BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

**SEPTEMBER 22, 2021**

**MEMBERS**:

## **Present**:

* Keith Gilless, Chair
* Rich Wade
* Katharine Delbar
* Elizabeth Forsburg Pardi
* J. Lopez
* Chris Chase
* Susan Husari
* Mike Jani

# **BOARD STAFF PRESENT:**

* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Deniele Cade, Staff Analyst, Licensing
* Andrew Lawhorn, Forestry Assistant II
* Edith Hannigan, Land Use Planning Program Manager
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist
* Sara Walter, Contracts Analyst
* Katie Harrell, Joint Institute for Wood Products Innovation
* Laura Alarcon-Stalians, Administrative Manager
* Linda Cano, Executive Assistant
* Jane Van Susteren, Regulations Coordinator

# **DEPARTMENTAL STAFF PRESENT**:

* Thom Porter, Director, CAL FIRE
* Craig Tolmie, Chief Deputy Director
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Kevin Conway, State Forest Program Manager
* Drew Coe, Forest Practice Monitoring

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

Jeff Slaton, Senior Board Counsel, reported that the Board discussed the items on the agenda during Executive session.

* California Chaparral Institute, *et al*., vs. California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
* Board discussion regarding Executive Officer position.
* Board Consideration of Administrative Law Judge Proposed Decision on Civil Penalty CP-20-08 Shurtz
* Board Consideration of Administrative Law Judge Proposed Decision on Civil Penalty CP-20-11A Lawrence

No reportable actions were taken.

# Consent Calendar Items

* Approval of the January 2021 and July 2021 meeting minutes (with minor edits if requested by members of the Board);
* Review of Rulemaking Matrix;
* Appoint Ben Waitman, CDFW, to replace Elliot Chasin, CDFW, as a voting member to Effectiveness Monitoring Committee;
* Request to Appoint Chris Blencowe to the Jackson Advisory Group.
* RPF-CRM vital statistics, approval of RPF- CRM license withdrawals.

**09-21-01 Chair Gilless moved to approve the items on the Consent Calendar. Member Lopez seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Chase aye**

**Lopez aye**

**Pardi aye**

**Gilless aye**

**The motion passed.**

***MONTHLY BOARD REPORTS***

Report of the Chairman, Dr. Keith Gilless:

* Chair Gilless expressed his appreciation to all those in the public safety and fire sectors who have done so much to deal with the emergencies and threats posed to communities and the environment this fire season.
* Chair Gilless was pleased to introduce and welcome two new Board members to the Board of Forestry and Fire Protection.
	+ Elizabeth (Liz) Forsberg Pardi of Davis, of The Nature Conservancy.
	+ Jose de Jesus (J) Lopez, known to everyone in the California Forestry sector as J Lopez, Los Angeles County Fire Department, retired.

## Report of the Director, Director, Thom Porter, CAL FIRE

Director Porter welcomed Liz and J to the Board, he knows they will do well serving on the Board and looks forward to working with them.

**Fire Activity**

* Director Porter, commented that, as the state has turned a corner on the siege of the summer, they’re looking forward to a calmer fall. The overall forecasts for both Northern and Southern California are generally drier, with more offshore or foehn type wind events, than the average and there is a continued risk of large fire activity throughout the state. It is expected that September through December will be very active, firefighters are getting rested as much as possible, preparing for what may be coming next.
* There has been a lot of very heavy activity in a short period and it seems to be the same type of activity as the prior year. The number of incidents in 2021 is 7,595 to date. That is above the five-year average, which is 6,962. Acres burned to date, are at 2,348,637 acres. That is well over the 1.1 million five-year average.
* The KNP Complex remained at 0% containment. Unfortunately, it was the byproduct of the rain that we received in the north part of the state. Dry lightning started the the KNP Complex started from two fires which merged to form a single fire. You have probably seen reports of the wrapping of a giant Sequoia, signage, and some of the facilities at the park. While the Windy Fire was also a concern, there was some containment and was at 7% to date.

**Fuels Reduction Projects**

* CAL FIRE has identified and will continue to develop and report out on the value of fuels project work, prescribed burningand forest management in the preservation of the forest keeping it out of communities and other places such as in the Tahoe Basin and Sly Park.
* Forest Health: 37 forest health grants have gone out for a total $155 million.
* Fire Prevention Grants: 105 grants have been awarded for$138 million. This is this year's current solicitation. CAL FIRE is also looking forward to additional solicitation later this fall, into the winter, there are additional funds in the proposed budget that are ready for signing. Director Porter will report out on that, next month.

**Fire Protection**

* In 2020 there were 120 total arson arrests. There have already been over 103 arson arrests in 2021.CAL FIRE is working to increase the number of Peace Officers..

**Cooperative Fire Program**

* There has been a significant reduction in the Department’s CDCR hand crews. Prior to the depopulation of eight camps last year, we had potential to field192 crews. Currently there are 63 CDRC crews.
* The Department has created the Firefighter hand crew program using 9-month seasonal appointments. Crews are also available through the California Conservation Corps. Both programs have fire ready crews and Type II crews available. There is continued work with Task Force Rattlesnake and the California Military Department.
* With all of those programs together there are still less than 100 crews. Work continues on different options available to increase those numbers.
* In the budget, when signed, there is an enhancement or collaborative with CAL FIRE’s contract counties to each develop or deploy an additional crew in their jurisdiction. Think of this as a pilot, as a one-year or one-time funds, opportunities are being looked at to partner with our contract counties, to start to fill some of that need.

**Demonstration State Forests**

**Jackson Demonstration State Forest**

* Small landowners, mid-size landowners and industrial landowners control the management and own most of the Redwood region and Redwood Forest. Consequently the research on the Jackson Demonstration State Forest is especially important and hasreal impacts, not only in the Redwood region. The paired watershed study in Caspar Creek has been maintained since 1962 and provides key information regarding management of wildlands and timber harvesting, not only for California but elsewhere.
* CAL FIRE has research dollars that are headed into the forest to study all aspects of the Caspar watershed, including hydrology and wildlife.. All Demonstration State Forests support research but Director Porter wanted to focus on Jackson because of the Caspar 500 project. This project has received a lot of attention and it is on hold at the moment., Caspar 500 is part of a study of how to eradicate Blue Gum Eucalyptus from Coastal Redwoods stands, without the use of herbicide and to demonstrate what fuels project work is and needs to look like in and around communities in the Redwood region. The Director gave some more thoughts on the direction the Department is going, not only at Jackson, but throughout the state, for the demonstration forest system. He asked the Board to consider a review of the Jackson Demonstration Forest management plan, that is several years old and not due for renewal for a few years. The reason he asked for a review, is the Newsom Administration and Governor Newsom himself have been very clear to the Department and colleagues in agencies, as well as departments, encouraging department and agency heads to seek opportunities to support tribal access and what's termed co-management. Co-management in the context that he spoke to, is access to and an ongoing and dialog of culturally important plants and animals, and how those can be managed in conjunction with each other’s desires and needs on the landscape. He noted that, in the Governor's budget, the departments, are wanting to see a $10 million placement of funds, that is directed at Demonstration State Forest Management and science, as well as increasing the staffing to get back to a place that hasn’t been seen since the 1900’s.

Public Comment

Richard Gienger, John Anderson and Cedric Twight thanked Director Porter on his presentation and shared their perspectives.

***Report of the Regulations Coordinator***

1. Consideration of rulemaking action “Southern Subdistrict and Broadcast Burning Amendments” which are intended to eliminate prohibitions on broadcast burning in the Southern Subdistrict of the Coast Forest District, as well as to improve the regulatory scheme related to the reduction of hazardous forest fuels generated by Timber Operations which is clear and effective.

**09-21-02 Member Wade moved to approve the Final Statement of Reasons for the rulemaking entitled Southern Subdistrict and Broadcast Burning Amendments. Member Jani seconded.**

**Roll Call:**

**Wade Aye**

**Husari Aye**

**Jani Aye**

**Delbar Aye**

**Chase Aye**

**Lopez Aye**

**Pardi Aye**

**Gilless Aye**

**The motion passed.**

**09-21-03****Member Wade****moved to adopt the draft regulatory text for the rulemaking entitled Southern Subdistrict and Broadcast Burning Amendments, 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 seconded.**

**Roll Call:**

**Wade Aye**

**Husari Aye**

**Jani Aye**

**Delbar Aye**

**Chase Aye**

**Lopez Aye**

**Pardi Aye**

**Gilless Aye**

**The motion passed.**

b) Consideration of rulemaking action “Fire Risk Reduction Communities List,” which is intended to create a list of local and tribal agencies that meet best practices for fire protection planning.

**09-21-04 Member Husari moved to approve the Final Statement of Reasons for the rulemaking entitled Fire Risk Reduction Communities List. Member Lopez seconded.**

**Roll Call:**

**Wade Aye**

**Husari Aye**

**Jani Aye**

**Delbar Aye**

**Chase Aye**

**Lopez Aye**

**Pardi Aye**

**Gilless Aye**

**The motion passed.**

**09-21-05 Member Husari moved to adopt the draft regulatory text for the rulemaking entitled Fire Risk Reduction Communities List, 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 Wade seconded.**

**Roll Call:**

**Wade Aye**

**Husari Aye**

**Jani Aye**

**Delbar Aye**

**Chase Aye**

**Lopez Aye**

**Pardi Aye**

**Gilless Aye**

**The motion passed.**

***Report of the Standing Committees***

***Forest Practice Committee, Rich Wade, Chair***

* The FPC discussed the rulemaking for Southern Subdistrict Broadcast Burning. This item was moved forward to the Board for consideration.
* The committee had a presentation from Drew Coe. The ASP rules will sunset at the end of 2022. The committee discussed preparation of new draft rules based on the results of the monitoring work and will continue to work on this issue.
* The committee continued to make progress on the DRAFT Board Guidance Memorandum on Scoping, Assessment, and Protection of Botanical Resources to be addressed in the Plan process for the Timber Harvest Process, with input from CAL FIRE, CLFA, CNPS and CDFW.
* The committee heard concerns from staff regarding Tractor/Cable operations and will continue to review how tethered logging operations language may impact them.

***Management Committee, Chris Chase, Chair***

* The committee continued discussion of the draft timberland conversion/crop of trees rule plead. In particular, the committee is discussing how “crop of trees” and conversion should be applied in defensible space around permitted structures.
* Discussion of the terms “Cutover Land”, “Meadows and Wet Areas”, and “Wet Meadows and Other Wet Areas” and their consistency in the Forest Practice Rules – 14 CCR §§ 895.1, 906, 913.4, 933.4, 953.4, 953.12, and 1027.1 continued in committee.
* The committee had a presentation on reconstructive studies of historic forest structure in the Southern Cascades from Brandon Collins. He analyzed cruise data from the early 20th century.
* Update on Basal Area Stocking Standards and Uneven-Aged Working Group – George Gentry, California Forestry Association

***Resource Protection, Sue Husari, Chair***

* Land Use Planning Program Update – Matt Damon Deputy Chief, Land Use Planning
* The committee heard presentations on Safety Element Reviews for 15 communities from land use planning staff. All of these Safety Elements were excellent.
	1. City of Menifee
	2. City of Los Angeles
	3. Riverside County
	4. City of Whittier
	5. Yuba County
	6. City of Laguna Beach
	7. Plumas County
	8. City of Riverside –
	9. Town of Yucca Valley
	10. City of Temecula
	11. City of Brea
	12. City of Lake Elsinore
	13. City of La Canada Flintridge
	14. City of Simi Valley
	15. City of San Marcos

***Report of Board’s Advisory Committees***

* Range Management Advisory Committee – Marc Horney, RMAC chair

1) The committee has two open membership seats

2) Request to form subcommittee on grazing licenses on state lands

* Effectiveness Monitoring Committee – Sue Husari, EMC Chair

Chair Husari, thanked Pete Cafferata, who has retired from CAL FIRE, for all the work he’s contributed to EMC, the Board and CAL FIRE. She is interested in knowing whether the Department will provide a staff member for assistance with EMC in the future. The EMC will be recruiting for a new public member.

* Joint Institute for Wood Products Innovation

 1) Low-Carbon Forest Biofuels in California: State of Knowledge, Research Gaps and Near-Term Priorities Draft Interim Report - Dan Sanchez, UC Berkeley and Joint Institute for Wood Products Innovation Academic Member

Public Comment

Larry Camp and Cedric Twight thanked Dr Sanchez for his presentation and asked clarifying questions.

 2) Cross-Laminated Timber Layup Tests Using Western Wood Products Association (WWPA) White fir Species Group Draft Report – Iain Macdonald and Byrne Miyamoto, Oregon State University and the TallWood Design Institute

Public Comment

Andrea Eggleton asked clarifying questions on the presentation.

***SPECIAL BOARD HEARINGS/REPORTS***

* Barriers to Mass Timber and Other Innovative Wood Products in California, Draft Report – Jonathan Kusel and Lauren Redmore, Sierra Institute for Community and Environment.
* Defensible Space Ember Resistant “Zone 0” – Yana Valachovic, UC Cooperative Extension

# CONCLUSION

**Public Forum**

John Anderson**,** Mendocino Humboldt Redwood Companies, commented, in the California Wildfire and Forest Resiliency Action Plan, one of the key actions is that the Board of Forestry will be working with AB 1492 leadership team to complete permit synchronization work plan by December 2021. He asked, where the Board is at on that key action.

## Adjournment

Respectfully submitted,

ATTEST:

Dan Stapleton J. Keith Gilless

Assistant Executive Officer Chair