BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

**Sacramento, CA**

**July 14, 2021**

**MEMBERS**:

## **Present**:

* Keith Gilless, Chair
* Rich Wade
* Darcy Wheeles
* Katharine Delbar
* Chris Chase
* Susan Husari
* Mike Jani

# **BOARD STAFF PRESENT:**

* Eric Hedge, Regulations Program Manager
* 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, Contacts 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
* Pete Cafferata, Forester III
* Kevin Conway, State Forest Program Manager
* Drew Coe, Forest Practice Monitoring

# **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.

* California Chaparral Institute, *et al*., vs. California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
* Discussed the vacant Executive Officer position

No reportable actions were taken.

# Consent Calendar Items

* Approval of the June 2021 Board Meeting Minutes and June 22, 2021 public hearing minutes (with minor edits if requested by members of the Board);
* Review of Rulemaking Matrix;
* Approval of Charter Update for the Joint Institute for Wood Products Innovation;
* Appointment of Nuin-Tara Key with the Governor’s Office of Planning and Research to the Joint Institute for Wood Products Innovation Advisory Council for a term of 3 years.

**07-21-01 Chair Gilless moved to approve the items on the Consent Calendar. Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

# MONTHLY BOARD REPORTS

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

## Chair Gilless expressed his delight in the appointment of two new public members to the Board of Forestry and Fire Protection, Jose de Jesus(J.) Lopez and Elizabeth Forsburg Pardi. They will take office once their Oaths have been administered.

* He expressed sympathies to those who have experienced the trauma of the fire season. He is impressed by the state’s early response and level of preparedness.
* The Board and the Resources Agency staff are still looking at the rulemaking proposal regarding the Utility Rights of Way. The Board is trying to ensure consistency with overall Governor's office strategy, including the financial strategy and impact. It may be that coordination phase will limit the ability to get the rulemaking achieved for activation January 1, 2022. The Board will provide updates as they become available.
* Chair Gilless announced that July will be the last Board meeting for Member Darcy Wheeles. He expressed his profound appreciation for the service that she has provided to the Board the last few years. He added that she came in with a lot of experience and knowledge in environmental regulation, and has been an extraordinary asset to the Board.

Members of the Board expressed their appreciation and pleasure working with Member Wheeles and wished her well on her next endeavor.

Member Wheeles expressed her thanks and gratitude to fellow Board members for their kind words and the pleasure it has been working with them.

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

Director Porter thanked Member Darcy Wheeles for her service with the Board.

**Fire Activity**

* The state is well above in the numbers of fires across the board, in all jurisdictions and acres burned, to date, compared to last year. The department is anticipating an elevated risk for large fires over the next three months. It is anticipated that the state will not experience early rains and peak season will continue.. The Department is bracing for a long fire season.

For the next 7 to 10 days the Southern part of the state was looking fairly good, with moderate to low large fire potential. This is due to monsoonal activity, with quite a bit of moisture in the atmosphere and no predicted off shore winds.

As of the date of the meeting, there were two large fires in state jurisdiction. The Dixie Fire started July 13, in Butte County, it was at 100 acres with the potential to grow larger.

The River Fire in Madera County posed some concerns. On Monday evening, the first CAL FIRE Incident Management Team of the year was launched. As of July 13, conditions moderated, which allowed for de-mobing of resources to other fires.

* Federal incidents were causing concerns, in particular the Dexter Fire in Mono County, had been growing fairly unchecked in remote areas, northeast of Mammoth Lakes. There were structure threats and had continued to grow with limited resources, although there was ground and air support attached, from CAL FIRE along with the U.S. Forest Service.
* Beckwourth Complex Fire, Plumas County, was at 95,358 acres, it was the largest fire of the year, as of July 14. Sugar Fire, part of the Beckwourth Complex was at 94,764 acres, 71% contained as of July 14. The department was de-mobing to assist with the Dixie Fire.

**Jackson Demonstration State Forest**

* CAL FIRE has opted to take a pause in timber operations on one active timber harvest plan to ensure safety of the timber operators and members of the public who are exercising their right to protest. This pause will also allow CAL FIRE to do additional community outreach about the forest management, research, and recreation that occurs on JDSF. Operations continue on other active plans on the Forest at the discretion of the Licensed Timber Operators.
* CAL FIRE has engaged in a nation-to-nation discussion level with the Coyote Band of Pomo and will continue the work going forward.

**Fire Protection**

* In 2020 there were 120 total arson arrests., There have been over 70 arson arrests in 2021, and it looks to be another very active year in Law Enforcement and arson arrest numbers.

**Aviation Management Unit (AMU)/Tactical Air Operations (TAO)**

* CAL FIRE was tasked with assisting the Department of Fish and Wildlife (DFW) with the aerial delivery of drinking water to Big Horn Sheep in eastern San Bernardino County. DFW has numerous man-made water storage systems throughout the region designed to capture and store water for wildlife preservation. Due to significant drought conditions in the area, the need to deliver drinking water to these sources via helicopter is a high priority. TAO coordinated the logistical and aviation operations to support this mission. A CAL FIRE Bell Super Huey (UH1H) Helicopter, with personnel from Prado Heli tack Base in the San Bernardino Unit, completed the three-day mission transporting approximately 70 buckets and 10,000 gallons of water. The mission was a huge success.
* AMU’s Senior Chief of Aviation Marty Bruno has been selected for the permanent assignment effective July 1, 2021.
* There is a nationwide shortage of jet fuel that has hampered operations at remote airbases. Public safety including wildland firefighting aircraft are put first in line but the amount of fuel available has been so low that they have had to fly to other bases to fuel and reload.

**Cooperative Fire Program**

* The current statewide strength of Type I California Department of Corrections and Rehabilitation (CDCR) Fire Crews is 62 crews staffed out of a total of 152 funded.There are an additional 4 CDCR Crews staffed but with a crew strength of less than 12 which makes them unavailable for statewide response. There are currently 26 California Conservation Corps (CCC) Type I Fire Crews staffed out of 28 total allocated. That leaves CAL FIRE with a total of 88 CDCR and CCC Type 1 Fire Crews available for statewide response out of a total of 180 funded crews.

**Fire Crew Program**

* There are currently 20 staffed CAL FIRE Firefighter Fire Crews. 15 are currently certified as Type I Fire Crews and available for statewide response. The remaining 5 are Type II Initial Attack Fire Crews and are undergoing further training and certification to Type I this month. The lack of fire crews is still a cause of concern for the Department.

**Fire Prevention – Fire Marshal**

* Work continues with Cal OES to develop the foundation for the California Wildfire Home Hardening Program that encourages cost-effective structure hardening/retrofitting and facilitates vegetation management (DSpace and neighborhood/community fuel reduction/modification). There are challenges in some of the activation of Federal Emergency Management Agency (FEMA) dollars. The Department is working through some of the National Environmental Policy Act (NEPA) requirements.
* There is interaction going on between the State Fire Marshal's office and the new Office of Energy Infrastructure Safety. July 1, 2021, the Utility Wildfire Safety Department that was under State of California Public Utilities Commission moved under the Resources Agency under Secretary Crowfoot, with Director Carolyne Thomas Jacob.

**Budget**

* CAL FIRE received $536 million of early action funding that they have been working with their partner departments, conservancies, and agencies, to allocate. Of the $536 million, $462 million has been committed to grant projects, local, funded direct projects, and others. The Department is aware that they are oversubscribed in virtually all the grant programs. The department is hoping that they will have an opportunity to open a new solicitation for additional projects once more funding is allocated.

**Fuels Reduction Projects**

* Forest Carbon Plan, the Department is scheduled to meet a 60,000-acre annual target, within the next couple of years and we have met or have come near that target, over the last couple of years. The Department exceeded the target in Fiscal Year 2019-2020, with 35 priority projects that were added to the general project plan. It is anticipated we will be close to that number (60,000 acres) again this year. In FY 2019-2020 the Department was at about 105,000 acres (treated) when combining what Cal Fire did and what grant funding projects did directly under Cal Fire jurisdiction. 105,000 acres working toward 500,000 acres, in the near future, annually, under the Forest Carbon Plan and the Stewardship Agreement with the U.S. Forest Service in California with this intent to meet the million-acre goal that we're trying to meet in conjunction with USFS. The Department is on track to getting there. The challenges with COVID in 2020, crew reductions, a long fire season (year) in 2020, and short winter period, put a damper on getting the scheduled project work completed. With grant opportunities, it is expected we will (continue to)​​​ work towards meeting the target of 500,000 acres. However, this current year, we will be closer to 90,000 acres treated and on the CAL FIRE side of that (number) will be shy of 50,000 acres. The Department has made adjustments to the staffing model with the fuels crews so we can refocus our efforts to get back to project work between wildland fires (during peak season).

**Public Comment**

Richard Gienger, expressed his concerns with the projects at Jackson State Demonstration Forest (JDSF) in regard to forest management and stewardship also with AB 1492 on the recovery of watersheds and forests.

Cedric Twight, Sierra Pacific Industries**,** commented on the California Climate Investments (CCI) Grants and Maintenance, he suggested making the first maintenance treatment part of the initial grant so that it is integrated into the initial proposal and the consideration of how it gets accomplished. He also suggested utilizing animals to provide fuel breaks, free of charge, for grazing, with a caveat they run the animals with a high enough density to achieve a desired fuel reduction standard.

***Executive Officer Report***

* Edith Hannigan, Land Use Planning Program Manager, provided a Legislative Update.
* Laura Alarcon Stalians, Administrative Unit Manager, provided a Budget Update on SB 85 Early Action Funding. Two million was allocated to the CAL VTP contract.
* Eric Hedge, Regulations Program Manager, Discussed the Board/CAL FIRE DRAFT Exemption and Emergency Monitoring Report Pursuant to PRC § 4589.

**07-21-02 Member Wade moved to approve the CAL FIRE DRAFT Exemption and Emergency Monitoring Report. Member Husari seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

* Edith Hannigan discussed proposed changes to “Fire Risk Reduction Communities List” rule plead and possible 15-day Notice

**07-21-03 Member Wheeles moved to authorize Board staff to submit the rulemaking entitled “Fire Risk Reduction Communities List” for noticing of a 15-day Comment Period and take all appropriate actions consistent with the Administrative Procedure Act for this purpose, including preparation and submission of the Supplemental Statement of Reasons, appropriate notification and modified rule text. Member Jani seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

**Public Comment**

***Report of the Standing Committees***

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

* Discussed botanical issues within the Timber Harvest Process – Eric Hedge, Regulations Program Manager
* Provided update on development of a DRAFT Board Guidance Memorandum outlining process on scoping, assessment, and protection of botanical resources to be addressed in the Plan process
* Discussed Emergency Rulemaking for Registered Professional Forester Responsibility and slash treatment in association with Emergency Notices – 14 CCR §§ 1052 et seq. - Jane Van Susteren, Regulations Coordinator

**07-21-04 Member Wade moved to adopt the finding of emergency and rule text for the rulemaking titled “Emergency Notice RPF Responsibilities and Fuels Hazard Reduction Timelines” 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.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

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

* Discussed defining “Crop of Trees” as it relates to Timberland Conversion - Eric Hedge, Regulations Program Manager
* Department establishment of seedling prices from CAL FIRE nurseries (PRC § 4682) – Stewart McMorrow, Staff Chief, Wildfire Resilience, CAL FIRE

 **07-21-05 Member Chase moved to approve the L.A. Moran Reforestation Center Seedling prices as established by CAL FIRE. Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

* Discussed 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.- Jane Van Susteren, Regulations Coordinator
* Update provided on Basal Area Stocking Standards and Uneven-Aged Working Group – George Gentry, California Forestry Association

***Resource Protection, Darcy Wheeles, Chair***

* Safety Element Review

a. City of Wildomar – Chief Ray Martinez

b. City of Rolling Hills Estates – Captain Shelley Redden

c. City of Westlake Village – Captain Shelley Redden

d. City of El Cajon – Captain Brian Barkley

* Land Use Planning Program Update – Matt Damon Deputy Chief, Land Use Planning
1. Public Resources Code 4290.5 Fire Safety Survey/Subdivision Review Unit Program Update – Chief Carmel Barnhart, CAL FIRE Land Use Planning
* Provided update on “State Minimum Fire Safe Regulations, 2021” rulemaking
* Provided update on amendments to regulations related to PRC 4292 and 4293

***Professional Foresters Examining Committee – Licensing Officer, Dan Stapleton*** The Executive Officer for Professional Foresters Registration will report on ongoing PFEC matters. Possible Action Items: Issuance of RPF Licenses/CRM Certifications, Withdrawals, Reinstatements, Voluntary Relinquishments, Suspensions, Revocations, or other Actions.

1. Announcement of successful April 2021 RPF and CRM exam applicants

**07-21-06 Member Chase moved to certify as licensed Registered Professional Foresters those individuals recommended by the Professional Foresters Examining Committee as fulfilling all qualifications required under the Professional Foresters Law. Member Jani seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

1. PFEC Policy Updates

**07-21-07 Member Gilless moved to approve the PFEC Policy updates. Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

Board review of RPF Vital Statics and acceptance of withdrawn RPF licenses.

**07-21-08 Member Gilless moved to approve the license withdrawal as identified by the Professional Foresters Examining Committee Member Jani seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

1. Introduction to the revised Cal-Pac SRM “Program for Certification.”

**07-21-09 Member Delbar moved to approve, pursuant to Public Resources Code Section 772, the Cal-Pac SRM independent certification program for Certified Rangeland Mangers as full qualification for the Board’s certificate of specialization. Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Chase aye**

**Gilless aye**

**The motion passed.**

***Effectiveness Monitoring Committee – Sue Husari, Co-Chair or Kristina Wolf Staff Environmental Scientist***

* Provided update on final project completion of EMC-2015-001
* Provided update on the development of grant programs for the EMC
* Provided update on the release of the 2021/2022 EMC Request for Proposals

***SPECIAL BOARD HEARINGS/REPORTS***

* Public Hearing: “Southern Subdistrict and Broadcast Burning Amendments” The proposed action is amendments to existing regulations in 14 CCR §§ 895.1, 916.9, 917.2, 917.3, 917.4, 936.9, 937.2, 956.9, and 957.2 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.

**Agency Comment**

Eric Huff, Staff Chief Forest Practice Program, expressed his appreciation and the opportunity to comment on the rulemaking proposal. He commented, as Mr. Hedge indicated, this was something the Department brought to the Board as a result of the devastating 2020 fire season down in portions of the Southern Subdistrict. He wanted to give credit to Soquel Demonstration State Forest Manager, Angela Burn Hazel, as she was the individual that pushed this idea forward. He mentioned, Cal Fire appreciates the Board's consideration and certainly the Forest Practice Committee's thoughtful work to ultimately reverse a longstanding prohibition on broadcast burning in the Southern Subdistrict. He also appreciates the companion revisions to the definition of broadcast burning and the rule provisions for surface fuel treatment that are well founded, and thinks are appropriate. As Mr. Hedge indicated, and as is stated in the initial statement of reasons, this allowance for broadcast burning under the expanded definition proposed by the Board will provide land managers down in the Southern subdistrict a new and timely tool for fuels reduction. The Department is looking forward to the opportunity to put this rule in motion in the Southern subdistrict and looks forward to the Board's adoption of this rulemaking proposal as noticed.

* Presentation: Small Scale Lumber Grading. Lon Sibert, Renewable Resource Associates, Inc.

# CONCLUSION

**Public Forum**

Richard Gienger, expressed his frustration with the technical issues he has experienced with the webinar format regarding submitting comments.

## Adjournment

Respectfully submitted,

ATTEST:



Dan Stapleton

Assistant Executive Officer 

Keith Gilless

Chair