DRAFT BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

June 10, 2020

# **BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**:

## **Present**:

* Keith Gilless, Chair
* Katie Delbar
* Rich Wade
* Marc Los Huertos
* Darcy Wheeles
* Chris Chase
* Susan Husari
* Mike Jani

# **BOARD STAFF PRESENT:**

* Matt Dias, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Board Counsel
* Deniele Cade, Staff Analyst, Licensing
* Edith Hannigan, Land Use Planning Program Manager
* Brandi Goss, Environmental Scientist
* Katie Harrell, Joint Institute for Wood Products Innovation
* Linda Cano, Executive Assistant

# **DEPARTMENTAL STAFF PRESENT**:

* Craig Tolme, Chief Deputy Director, CAL FIRE
* Helge Eng, Deputy Director, Resource Management
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration
* Chis Anthony, Staff Chief, Wildfire Resilience
* Stewart McMorrow, Deputy Chief, Forestry Assistance

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

Jeff Slaton, Board Counsel, reported that the Board discussed the items on the agenda during Executive session. With respect to Civil Penalty CP-18-10 Sustainable Mountain Center LLC, the Board adopted the Administrative Law Judge’s decision.

# Consent Calendar Items

1. Approval of the May Board Meeting Minutes (with minor edits if requested by members of the Board);
2. Review of Rulemaking Matrix;
3. Review of the Legislative Report;
4. Board acceptance of RPF and CRM License Withdrawals;

The following three (3) Registered Professional Foresters requested license WITHDRAWAL pursuant to 14 CCR §1608(a) during this month:

* RPF 346 – Ralph Hirt
* RPF 474 – Gordon Karnes
* RPF 1534 – James Bridges

1. Appointment of Taylor Hagata to the Range Management Advisory Committee to a term of four years; and
2. Board Adoption of Resolution R-2020-1 for McKay Community Forest Phase 2 and adjacent Ryan Creek Legacy Conservation Easement

**06-20-01** **Chair Gilless moved to approve the items on the Consent Calendar. Member Wheeles seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carries unanimously.**

# MONTHLY BOARD REPORTS

## **Report of the Chairman, Dr. Keith Gilless:**

Chair Gilless thanked everyone for bearing with the new teleconference format as we all struggle to adapt to the Covid-19 situation. He thanked CAL FIRE for their efforts to keep the Department a respected and safe work place for its employees.

## Report of the Executive Officer, Matt Dias:

1. Staffing Update:

* Announced that Laura Alarcon-Stalians has been appointed as the Staff Services Manager I for the Board, as of June 1. Laura is in the process of advertising the vacant Associate Governmental Program Analyst (AGPA) position.
* Last year’s budget provided an Environmental Planner for the Board’s Land Use Planning Program. The position has been flown, and the application period has concluded. Executive Officer Dias and Land Use Planning Program Manager, Edith Hannigan, will review and rank the applications to identify candidates for interviews. Interviews will be held in July.
* Board staff is reclassifying the Regulations Coordinator position, previously held by Eric Hedge, as a Senior Environmental Scientist.

1. Updating on Funding of Board Programs

* The Bi-Annual Registered Professional Foresters (RPF) license renewals are being tracked on a weekly basis, it appears that the program is reaching fiscal solvency. It appears that projection for withdrawals and relinquishments due to the recent license renewal fee increase may not occur. Assistant Executive Officer Stapleton will continue to keep track the Registered Professional Forester Fund on a weekly basis to report out to the Professional Foresters Examining Committee at each of their upcoming meetings.
* To date, the Effective Monitoring Committee (EMC), Joint Institute for Wood Product Innovation, and the general Board budget have not been targeted for reductions in allocations. There is concern over the general long-term fiscal health of the Timber Regulation and Forest Restoration Fund. Discussions are ongoing with the California Natural Resources Agency (CNRA) about how this could affect future funding for EMC grants.

## Report of the Director, Craig Tolme, Chief Deputy Director CAL FIRE:

Chief Tolme reported that Director Porter was providing testimony to the House of Representatives, Natural Resource Committee regarding impacts of Covid-19 on wildland fire operations in vulnerable communities and was unable to present before the Board this morning.

### Fire Activity

* As of June 8, 2020, there were 350 new wildfires within the state, with 298 of those wildfires being within CAL FIRE jurisdiction.
* Fine fuels are curing rapidly. Annual grasses have contributed to light to moderate wildfire activity. Wiildfire activity has been moderated by the inconsistent weather, which has exhibited short durations of high temperatures followed by cooling patterns, and in some cases precipitation. Wind events have been a key factor in fire spread. The benefit of these weather patterns is that it has allowed the Department to resume prescribed fire projects in some parts of the state.

### Fuels Management

* As of May 31, the Department has completed 21,296 acres of prescribed fire projects, out of the goal of 25,000 acres.
* In addition to the prescribed fire projects the Department has completed an additional 26,431 acres of other types of fuel reduction.
* Department personnel have offered training to the California National Guard at Camp Roberts in San Luis Obispo County. CAL FIRE trained and tested over 100 National Guard members in fire line construction and basic firefighting skills. They were then deployed to do fuels reduction treatment work in the Shasta-Trinity, Nevada-Yuba-Placer, Fresno and San Benito-Monterey Units. Some National Guard crews were recently reassigned to assist with civil unrest duties, but have since been released to continue fuels reduction work. CAL FIRE law enforcement officers were also mission tasked by Office of Emergency Services (OES) to respond to civil unrest duties in the Sacramento region where they provided security and protection to local government fire personnel responding to incidents. CAL FIRE Law Enforcement officers have been released from this duty and have returned to their normal duties with the Department.

### Aviation

* The annual area Modular Aerial Fire Fighting System (MAFFS) exercises were held at McClellan air field the week of June 15th. This will ensure that the National Guard flight crews are prepared for firefighting activation this summer with the MAFFS aircraft.

### Covid-19

* CAL FIRE has had a total of three known positive cases within the Department, it is believed that all cases were contracted outside of the work environment. Two of the individuals have recovered and returned to work. There are intermittent cases of personnel who are self-quarantining related to contact with known positive cases.
* The Department continues to implement additional California Department of Public Health guidance, both for the Departments facilities and personnel. We continue to work with our cooperators as it relates to wildfire response later in the year.
* Covid-19 has had minimal impact to wildfire response so far this year. The most significant impact is seen within the inmate populations due to known positive cases within the California Department of Corrections Rehabilitations facilities.

# Report of the Standing Committees - Joint Committee Meeting

### Resource Protection Committee Items – Darcy Wheeles, Chair, Resource Protection Committee

* Committee discussion of adoption of Emergency Regulations Amendments for SRA Fire Safe Regulations within 14 CCR § 1270 et seq
  + **Public Comment:**

**Arthur Wylene, General Counsel, RCRC,** thanked the committee and staff for working with them to address their concerns and make the suggested changes to the draft rule text.

**Daniel Berlant, Assistant Deputy Director, CAL FIRE Wildfire Planning and Engineering Division,** the Department supports the Emergency Regulations, and appreciates the ability to participate in the development of the regulations. The Department is supportive of the clarifications that have been made and the revisions will assist CAL FIRE units in the enforcement of the regulations. They are committed to continue to work with the Board and provide feedback on the impacts during the next 180 days.

**Mary Lee Gunion, member of the public,** sharedconcerns with a possible loophole regarding activities applied to new construction that was changed to new buildings. It is common practice for planning and permitting Departments to consider what might be viewed as a new building. When a single wall is retained, it is no longer considered a new building therefore earning the category of a remodel and not a new building. She asked the Board to consider that when going forward with the rule making process.

* + **Edith Hannigan, Land Use Planning Program Manager,** provided an update to the changes made to the draft rule text.

**06-20-02 Member Wheeles moved to adopt the finding of the Emergency and rule text for the rulemaking titled “Emergency Fire Safe Regulations Applicability”, and authorize staff to take all actions reasonably necessary to have the adopted regulations go into effect, including making appropriate non-substantive changes and any changes to facilitate the Office of Administrative Law (OAL) review and approval. Member Husari seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carries unanimously.**

* Safety Element Reviews
  1. City of Dunsmuir
  2. City of Murrieta

### Forest Practice Committee-Rich Wade, Chair Forest Practice Committee

* Staff provided an update covering potential amendment of existing Forest Practice Rules within 14 CCR §§ 914.2 [934.2, 954.2], and 914.3[934.3, 954.3] pertaining to limitations on the use of ground-based equipment in cable and tractor yarding areas.
  + Regulations Program Manager, Eric Hedge, provided an update on the revisions to the draft rule text made during the Joint Committee meeting.
  + **Public Comment**

**Cedric Twight, Sierra Pacific Industries,** appreciates the hard work in putting the rule package together. He shared his concerns that the rule text is not explicit enough.

**Gary Rynearson, Green Diamond Resource Company**, offered suggested edits to the rule text.

* + **Agency Comment**

**Eric Huff, Staff Chief,** **Forest Practice Program**, shared his concerns with the number of edits that were made to the rule text during the Joint Committee meeting. It makes it difficult for those in the regulated public, and those who enforce the rules, to track the revisions to the draft rule text and understand the implications of the changes. This may be an indicator that the draft rule text is not ready for noticing for public comment. CAL FIRE is supportive of new and innovative ways of conducting yarding and is in favor of using tethered equipment. The Department is looking forward to supporting provisions for tethered provisions.

**06-20-03 Member Wade moved to approve the Initial Statement of Reasons for the rulemaking entitled Tethered Operation Amendments, 2020 and authorize noticing for the 45-Day Comment period. Member Delbar seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos abstain**

**Chase aye**

**Gilless aye**

**The motion carries with one abstention.**

* Staff provided an introduction of Staff Report on Botanical Resource and the Timber Harvest Process. Deferred to the July Board meeting.

### Management Committee-Chris Chase, Chair, Management Committee

* Staff reported on potential amendments to Conversion Exemptions within 14 CCR § 1104.1
* Review of the Mountain Home Demonstration State Forest Management Plan update
  + **Agency Comment**

**Kevin Conway, State Forest Program Manager,** thanked the Board and staff for their patience in CAL FIRE’s delivery of the draft management plan. The recent changes that were made to camping fees will allow CAL FIRE to continue to improve the user experience at Mountain Home Demonstration Forest.

**06-20-04 Member Chase moved to approve the Mountain Home Demonstration State Forest Management Plan. Member Los Huertos seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed unanimously.**

# Special Board Hearing and Reports

## Initial Hearing: “Fuel Hazard Reduction Amendments, 2020” (14 CCR §§ 913, 933, 953, 1052, and 1052.4.) – Regulations Program Manager, Eric Hedge, opened the initial hearing and introduced the pending regulatory action before the Board. The purpose of the proposed action is to: 1) clarify the scope of lands which may be subject to timber operations pursuant to an Emergency Notice for Fuel Hazard Reduction; 2) to improve the efficacy and suitability of fuel treatments within the Emergency Notice for Fuel Hazard Reduction; 3) to improve immediate wildfire resiliency in post-harvest stands; and 4) to standardize and simplify, to some extent, the conditional requirements of the existing process in order to promote the use of Emergency Notices.

* **Public Comment:**

**David Longstreth, California Geological Survey,** re-iterated his preference for more technically precise language as stated in his public comment letter dated April 13, 2020.

**Eric Huff, Staff Chief, Forest Practice, Resource Management, CAL FIRE** Mr. Huff reiterated the support of the Department as stated in their letter dated June 10, 2020.

## Initial Hearing: “Licensed Timber Operator (LTO) Education and Limited Licensed Timber Operator (LTO)” – Regulations Program Manager, Eric Hedge, opened the initial hearing and introduced the pending regulatory action before the Board. The purpose of the proposed action is to: 1) improve the clarity and consistency of the existing regulations surrounding timber operator licenses; 2) limit the activities permitted under a limited timber operator license to avoid excessive risk, given the lack of insurance obligations; 3) more clearly implement those conditional requirements within PRC § 4572; and 4) make the educational requirement of applicants consistent across all types of timber operator licenses.

**06-20-05 Member Chase moved to approve the Supplemental Statement of Reasons and modified rule text for the rulemaking entitled “LTO Education and Limited LTO”, and authorize noticing for a 15-Day Comment period. Member Los Huertos seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carried unanimously.**

## Presentation: Update and LA Moran Nursery and Seed Transfer Guidelines – Stewart McMorrow, CAL FIRE Deputy Chief, Forestry Assistance, Chris Anthony, CAL FIRE Staff Chief, Forest Resiliency and Jessica Wright, Research Geneticist, Pacific Southwest Research Station

# CONCLUSION

## Public Forum

**Craig Harrison, member of the public,** wanted to alert the Board that he will formally request that CAL FIRE invoke its inspection authority under the Board’s regulations that allow CAL FIRE to enforce fire laws even when inspections duties have been delegated.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias, Executive Officer

Keith Gilless, Board Chair