DRAFT BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

January 22, 2020

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

## **PRESENT**:

* Keith Gilless, Chair
* Katie Delbar
* Rich Wade
* Chris Chase
* Darcy Wheeles
* Susan Husari

## **ABSENT:**

* Marc Los Huertos
* Mike Jani

# **BOARD STAFF PRESENT:**

* Matt Dias, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Board Counsel
* 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 Tolmie, Chief Deputy Director
* 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
* Matthew Reischman, Assistant Deputy Director, Resource Protection and Improvement
* Nadia Tase, Senior Environmental Scientist, FRAP

# NATURAL RESOURCES AGENCY STAFF PRESENT:

* Jessica Morse, Deputy Secretary for Forest Management

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

The Board discussed the items on the Agenda. With respect to Administrative Law Judge Proposed Decision in Civil Penalty Case CP-18-22, McCaffree the Board adopted the Proposed Decision in full. With respect to the Administrative Law Judge Proposed Decision on Civil Penalty Case CP-189-21C, Goodman, the Board adopted the Proposed Decision with a modification, deleting the payment plan language. The Board took no further reportable actions.

# Consent Calendar

1. Approval of December 11, 2019 and December 30, 2019 Board Meeting Minutes (with minor edits if requested by members of the Board);
2. Review of Rulemaking Matrix
3. RPF and CRM Withdrawals and Voluntary Relinquishments
4. Reappointment of Larry Forero (CRM) to a term of 4 years to the Professional Foresters Examining Committee =
5. Appointment of Kristin Murphy to a term of 4 years to the Range Management Advisory Committee
6. Reappointment of Richard Ross, Andree Soares, and Billie Roney to terms of 4 years to Range Management Advisory Committee

**01-20-01 Chair moved to approve the items on the Consent Calendar, except for the removal of the December 30, 2019 Board Meeting Minutes. Member Wade seconded.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

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

Chair Gilless expressed his concern with the ongoing wildfire events in Australia.

# Report of the Director, Craig Tolmie, Chief Deputy Director, CAL FIRE

Chief Tolmie reported that Director Porter was attending the National Cohesive Wildland Fire Management Strategy Meeting.

* Chief Tolmie reported that information on Forest Practice Civil Penalty collections has been included in the written Director’s Report as was requested by the Board at the December 11, 2020 Board meeting.

**Demonstration State Forests**

* CAL FIRE closed escrow on December 23, 2019 for the 1,052-acre North Fork Mokulumne River acquisition from Pacific Gas and Electric Company. Over the next several months CAL FIRE will initiate a management plan for this property.

**CAL FIRE Grant Programs**

* The Urban and Community Forestry Grant Program has received 54 concept proposals requesting $41 million in funding. 18.5 million dollars are available. It is expected that CAL FIRE will make awards in mid to late April following formal applications.
* The Forest Health Grant Program received 33 applications requesting over $117 million in funding; available funding is $46.7 million. It was expected that grant announcements would be made by mid-February.

**CAL FIRE 2021 Budget**

* Governor Newsom released his proposed fiscal year 20/21 budget on January 10. The Governor’s proposal focuses in on 14 areas, including:
* Increase departmental staff over the next five years.
* Increase the use of technology to inform management on hazardous assessment decisions, including a proposal for statewide LiDAR data collection.
* Home hardening as well as hardening of critical infrastructures, primarily drinking water facilities and public medical facilities.
* Continued investments in fuels management, forest health, and carbon storage.
* CAL FIRE is currently involved in 25 Budget Change Proposals (BCP). All BCPs are currently available for review on the Department of Finance’s website.

## Eric Huff, Staff Chief, Forest Practice Program

Chief Huff reported that Kong Lor was hired as the Licensed Timber Operator (LTO) Coordinator, Forest Practice Program in December. Breezy Akeson was hired as a Staff Services Analyst position within the Forest Practice Program.

Chief Huff stated that the program has completed LTO renewals and has issued several new licenses.

Two LTO classes were offered in December. Kong Lor participated as an instructor in one of these and it is anticipated that he will be an instructor in future sessions. Chief Huff provided information on the results of the 2019 Emergency Notice Monitoring at each class to inform prospective LTO’s on the findings and recommendations approved by the Board. This information will be provided in all future LTO classes. The Department has worked through issues regarding broad form insurance with Associated California Loggers.

## Public Comment

**Eric Carlson, Associated California Loggers (ACL),** thanked CAL FIRE for their responsiveness to their concerns since the December Board of Forestry Meeting. There were concerns with the Timber Operator License Program Coordinator position being vacant. Eric Huff and staff worked rapidly to resolve a number of issues that were brought to their attention. He also thanked Chair Gilless for recommending that Director Porter consider the status of LTO renewals and licenses.

**Alison Melotte, Victor Insurance**, has worked with ACL for 15 years. She agreed with Chief Huff regarding the LTO renewal cycle going well with only isolated instances of difficulties. As a consultant for ACL, she has been working with individual members to try and help them anticipate any problems with future renewals, and will continue to assist them.

It was stated that there are challenges with tree service operators who are having trouble finding insurance. LTOs are having challenges finding insurance, as well. The insurance industry is not willing to take on risks and are afraid of wildfire exposure. Insurance companies prefer ~~to~~ not ~~be~~ to engage with businesses that may be involved in litigation surrounding wildfire.

Mr. Carlson, ACL added that his association would be looking to bring this issue before the legislature and the Forest Management Task Force. He mentioned that the issue may come before the Board in the way of support and analysis.

# PRESENTATION: Report and Annual Update presentation by USFS Region 5, Tony Scardina, Deputy Regional Forester.

Deputy Regional Forester Scardina provided an update and overview covering several of the Region 5 programs, including forest health and resiliency projects, wildfire impacts, timber harvest activities, reforestation, master stewardship agreements and program funding.

# Report of the Executive Officer, Matt Dias

Executive Officer Dias recognized Nadia Tase, recipient of the Director’s Annual Recognition Award, for her outstanding achievements on the AB 1504 Report, now known as Forest Carbon Accounting Reporting Program.

Mr. Dias also reported on staffing updates, including:

* The Licensing Staff Services Analyst position was advertised and a candidate has been chosen.
* The Attorney III position was in the process of being advertised.
* Staff is looking to upgrade a recently allocate Associate Government Program Analyst to a Staff Services Manager I.

Mr. Dias also gave an update on the Annual Report Review and Committee Priorities.

**01-20-02 Chair Gilless moved to approve the Board’s Annual Report. Member Wade seconded. Member Wheeles offered a friendly amendment, Chair Gilless and Member Wade accepted the amendment.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

# Report of Board’s Advisory Committees.

## Professional Foresters Examining Committee – Licensing Officer, Dan Stapleton

Licensing Officer, Dan Stapleton, announced the names of the twenty successful applicants who sat for the October 2019, Registered Professional Foresters exam and the two successful applicants who sat for the Certified Rangeland Managers exam~~inations~~.

The following individuals are recommended for Licensing as a Registered Professional Forester or Certification and Certified Specialist:

* RPF No. 3092 Nicholas Alegria
* RPF No. 3093 Paul Cheng
* RPF No. 3094 Sophia Lemmo
* RPF No. 3096 Tori Norville
* RPF No. 3098 Rhianna Dutra
* RPF No. 3100 Tyler Brown
* RPF No. 3102 Robert Desotle
* RPF No. 3104 Sam Wheeler
* RPF No. 3106 Cole Humphrey
* RPF No. 3108 Ryan Tompkins
* RPF No. 3110 Carter Krewson
* RPF No. 3095 Julia Gowin
* RPF No. 3097 Mark Pugsley
* RPF No. 3099 Colin Campbell
* RPF No. 3101 Erik Snow
* RPF No. 3103 Kyle Niederer
* RPF No. 3105 Christopher Kirk
* RPF No. 3107 Jonathon Leonard
* RPF No. 3109 Jacob Miller
* RPF No. 3111 Keefer Hokanson
* CRM No. 123 Luke Macaulay
* CRM No. 124 Felix Ratcliff

**01-20-03 Member Chase moved to certify as licensed Registered Professional Foresters and Certified Rangeland Managers those individuals recommended by the Professional Foresters Examining Committee as fulfilling all qualifications required under the Professional Foresters Law. Member Wade seconded.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

## Joint Institute for Wood Products Innovation – Katie Harrell, Joint Insitute Program

Ms. Harrell presented a review of the Draft Report entitled “Evaluation of Literature, Research Gaps, Partnerships, and Priorities. Dan L. Sanchez, University of California, Berkeley.”

Daniel Sanchez, Cooperative Extension Specialist, gave an overview of the Joint Institute Report and provided a presentation on the following:

* Background on the Joint Institute
* Aims and goals
* Methods
* Conclusions
* Recommendations and next steps for the Joint Institute

## Effectiveness Monitoring Committee (EMC) – Sue Husari, Co Chair

Co-Chair Husari presented the EMC 2019 Annual Work Plan to the Board.

**01-20-08 Member Husari moved to approve the 2019 Annual Work Plan. Chair Gilless seconded.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

# Report of the Regulations Coordinator

Board consideration of the approval of the Final Statement of Reasons and adoption of the regulatory text for the rulemaking action entitled “Registered Professional Forester and Certified Specialty Amendments, 2019” The proposed action seeks to provide clarity in the regulatory provisions related to the administration of both RPFs and Certified Specialists.

**01-20-04 Member Gilless moved to approve the Final Statement of Reasons for the rulemaking entitled Registered Professional Forester and Certified Specialty Amendments, 2019. Member Wade seconded.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase` Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

**1-20-05 Member Gilless moved to adopt the draft regulatory text for the rulemaking entitled Registered Professional Forester and Certified Specialty Amendments, 2019, 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**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

Board consideration of the approval of the Final Statement of Reasons and adoption of the regulatory text for the rulemaking action entitled “Appeal Amendments, 2020” (Amend 14 CCR§§ 1605(a), 1605 (b) 1647 and Adopt 1605 (e)). The purpose of the proposed action is to improve the clarity of the regulation related to the RPF examination appeals process. Additionally, the proposed action would establish a fee for exam applicants who wish to file an appeal in relation to their qualification as a Registered Professional Forester.

**01-20-06 Chair Gilless moved to approve the Final Statement of Reasons for the rulemaking entitled Appeal Amendments, 2020. Member Chase seconded.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

**01-20-07 Member Gilless moved to adopt the draft regulatory text for the rulemaking entitled Appeal Amendments, 2020, and authorize staff to take all actions reason reasonably necessary to have the adopted regulations go into effect, including making appropriate non-substantive changes an any changes to facilitate OAL review and approval. Member Chase seconded.**

**Roll Call**

**Wade Aye**

**Husari Aye**

**Delbar Aye**

**Wheeles Aye**

**Chase Aye**

**Gilless Aye**

**Jani Absent**

**Los Huertos Absent**

**The motion carried with two members absent.**

# Report of the Standing Committees

## Forest Practice Committee – Rich Wade, Chair

Chair Wade reported out on the issues discussed in committee, which included:

* Review of the 2020 Committee Priorities;
* 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, and discussion of potential regulatory or non-regulatory actions;
* Discussion of regulatory amendments to 14 CCR §§ 1052.4 “Emergency Notice for Fuel Hazard Reduction” for the purposes of permanent rulemaking; and
* Provided a report on review of issues as they relate to Contents of Plan, 14 CCR §1034(x).

## Management Committee – Chris Chase, Chair

Chair Chase reported out on the issues discussed in committee, which included:

* Review 2020 Committee Priorities;
* Discussion of “Group A” and “Group B” commercial species within 14 CCR § 895.1;
* Discussion of Limited Timber Operators License and Timber Operator Education within 14 CCR §§ 1022.1 and 1024;
* Discussion of potential revision of Basal Area Stocking Standards within 14 CCR 913 [933, 953] et seq., and
* Provided an update on the Boards Vegetation Management Policy (Board Policy 0356 et seq.).

## Resource Protection Committee – Darcy Wheeles, Chair

Chair Wheeles reported out on the issues discussed in committee, which included:

* Review of 2020 Committee Priorities,
* Safety Element Assessment for the City of Corona, and
* Sonoma County Fire Safety Survey Ordinance Certification request, of which staff is working through serval issues that must be address prior to coming to the Resource Protection Committee.

# Special Board Hearing/Reports

**Public Hearing: Southern Subdistrict and Marin Co. Point Count Amendments, (14 CCR §§ 913.8, 926.1, 926.8, 926.25, 927.9, 927.10 & 927.16).** The proposed rulemaking action is intended to make the stocking standards within the Southern Subdistrict of the Coast Forest District consistent with the recently amended minimum resource conservation standards of the Coast Forest District and to improve the clarity of the regulations.

Eric Hedge, Regulations Program Manager, opened the public hearing and provided in introduction on the rulemaking effort. He stated that the Board received one written comment from the County of Marin, Planning Division indicating that the County does not object to the regulatory updates proposed by the Board and supports the goals of achieving healthier more resilient forests over the long term.

A second written comment was received from Nadia Hamey, Santa Cruz, who supports the rulemaking actions.

**Agency Comment -** Eric Huff, Staff Chief Forest Practice, stated that CAL FIRE is in support of the rulemaking proposal and thanked the Management Committee for their continued review of the issue. Staff Chief Huff expressed appreciation to Ms. Hamey for her comments on eucalyptus management within the southern Subdistrict of the Coast District.

Chair Gilless closed the Public Hearing and asked for direction from the Board on how to proceed based on the information provided during the Hearing. Upon conclusion of brief discussion, the Board provided direction to the Regulations Program Manager to proceed with preparing a draft Final Statement of Reasons for consideration at the March Board meeting.

# Public Forum

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias

Executive Officer

Keith Gilless

Chair