

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
February 2, 2010
Time: 1:00 p.m. – 4:00 p.m.

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

Agenda #1: California Fire Plan Update. Review of Fire Plan Steering Committee's current draft fire plan update. Review of consistency of Board's current Fire Policies and draft fire plan update.

Chair Pam Giacomini gave an overview of the Fire Plan Update process and status of draft documents. Chair Giacomini stated that the Fire Plan Steering Committee (FPSC) is recommending to the RPC to release the goals and objectives components of the Fire Plan Update for public review. The FPSC recommends the Board approve the public release of the document at its February 3, 2010 meeting.

Chair Giacomini indicated that vision, goals and objectives portions of the fire plan update are the parts of the plan that should be sent out for public review. The performance standards for the goals and objectives are not fully formulated and will follow for public review at a later date. The RPC intends for the draft fire plan update to be reviewed for a 60 day period.

Chief Ken Pimlott, Cal Fire, went over some of the changes that were made regarding the Fire Plan update and noted that the version proposed to be in release for public review is dated January 27, 2010. Chief Pimlott also went over the Glossary/Definitions that were revised since the version presented at the January 2010 RPC meeting. Chief Pimlott mentioned that the document is meant to be dynamic and no substantial directional changes were made compared to last month's version. Chief Pimlott said that he would like to see the document move forward and have it reviewed for comments.

Dean Cromwell went over some example fire plan performance measures for Goal/Objective 1b and 1c. A handout was provided describing potential performance measures.

RPC members commented that the example performance measures are too specific for the goals and objectives and should be more focused on measuring outcome of fire on the landscape overtime. Performance measures should focus on how to enhance protection of lives and natural resources and not so much the ways it takes to do this.

RPC members, and others at the meeting, then discussed the difficulties with establishing performance measures based on outcomes of fire because information systems and GIS are not available to characterize fire impacts such as structure value losses.

Chair Giacomini and the RPC members agreed to add a cover letter to the release of the public review draft that provides background information on the fire plan update process, overview of the vision of the fire plan, overview of the goals and objectives, and a statement requesting public comments.—

Board member Walz made a motion that the RPC recommend to the Board to distribute the Fire Plan Update for public review and comment for 60 days period and to prepare a cover letter to be included with the distribution. All committee members concurred with this.

The agenda item concluded by noting that the next fire plan steering committee meeting is scheduled for April 8, 2010.

Agenda #2: Review of draft updates to the SRA FIRE Safe Regulations in 14 CCR 1270 et seq.

Board staff Chris Zimny gave an overview of potential amendments for fire safe regulations for new development. Discussions at the meeting focused on potential amendments to 14 CCR 1270.02, which establishes the scope or of where the regulations apply.

Board counsel Terri Ashby went over the scope on other regulations, as interpreted by a legal opinion in 1993. Counselor Ashby indicated that based on a legal opinion portions to of 14 CCR 1270.02 not accurately reflect the requirements of PRC 4290 and potential amendments should be considered by the committee. The inconsistencies with the current language are primarily related to obligations of permit applicants to bring up to current standards certain existing roads or other structures.

Mr. Zimny was instructed to continue to work with Terri Ashby regarding this topic and provide potential amendments at the March meeting.

Agenda #3: Revisions to the Board's General Plan Fire Safety Element Standard Recommendations.

Board staff Chris Zimny went over potential revisions to the Board's General Plan Fire Safety recommendations.. Mr. Zimny indicated the revisions were necessary to simplify the recommendations and make them more useful for the local agencies, eliminate duplication, and incorporate information provided in the fire plan update. Mr. Zimny provided a revised list of recommendations and asked for them to be reviewed by the RPC for discussion at the March 2010 RPC meeting.

Agenda #4: New and Unfinished Business.

a. Presentation context for CAL FIRE's Civil Cost Recovery Program.

Board staff Chris Zimny updated the RPC on a presentation by the Office of the State Fire Marshal's Cost Recovery Program. The presentation will done at the March 2010 full Board meeting. Mr. Zimny requested that the RPC members provide him information or topics that the RPC would like to see in the presentation.

Topics that the RPC members indicated they would like to see as part of the presentation included negligence threshold, cost recovery value calculation methodologies, and policies for declaring escape fires as negligent.

b. Certification San Diego Consolidated Fire Code

Board staff Chris Zimny requested from the RPC certification of the San Diego Consolidated Fire Code pursuant to 14 CCR 1270.03. Mr. Zimny indicated that he had conducted a review of the local ordinance to evaluate whether the local ordinances meet or exceed the state minimum codes. The review was based on initial analysis conducted by San Diego county fire officials (Ralph

Steinhoff) and conducted in consultation with Chief Howard Windsor of the Monte Vista Cal Fire unit. Chief Windsor, provided endorsement of the local ordinances as meeting or exceeding the state minimums.

Mr. Zimny focused on several local ordinances that were different from the state minimum standards and described the rationale provided by the County on why these codes meet or exceed the state minimum. The local ordinances of interest pertain to driveway grade, dead end road turnaround locations, turnaround widths, and driveway vertical clearance height. Mr. Zimny recommended to the RPC that the local ordinances meet or exceed the state minimum standards and that the RPC should recommend to the full board certification of these ordinances. He noted that the recommendation by the RPC on February 3, 2010 should be a tentative adoption, because the action needs to be properly noticed on the Board's agenda for the March 2010 meeting. Additionally, the adoption is tentative because the County is providing additional supporting information on how the ordinances meet or exceed the State minimum standards.

Member Walz made a motion to recommend to the full board to tentatively certify the San Diego County Consolidated Fire Codes and place the final certification as an agenda item on March 2010 meeting agenda.

Agenda #5: Discussion of items for next month's agenda, review of 2010 Priorities. Potential Agenda Items for March 2010:

The RPC identified the following items for the March 2010 RPC agenda. The RPC noted that priority 3. 71 from the 2010 Committee Priorities Report, "Regulatory consistency with PRC 4291 laws", is being introduced to the RPC in March 2010.

1. Fire Plan Update: Review of public comments on draft.
2. 1270 SRA fire safe regulation update
3. Revisions to the General plan safety element recommendations
4. Potential updates to the defensible space guidelines less than 14 CCR 1299 PRC Agenda item (priority item3)
5. Discussion of next month's agenda

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 in RPC.***
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: Complete update revising of recommendations by end of 4/2010, in progress in 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: Comprehensive review in 2010. This will be reviewed and placed on the RPC Committee meeting agenda for March 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; No progress done as of 2/3/10.**

PRIORITY 2:

6. **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:

7. **(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 guidelines in 2010. Revisions being prepared by CAL FIRE workgroup in progress.**
8. **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**
9. **Sudden Oak Death Regulations and GSOB** On going updates being provided by COMTF. **Objective/Status: No timelines or work progress established**
10. **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**
11. **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**
12. **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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