

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: <http://www.bof.fire.ca.gov/>



(916) 653-8007

Resource Protection Committee Meeting Report

Note: *agenda items appear below in the order in which they were discussed by the assembly.*

RESOURCE PROTECTION COMMITTEE**November 2, 2010****Time:** 1:00 p.m. – 4:00 p.m.

Location: Resources Bldg.
15th Floor, Room 1506-12
Sacramento, California

Agenda #1: Update on draft of proposed regulations for the forest legacy program.

Mr. Jeff Calvert went over the updated draft of proposed regulations language from last month. Additionally, Mr. Calvert thanked Mr. Zimny for all his help in assisting him with the language of the draft proposal. Mr. Calvert walked the committee members through some of the changes made to the draft. The following were some of the changes that were brought up by committee members.

Project application selection criteria in section 1573.3 on page 16-included was edited such that Cal Fire would be the holder of easements with working forest conservation components. Additionally, change noted on line 17, page 17 on changing "Preferential ranking" to "Selection Criteria".

The committee reviewed a staff report on board policies relevant to working forest. These policies were then added to section 1573.3. The committee discussed that the selection criteria should include "working rangelands", or cattle grazing operations are part of the easement. Other edits by the committee included eliminating "As a preferential ranking criteria lands that are under Williamson act designation".

The committee also discussed which types of private forest lands are applicable for conservation easements under the Legacy program. Member Piirto discussed whether University foundation properties would be eligible for such easements. There was general consensus from the committee and Mr. Calvert that such properties would be eligible for conservation easements under the Legacy program.

Conclusion: Chair Giacomini suggested that next month we continue working with regulatory edits agreed upon at the November meeting on the draft and maybe by December the Committee can bring it back to the Board to take action to publish a 45 day notice of rulemaking.

Agenda #2: Review of the Draft Revisions to 14 CCR 1299 100 Foot Defensible Space Regulations and Guidelines

No discussion. Chief Durham was not present. Forward agenda item to next month. Place item on agenda for December 2010 meeting.

Agenda #3: Review of Sudden Oak Death Emergency Notice Regulation.

Mr. Jack Marshal, CAL FIRE Pest Specialist went over some of the changes that were made to the proposed Emergency Rule language that would allow for filing an emergency notice under section 1052 of the California Forest Practice Rules to control the spread of Sudden Oak Death disease.

Board Member Walz stated that the word “feasible” as criteria for establishing emergency in section 1052 was not necessary and should be deleted.

Dennis Hall, Chief, Forest practice discussed several issues that Cal fire has with the proposed regulation. First issue is related to the use of a non-discretionary to make a determination of “isolated infestations.” He stated that the emergency rule should be based solely on the confirmed presence of an infection. The committee and other participants discussed in general the appropriate geographic scope of the proposed regulation. It was noted that there may need some context added to what an isolated infestation is and to what geographic extent should be applicable for a single emergency notice permit. Committee and participants also discussed the primary species intended to be removed is part of the permit. Is the intent of the permit to allow commercial removal of tanoak and bay laurel as they are the primary carriers of the spores which spread the disease? Removal of conifer trees such as redwood was not the primary host species intended to be targeted as part of the emergency notice.

Mr. Marshall indicated that the authority and a reference language should add a reference to PRC 47 50 which discusses the intent of legislature to control Sudden Oak Death disease.

The committee discussed changes needed to section 1052.5 regarding clarifying requirement for Sudden Oak Death to be confirmed through “lab testing”. Amendments were made by the committee to clarify lab testing, to mean those labs or operations are conducted by the United States Department of Agriculture.

Other discussions included the need for adding specific best mantra practice is to clarify the operational notations for the emergency notice into sections 1052.5 (c) and (e). Discussions include the need for allowing removals of affective trees in watercourse and Lake protection zones, but restricting burning of slash in these areas or the removal of conifer overstory for trees. Furthermore, there was a proposal to add a new subsection under 1052.5 (e) to describe postharvest reforestation requirements.

The committee discussed the need to make sure that other public trust resource agencies such as the National Marine Fishery Service, the Department of Fish and Game, and the North Coast Regional Water Quality Control Board were contacted regarding the content of this proposal.

Conclusion: Jack Marshall and Gary Rynearson will work on this Emergency Rule language and bring back to the Committee next month to present to the Board for December.

The goal is to have the board adopt the emergency regulation in December 2010 and have it effective for 180 days, while the permanent rule is being developed.

Agenda #4: Discussion of the Golden Spotted Oak Borer Declaration of Zone of Infestation.

Mr. Chris Zimny went over briefly the attachments that were included in the Board Binders.

Mr. Nick Condos, California Department of Food and Agricultural, was present to go over the Golden Spotted Oak Borer issue from his department's perspective. Mr. Condos feels the Committee should not declare a zone of infestation because it is a good candidate for quarantine. Because of the low benefit on cost ratio, it is difficult to regulate a very local noncommercial firewood removal operation, which is the most prevalent source for spreading the pest. Furthermore, there are conflicting assessments of need for the pest between the US AFAS, which decided not to recommend it as a reportable pest, the USFS report which indicated California should take regulatory action. Mr. Condos indicated that CDFA is supportive of education and outreach programs to target audience as one means to address the spread of the pests.

Mr. Tom Smith, a Pest Specialist for Cal Fire, indicated that the USDA Forest Service and the California Pest Council have been have created a working group to help address the needs to control the pest and have developing best management practices.

The committee decided that regulatory action to declare a zone of infestation would not be the most effective action at this point in time. The committee requested that Mr. Smith prepare a position statement for the board regarding actions best manager practices and other ongoing workgroup activities to better understand situation and formulate a policy. The committee members recognize that regulatory actions under the authority of the board is primarily related to commercial timber harvesting plans, and not minor oak woodland firewood removal operations. There was also concern by the committee members that quarantine and restricting movement of firewood would have an economic impact on those using firewood, and not necessarily be effective for controlling the pest.

Conclusion: Tom Smith, Cal Fire, Forest Pest Specialist will put his findings together on a policy statement to present to the Board for next month.

Agenda item #5 New and Unfinished Business:

Nothing to report.

Agenda #6: Next meeting's agenda and Review of RPC Priority objectives and Work Plan

The next meeting of the RPC will have the following agenda:

1. SOD Emergency Notice
2. GSOB
3. Update on Draft of Proposed Regulations for the Forest Legacy (Jeff Calvert).

4. Review of the Draft Revisions to 14 CCR 1299 100 Foot Defensible Space Regulations and Guidelines.
5. New and unfinished business
6. Review of 2010/2011 priorities

REVIEW OF 2010/2011 PRIORITIES

PRIORITY 1:

1. **Update of Title 14 CCR 1270 Regulations (Fire Safe), PRC 4290/4291:** **Objective:** *Revise SRA Fire Safe regulations as needed. Status: Staff has completed proposed amendments to administrative portions of the regulations. CAL FIRE and external stakeholders will begin review of RPC proposal and other technical sections of rules. Target is completed initial reviews review by end of 2010 and complete review of technical standards by made 2011. Periodic updates will be received by the RPC in 2010.*
2. **SRA 5 years review of maps:** **Objective:** *Adopt revised SRA maps and update SRA Classification Guideline regulations. Status: SRA classification guidelines amendments held hearing on July, 2010. Additional Guidelines amendments were considered at an October 6th, 2010 hearing and the regulation was adopted. Notice of hearing on Director approved maps was published by staff on October 18th, 2010, for a January 5, 2010, hearing. Complete regulatory amendments and map updates scheduled for the end of 2010.*
3. **Forest Legacy Program rule proposal update:** **Objective:** *Develop and adopt regulations for Forest Legacy Program. Status: Staff briefing RPC on regulations and drafting an ISOR. Goal is to have RPC notice proposal by end of 2010.*
4. **Golden spotted Oak Borer** **Objective:** *On going updates being provided by various agencies. Status: RPC to consider GSOB Zone of Infestation regulations or other actions to address issues. No timelines or work progress established.*
5. **Sudden Oak Death Regulations:** **Objective:** *On going updates being provided by COMTF. Status: RPC to consider emergency notice regulations or other actions to address issues at December 2010 or January 2011 meetings.*

PRIORITY 2:

6. **Vegetation treatment plan EIR:** **Objective:** *Complete administrative draft to incorporate internal reviewers' comments. Status: CAL FIRE considering options to complete admin. draft and issue for public review. Funding has become available to complete the work over six-month period.*
7. **Safety Element Review (all counties, cities with VHFHSZ):** **Objective:** *Review ongoing general plans submitted. Status: Completed and approved revision of GP recommendations at March 2010 RPC. Submission of GP recommendations to counties on-going.*
8. **(D09 #11) Regulatory consistency with new PRC 4291 laws:** **Objective:** *Revise Technical Rule Addendum No. 4, diagram of required defensible space to show the 30-to-100 foot zone around structures wherein fuels treatment are required per PRC § 4291(b) and 14 CCR § 1299(a)(2). Also potential amendments to 14 CCR 1299. Status: Revisions being prepared for 14 CCR 1299 updates by CAL FIRE workgroup in progress. Expected recommendations to BOF in end of 2010.*
9. **Utility Vegetation Clearing Standards** **Objective:** *Track CALFIRE Monitoring of performance of major woody stem exemption. Also, engagement with CPUC on new*

vegetation clearing standards. **Status:** Initial field and data base review of PGE MSW sites completed in August 2010. Periodic updates on other utility MSW reviews in progress in 2010.

10. **Range Management Advisory Committee's white paper entitled, "State Owned Lands: A Discussion of their Acquisition and Recommendations for Sustaining Natural Resource Values."** **Objective:** Complete and submit white paper prepared by RMAC for Resources Agency to establish a policy for providing maintenance to lands acquired or privately controlled via use of state funding. **Status:** Completed paper sent to Resources Agency in 2010. No response received from agency.

PRIORITY 3:

11. **Nursery Program Review:** **Objective:** Begin review of Board Policies in light of current budget and Magalia closure, ramifications for climate change adaptation strategy. **Status:** No timelines or work progress established.
12. **Vegetation Treatment Program Review:** **Objective:** Performance report of CAL FIRE programs to evaluate progress in fuel hazard reduction suspended. Issues regarding lack of resources and staffing. **Status:** No timelines or work progress established.
13. **Fuel Hazard Reduction Emergency and Forest Fire Prevention Exemption (14 CCR §§ 895.1, 1052, 1052.1, 1052.4, 1038(e), and 1038(i))** **Objective:** Rules allow fire-prone landscapes in fire-critical areas to be treated to lessen their fire threat. However, there is no provision to assure that such landscapes will be maintained. Consider restricting the future management allowed through the FPRs, i.e., even age management. **Status:** No timelines or work progress established.

Completed Issues

Title 14 CCR 1270 Regulations (Fire Safe), PRC 4290: Staff completed and RPC consented on proposed amendments to administrative portions of the regulations. CAL FIRE and external stakeholders will begin review of RPC proposal and other technical sections of rules.

Update on status of Subvention Funding for the Williamson Act and Board letter : EO submitted letter on topic to Governor's office following approval by RPC in June 2010.

California Fire Plan: Final Plan adopted in June 2010 and document is completed.

Utility Vegetation Clearing Standards: CALFIRE completed monitoring of performance of major woody stem exemption for PGE utilities in August 2010.

SRA 5 years review : SRA classification guidelines amendments adopted at October 6th, 2010 hearing. OAL filing to be approved in November 2010. Notice of hearing on Director approved maps e published by staff October 18th, 2010, for January 2011 hearing.

Forest Legacy Program rule proposal update: Regulations for Forest Legacy Program drafted by staff and RPC to take 45 day notice action in December 2010.

Golden Spotted Oak Borer Objective: RPC completed assessment of need for GSOB Zone of Infestation regulations or other actions to address issues.

Sudden Oak Death Regulations RPC to drafted emergency notice regulations. Emergency rule scheduled to be considered by the Board in December 2010 or January 2011.

Vegetation treatment plan EIR: *RPC and CALFIRE team reactivated team to develop administrative draft.*

Safety Element Review (all counties, cities with VHFHSZ): *Completed and approved revision of GP recommendations at March 2010 RPC. Submitted GP recommendations to 10 counties or cities in 2010.*

Range Management Advisory Committee's white paper entitled, "State Owned Lands: A Discussion of their Acquisition and Recommendations for Sustaining Natural Resource Values." *Complete and submit white paper prepared by RMAC for Resources Agency to establish a policy for providing maintenance to lands acquired or privately controlled via use of state funding.*