its standards for circuit design since they are extraordinarily out of date and cause ignitions. He will be submitting his written comments to the Board.

Larry Camp thanked Executive Officer Dias for all the work he put into the Working Forest Management Plan, and suggestions they were able to adopt when the NTMP regulations were revised. He wished him the best of luck and thanked him for his professionalism and friendship.

## Adjournment

Respectfully submitted,

ATTEST:



Matthew Dias

Executive Officer 

Keith Gilless

Chair