BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Quincy, CA

September 28, 2023

**BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**

**Present:**

* Chairman J. Keith Gilless
* Katie Delbar
* J. Lopez
* Elizabeth Forsburg-Pardi
* Rich Wade
* Chris Chase
* Dawn Blake

**Absent:**

* Mike Jani

**BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Dan Stapleton, Asst. Executive Officer, Foresters Registration
* Jeff Slaton, Senior Board Counsel
* Robert Roth, Board Counsel
* Jane Van Susteren, Senior Environmental Scientist
* Dr. Kristina Wolf, Environmental Scientist
* Anna Castro, Executive Assistant
* Alexandra La Plante, Administrative Unit Manager
* Katie Harrell, AGPA

**DEPARTMENTAL STAFF PRESENT:**

* Matthew Reischman, Deputy Director, Resource Management, CAL FIRE
* Eric Huff, Assistant Deputy Director, Forest Practice Program, CAL FIRE

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

Jeff Slaton, Senior Counsel for the Board reported that during executive closed session the Board discussed the following matters:

* California Chaparral Institute, et al., vs California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
* Rural County Representatives of California (RCRC) vs Board of Forestry and Fire Protection (Case No. 22CECG00123)
* Board Consideration of the Administrative Law Judge Proposed Decision for Civil Penalty CP-21-19 Scott Consideration of the Administrative Law Judge Proposed Decision for Civil Penalty CP-21-19 Midget Bradley Scott

Mr. Slaton reported that with respect to the Rural County Representatives of California (RCRC) Litigation, the Board accepted the settlement offer from RCRC dated September 8, 2023. This will result in a dismissal of the litigation. With respect to the Civil Penalty CP-21-19, the Board adopted the decision of the Administrative Law Judge.

For *Rural County Representatives of California v. California State Board of Forestry and Fire Protection et al.,* Fresno County Superior Court Case No. 22CECG00123, the Board accepted a Code  of Civil Procedure section 998 offer to compromise between the Board and Rural County Representatives of California acknowledging, as set forth in paragraph 1 of said offer, that the State Minimum Fire Safe Regulations reflect the full extent of the Board's interpretation of Public Resources Code section 4290 and that, in accordance with Government Code Section 11340.5, subdivision (a), except as provided in the agreement, the Board shall not issue, utilize, enforce or attempt to enforce any other interpretation of Public Resources Code section 4290, or any interpretation of the State Minimum Fire Safe Regulations, unless adopted as a regulation pursuant to the APA.

**Consent Calendar Items:**

1. Review of Rulemaking Matrix
2. Approval of July and August 2023 minutes.
3. RPF-CRM Vital Statistics, Approval of Licenses Withdrawals; and revocation for non-payment of renewal fees.

**08-23-01 Chairman moves to accept the items on the Consent Calendar as listed. Member Lopez seconds the motion.**

**Member Chase would like to recommend one minor edit to the RPF files to fix RPF 2439 Captain Turner is listed both as requesting as a license withdrawal and revoking for non-payment. The RPF Vital Statistics will be amended to reflect RPF 2439 requested withdrawal of their license.**

**Roll Call:**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Chase: Aye**

**Blake: Aye**

**Delbar: Aye**

**Jani: Absent**

**Gilless: Aye**

**Motion passed.**

**Report of the Chairman, J. Keith Gilless**

Chairman Gilless expresses the Board’s thanks for a wonderful field tour yesterday. Especially Ryan Thompkins with UC Cooperative Extension, with organizing the tour and all the other agencies involved.

**Report of the Director, Matthew Reischman, Deputy Director, Resource Management, CAL FIRE**

Forest Practice Program

Forest Practice Administration/Forest Practice GIS/CalTrees

* Staff prepared and recently distributed the “Timber Harvesting Plan Filing Checklist” required by the Forest Practice Act, Public Resources Code Section 4592.5 [AB 2889, Caballero, Ch.640, Stats.2018]. The Checklist was distributed through the Board’s email list and is posted on the CAL FIRE website.

Watershed Protection Program

* The Exemption/Emergency Notice Monitoring Crew and interagency partners have completed thirty-two percent (32%, 16/50) of the samples for the §1038(d) Exemption Notice (i.e., Drought Mortality and Unmerchantable Sawlog on Substantially Damaged Timberlands).

Resource Protection and Improvement Program

Urban and Community Forestry

* The Board Service Inflation Reduction Act is providing 102 million dollars in Urban Forestry grants to local organizations across California. That is in addition to the $43.2 million that CAL FIRE received and will advertise for projects soon. CAL FIRE will cooperate with the US Forest Service to provide applicants with scientific and technical assistance and networking to complementary projects.

Forest Entomology and Pathology

* The national Forest Health Monitoring Work Conference will be held in Sacramento on April 9-11, 2024, at the Cal EPA Building. This will be the first “in-person” meeting of the program since pre-covid. The Forest Entomology and Pathology Program is hosting the meeting.

Demonstration State Forests

* Program Manager Kevin Conway participated in a planning retreat for the Giant Sequoia Lands Coalition on August 30-31, 2023. Representatives from each landowner were present and good progress was made in determining the infrastructure and resources required for successful conservation of giant sequoia groves. This will be detailed in a strategic plan expected to be completed in early 2024.

Boggs Mountain

* LA Moran Reforestation Center & Forest Staff coordinated in Sugar Pine, cone collection on Boggs on August 24, 2023. A total of 96 bushels were collected.

Jackson

* Deputy Chief Emily Smith has joined the Mendocino Unit and is Acting Forest Manager providing direct supervision to Jackson Demonstration State Forest (JDSF) staff. Program Manager Kevin will remain available as a close advisor to Chief Smith and Unit Chief Kendall.
* Retired Research and Demonstration program Manager Lynn Webb has returned as a Retired Annuitant to aid the Research and Demonstration Program.

La Tour

* Attempts to conduct salvage operations during the 2023 field season were unsuccessful. La Tour Demonstration State Forest (LDSF) was unable to find a willing purchaser, at a price that would return sufficient revenue to the Forest to justify the administrative responsibility.

Mountain Home

* Timber operations commenced on the Haughton Emergency Notice on August 31, 2023. This continues salvage operations of the Castle Fire area.

Soquel

* The long-awaited contracts to get equipment out and start opening the roads to hopefully get the forest up and running is now in place.

Prescribed Fire and Environmental Protection Program

Prescribed Fire Program

* The Prescribed Fire Claims Fund Pilot Project Program Guidelines continue to receive and approve reservations for beneficial burning. Currently there are over 40 projects that have been enrolled into the Prescribed Fire Liability Claims fund. No claims have been filed to date.
* There are currently 25 certified California Prescribed Fire Burn Bosses (CA-RX) in good standing with the State Fire Marshal for private burning.

Environmental Protection Program

* There are 107 open CMPs (Chapparal Management Plan) and 20 open Cal VTPs (Vegetation Treatment Plans) projects that are specific to CAL FIRE.

Tribal Affairs/Cultural Resources

Tribal Affairs

* The 56th Annual California Native American Day will be held on Friday, September 22, 2023, from 10:00 a.m. to 3:00 p.m. at the State Capitol.
* CAL FIRE announced the 13tribal grant recipients.

California Forest Improvement Program (CFIP)

* CFIP continues to solicit and select projects on a rolling 2-month basis. For September round of CFIP selections, 12 applications have been received for a total cost share of $1,115,647.90 so far.

Climate and Energy Program

Wood Products & Bioenergy

* Provided 1:1 consultation with applicants preparing proposals this month for Workforce and Business Development grants. The current solicitation for this grant program closes on September 30, 2023.

Forest Health

* In Post Fire Reforestation Regeneration grants, we have $50 million available this year and 26 successful grantees.

Wildfire and Forest Resilience Task Force

* The next Wildfire Forest Resilience Taskforce is going to be next week on October 5 and 6 up in Redding.

Fire and Resource Assessment Program (FRAP)

Forst Health Research Grants

* The Forest Health Research Program received 35 full proposals intends to award up to $5.5 million for research projects addressing priority topics in forest health and wildfire management. Review of full proposals have been completed and expect to announce the grant award list by the end of the month or early next month.

Prescribed Fire Monitoring and Research

* FRAP is collaborating with RDI to evaluate the use of air quality sensors for use with prescribed fire monitoring.

Fire Protection

Fire Protection Operations

* On September 12, 2023, CAL FIRE IMT 1 completed a 28-day activation to Maui that assisted Maui County and Hawaii EMA with response and recovery efforts.

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

* AMU provided a tour of our facility to the United States Coast Guard (USCG) Commander of the Pacific Area and staff during a recent USGC exercise in the area.
* New South Wales Rural Fire Service Air Tanker B210 has returned to Australia as of August 31, 2023. We would like to express our gratitude for their partnership and collaboration. There are no additional Large Air Tankers available currently to backfill this vacancy.

Cooperative Fire Protection

Local Government Program

* The Local Government Program has received 51 of the 71 FY 23/24 Cooperative Fire Protection agreements that are in the process of renewal or completion. The agreements have been or will be reviewed by Region, Sacramento, and forwarded to DGS for approval.

State/Federal Programs

* The CAL FIRE/British Columbia Wildfire MOU has been completed and posted to the SFI Programs page. This Agreement will improve efficiencies and capabilities within emergency management, technology, training, research in disaster risk management, aviation firefighting and detection initiatives, including the provision of aircraft during operational activity and personnel exchanges for professional development purposes.

Camps and Crews Program

* Staff are working with CDCR on a review of the current Master Agreement between the two agencies regarding our camp program.
* The current statewide strength of Type I Handcrews is 138 staffed of the 233 total funded crews. This includes 64 California Department of Corrections and
* Rehabilitation (CDCR) crews out of 152 funded, 27 California Conservation Corps (CCC) Crews out of 32 funded, 33 of the 35 funded CAL FIRE Firefighter I Crews, and 14 of the funded 14 California National Guard Crews.
* The current CDCR inmate crew strength is 987 inmates out of the allocated 2584, leaving the Conservation Camp Program with a shortage of 1597 inmates. The total CDCR Camp population is at 55% with a crew capacity of 38%.

Safety/EMS Program

* The Aviation Program and Safety conducted air sampling at Sonoma Air Attack Base on September 12, 2023. The goal was to identify airborne hazards when working around aircraft. The results will be used to develop any necessary changes to processes and procedures already in place. The Wildfire Conservancy will conduct a more comprehensive research project on the topic of aviation next summer.

Office of the State Fire Marshal

Community Wildfire Preparedness & Mitigation (CWPM)

Wildfire Mitigation Advisory Committee

* The committee met early this month and received a presentation from the Risk Modeling Advisory Workgroup on their final Risk Modeling paper, as well as heard presentations from the Indigenous Stewardship Network on Cultural Burning and from the Marin Wildfire Prevention Authority on and overview of the Marin Wildfire Prevention Authority.
* The Committee is meeting again on October 17, 2023, where the group will receive a presentation from the National Institute of Standards and Technology (NIST) on Hazard Mitigation Methodology (HMM) and Sheds – Structure Specification Distance.

Home Hardening

* Shasta County Fire Safe Council was awarded a $9,302,134.99 grant on August 31, 2023, to create defensible space and harden 144 homes in Whitmore. Federal Emergency Management Agency (FEMA) provided $6,976,601.24 and the state provided $2,325,533.75.
* San Diego County was awarded a $12,688, 600.00 grant on August 31, 2023, to create defensible space and harden 229 homes in Dulzura. FEMA provided $9,516,450.00 and the state provided $3,172,150.00.

Utility Wildfire Mitigation Program

* Update: Energy Safety published drafted decisions for Southern California Edison and San Diego Gas & Electric (20-day public comment period began August 30, 2023).
* Pacific Gas & Electric (PG&E) Public Safety Power Shutoff event August 30, 2023, PG&E ultimately de-energized 3,928 customers in seven counties (Butte, Colusa, Glenn, Lake, Shasta, Tehama, and Yolo). Restoration was made August 31, 2023, by noon.

**Board Comment:**

Member Chase stated he really appreciate the THP checklist and hopes the checklist helps see an improvement.

* Deputy Director Reischman acknowledge that Chief Huff was part of it also.

Chairman Gilless asked if there is an update on the timeline for the Fire Hazard Severity Zone Mapping.

**Public Comment:**

Richard Gienger shared his views on the Jackson Demonstration State Forest. He feels that the communication with CAL FIRE, the Board, the public and the Jackson Advisory Group are incomplete. His thoughts are whoever ends up doing the modernization of the management is dragging on. Also, the meeting on October 13 should not take place because there are only two members of the JAG and there is no adequate consultation of the tribal parties involved. Richard asked that issues be brought up and addressed by the involved parties and stakeholders.

* Deputy Director Reischman appreciates Mr. Gienger’s comment and stated that the last JAG meeting on September 15th, there was discussion about the scope of work that will support the tribe to ultimately have an entity in place that will help with rewriting the Jackson Management Plan. They are trying to make sure that we are providing all we can for public comment and have set a date for October 13th, to specifically allow public comment on the scope of work. Also take the scope of work for the November 15th meeting for the JAG to review and possibly approve. In regards to the tribal advisory council that we now have working with the unit they are assessing what co-management is going to provide for Jackson. But at times those discussions contain confidential components to it. We have a co-management agreement with the Coyote Valley Tribe in which Genieva Thompson, Deputy Secretary to Tribal relations at the Resource Agency, reached back out to Coyote Valley to consult with them again on interest of contributing to the co-management. We are trying to identify is there one type of agreement that we use with all the tribes or is there different agreements for each of the tribes? This is something we will work with the tribes. Our over all goal is to be open and transparent.

Kimberly Burr commented her feelings regarding CAL FIRE’s contribution to home hardening is not anywhere near what FEMA is contributing and it seems like one of the most important things we can do is to provide communities with some level of home hardening assistance. She is concerned as a fire safety organization the focus more on that.

* Deputy Director Reischman appreciates the comment and I do not know the amount of funding designated for home hardening. I can follow up and get back to you on how much grant funding opportunity is there for it.

Chairman Gilless commented on CAL FIRE’s transparency regarding the applications for grant programs as to the percentage of the community grants never have been met.

* Deputy Director Reischman will follow up with specifics on the amount of funding available.

**Report of the Executive Officer, Edith Hannigan, Executive Officer**

**Report of the Standing Committees**

**Resource Protection Committee, J. Lopez, Chair**

The committee had an excellent meeting yesterday with Land Use Planning Program staff.

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

Forest Practice Committee met and discussed the two items on the agenda and there are no actionable items presented to the Board today.

**Management Committee, Chris Chase, Chair**

The committee met and discussed two items on the agenda.

**Public Comment:**

Kimberly Burr thanked everyone for their work. Ms. Burr shared her views on the importance of California waterways. She feels that the exception of going into fuel reduction is an overreach. Stating that Forest Practice Rules already allows certain amount of logging in there. Ms. Burr feels there should be no exceptions for fuel reduction because it is extremely broad and vague. She is concerned with this moving forward because it would not be good for our fish or the public.

Nancy Macy, Chair of the Valley Woman’s Club of San Lorenzo Valley’s Environmental Committee and Chair of the Statewide Utility Wildfire Prevention Taskforce. We join in the previous comments. We urge you to comply with those recommendations. We are extremely concerned by the vague language, like minimize and sufficient associated with protection measures. When talking about removing riparian trees, inevitably harvesting the larger old trees because they have value this will remove the very trees that provide the best shade and the slope stability to prevent erosion. She stated that CAL FIRE and the Board should not be complicit in undermining the heath of riparian corridors. She asks to please reconsider this and protect the WLPZ.

**PRESENTATIONS**

CalVTP Implementation: Information and tools to help increase the pace and scale of vegetation treatment, Heather Blair, Ascent Environmental.

**Public Comments:**

Karen Maki, San Mateo County, and had a question about CalVTP. She is wondering if there is any limitation to the size of trees that can be removed through CalVTP or the percentage of trees that can be removed.

* Heather Blair appreciated the question. The standard project requirements of the CalVTP do have retention standards for sensitive natural communities or other sensitive habitats. I do not believe that there is any limitation on size class but there are performance standards related to maintaining habitant function that often does limit the removal of larger trees.

Kimberly Burr stated that this relates to what Karen Maki was saying about the International Panel on Climate Change (IPCC) having to be aware of saving the trees that we have, to even have a chance at mitigating the climate change. It’s not just about reducing our emissions, but we must sequester huge amounts of carbon. So, this is concerning that we are going to go through our forest and start logging it for fire. Will there be preharvest inspections for this program and post-harvest inspections so that we can see the effects. Is there going to be a commercial component? What about the biomass? Does the biomass proposal have trees into a commercial processing? Ms. Burr feels that we should take our time with this issue and appreciates all our work on this issue.

* Heather Blair appreciates Ms. Burr’s comments. Regarding preharvest inspections, so pursuant to CEQA these PFA’s and addendums require preparation of a mitigation monitoring reporting program and that requires an element of documentation of what SPRs (Standard Project Requirements), and mitigation measures were implemented and their effectiveness. Also, there is information available on the Board of Forestry’s CalVTP website. Regarding biomass, the CalVTP, because it’s a CEQA document, does not include commercial treatments. The analysis in the Program EIR did not consider processing at a biomass facility. Because the assumption is that those processing facilities would require their own permitting, their own CEQA and mitigation related to climate emission.

Larry Hanson shared his view that he felt the presentation was for the Board and not for the public. Since there were a lot of acronyms that were used. Regarding the increase of all these projects it seems to be that there is an assumption that all these projects well have the intended objective of reducing catastrophic fires. He felt that little was mentioned about reducing catastrophic fires.

**CONCLUSION**

**Public Forum**

**Public Comments:**

George Gentry stated he is very proud of his association with this Board for almost 22 years. He stated his views on a report by Mason, Bruce, & Girard that came out yesterday. Mr. Gentry stated he encouraged and help support over the last year. It was patterned after the report they did on the fires in Oregon which showed the impacts that resulted from the fires from 2018 to 2021. Mr. Gentry encourages Board to review the report.

Richard Gienger mentioned the passing of Richard Wilson on August 16th.

Kimberly Burr stated she would love to see the Board provide the studies that so how wildfire and fire is moving through our landscapes, including areas that have been previously logged.

**Adjournment**

Respectfully submitted,

ATTEST:





Edith Hannigan J. Keith Gilless

Executive Officer Chairman