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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
April 10, 2019

BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS:

Present:

Keith Gillless, Chair	Mike Jani
Rich Wade	Chris Chase
Darcy Wheelles	Marc Los Huertos
Sue Husari	

Absent:

Katie Delbar

BOARD STAFF:

Matt Dias, Executive Officer	Eric Hedge, Regulation Program Manager
Edith Hannigan, Land Use Planning Program Manager	Katie Harrell, Joint Institute for Wood Products Innovation
Jeff Slaton, Board Counsel	Brandi Goss, Environmental Scientist
Dan Stapleton, Licensing Officer	

DEPARTMENTAL STAFF:

Thom Porter, Director	
Janet Barentson, Chief Deputy Director	Bill Solinsky, Forester III - THP Administration
Helge Eng, Deputy Director - Resource Management	Dennis Hall, Assistant Deputy Director - Forest Practice
Mike Mohler, Deputy Director of Communications	Pete Cafferata, Forester III - Forest Practice/Forest Hydrologist

Announcement of Actions Taken in Executive Session

The Board discussed the items on the agenda:

- Coast Action Group vs. California State Board of Forestry and Fire Protection (Case No. RG17860755)

No reportable actions were taken.

Consent Calendar Items:

- Approval of December 2018, January 2019, and March 2019 Board Meeting Minutes (with minor edits if requested by members of the Board); and
- Review of the Board's Rulemaking Matrix.

04-19-01 Chair Gillless moved to adopt the Consent Calendar items, excluding the March 2019 meeting minutes. Member Wheelles seconded the motion.

Wade	Aye
Husari	Aye
Jani	Aye
Wheelles	Aye
Los Huertos	Abstained
Chase	Aye
Gillless	Aye

The motion carried with one member absent and one abstention.

The March 2019 meeting minutes will be deferred until the May 2019 meeting.

MONTHLY BOARD REPORTS

Report of the Chair, Dr. Keith Gillless

Chair Gillless expressed condolences to the family and friends of Daniel Laird, a Helitack Captain from Tahoe National Forest, who passed away on March 27, 2019 in a helicopter accident while conducting a prescribed burn. He also expressed condolences to the family and friends of a Public Works employee who passed away recently in Calaveras County. The Chair expressed optimism related to the 45-day report recently released by CAL FIRE and the actions that will come from Executive Order N-05-19 related to wildfire preparedness.

Report of the Director, Thom Porter

Director Porter reported on the following matters:

Fuel Reduction Accidents

- Director Porter echoed Chair Gillless's sentiments regarding the two accidents that occurred recently.

Forest Health Grants

- Projects from the 45-day report related to fuels reduction and forest resiliency, as well as Department fuel reduction efforts were reported on. The projects from the 45-day report include many projects that had already applied for Department grants.
- \$63.4 million for 16 projects – 3 forest legacy, 13 landscape level and forest resilience and fuels-related work
- The Department is working toward meeting the goal of 500,000 acres of treated land annually.

Fire Protection

- The Department is working on ensuring that all resources and personnel are reachable at all times. By the beginning of peak season all equipment and personnel will be visible at all times using a 3-tiered system (cellular, satellite, and VHF radio).
- Airframes are in development and a new helicopter will be operable soon.
- Several C-130s are currently being examined for retrofitting and are anticipated to be usable in 2021.
- A decrease in inmate crews has left the Department at 71% of capacity.
- The Ventura Training Center (soft-skills training) for ex-offenders interested in a firefighting career had the first graduating class of 14 students. Word is spreading about the Training Center and striking interest in the inmate crew program.

Utility Mitigation Program

- Eight utility mitigation plans have been reviewed and submitted to the CPUC for their feedback.
- Weekly meetings are occurring with major utility providers and the CPUC to resolve power shut-off issues and related public safety issues and messaging.

Fire Prevention Grants

- The Department has received \$190 million in applications for 290 projects.
- Thirty-five projects in the 45-Day Report were in the pool of applications. They will be priority projects.

Fuels Reduction, Prescribed Burning, and Defensible Space Inspections

- Approximately 42% of the targeted 250,000 Defensible Space inspections, 11,000 acres of prescribed burns, and 9,000 acres of other fuel reduction have been conducted this year.

45-Day Report

- The 35 projects identified in the 45-Day Report would contribute 90,000 acres of fuel reduction. The goal is to complete these projects by the end

of the year. The public can get more information on the Cal Fire website as well as from their local CAL FIRE Unit.

Public Comment: Lawrence Camp, member of the public: Can the Best Management Practices be posted on the CAL FIRE website or another public website? Director Porter indicated that he has been working with the Natural Resources Agency to get this completed, and it may already be done.

Public Comment: Susan Robinson, member of the public: How will CAL FIRE better recognize and get the word out about home hardening which may be as or more important than vegetation management in hot, windy ember fires? Director Porter responded with information about home hardening outreach and CAL FIRE apps centered around home hardening and emergency safety.

Report of the Executive Officer, Matt Dias

- Initial discussion of Board member participation in various sub-committees and working groups related to forest and rangeland health, wildfire, and wood utilization in California
- Website Update
The Executive Officer discussed the ongoing implementation of AB 434 which requires ADA compliant websites and documents by July 1, 2019.
- Legislative Update
The Executive Officer discussed key legislation that may affect the Board, including AB 1160, AB 1823, SB 632, SB 462, AB 394, and SB 69.
- Review of Lumber Assessment Regulations
A required review of the current Lumber Assessment Regulations has been completed. No necessary changes have been identified.
- Update on Emergency Proclamation
The Executive Officer felt that this item was sufficiently covered under Director Porter's report.

Report of the Regulations Coordinator and Land Use Program Manager

Land Use Program Manager, Edith Hannigan reported on items 1, 2, 3, and 5
Regulations Coordinator, Eric Hedge reported on item 4

1. The Board Considered the approval of the Final Statement of Reasons and the regulatory text for rulemaking entitled "Very High Fire Hazard Severity Zone Adoption, 2019."

04-19-02 Chair Gilliss moved to approve the Final Statement of Reasons for the rulemaking entitled "Very High Fire Hazard Severity Zone, 2019." Member Los Huertos seconded the motion.

Wade	Aye
Husari	Aye
Jani	Aye

Wheeles	Aye
Los Huertos	Aye
Chase	Aye
Gilless	Aye

The motion passed unanimously.

04-19-03 Chair Gilless moved to adopt the rule text entitled “Very High Fire Hazard Severity Zone, 2019.” Member Los Huertos seconded the motion.

Wade	Aye
Husari	Aye
Jani	Aye
Wheeles	Aye
Los Huertos	Aye
Chase	Aye
Gilless	Aye

The motion passed unanimously.

2. The Board considered the approval of the Final Statement of Reasons and the regulatory text for rulemaking entitled “Subdivision Map Findings, 2019.”

04-19-04 Chair Gilless moved to approve the Final Statement of Reasons for the rulemaking entitled “Subdivision Map Findings, 2019.” Member Wheeles seconded the motion.

Wade	Aye
Husari	Aye
Jani	Aye
Wheeles	Aye
Los Huertos	Aye
Chase	Aye
Gilless	Aye

The motion passed unanimously.

04-19-05 Chair Gilless moved to approve the rule text entitled “Subdivision Map Findings, 2019.” Member Wheeles seconded the motion.

Wade	Aye
Husari	Aye
Jani	Aye
Wheeles	Aye
Los Huertos	Aye
Chase	Aye

Gilless Aye

The motion passed unanimously.

3. The Board considered the approval of the Final Statement of Reasons and the regulatory text for rulemaking entitled "Safety Element Review, 2019."

04-19-06 Chair Gilless moved to approve the Final Statement of Reasons for the rulemaking entitled "Safety Element Review, 2019." Member Los Huertos seconded the motion.

**Wade Aye
Husari Aye
Jani Aye
Wheeles Aye
Los Huertos Aye
Chase Aye
Gilless Aye**

The motion passed unanimously.

04-19-07 Chair Gilless moved to adopt the rule text entitled "Safety Element Review, 2019." Member Jani seconded the motion.

**Wade Aye
Husari Aye
Jani Aye
Wheeles Aye
Los Huertos Aye
Chase Aye
Gilless Aye**

The motion passed unanimously.

4. The Board considered the approval of the Initial Statement of Reasons and Authorization of the 45-Day Notice of Draft Regulatory Text for rulemaking entitled "Permanent Statewide Regulations to Facilitate Post-Fire Recovery Efforts, 2019."

04-19-08 Chair Gilless moved to approve the Initial Statement of Reasons with minor revisions and authorized a 45-Day Notice for the rulemaking entitled "Permanent Statewide Regulations to Facilitate Post-Fire Recovery Efforts, 2019." Member Jani seconded the motion.

**Wade Nay
Husari Nay**

Jani	Nay
Wheeles	Nay
Los Huertos	Nay
Chase	Nay
Gilless	Aye

The motion failed with 6 Nays and 1 Aye.

5. The Board considered the approval of the Draft Fire Protection Policies (commencing with policy 0340).

The Board provided input on the presented draft policies. Chair Gilless indicated that, considering the comments provided, the Resource Protection Committee should review the draft policies again and then bring the draft forward for Board consideration.

Report of the Standing Committees

Forest Practice Committee – Chair Rich Wade reported on the following:

- Provided an update on reporting to the Legislature by the Board and Department’s reporting to Legislature regarding Exemptions and Emergency Notices pursuant to PRC § 4589;
- Discussed the status of “Exemption Emergency Regulations, 2019”
- Discussed Regulatory Amendments to 14 CCR § 1052.4 “Emergency Notice for Fuel Hazard Reduction;” and
- Discussed the development of a white paper supporting the use of feller-bunchers within a Watercourse and Lake Protection Zone under specified Best Management Practices.
- Staff was directed to post copies of peer-reviewed literature cited in the staff-provided outline of the white paper on the Board’s webpage and to continue working on a draft white paper for future consideration.

Management Committee – Chair Chris Chase reported on the following matters:

- Discussed Draft Initial Statement of Reasons and Draft regulatory text for “NTMP Amendments, 2019.”

04-19-09 Chair Gilless moved to approve the Initial Statement of Reasons and authorize the 45-Day Notice for the rulemaking entitled “NTMP Amendments, 2019.” Member Los Huertos seconded the motion.

Wade	Aye
Husari	Aye
Jani	Absent
Wheeles	Aye
Los Huertos	Aye

**Chase
Gilles**

**Aye
Aye**

The motion passed unanimously.

- Discussed the potential revision of Stocking Standards
 - A general agreement was reached on amendments to revisions to rule text during Committee discussions. The Committee directed staff to develop performance-based alternatives revisions for consideration.
- Discussed additional Emergency Regulations for the Working Forest Management Plan.
 - The North Coast Regional Water Quality Control Board requested that an Erosion Implementation Plan embedded in the WFMP regulatory text. Committee direction was for the North Coast Board, Coast Acton Group, and other stakeholders to collaboratively develop and bring forth language as it relates to the requested regulatory revisions for consideration at a future committee meeting.

Resource Protection Committee – Chair Susan Husari reported on the following matters:

- Safety Element Review for the City of Portola
- Discussion and Review of Existing Board Regulations for Maintenance of Utility Right of Way
 - Staff has been directed to expand on the information provided to the Committee for future discussions. The Committee intends to work closely with the CPUC, relevant utility companies, and CAL FIRE's Planning Department as they continue to review these regulations.
- Land Use Planning Outreach

Report of Board's Advisory Committees

Effectiveness Monitoring Committee – Chair Sue Husari

- Chair Husari reported that the principal investigators of funded projects provided updates on their progress. She indicated that there may soon be some findings associated with certain projects that may help inform the Board on future regulatory matters. It was also mentioned that due to the good work of Board staff, three applications to fill the two vacant academic seats on the EMC have been received.

Range Management Advisory Committee – Brandi Goss, Environmental Scientist

- Brandi Goss, Environmental Scientist, reported on RMAC's progress related to their 2019 Priorities consisting of targeted grazing, rangeland science and education, and continued engagement on regulatory

development from various state agencies. RMAC is communicating with various agencies to help develop collaborative projects related to grazing and targeted grazing research.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: 2018 Pest Conditions Report. Tom Smith, CAL FIRE Pest Management Program

Presentation: Spotted Owl Observations Database Framework. Kate Keiser, Department of Fish and Wildlife Spotted Owl Database Manager

Presentation: CAL FIRE Forest Practice Enforcement Program Update. Toby McCartt, CAL FIRE Legal, and Cary Japp, CAL FIRE Forest Practice Enforcement Program Manager

Public Comment: Eric Carleson, Associated California Loggers - Mr. Carleson requested that Board members consider training in lone for loggers and RPFs to learn about the logistics behind the penalty process. He also echoed the sentiment that 10 days to respond to a citation is too short and expressed concern about the current penalty process as it relates to LTOs as well as potential biases within the penalty system.

CONCLUSION

Public Forum

No further request for comment.

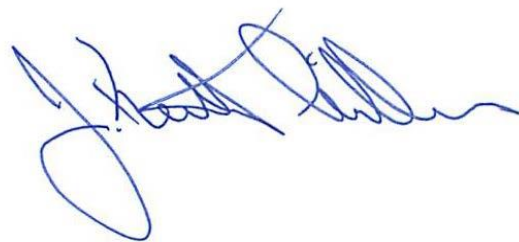
Adjournment

Respectfully submitted,

ATTEST:



Matthew Dias
Executive Officer



Keith Gilles
Chair