BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

July 15, 2020

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

## **Present**:

* Keith Gilless, Chair
* Katie Delbar
* Rich Wade
* Marc Los Huertos
* Darcy Wheeles
* Chris Chase
* Susan Husari
* 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, CAL FIRE
* Matt Damon, AVL Project Manager
* Gabriel Schultz, Regional Resource Manager
* Dennis Hall, Assistant Deputy Director, Forest Practice
* Eric Huff, Staff Chief, Forest Practice Program
* Bill Solinsky, Forester III, THP Administration

# **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. No reportable actions were taken.

# Consent Calendar Items

1. Approval of the May Board Meeting Minutes (with minor edits if requested by members of the Board);
2. Review of Rulemaking Matrix
3. Board acceptance of RPF and CRM License Withdrawals
4. Appointment of Sal Chinnici and Matt House to the Effectiveness Monitoring Committee to terms of four years

**07-20-01** **Chair Gilless removed items a) and b) from the Consent Calendar and moved to approve the remaining items on the Consent Calendar. Member Chase seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase aye**

**Gilless aye**

**The motion carries unanimously.**

# MONTHLY BOARD REPORTS

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

Chair Gilless thanked everyone for bearing with the lack of in person meetings and commented that he misses interacting with stakeholders and hopes they feel that they are getting their voices heard. He hopes that we find a way forward that keeps everyone as safe as possible while still enabling completion of the important work everyone is engaged in.

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

### Fire Activity

* Expecting moderate fire risk for most of the state in the coming weeks.
* Most fires have been in grass and oak woodland settings and are now moving into chaparral.
* High risk for lightning in the North Sierra is expected in the coming days and both federal and state fire agencies are on alert.
* The Mineral Fire is the only large fire in the state at the moment and is located in largely remote areas that are difficult to access. This fire may move into Monterey County and units are prepared for this eventuality. Valley fever is also an issue in this particular area so responders are being careful to prevent dust disturbance.

### Fuels Management

* CAL FIRE will be adding 6 crews out of the CCC’s regular residential crew program for the remainder of this season.
* Augmentations in crew numbers are good through October 31st of this year, and may be extended should conditions require it.
* The target of 45,000 acres of fuels treatment for the 2019/2020 fiscal year has been exceeded. Over 55,000 acres were completed. The Department’s goal is to complete 60,000 acres by 2023 and annually thereafter.

### Covid-19

* Exposures have gone from 3-5 cases to about 23 known positive cases in a force of about 8,000. There are 53 additional responders in isolation due to close contact with the 23 positive cases.
* Twelve inmate camps have also been exposed to COVID-19. In response, they have been quarantined by CDCR, bringing us down to 96-98 crews total statewide that are available for fire responses. This leaves CAL FIRE at about 50% capacity.
* Director Porter anticipates getting back to 125-145 crews total in the future, but there will likely be rolling quarantines where new crews experience exposure and are unavailable for response for a period of time.
* Concerns related to COVID-19 and low crew numbers resulted in the Governor authorizing 800 additional firefighter hires. These firefighters will likely be trained to be on hand crews.
* Director Porter has changed rules surrounding mask requirements for crews. Previously, crews were treated as family units and masks were not required when crews were eating or training together. Now, crews must also meet the California Department of Public Health’s rules and be in masks anytime they are within 6 feet of another individual. Contractors also must comply with this mask ordinance.

## Report of the Executive Officer, Matt Dias:

Mr. Dias discussed the establishment of the Implementation Viewer for the CalVTP and commented that it was launched on July 14th with the help of CAL FIRE’s FRAP program. This viewer will provide a place for the public to access downloadable spatial data for projects as well as links to the associated environmental documentation. He also spoke about the contract with Ascent Environmental related to CalVTP implementation and outreach and education to encourage and enable project implementation. Mr. Dias anticipates having a training module out in the fall of 2020.

1. Staffing Update
   1. Laura was promoted to a Staff Services Manager I position, leaving her position vacant. Her old position as an AGPA was successfully flown and 25 applications were received. Staff will be moving forward with the interviewing process in the coming week.
   2. Edith Hannigan has been working on a reclassification as well as hiring an Environmental Planner. Interviews occurred the previous week and staff has narrowed the applicant pool down to three individuals who will be asked for a second interview.
   3. The regulations coordinator position has been vacant and the decision was made to reclassify this position to a senior environmental scientist position.
2. Review of the Legislative Report
   1. Mr. Dias commented that AB 2028 related to the Bagley-Keene open meeting act and AB 3074 related to the implementation of a 0-5ft zone around structures for defensible space are of particular interest moving forward.

## Report of the Regulations Program Manager:

Edith Hannigan shared that a revised rulemaking matrix was released in the week prior to the Board meeting because the Emergency Fire Safe Regulations Applicability Emergency Rulemaking package that was approved at the June meeting was not included. This package was brought to OAL on June 2nd and upon review determined that there were some clarity issues with the rulemaking that needed revisions and subsequent re-approval by the Board. Mrs. Hannigan reviewed these changes with the Board.

**07-20-02** **Chair Gilless moved to adopt the “Addendum to the Findings of Emergency related to the Proposed Emergency Regulatory Action “Emergency Fire Safe Regulations Applicability”” and to adopt the amended rule text for the rulemaking entitled “Emergency Fire Safe Regulations Applicability”, 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 Wheeles seconded the motion.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase absent**

**Gilless aye**

**The motion carries unanimously with one absence.**

1. Board consideration of the approval of the Final Statement of Reasons and adoption of the regulatory text for the rulemaking action entitled“Fuel Hazard Reduction Amendments, 2020” (14 CCR §§ 913, 933, 953, 1052, and 1052.4.). The purpose of the proposed action is to: 1) clarify the scope of lands which may be subject to timber operations pursuant to an Emergency Notice for Fuel Hazard Reduction; 2) to improve the efficacy and suitability of fuel treatments within the Emergency Notice for Fuel Hazard Reduction; 3) to improve immediate wildfire resiliency in post-harvest stands; and 4) to standardize and simplify, to some extent, the conditional requirements of the existing process in order to promote the use of Emergency Notices.

**07-20-03** **Member Wade moved to approve the Final Statement of Reasons for the rulemaking as amended entitled Fuel Hazard Reduction Amendments, 2020. Member Delbar seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase absent**

**Gilless aye**

**The motion carries unanimously with one absence.**

**07-20-04** **Member Wade moved to adopt the draft regulatory text for the rulemaking entitled Fuel Hazard Reduction Amendments, 2020, 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 Los Huertos seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase absent**

**Gilless aye**

**The motion carries unanimously with one absence.**

1. Board consideration of the approval of the Final Statement of Reasons and adoption of the regulatory text for the rulemaking action entitled“Licensed Timber Operator (LTO) Education and Limited Licensed Timber Operator (LTO)”. The purpose of the proposed action is to: 1) improve the clarity and consistency of the existing regulations surrounding timber operator licenses; 2) limit the activities permitted under a limited timber operator license to avoid excessive risk, given the lack of insurance obligations; 3) more clearly implement those conditional requirements within PRC § 4572; and 4) make the educational requirement of applicants consistent across all types of timber operator licenses.

**07-20-05** **Chair Gilless moved to approve the Final Statement of Reasons for the rulemaking entitled Licensed Timber Operator (LTO) Education and Limited Licensed Timber Operator (LTO). Member Wade seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase absent**

**Gilless aye**

**The motion carries unanimously with one absence.**

**07-20-06** **Member Wade moved to adopt the draft regulatory text for the rulemaking entitled Licensed Timber Operator (LTO) Education and Limited Licensed Timber Operator (LTO), 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 Los Huertos seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase absent**

**Gilless aye**

**The motion carries unanimously with one absence.**

## Report of the Joint Committee Workshop

### Resource Protection Committee Items – Darcy Wheeles, Chair, Resource Protection Committee

1. Committee discussion on potential regulatory amendment to the Defensible Space Regulations 14 CCR § 1299 and Defensible Space Guidelines
   1. The Committee considered these amendments for the first time and this is still a very rough draft. There are several other key items in play that will affect this revision including a bill under consideration in the California Legislature.
2. Safety Element Reviews
   1. City of Etna
   2. County of Ventura
   3. City of Orange
      1. This item was postponed to the next Committee meeting.

### Forest Practice Committee-Rich Wade, Chair Forest Practice Committee

1. Review of Staff Report on Botanical Resource and the Timber Harvest Process
   1. A robust report was prepared by staff which provided a basis for agency and public comment on the issue. The Committee will proceed with preparing a problem statement and discussing possible solutions for the problem statement in the coming meetings.

### Management Committee-Chris Chase, Chair, Management Committee

1. Update on potential amendments to Conversion Exemptions within 14 CCR § 1104.1.
   1. The Committee is expecting a report from the Department in the coming months regarding the capacity of the department to monitor right of way vegetation management practices and violations so that the Committee has a better idea of the issues associated with this topic.

## Report of Board’s Advisory Committees

1. Joint Institute for Wood Products Innovation – Katie Harrell, Joint Institute Program Analyst
   1. Update on Fiscal Year 19/20 contracts and agreements.
      1. Mrs. Harrell reported that the Joint Institute currently has two contracts in place, the first for cross-laminated timber layout tests per PRG-320 using white fir species lumber grades 2 and 3 with the Tall Wood Designs Institute at Oregon State University. Results will inform how white fir species in California will fare as a mast timber commodity. Results are due to the Board for review in April 2021, with a final report in May 2021. The second contract is titled “Opportunities for Low Carbon and Carbon Negative Fuels from Non-Merchantable Forest Biomass in California” and is a collaboration with UC Berkeley that will produce two deliverables in two years. The first is a report that will identify biofuels research gaps with prioritization to inform future project areas. These results will be due to the Board in April 2021 with a final report available in May 2021. The second will bring together key stakeholders to discuss the potential for a low carbon and carbon negative industry in California as well as barriers and solutions for getting such an industry underway. Results from these collaborations will be due to the Board in April 2022 with a final report available in May 2022. Outside of the Joint Institute, the Board is also working on an RFP to address directive 1 of AB 2518, the innovative forest products and mast timber bill. The intent of the work will be to identify barriers to in-state production of mast timber and other innovative forest products and develop solutions that are consistent with the State’s climate objectives. This will also include identification of barriers and solutions to innovative forest products and mast timber workforce training and job creation.
2. Effectiveness Monitoring Committee (EMC) – Brandi Goss, Environmental Scientist
   1. Update on Fiscal Year 19/20 contracts and agreements.

Ms. Goss shared that the EMC submitted three projects to contracts in January, 2020 and that two were processed successfully prior to the end of the fiscal year. One was not processed prior to the end of the fiscal year, but staff has communicated with the Natural Resources Agency Executive team and will be pursuing an opportunity to provide delayed funding to the final project if it is approved by the Co-Chairs.

* 1. Board consideration of DRAFT revised Charter of the EMC

Ms. Goss discussed several changes to the EMC’s Charter including requesting the Board’s opinion on how specific the Charter should be regarding the source of the Co-Chairs.

**07-20-07** **Member Husari moved to approve the revised Effectiveness Monitoring Committee Charter. Chair Gilless seconded.**

**Roll Call:**

**Wade aye**

**Husari aye**

**Jani aye**

**Delbar aye**

**Wheeles aye**

**Los Huertos aye**

**Chase absent**

**Gilless aye**

**The motion carries unanimously with one absence.**

# Special Board Hearing and Reports

* **Presentation: Update on forthcoming 'Reforestation Practices for Conifers in California (2020) from University of California Agricultural and Natural Resources (UCANR) and the Forest Vegetation Management Committee (FVMC) -** William Stewart, UCANR Technical Editor and Tom Jopson, Co-author and FVMC Legacy Committee

# CONCLUSION

## Public Forum

Craig Harrison – Stated that he has been involved in recent meetings with Sonoma County and is speaking on behalf of several organizations. He alerted the Board in June that they would be drawing on CAL FIRE to utilize its inspection capacity to look at several pending use permits in Sonoma County that in his view violate CAL FIRE’s regulations. He filed a formal request on June 17th to the Division Chief in Sonoma County and has received no response. He is seeking guidance on how to proceed.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Matt Dias, Executive Officer

Matthew Dias, Executive Officer

Keith Gilless, Board Chair