

**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**  
**September 7, 2010**  
**Time: 1:00 p.m. – 4:00 p.m.**

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

**Agenda #1: Review of 5 year update to SRA maps. Possible action item: RPC recommendation of adoption by the Board of SRA maps.**

The RPC discussed two related actions under this agenda item. The first is the adoption of the CAL FIRE recommended SRA Map updates and the second is the issuance of a 15 day notice to amend the SRA Classification System Guidelines.

Phyllis Banducci Staff Chief for CAL FIRE went over the recommended SRA Map updates made by the State Review Team. The updates have been approved by the Director of Cal Fire. The summary documents and web link to the maps were distributed to all Committee members. Additionally she went over the summary document results showing the various changes in mapped acreage by county.

RPC members raised questions on any fiscal impacts resulting from the change in SRA map fire protection areas. Specifically, The RPC asked about any additional costs to CALFIRE or local government as a result of the map updates. Chief Banducci responded there were not because any additional responsibilities will be absorbed by the appropriate existing suppression forces or be reassigned as part of the State/federal cooperative agreement for reciprocal fire protection.

Chief Banducci is recommending the Board take the Department's recommendation on the maps and publish a notice for a hearing to adopt the maps. Board staff Chris Zimny recommended to the RPC that the Board publish the notice of hearing as soon as practicable and hold a hearing in January 2011. The time frame allows a substantial period for public review and would be after the effective date of the recently amended SRA Classification System Guidelines amendments.

**Action: Committee Member Walz made a motion to recommend the approval of the maps to the full Board and publish a hearing notice of the map adoption as soon as practicable. The hearing would be at a date following the pending adoption of the State Responsibility Area Classification System Guidelines. Committee member Saito seconded the motion. All members voted in favor of the motion.**

The second related item was amendments to the previously adopted SRA Classification System Guidelines. Board staff Chris Zimny explained that the Guidelines adopted by the Board at the July 7, 2010, hearing would not be approved by OAL because the Board

made a slight change to the regulatory notice in response to public comment that was more than purely grammatical. The additional requirement was related to having a county's planning department review the initial field evaluation of proposed SRA Map changes. The Board's inclusion of this requirement was in response to an official comment from the Regional Council of Rural Counties requesting inclusion of the planning department review at the early stages of the map update process.

To remedy the potential disapproval, staff recommended (on advice from OAL) for the Board to issue a 15 Day Notice of hearing for regulatory changes that includes the above mentioned planning department review requirement. Mr. Zimny noted that the hearing could be held at the October, 6, 2010, Board meeting.

**Board action on Guidelines: Committee member Piirto made a motion to publish the 15 day notice of amendments to the Guidelines that were requested from OAL and schedule a hearing for the October Board meeting. Committee member Saito seconded the motion. All members voted in favor of the motion.**

**Agenda #2: Update on Draft of Proposed Regulations for the Forest Legacy Program (Jeff Calvert).**

Chief Jeff Calvert stated that, at the request of the Committee, he had submitted proposal to Giny Chandler, Legal Counsel for Cal Fire for comments. At this time she has not sent them back with feedback. Given this, there are no changes to report at this time. Chief Calvert noted that the proposed regulations will help support the Department's prospective that awarded easements should include requirements that ensure "working forests" are part of the terms and conditions of the easement.

**Agenda #3: Update on CAL FIRE Review of 14 CCR 1270 SRA Fire Safe Regulations. Update on Defensible Space Guidelines recommendations. (Melodie Durham).**

Chief Melodie Durham went over the scope and the work plan of the 4290 Workgroup. The initial task of the workgroup is to reconcile regulatory inconsistencies among fire codes that address new development standards in SRA. Specifically, there are conflicts for "fire access roads" standards among 14 CCR 1270 et seq. (the Board's Fire Safe Regulations) and Title 24 (aka the California Fire Code). The group has begun preparing a comparison of the various codes to identify conflicts. Additionally, the Fire Marshal's Office has issued an Information Bulletin to temporarily address conflicts on fire access roads in Title 14 and Title 24. Regulatory amendment proposals to reconcile conflicts may be complete by December 2010. Complete review of all 14 CCR 1270 and Title 24 County Fire Code regulations may be completed by the end of 2011.

The RPC requested that Board staff send them a copy of the draft regulatory comparison.

Recommended changes to the Board's 100 ft defensible space regulations and guidelines in 14 CCR 1299 have been completed by a CAL FIRE work group and are being reviewed by the CAL FIRE Prevention Steering Committee. Chief Durham stated that the 1299 regulations will reference a document called the "Property Owners' Guidelines for Fire Safety" being prepared by the Fire Marshal Office. These changes are expected to be completed by November, 2010. The RPC requested that any draft changes to the 1299 regulations be brought to the committee in October 2010.

#### **Agenda #4: Major Woody Stem regulation field monitoring update.**

Chief Melodie Durham distributed and went over the report on outages near Major Woody Stems which was provided by Niel Fischer, PG&E Vegetation Management Program. Chief Durham noted that the PG&E database information was not able to directly associate outages caused by MWSs. Overhanging limbs not meeting the criteria as a MWS complicate the assessment of cause of outage. The report from PGE showed over 13 outages were noted to be in the vicinity of a known MWS. Chief Durham noted that similar information from other utilities is being requested.

Member Walz requested information on MWSs that could be cut and not result in any social or environmental concern. He noted this could be a remedy to reducing hazards while not affecting public resource or social values. In response to member Walz's comment, Chief Durham noted that MSW removal was very costly when the tree is near residential areas.

Chair Giacomini requested that Chief Durham get an update from the California Public Utility Commission on their progress on amending General Order 35 which similarly exempts MWSs from utility clearing requirements. Staff was directed provide Chief Durham the contact info of the CPUC personnel who attended the RPC meeting in 2009 on the topic.

#### **Agenda item #5 Update on Vegetation Treatment program EIR (Russ Henley).**

Deputy Chief Russ Henley was not present, but Chris Zimny spoke on his behalf. Currently Mr. Henley is meeting with the likely VTP EIR contractors in Redding and provided a written report on the EIR progress. This EIR will be released in May of 2011.

Committee Chair Giacomini has volunteered to serve as the RPC representative to the VTP EIR team. Committee member Waltz will serve as a back up to Chair Giacomini.

#### **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. Review of 15 day notice/comments for the SRA Classification Guideline Regulations.
2. Update on Draft of Proposed Regulations for the Forest Legacy Program (Jeff Calvert).
3. Update on the 4290 SRA Fire Regulation review (Melodie Durham).
4. Review of the draft revisions to 14 CCR 1299 100 foot Defensible space regulations and guidelines (Melodie Durham).
5. Update on Vegetation Treatment program EIR (Russ Henley).
6. Consideration of Zone of Infestation regulations or other actions to address issue on the Golden Spotted Oak Borer.

7. New and unfinished
8. Priorities Report and next month agenda.

### **Agenda #7: New and Unfinished Business**

No report

### **ISSUES FOR 2010**

#### **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:** *Adopted revise SRA maps and update SRA Classification Guideline regulations.* **Status:** *SRA classification guidelines proposed amendments held hearing on July, 2010. Additional Guidelines amendments to be considered at an October 6<sup>th</sup>, 2010 hearing. Notice of hearing on Director approved maps to be published by staff. Complete regulatory amendments and map updates scheduled for the end of 2010.*
3. **Forest Legacy Program rule proposal update:** **Objective:** *Develop and adopts 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. **Sudden Oak Death Regulations and GSOB** **Objective:** *On going updates being provided by COMTF.* **Objective/Status:** *RPC to consider Zone of Infestation regulations or other actions to address issues. No timelines or work progress established.*

#### **PRIORITY 2:**

5. **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.*
6. **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.*
7. **(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 by CAL FIRE workgroup in progress. Expected recommendations to BOF in end of 2010.

8. **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:** Periodic updates in 2010.
9. **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:**

10. **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.
11. **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.
12. **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**

#### **Update on status of Subvention Funding for the Williamson Act and Board letter**

**Objective:** Submit EO letter on topic to Governor's office. **Status:** Letter following approval by RPC in June 2010.

**California Fire Plan:** **Objective:** Complete update to 1996 Fire Plan. **Status:** Final Update adopted in June 2010 and document is completed. RPC will receive period updates on implementation progress.

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