

BOARD OF FORESTRY AND FIRE PROTECTION

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**Resource Protection Committee Meeting Report**

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

RESOURCE PROTECTION COMMITTEE**April 6, 2010****Time: 1:00 p.m. – 4:00 p.m.**

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

Agenda #1: Fire Plan Update. Review of Public Comments on Draft.

Chief Pimlott went over the comments that have come in on the priorities for the Fire Plan Update from the Cal Fire Units. There was also approximately 30 letters with comments that have been coming in from the public that will be sent to the Board. Some of the comments are also from the hearing that was held from Senator Kehoe's Legislative Committee on March 24, 2010. Chief Pimlott and Chair Giacomini will meet before the April 8th Fire Plan Steering committee meeting to go over these comments.

Phyllis Banducci, Staff Chief, Fire Plan, announced that she has received comments from 14 Units on the priorities. She handed out a summary of the comments that she has received and went over the highlighted items on the handout with the Committee. She will try to capture any additional comments that may come in before the Steering Committee meeting on Thursday.

RPC member Gary Nakamura recommended that the Board distribute the edited draft fire plan to a wider group of relevant government agencies. This comment was suggested at the legislative hearing by Senator Kehoe.

Discussion among stakeholders at the meeting and Chief Pimlott centered on the fire plan prioritizing an analysis of level of emergency services and focus on protection of urban assets. Chief Pimlott noted that the Governor's Emergency Response Initiative is closely related to these issues.

Agenda #2: 1270 SRA Fire Safe Regulation update.

Board Staff, Chris Zimny went over the 1270 draft update dated March 31, 2010, which reflects work that Chair Giacomini, Board Staff Chris Zimny and Board Counsel Teri Ashby have worked on over the month. The work is primarily related to describing the scope of the 1270 Fire Safe Regulations. Board Counsel, Terri Ashby went over the scope with the Committee.

The RPC directed staff to have the regulation remain silent on issues related to application of the fire safe regulations for rebuilding permits following wildfires. The regulatory revisions proposed and subsequent documentation of necessity and purpose in the initial

statement of reasons should provide any additional clarifications of the Board's intentions. The stated intention should include that Cal Fire has the authority to inspect development plans for compliance with fire safe regulations prior to permit issuance by the local agency. However, it is a local agency's responsibility to enforce implementation of the fire safe specifications. Cal Fire has limited or no statutory role in enforcement or violations of these regulations issued through local permits.

Board Staff, Chris Zimny stated that he will continue to work on the 1270 draft, specifically three subsequent sections, (local ordinances, inspection authority and exceptions) with Board Counsel, Teri Ashby and will bring those back to the Committee in May.

Agenda #3: Update by the Department on State Responsibility Area Review. Phyllis Banducci, CAL FIRE.

Phyllis Banducci, Staff Chief went over a presentation regarding the State Responsibility Area map 5 year review and update. Central to the review was proposed regulatory amendments to the SRA Classification Guidelines that are needed to implement the SRA map update. Additionally Phyllis went over the edits that were made throughout the draft document. The edits are generally minor and update current technology used for GIS base mapping. Additionally, there were proposed amendments to add automatic modifications to the map (meaning changes without board review) when technical mapping errors are found and corrected.

The RPC made minor edits to the Classification Guidelines. Next month Phyllis will bring a revised version of the editorial changes referenced at today's RPC meeting. It is anticipated that the RPC will take action in May 2010 to recommend to the Board to publish a 45 day notice of regulatory action for the classification guide amendments. It was noted that it is necessary to adopt the classification guide edits as soon as possible so that the five-year review of the map can be updated in accordance with the new classification guide requirements.

Agenda #4: Update on the Utility Clearing Exemption Monitoring. Melodie Durham, CAL FIRE.

Melodie Durham, Staff Chief briefs the RPC on the major woody stem regulatory monitoring efforts being conducted by the Department. She stated that the monitoring will evaluate data from PG&E regarding any fires and outages caused by tree over hang limbs in relation to major woody stems locations. It was noted that Cal Fire/PGE does not have the track record of fires and power lines for MSW and information on outages from tree limbs located at MSW sites will be the closest proxy for the effectiveness of the major woody stem regulation. PG&E has the most comprehensive information regarding these kinds of fires and outages. At this time PG&E has not given Cal Fire these reports. Chief Durham will work on obtaining this report and similar information from other utilities. The adopted extension to the exemption would be permitted for a limited period, expiring on January 1, 2012. The exemption applies to utility lines in State Responsibility Area (SRA).

Staff Chief Durham will keep the RPC posted on any updated information regarding this date.

Agenda #5: Update on Defensible Space Guidelines – Melodie Durham, CAL FIRE

Melodie Durham, Staff Chief went over CAL FIRE review of the 14 CCR 1299 Defensible Space guidelines. The review is being conducted initially by a Cal Fire team in response to updates made in 2009 to PRC 4291. Another objective of the review is to make sure that education material on defensible space is consistent with the 1299 Board regulations.

Discussion by the RPC included whether a Cal Fire team should consider as part of its review the statutory requirement to consider the building flammability in relation to the extent to fuel modification. Also, whether the Cal Fire team will incorporate public input. Chief Durham mentioned that the initial Cal Fire review will be followed up by local government stakeholder input. The RPC noted that it would be important to have technical expertise on building ignition resistant construction as part of the review.

Chief Durham will have recommended modifications of the 1299 guidelines by the June 2010 RPC meeting.

Agenda #6: CAL FIRE Forest Legacy Program Regulatory Proposal. Jeff Calvert, CAL FIRE.

Jeff Calvert, Forest Stewardship Program, went over a regulatory proposal for the California Forest Legacy Program Act. He stated that this is the third time he has tried to adopt this proposal. He briefly reviewed the original rules proposed in 2006. The RPC will review the proposal and the item will be placed on next months agenda for further information and edits.

Agenda #7: Discussion of items for next month's agenda, review of 2010 Priorities

The RPC identified the following items for the May 2010 RPC agenda.

1. Fire Plan Update: Review of edits based on public comment; Initial work priorities and performance standards.
2. 1270 Fire Safe Regulations review on local ordinances, inspection authority and exceptions.
3. SRA Classification Guidelines Regulation update: **Possible action item:** Recommendation to Board to publish 45 day notice of regulatory action.
4. Forest Legacy Program regulatory review

ISSUES FOR 2010

PRIORITY 1:

1. **California Fire Plan:** Complete/Publish Review of 1996 Fire Plan, Initiate Update of CA Fire Plan: Review published, summer 2008. FPSC formed, update begun, target 2010 adoption. Public review draft being finalized. Information to be evaluated: Federal Fire Policy review and coordination, Cooperative Fire Review (§4141 et seq.), Unit Fire Plans, Community Wildfire Protection Plans, Contract County review, Blue Book (Staffing) Review, Climate change issues. Objective/Status: Complete by end of 2010, in progress and on May 2010 agenda.

2. **Safety Element Review (all counties, cities with VHFHSZ):** *Review is ongoing issue, though it seems that fewer counties are submitting. Need to revisit this in light of the Fire Plan. 2010 mandatory reviews begin (San Diego area), reviews should consider 1270 compliance monitoring concurrently (review all counties for current standards, i.e., meet or exceed requirements). **Objective/Status: Completed and approved revision of GP recommendations at March 2010 RPC. Submission of GP recommendations to counties on going.***
3. **Local County ordinance certification of Title 14 CCR 1270 Regulations (Fire Safe), PRC 4290/4291:** *Staff has begun review of statutes and regulations pertaining to fire safe regulations. **Objective/Status: Review of scope, inspection authority and, exceptions in 2010. This will be continued to be reviewed and placed on the RPC Committee meeting agenda for May 2010***
4. **SRA 5 year review, balancing of DPA** *Review to begin in 2010. Should consider SRA guidelines concurrently. **Objective/Status: Complete by end of 2010; Preparations of SRA map updates in progress at CAL FIRE Units and FRAP.***
5. **Utility Vegetation Clearing Standards** *Tracking CALFIRE Monitoring of performance of major woody stem exemption. Also, engagement with CPUC on new vegetation clearing standards. **Objective/Status: Periodic updates in 2010;***

6.

PRIORITY 2:

7. **Vegetation treatment plan EIR:** *Administrative Draft being finalized, expect public review to begin first of 2010. Department should give an update ASAP to determine timelines. **Objective/Status: Complete when funding becomes available; Contract work currently suspended.***

PRIORITY 3:

8. **(D09 #11) Regulatory consistency with new PRC 4291 laws:** *Includes amendments to Technical Rule Addendum No. 4, Minimum Distances Required by Law. Diagram of required defensible space does not 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. **Objective/Status: Update of non regulatory guidelines in 2010. Revisions being prepared by CAL FIRE workgroup in progress.***
9. **Nursery Program Review:** *Begin review of Board Policies in light of current budget and Magalia closure, ramifications for climate change adaptation strategy. **Objective/Status: No timelines or work progress established***
10. **Sudden Oak Death Regulations and GSOB** *On going updates being provided by COMTF. **Objective/Status: No timelines or work progress established***
11. **Vegetation Treatment Program Review:** *Performance report of CAL FIRE programs to evaluate progress in fuel hazard reduction Review suspended. Issues regarding lack of resources and staffing. **Objective/Status: No timelines or work progress established***

12. **Fuel Hazard Reduction Emergency and Forest Fire Prevention Exemption (14 CCR §§ 895.1, 1052, 1052.1, 1052.4, 1038(e), and 1038(i))** *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. **Objective/Status: No timelines or work progress established***

13. **Range Management Advisory Committee's white paper entitled, "State Owned Lands: A Discussion of their Acquisition and Recommendations for Sustaining Natural Resource Values."** *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. **Objective/Status: Complete by mid-2010; policy paper submitted to Agency in late 2009.***

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