BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Teleconference Only

October 10, 2022

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

**Present:**

* Keith Gilless, Chairman
* Chris Chase, Acting Chairman
* Rich Wade
* Mike Jani
* Elizabeth Forsburg Pardi
* Katie Delbar
* J. Lopez
* Dawn Blake
* Jeremiah Hallisey

**BOARD MEMBERS ABSENT:**

* None

**BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Jane Van Susteren, Senior Environmental Scientist
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist
* Anna Castro, Executive Assistant

**DEPARTMENTAL STAFF PRESENT:**

**AGENCY STAFF PRESENT:**

**MONTHLY BOARD REPORTS**

**Executive Officer Report, Edith Hannigan, Executive Officer**

**Staffing Update**

* Our other new Board member Mr. Jeremiah Hallisey is also on line today. Joining us for his first Board meeting.
* Eric Hedge our Regulations Program Manager has accepted a position on the Timber Harvest Review Team out of Santa Rosa. His last day with the Board will be October 14. He will be missed and his regulatory expertise greatly. We wish him the best of luck in his next move at the department.

**Report of the Regulations Coordinator, Eric Hedge, Regulations Program Manager**

Today’s item for consideration of the adoption of the rule text and approval of the Final Statement of Reasons for the Rulemaking titled “Forest Resiliency Amendments, 2022”.

As you recall the following the public hearing of this item at the meeting last month in Redding Board directed staff to make a couple substantive changes and noticed those changes for 15-days. Those changes were substantially made and noticed the same day of the Board meeting the public comment period for those changes closed last Friday. During that time the Board received no comments on the changes. So before you today is as I said the consideration of the adoption of the Final Statement of, approval of the Final Statement of Reasons and adoption of the Regulatory text for the action which amends a group silviculture regulations to improve flexibility and address Board changing course conditions across the state.

Chairman Gilless-Thank you for the joy of working with someone that is as good as to your job as you have been. You have made the life of all the Board members and other Board staff much better. I look forward to seeing your career unfold as you move back into the implementation of the rules. Good luck.

Chairman Gilless has stated that the materials for this item have been distributed on the Board’s website. I would like to call for any agency comment.

**Agency Comment**

* Eric Huff, Staff Chief of Headquarters Forest Practice Program, CAL FIRE-just want to offer the Departments support for the Board’s adoption of the proposed rule making entitled “Forest Resiliency Amendments, 2022.” The 15-day notice revised rule amendments we feel are consistent with the rule text changes that we supported at the initial hearing in September. As discussed in the Board’s initial Statement of Reasons this rule making could result in greater use of group selection silviculture with the goal of increase stand and approved regeneration opportunities. We endorse this 15-day notice rule making amendment. I believe that the clarity achieved by the very minor adjustments. The creation of the table and the overall proposal may encourage greater use of this regeneration method.

**Public Comment**

* George Gentry-Representative of the Unevenage Working Group. We are in support of this and we echo Chief Huff’s comments. Also would like to add on a personal note that I know something about making regulations. I have been involved in regulator actions for a long time. And Mr. Hedge as a very specialized talent for this and it’s largely unappreciated except by regulatory folks such as myself. Thank you very much Eric Hedge for all the great work you have done.
* Larry Camp-I second Mr. Gentry’s comments and on behalf of Forest Landowners California we support the proposed rulemaking.
* Member Chase-I would like to congratulate Eric Hedge on his new position. I really enjoyed working with you over the years. You have done an outstanding job. You will be missed. Thank you for all your hard work. This gives us a fully implementable rule package that’s grounded in science and driving force management in the direction that the science tells us it needs to go. It also provides flexibility to landowners who really want to implement to best meet their objectives and the capabilities of the lands. I am pleased with the package.

**10-10-01 Member Chase moves to approve the Final Statement of Reasons for the “Forest Resiliency Amendments, 2022”. Member Lopez seconds the motion.**

**Roll Call:**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Aye**

**Hallisey: Aye**

**Lopez: Aye**

**Gilless: Aye**

**Motion passed.**

**10-10-02 Member Chase move to adopt the draft regulatory text for the rulemaking entitled “Forest Resiliency Amendments, 2022”, 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 OAL review and approval. Member Jani seconds the motion.**

**Roll Call:**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Aye**

**Hallisey: Not able to record vote**

**Lopez: Aye**

**Gilless: Aye**

**Motion passed.**

**CONCLUSION**

**Public Forum**

* Danielle Lindler, Registered Professional Forester- Practicing Forestry throughout most of the state. One of the issues I wanted to bring up during this time is special county rules and how municipality within specific counties that do not have special county rules under Article 13 of our Forest Practice Rules are implementing restrictions on timber harvest. Currently it is the case in numerous municipalities if we are preparing 1104 timber harvest conversions, 1038 exemptions, or 1052 emergencies or a full-blown timber harvest plan. In some of these municipalities that city planning commissions, and public works directors are overseeing timber harvest to the point of requiring secondary permits over the top of a Cal Fire State issued permit. Even to the point of a 1052 sending unlicensed professionals to debate with registered professional foresters whether trees are dead and dying. These are people that in times are barely able to do tree ID, let alone ID insects and disease that are common to forests. So I wanted to bring it up that we have a significant issue in this state when we are doing fire clean up or doing fuel hazard reduction in relationship to the governors intent to reduce fuel loading in these communities that we have an area of law that totally sided with the State Board of Forestry being practiced by municipalities. And in many cases overturning what registered professional foresters are able to do on Timberland. There is a big misunderstanding on how their jurisdiction works. It’s coming to a head where we are having police departments called on us with state permits for legal harvest of timber. Even when there is a purchase order. The wood is going to mills. It is an area I would like the Board to explore, how to educate cities and municipalities that don’t have special rules under Article 13 about their role with Timber Harvest on timber land within the state of California for group A and group B species. I will bring it up to the Board in writing prior to this Friday’s deadline for possible action on upcoming rule packages.

**Adjournment**

Respectfully submitted,

ATTEST:





Edith Hannigan J. Keith Gilless

Executive Officer Chairman