BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

January 20, 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
* Katie Delbar

## BOARD MEMBERS ABSENT:

# **BOARD STAFF PRESENT:**

* Matt Dias, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Counsel
* Deniele Cade, Staff Analyst, Licensing
* Andrew Lawhorn, Forestry Assistant II
* Edith Hannigan, Land Use Planning Program Manager
* Laura Alarcon Stalians, Administrative Manager
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist
* Sara Walter, Contracts Analyst
* Katie Harrell, Joint Institute for Wood Products Innovation
* Linda Cano, Executive Assistant

# **DEPARTMENTAL STAFF PRESENT**:

* Thom Porter, Deputy Director, CAL FIRE
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration
* Tom Smith, Sr. Plant Pathologist, Resource Management
* Angie Lottes, Assistant Deputy Director Climate and Energy
* Kurt McCray, Unit Chief, Humboldt Del Norte
* Stacy Stanish, Forest Practice Biologist
* Christine McMorrow, Resource Management Information Officer
* Drew Coe, Forest Practice Monitoring Program Coordinator
* Gabe Schultz, Staff Chief, Regional Resource Manager
* Will Olsen, Forest Practice Monitoring Specialist
* Helge Eng, Deputy Director, Resource Management
* Kevin Conway, State Forest Program Manager
* Matt Damon, Deputy Chief, Land Use Planning
* Pete Cafferata, Watershed Protection Program Manager

# **AGENCY STAFF PRESENT**:

# Jessica Morse, Deputy Secretary for Forest Stewardship, Natural Resources Agency

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

Jeff Slaton, Senior Board Counsel, reported that the Board discussed the items on the agenda during Executive session.

With respect to CP-19-07A, the Board adopted the Administrative Law Judge proposed decision with a minor modification to the payment terms.

# Consent Calendar Items

1. Approval of the January Board Meeting Minutes (with minor edits if requested by members of the Board);
2. Review of Rulemaking Matrix

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

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar unable to vote due to limited meeting connectivity**

**Wheeles aye**

**Los Huertos unable to vote due to limited meeting connectivity**

**Chase aye**

**Gilless aye**

**The motion carried, with two members absent from this agenda item.**

# MONTHLY BOARD REPORTS

## **Report of the Chairman, Dr. Keith Gilless:** Chair Gilless pointed out the alarming evidence of the potential impacts of climate change and length of the fire season increasing over the decades. He mentioned he was looking forward to hearing the information that will be given by Jessica Morse Deputy Secretary for Forest Stewardship, regarding some of the issues that are before the Board in this year’s budget.

**Report of the Director, Thom Porter**

Gave a brief update on the item he previously reported on at the December Board meeting - it had been reported that 115 arsonists had been arrested for the 2020 fire season, after further review, there have been 120 arsonist arrests.

**2021 Proposed Budget**

* CAL FIRE’s proposed 2021 budget is $2.9 billion, that includes a starting general fund appropriation of $616.4 million for expected e-Fund expenditures. It’s calculated on a rolling average of the previous year. This year the department capped out at about $1.2 billion in the e-fund, significantly above the $616.4 million. This amount is a starting point, there is a process for working with the Administration and the Department of Finance and Legislature to increase that amount.

**Budget Change Proposals**

* The department has 16 Budget Change Proposals (BCP) that are being worked through. They will be discussing these with the legislature and the budget sub-committees. A lot of activity will be centered around wildfire resilience, forest resilience, pipeline safety, and home hardening.
* A BCP requests an increase of $137.3 million in general fund money for additional fire crews. That includes 591 positions that are by and large seasonal positions. Over the next two years the department will be phasing in 16 fire crews that for 9 months of the year will be 24/7 covered crews. This requires 3 individuals for each position on the 16 fire crews. Through analysis from previous years the department has determined that approximately 27% of the time of their workdays are assigned to fighting fire, 73% of their time is assigned to project work, including fuels reduction projects and prescribed burning.
* An additional $2.5 million in a BCP will go towards expansion of the California Conservation Corps (CCC) exclusive crews for firefighting and the fire mission. This includes 6 crews in conjunction with CCC. Additional crews will be added that will be seasonal in nature.
* Wildfire Mitigation Financial Assistance Program, run through the Office of the State Fire Marshal are general fund positions needed to implement AB 38 in conjunction with the Office of Emergency Services. They will be working through defensible space inspections and how many can be done in a year, as well as providing assistance for home hardening. Under AB 3074 there will efforts taken to add the 0 – 5-foot fire ember resistant zones to the defensible space inspection criteria. There is also a pipeline safety division staffing measure that will increase the ability to do inspections of hazardous liquid pipelines. Also under OSFM is Code Development and Analysis. There is $482,000 for developing building standards and administrations from the special revolving fund to fund code development needs.
* The CAL FIRE elements to the budget, are in the process of being updated and increased to make adjustments to employee compensation and health care rates, retirement rates, and Contract County wages.
* There is an apportionment to the capital outlay for Contract Counties and will be applied for on their behalf. There is also an increase of unplanned overtime adjustment being made here.
* The Wildfire and Forest Resilience package contains funding for CAL FIRE and sister agencies Parks and Fish and Wildlife, Lands Commission, Sierra Nevada Tahoe Conservancies, California Conservation Corps, Department of Conservation, Office of Emergency Services, and the University of California.

Director Porter returned to a question that was asked by Member Jani and Chair Gilless regarding how will the department ­work towards reforesting an upwards of 400 million acres given L.A. Moran’s capacity of 250,000 seedlings. He commented, although L.A. Moran Nursery was brought back online, the department doesn’t see it as the only way to resolve the issue. The nursery has an inventory of 215,000 conifer seedlings and 15,000 blue oak seedlings and some have been slated for restocking efforts in and around the Camp Fire, Bobcat Ranch, Whiskeytown, and the Carr Fire. L.A. Moran is producing seedlings that will be headed to the CZU Complex Fire area. It takes a minimum of a year to sow the seed and have viable seedlings available to plant. The focus is to maximize the capacity, which they believe will be at 95% this year with the 250,000 plus seedlings. The department is building a third greenhouse; it is planned that this will increase the capacity to a half a million seedlings. The department is selling seed to speculative growers and those who need seed from proper seed zones to grow for their own reforestation. In 2019, the Department sold 254 lbs. which amounts to approximately 1.7 million seedlings. In 2020, the Department sold 223 lbs. for 1.4 million seedlings. The department is not only growing for the small land owner but other restoration projects and non-commercial species. The department is committed to working with WERT and BAER and studying their activities that are in greatest need and working with landowners and forest managers.

Member Chase thanked the Director for his report and the update on reforestation. He encouraged his efforts to build that seedling capacity.

Member Jani asked if the Director had any information regarding money that might be used to do maintenance on establish vegetation management projects. The Director mentioned funds that are going directly to the Units that can be used for that purpose.

Chair Gilless asked where project plans are available for the public to view. The Director noted the best resource is the Unit Fire Plans. Chair Gilless also asked the Director to expand on the Department’s goal to expand the ECC capabilities to receive emergency messages via text. The Director explained the improvements to emergency communications in general, spearheaded by CalOES, and the benefits and limitations of text 911.

The Chairman also asked about the availability of hand crews and the fewer inmate crews that are available and the future use of the infrastructure previously used for inmate crew training and housing. The Director indicated that although they lost CDCR staffing and personnel, they didn’t lose the infrastructure and can use the camps to house other firefighting crews. There are some challenges retrofitting the camps from ones housing incarcerated individuals versus a free workforce. Chair Gilless requested the Department tracked the number of people who make the transition from CDCR crews to general workforce positions.

The Chair also asked about any permanent changes to training generally as we come out of the pandemic. The Director responded that in person classes and workshops for non-essential, non-emergency trainings have been moved online where appropriate and others have been canceled indefinitely. Essential trainings like the Firefighter Academy or Peace Officer Academy have to be done at least partially in-person; they have been done in a hybrid virtual/in-person manner but new Academy classes will be in person. There have been changes to dormitory assignments and other protocols to ensure social distancing and have seen very little effect on the training programs regarding the need to postpone classes.

Member Jani asked for a brief overview on the fires that started yesterday and where they are on containment, especially in the Santa Cruz 2020 burn area. The Director indicated that none of them were very big and he didn’t have any information on structures lost or causes. The fires in Los Angeles and Kern County were generally grass and light fuel driven and laid down overnight and while there’s still some wind, the humidity increased and has slowed fire activity.

**Report and Annual Update – USFS Region 5 Randy Moore, Regional Forester**

Regional Forester Randy Moore addressed

* Shared Stewardship
* Vegetation Management
* Species Conversion
* Range Management
* Environmental Analysis
* Wildfire Suppression
* Biomass & Infrastructure

Member Chase asked what can be done to avoid large scale type conversions on US forest lands in California.

Mr. Moore commented they would like to invite others to the table to help pursue what the solution is to some of the problems they are having. The problems outweigh what they are able to do in house. He invited the Board to assist them in getting ahold of the problem. They are seeing conversion now, it’s things like not being able to use herbicides to help reduce the competition to get trees in the ground. It’s the inability to have enough seed stock in their nurseries as well as budget to get trees back in the ground in a timely manner. It’s a combination of a lot of things that they have not been able to pay attention to and they are seeing the results of it. After the 2020 fires, it will be a primary focus, trying to see where they can get the seed stock and nurseries up and running and allow them to get more in the ground. He commented that, nowhere in the state do they have the ability to provide the number of trees that is needed. They are looking for answers and invited the Board to help in finding solutions to the significant problem they are having.

John Exline, U.S. Forest Service, commented, there are 12 million seedlings at their Placerville nursery and looking to build it to just under 15 million seedlings. The other possibility they are exploring, they did have a small nursery operation in Chico that could be reopened. It would take some effort to bring it back online, but there are an additional 200,000 seedlings at this facility. They have approximately 140 million seedlings in their seed bank, working with their partners at CAL FIRE, and the university systems and others. They are looking at seed sources and the genetic side of things as well, as they move forward. Some of the things that geneticists have been looking at are somatic embryogenosis to build up their rust resistant Sugar Pine stock, they are also looking at rooted cuttings to be evaluated for seedling numbers for their Ponderosa Pine seedlings.

Member Delbar had questions dealing with the Mendocino National Forest on the wilderness area of Snow Mountain and how they are able to handle clean up and work. She also asked about their 213 vacant grazing permits, she would like to see them as a preventative measure for fire prevention but after the fires for cleanup.

Randy Moore commented that they were expecting to have all the information in and requests from the August Fire that consumed a lot of the Mendocino National Forest, in on January 29. They will see what’s in the requests, but their intent is to respond and react to most of the requests in a relatively short timeframe. He commented regarding the vacant grazing permits that he realizes they have a lot of work to do and they have increased their priority. They are looking at some opportunities where allotments have been burned to allow some of the permittees to use other areas that are in better condition while those allotments are restored to a healthy state.

Member Wade asked a question on the limitations on reforesting, it was his understanding that there wasn’t a budget for planting trees and that trees that were planted were funded by charity organizations, and if that was still the method that was used. He asked if there are constraints in NEPA or administrative constraints that are hindering starting reforestation one year later rather than 3 to 5 years later after a disturbance event, such as a fire.

Randy Moore commented that they do have a small budget for reforestation and also work with their partners, however, it is not a huge program because there’s not a lot of funding tied to it. The other issue is that there’s really only a 2 to 3 year window to get trees in the ground before competition sets in. Not being able to use herbicides and once it gets to 2 to 3 years it’s hard to get something established when you can’t use herbicides. What takes so long is the environmental analysis process that is subject to being challenged.

John Exline spoke to the budget constraints they face, he also mentioned how climate change is a factor as well. Some of the lower elevation areas might no longer be suitable for the species that were growing there and there might be other species better suited to those areas now.

Member Jani asked with the change in federal administrations, do they think there is some opportunity, given that we will be rejoining the climate pact, that funds may be freed up to accelerate reforestation, due to the fact that they can make the case they’ll be sequestering carbon. He also asked if some of the acres burned during the wildfires were being burned beneficially – that decision makers saw at the moment that the fire was burning beneficially and so some of the acres may be “good” acres burned.

Randy Moore responded that there are a lot of factors that go into whether a fire is a high priority, such as their proximity to homes. COVID safety measures also played a role in determining where to fight fires. They are not letting fires burn to improve the landscape, they want to get the fires out as quickly as possible and utilize all resources available to suppress the fire. Putting fire on the landscape is good when it’s a prescribed burn for ecological resilience and it’s a controlled burn and managed.

Member Chase asked when you look at the Good Neighbor Authority projects moving into the future, do you anticipate significant retained timber receipts that the state will be able to use to help the Forest Service increase pace and scale to treat more acres or are these projects more of a break even type that aren’t likely to generate much additional net revenues?

Randy Moore responded he certainly hoped so. The projects they have now are break even, but they’re still helpful. He’s glad to see where you can take the receipts and spend it on the lands to improve it is a good thing.

Chair Gilless noted that looking at the reforestation numbers – that is an institutional failure of historic interagency relationships that are not meeting the needs of today. Relying on funding streams that are tuned to program mechanisms that are no longer the current way of doing business to provide the funding needed to fulfill the obligations to the land on reforestation indicates the need for institutional changes. While this might be easier to try to address this in California given the state’s commitment to and leadership addressing climate change, it doesn’t change the fact that the federal government manages so much of the California ecosystem and has an obligation to meet its obligations to the landscape. He applauds the work Mr. Moore and Director Porter have done to develop new institutional models but the mechanisms without the funding, and the funding not reflecting the obligations of the parties very closely is not the level of institutional change that is needed. The Board recognizes the constraints region leadership has been under in recent years, but the time has come that he will try to convince the Board, federal leadership, and CAL FIRE and gubernatorial leadership that the current situation is untenable. The obligations we have to the land do not go away when our mechanisms to address fall afoul of current budgetary year constraints. When we allow type conversions that are not mandated by climate change we have an obligation as land stewards to go in and change things. This is a call to action to address the issues that cause a reforestation backlog of that scope to develop. The Board looks forward to working with Mr. Moore on this.

**Update on the California’s Wildfire and Forest Resilience Action Plan- Recommendations of the Governor’s Forest Management Task Force** – Patrick Wright, Interim Director, Forest Management Task Force

Mr. Wright gave an overview of California’s Wildfire and Forest Resilience Action Plan, a comprehensive strategy developed by the Governor’s Forest Management Task Force.

Member Jani asked if the Task Force had considered providing funds to small forest landowners who do not have CNDBB access.

Chair Gilless asked if the Task Force had any reactions to the priorities of the Joint Institute for Innovative Wood Products recently approved by the Board.

Mr. Wright indicated the action plan tried to capture the top recommendations of the Joint Institute and the work of the Joint Institute and their Advisory Council made a big difference in the contents of the action plan.

**Report of the Executive Officer, Matt Dias**

Provided a brief update on January 10 draft budget

* CalVTP, $2 million
* AB 3074, $1.2 million to write regulations and a guidebook for an ember resistant zone around structures

Jessica Morse, Deputy Secretary for Forest Stewardship

* Provided an update on the budget as it relates to Forest and Landscape Health
	+ Forest Improvement Program, $50 million
	+ Forest Legacy Program, $14 million
	+ Forest Health Program grants through CAL FIRE, increased to $170 million and $20 million specifically for tribes
	+ Sierra Nevada Conservancy, $70 million
* Wildfire Fuel Breaks
	+ Increasing prescribed fire hand crews and investing $20 million to the California Conservation Corps’ Forestry Corps Program
	+ Department of Conservation’s Regional Forest and Fire Capacity Program, $85 million investment
	+ Home hardening and defensible space, $25 million through a pilot program to launch home hardening efforts. Anticipating matching funds of $75 million from FEMA mitigation grants, bringing the pilot program to $100 million
* Adaptive Management
	+ Ecological Monitoring research, $20 million
	+ Remote sensing data, $15 million
	+ Permit efficiencies, $4 million
* Resilient Jobs and Businesses
	+ Workforce training, $24 million
	+ Climate Catalyst Fund, $47 million

**Public Comment**

**Andrea Eggleton Registered Professional Forster representing California Licensed Foresters Association**, asked if there is funding earmarked for the states forestry programs at universities including U.C. Berkeley, Humboldt State and Cal Poly.

Jessica Morse responded, this is a $24 million grant program and is available to our U.C. partners as well in addition to their regular based budget. This would go to bring in innovation and train a robust amount of foresters and forestry crews.

**Report of the Executive Officer, Matt Dias, continued**

* Staffing Update
	+ Announced the appointment of staff Environmental Scientist, Kristina Wolf.
	+ The Senior Environmental Scientist position was advertised and have received several applications and will be conducting interviews.
	+ Announced that Eric Hedge, Regulation Coordinator, would be on paternity leave for several weeks.
	+ Andrew Lawhorn is at Basic Firefighting training through March.
* Provided an update on the development of the DRAFT Research Plan (PRC § 4789.6)
* Provided an update on the Board’s contracts
* Presentation of the DRAFT Annual Report and discussion of 2021 Board priorities

**01-21-03 Chair Gilless moved to approve the Draft 2020 Annual Report with the inclusion of the 2021 Board Priorities and possible inclusion of accomplishments as identified in the EMC report. Member Wade seconded the motion.**

**Discussion: Member Wade had a comment as it relates to the joint committee format and looking to accomplish more in a committee by committee basis. Going through the priorities the committees will be limited in the number of complexities that each respective committee can take on. He would like to see separate meetings or full day committee sessions.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles unable to vote for this agenda item**

**Los Huertos unable to vote due to limited meeting connectivity**

**Chase unable to vote due to limited meeting connectivity**

**Gilless aye**

**The motion carried, with three members absent from this agenda item.**

**Report of Board’s Advisory Committees**

Professional Foresters Examining Committee- Dan Stapleton, Licensing Officer

The Executive Officer for Professional Foresters Registration will report on ongoing PFEC matters**.**

Announcement of successful October 2020 RPF and CRM exam applicants

The California Board of Forestry and Fire Protection (Board) has reviewed and certified the October 4, 2020, RPF and CRM Exam results. The following individuals are recommended for licensing as Registered Professional Foresters (RPF) by the PFEC:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| RPF No. | 3113 | Michael Mattocks | RPF No. | 3126 | Michael Vogele |
| RPF No. | 3114 | Yanik Zuluaga | RPF No. | 3127 | Olivia Fiori |
| RPF No. | 3115 | Louis Schipper | RPF No. | 3128 | Kate Anderson |
| RPF No. | 3116 | David Erickson | RPF No. | 3129 | Bendigo Aufdermaur |
| RPF No. | 3117 | Erich Coulter | RPF No. | 3130 | Seamus Fleming |
| RPF No. | 3118 | Brandon McClintic | RPF No. | 3131 | Ryan Camera |
| RPF No. | 3119 | Arron Cox | RPF No. | 3132 | Corey Bingaman |
| RPF No. | 3120 | Dennis McCorkle | RPF No. | 3133 | Jessica Hinojosa |
| RPF No. | 3121 | Ricky Satomi | RPF No. | 3134 | Timothy Keesey |
| RPF No. | 3122 | Gregory Black | RPF No. | 3135 | Conor Reynolds |
| RPF No. | 3123 | Zachary Jackson | RPF No. | 3136 | Noam Knopf-Boyer |
| RPF No. | 3124 | Milan Yeates | RPF No. | 3137 | Julie Navarre |
| RPF No. | 3125 | Sam Jacobszoon | RPF No. | 3138 | Catherine Benedict |

The following individual is recommended for licensing in the Certified Rangeland Manager (CRM) Specialty by the CRM Panel:

CRM No. 125 Mathew Shapero

**01-21-02 Member Chase moved to certify as Registered Professional Foresters and Certified Rangeland Managers those individuals recommended by the Professional Forester’s Examining Committee as fulfilling all qualifications as required under the Professional Forester’s Law. Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles unavailable for this agenda item**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carried, with one members absent from this agenda item.**

Effectiveness Monitoring Committee – Sue Husari, Co-Chair

* Reviewed the Annual Report and Workplan.

Board members were directed to review the Annual Report and Workplan and to contact Katie Harrell with any questions or concerns before the March Board meeting.

Joint Institute for Wood Products Innovation – Katie Harrell, Committee Staff

The Joint Institute identified and ranked 7 potential projects for the coming fiscal year. CAL FIRE decided to pursue two of the projects, one is addressing small industrial mills and the other is addressing mass timber looking at mass panel lay ups using California mixed conifer species. Based on the remaining projects and rankings received the Institute will be pursuing a materials project and data collection on pile burning. They are currently defining those projects before pursuing them further. She hopes to have the scopes of work available by the March Board meeting.

**Report on the Joint Committee Workshop**

* Discussed the potential revisions to Technical Rule Addendum No. 2 regarding botanical resources and timber harvest processes
* Staff provided an update on potential amendments to Conversions Exemptions - 14 CCR § 1104.1 *et seq*.
* Summary of discussions at the January 12 RPC Workshop
* CAL FIRE Land Use Planning 2020 Review
	+ Public Resources Code 4290.5 Fire Safety Survey/Subdivision Review Unit Program Update
* Provided an update on Permanent Rulemaking for the Fire Safe Regulations

Member Los Huertos wanted to add for the Right of Way, that is wasn’t an easy conversation because the stakeholders and utilities weren’t present so they couldn’t engage in questions around that, it makes it complicated with moving it forward.

## Public Forum

## Adjournment

Respectfully submitted,

ATTEST:



Dan Stapleton

Assistant Executive Officer

Keith Gilless

Chair