DRAFT BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

April 8, 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**:

* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration
* George Morris III, Assistant Region Chief, Northern Region
* Scott Witt, Deputy Chief, CAL FIRE Office of the State Fire Marshal

# **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. In regards to case CP-18-04B, Clayton Heights LLC, the Board adopted the Admistrative Law Judge Proposed Decision with a minor modification, deleting payment plan language.

## Consent Calendar Items

1. Approval of the January and March Board Meeting Minutes.
2. Review of Rulemaking Matrix
3. Review of the Legislative Report
4. Review of Lumber Assessment Regulations with a determination of no rulemaking action necessary

**04-20-01** **Chair Gilless moved to approve the items on the Consent Calendar with minor edits to the January and March minutes. Member Husari seconded.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed unanimously.**

# MONTHLY BOARD REPORTS

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

Chair Gilless thanked the meeting participants for being patient with the teleconference format during the Covid-19 global crisis, and indicated that it is the goal of the Board to provide the upmost availability for all meeting participants during these unprecedented times.

# Report of the Regulations Coordinator – Eric Hedge

1. Board consideration of re-adoption of finding of emergency and rule text for emergency rulemaking action entitled “Emergency Emergency Fuel Hazard Reduction Amendments, 2019” (14CCR §§ 913, 953, 1052, & 1052.4).

**04-20-02 Chair Gilless moved to re-adopt the findings of emergency and rule text for the Emergency Emergency Fuel Hazard Reduction Amendments, 2019 and authorized staff to take all actions reasonably necessary to have the re-adopted regulations go into effect, including making appropriate non-substantive changes and any changes to facilitate Office of Administrative Law review and approval.**

 **Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed unanimously.**

# Report of the Standing Committees

## Joint Committee Workshop

### Forest Practice Committee Items: Rich Wade

* Discussion 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.

### Resource Protection Committee Items – Darcy Wheeles

* Discussion of Fire Safe Regulation Certification
1. County of Sonoma
* Safety Element Review
	+ - 1. City of Novato
			2. County of Lassen

### Public Comment:

**Linda Schiltgen,** Deputy County Counsel, County of Sonoma, shared her concerns regarding treatment of 1991 roads constructed prior to 1991 as they relate to the ordinance adopted by the County of Sonoma. She also testified to the fiscal challenges that residents of the County of Sonoma would face in reconstruction efforts of homes damaged or loss in recent wildfires if road upgrading standards were applied as a contingency of rebuilding.

**Deborah Epstein**, member of the public, commented what the County of Sonoma is doing doesn’t change the law and the law was very clear from the 1993 Attorney General (AG) opinion as well as the October 2019 AG letter (on Paraiso Springs) where the AG reaffirmed the rulings on dead end roads and width requirements. She added she didn’t think there is a restriction on rebuilding of homes lost to wildfire.

**Nick Cronenwett**, California State Association of Counties (CSAC), supports the efforts of Sonoma County and how they are addressing reconstruction efforts after the recent wildfires. The County Supervisors and staff are leaders in their efforts to work on disaster preparedness, resiliency and improving future outcomes associated with wildfire impacts. CSAC would like to focus future discussion on treatment of roads constructed prior to1991 and feels that the outcome will have a statewide impacts.

**Mora Jacobs**, member of the public, commented that she supported Debra Epstein’s comments and reiterated that they strongly believe that Sonoma County should not get an exemption.

**Craig Harrison**, member of the public, commented that we cannot continue to allow unsafe development and unsafe pre-1991 roads.

### Management Committee – Chris Chase

* Discussed potential revision of basal area stacking standards within 14 CCR § 913 [933, 953] et seq.
* Regulations Program Manager, Eric Hedge provided an update covering “Group A” and “Group B” commercial species (14 CCR § 895.1).
* Reviewed the Mountain Home Demonstration State Forest Management Plan Update.
* Staff provided an update covering Camping Fees at the Demonstration Forests.

# Special Board Hearing and Reports

## Presentation: State Responsibility Area (SRA) Redetermination 2020 – Scott Witt, Deputy Chief, CAL FIRE Office of the State Fire Marshal.

**04-20-03 Chair Gilless moved to adopt, in accordance with Public Resources Code section 4125, the boundaries of State Responsibility Area lands as set forth in the State Responsibility Area Redetermination 2020 presented by CAL FIRE, with these revised boundaries taking effect 90 days from the date of this adoption. Member Husari seconded.**

**Roll Call**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion passed unanimously.**

# CONCLUSION

## Public Forum

## Adjournment

Respectfully submitted,

ATTEST:



Matthew Dias

Executive Officer

Keith Gilless

Chair