BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

January 19, 2022

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

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

## **Present**:

* Keith Gilless, Chair
* Rich Wade
* Chris Chase
* Susan Husari
* Mike Jani
* Katie Delbar
* Elizabeth Forsburg Pardi
* J. Lopez

## BOARD MEMBERS ABSENT:

None

# **BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Eric Hedge, Regulations Program Manager
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Deniele Cade, Staff Analyst, Licensing
* Andrew Lawhorn, Forestry Assistant II
* Jane Van Susteren, Environmental Scientist
* Kristina Wolf, Environmental Scientist
* Laura Alarcon Stalians, Administrative Manager
* Robert Roth, Board Counsel
* Claire McCoy, Wildfire Planning Specialist
* Sara Walter, Contracts Analyst
* Katie Harrell, Joint Institute for Wood Products Innovation

# **DEPARTMENTAL STAFF PRESENT**:

* Matt Damon, Deputy Chief, Land Use Planning
* Matthew Reischman, Deputy Director, Resource Management
* Daniel Berlant, Assistant Deputy Director
* Eric Huff, Staff Chief, Forest Practice Program
* Chris Keithley, Staff Chief, Fire and Resource Assessment Program
* Russ Henly, Forest Policy Advisor, Fire and Resource Assessment Program
* Rich Walker, Research Program Specialist, Fire and Resource Assessment Program
* Drew Coe, Manager, Watershed Protection Program
* Will Olsen, Forest Practice Monitoring Specialist, Watershed Protection Program

# **AGENCY STAFF PRESENT**:

* David Fowler, North Coast Regional Water Quality Control Board
* Jonathan Warmerdam, North Coast Regional Water Quality Control Board
* Tim Ryan, California Department of Fish and Wildlife
* Elliot Chasin, California Department of Fish and Wildlife
* Andrew Jensen, Lahontan Regional Water Quality and Control Board

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

Jeff Slaton, Senior Board Counsel, reported that the Board discussed the three items on its agenda.

* California Chaparral Institute, *et al*., vs. California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203)
* Shurtz vs. Board of Forestry and Fire Protection (Case No. 21CV0076)
* Board of Forestry and Fire Protection Potential Exposure to Litigation

No reportable actions were taken.

# Consent Calendar Items

* Approval of the December 8, 2021 meeting minutes (with minor edits if requested by members of the Board);
* Review of Rulemaking Matrix;
* RPF-CRM Vital Statistics, Approval of RPF License Withdrawal
* RMAC – appointment of recommended nominees to four open RMAC seats
  + Joel Kramer, California Resource Conservation District
  + Paul Starrs, public
  + Cole Bush, California Wool Growers Association (rangeland organization)
  + Stephanie Larson, U.C. Cooperative Extension (rangeland organization)

**­­­01-20-22** **Chair Gilless moved to remove the December 8, 2021 minutes from the Consent Calendar and otherwise approve the items on the Consent Calendar. Member Lopez seconded.**

**Roll Call:**

**Chase aye**

**Forsburg Pardi aye**

**Lopez aye**

**Delbar aye**

**Jani aye**

**Wade aye**

**Husari aye**

**Gilless aye**

**The motion passed.**

# MONTHLY BOARD REPORTS

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

Chair Gilless welcomed the new year and provided a reminder that the Fire Safe Regulations were not on the agenda and therefore could not be discussed at this meeting.

## Report of the Director, Deputy Director Matthew Reischman and Assistant Deputy Director Daniel Berlant on behalf of Acting Director Mike Richwine

* Overview of the 2021 wildfire season, with over 8,600 wildfires burning nearly 2.6 million acres and reporting continuing. So far 2022 had seen 50 wildfires in CAL FIRE’s and the Forest Service’s jurisdictions, burning a total of five acres. The winter’s rain allowed agencies to enter the winter maintenance cycle with a focus on fuel reduction.
* In the 2020-21 fiscal year, over 32,000 acres were treated with prescribed fire, over 100% of CAL FIRE’s goal. Mechanical treatment for that fiscal year met 63% of the goal, with nearly 13,000 acres treated. Defensible space inspections reached 90% of the goal, with 221,000 inspections completed.
* For the current 2021-22 fiscal year, former Director Porter had set a combined goal of mechanical treatment and broadcast burning to treat 45,000 acres (5,000 acres lower than last year’s goal to account for fire season challenges and the decrease in hand crew availability). Defensible space inspections were at just over 50% of the goal for the current fiscal year.
* Update on the newly created Community Wildfire Preparedness and Mitigation Division within the Office of the State Fire Marshal. The division’s responsibilities include but are not limited to land use planning, defensible space, assistance to local jurisdictions, home hardening, fire prevention grants, fire hazard severity zones, implementation of the SRA/LRA VHFHSZ Fire Safe Development Regulations, and utility wildfire mitigation. Assembly Bill 9 also created the State Fire Marshal’s Wildfire Mitigation Advisory Committee, a forum for discussion of wildfire preparedness and mitigation issues of statewide concern.
* The Department continued to work closely with CalOES to develop the California Wildfire Home Hardening Program to encourage cost-effective home retrofits and ensure that defensible space is implemented around existing homes. The Program was in the demonstration phase in three communities, with the aim to eventually make the framework available to local governments for independent use.
* Fire Prevention Grant applications would remain open until Feb 9, with up to $120 million in available funding.

### Resource Management

* Watershed Protection staff were finalizing the South Fork Wages Creek Turbidity Monitoring Project with the Lyme Redwood Forest Company.
* Exemption and Emergency Notice Monitoring staff were making steady progress, with about 51% of the fiscal year’s sampling goal accomplished.
* The Cow Creek in Shasta County and Bear River in Nevada County PG&E land transfer agreements had been signed and were moving into the final approval process with the Public Utilities Commission, resulting in anticipated expansion of the State Demonstration Forest program’s lands.
* The Santa Cruz Mountain trail stewards had been working on trail management in the Santa Cruz area; the Department looked forward to continued cooperation with the trail stewards and the mountain biking community in this area.
* Forest entomology survey reports from the US Forest Service were newly available, with findings of high mortality in white and red fir throughout the Sierra Nevada and Cascade ranges. Increased pine mortality in the Warner Mountains and Central Sierra Nevada was also noted.
* The Prescribed Fire Working Group under the Wildfire Resilience Task Force was expecting the imminent release of its Beneficial Fire Strategic Plan. Deputy Director Reischman reported continuing receipt of projects from units that fall under the Chaparral Management Program EIR, in addition to continuing use of the CalVTP.
* The California Forest Improvement Program (CFIP) continued to work with non-industrial timberland owners to support them in the post-fire environment and to assist with land management. Block grants are available to local cooperators such as 501(c)(3) non-profits and resource conservation districts.
* The Department continued to work with the Lewis A. Moran Reforestation Center, with expected annual generation of 350,000-400,000 seedlings when the Center is operating at full capacity. This year’s production of approximately 275,000 seedlings lifted was estimated to allow for reforestation of twelve to thirteen thousand acres.
* The Wood Products Bioenergy Program had opened a new $24 million Workforce and Business Development Grant solicitation, with applications due in March 2022. This was a new program geared toward developing the future workforce needed in the forest sector.
* The Forest Health Grant Program grant solicitation had opened on January 3, with applications due on March 4, 2022.
* The new CalMapper public dashboard would give the public the opportunity to view information on the Forest Health Program such as number of projects, acres treated, and more.

### 2022 Proposed Budget

* The Governor’s 2022 proposed budget includes a $1.2 billion Wildfire and Forest Resilience package, appropriated over the next two years (as part of an anticipated $2.7 billion four-year investment) across multiple agencies including CAL FIRE. CAL FIRE anticipated administering the funds similarly to how it had in the past, with several of the Department’s existing programs poised to meet the goals outlined in the budget package.
  + Forest Health Program, $240 million over the next two years.
    - Small landowner-assistance grants (block grants and CA Forest Improvement Program), $24,000
    - Prescribed fire and related hand crews, $70,000
    - Prescribed Fire Liability Fund currently in development in the Department, $20 million
    - Tribal and Wildfire Resilience Forest Health Grants, $20 million, with an additional $20 million spread over the next two years.
    - Forest Legacy Conservation Easements administration, $30 million
    - Demonstration State Forest Program, $10 million
    - Nurseries, $4 million
  + Post-Fire Recovery and Reforestation Program, $100 million over the next two years
  + Urban Forestry, $30 million
  + Defensible Space and Community Preparedness Program, $10 million
    - Unit Fire Prevention Projects, $40 million
    - Fire Prevention Grants, $233 million
    - Home hardening, $25 million
    - Land Use Planning and public education, $9 million
  + One-time $179 million allocation with $14 million ongoing increase for wildland fire emergency response (to be used for the purchase of fourteen new helicopters)
  + $35 million to establish two new hand crews in each of the six contract counties, to be available for vegetation management, fuels reduction and wildland fire suppression.
  + CAL FIRE Training Center, $15.7 million

### Budget Change Proposals

* A joint BCP between CAL FIRE and Cal OES requests an increase of $30 million for the Fire-Integrated Real-Time Intelligence System. System provides situational awareness to mutual aid responders statewide for all-hazard incidents including wildland fire.
* A multi-agency BCP requests $13.9 for Peace Officers and Law Enforcement in the Departments of Parks and Recreation, Fish and Wildlife, and the Governor’s Office of Emergency Services.
* $400 million augmentation for staffing and operation enhancement, in recognition of the toll of the last several fire seasons on personnel and to improve health and welfare of firefighters.

Chair Gilless commented that the numbers of acres treated and home inspections were impressive, especially given the challenges faced in the last year. He wanted to follow up on issue of tribal engagement and how the Department could work to validate and incorporate traditional environmental knowledge, specifically once a new director had been appointed.

Chair Gilless asked whether the augmentation requested for Peace Officers and Law Enforcement was intended to address the issue of arson. Deputy Director Reischman answered that the increase in funding was not specifically focused on arson, the increased training capacity it would provide would surely aid in addressing the issue.

Chair Gilless asked about the augmentations to the Department’s rotary fleet, inquiring whether the net target for the state’s rotary aircraft fleet should be changed accordingly, and whether these augmentations were a stop-gap while the state’s fixed-wing fleet was undergoing upgrades or a change in the philosophy of needs. Chief Berlant answered that his understanding was that this augmentation did not reflect a change in philosophy but a rather continual upgrade of the existing fleet.

Member Chase asked what actions CAL FIRE and the state were taking to expand the Good Neighbor Authority program, initiate new projects, and work to achieve the state and federal goal for acres treated. Deputy Director Reischman responded that a recent piece of legislation was in the process of providing the Department with one to two additional positions within the Good Neighbor Authority Program to work with the US Forest Service on forest projects across the state. He also specified that CAL FIRE is not the only state agency capable of entering into Good Neighbor Authority projects to meet capacity goals, citing the example of the Sierra Nevada Conservancy. Member Chase requested a standing update on the status of the Good Neighbor Authority projects moving forward and encouraged the Department to maximize its use of that tool in achieving fuels treatment goals.

### Public Comment

Vince Taylor commented that the Director’s report states that no additional timber sales will be made in Jackson Demonstration State Forest in 2022 and asked what the plans were for the Caspar 500 Timber Harvest Plan, which was halted due to controversy and direct action by local residents. Deputy Director Reischman confirmed that the Department had put a tactical pause on Casper 500 due to the concerns expressed in local protests. The Department had undertaken local outreach and workshops to communicate that the mission of the State Forest was not to create preserves but rather working forest lands for research, recreation and timber management. The Department had been working with the Natural Resources Agency and the Governor’s Office to determine appropriate next steps, in addition to engagement with local tribal governments. Deputy Director Reischman emphasized that the Department’s plan was to move forward with the mission of the Caspar 500 project with no interest in a moratorium.

Richard Gienger stated his appreciation for the Department’s intent but brought up the public’s skepticism based on past management outcomes. He cited a lack of transparency and adequate description of conditions and advocated for a long-term moratorium on the Caspar 500 project. He called for transparent, science-based management with public representation. Mr. Gienger stated that the management of JDSF was an opportunity to for the state to reform forestry in the context of climate and cultural change as well as the need to recover endangered species. He called for management practices that include indigenous perspectives and are not limited to dialogue between the Jackson Advisory Group and CAL FIRE.

Eric Carlson, representing Associated California Loggers (ACL), expressed ACL’s concerns that the Governor’s office is putting a great deal of funding into workforce development and vocational education and ACL is making efforts to recruit a diverse workforce to meet the state’s needs, but that despite these efforts logging projects can be shut down too easily.

Vince Taylor commented again to state his belief that the Department had misconstrued the history of JDSF, the state of the forest when CAL FIRE acquired it, and the age of the trees on the land at the time CAL FIRE acquired it. Mr. Taylor also stated that the Department should have already updated the JDSF Management Plan that was last updated in 2016. Mr. Taylor added that the value of carbon sequestration in the forest needed to be considered and exceeded the market value of the timber harvested.

Richard Gienger commented a second time and brought up AB 2551 and associated watershed study and monitoring work. He asked about the Director, CAL FIRE and the Board’s anticipated outcomes and timeline for that work.

Deputy Director Reischman responded that his hope was for these discussions to continue in the JAG and for the concerns raised to be addressed as the Jackson Management Plan was revisited in the context of cultural resources. He looked forward to continued cooperation with the Board and the public.

## Report of the Executive Officer, Edith Hannigan

* Staffing Update
  + The Board’s former Executive Secretary Linda Cano had retired, and her position was currently open.
  + The Board was also hiring for a new Land Use Planning Program Manager.
* A draft copy of the Board’s 2021 Annual Report was available, with a final draft pending the availability of complete 2021 wildfire statistics. Board members were asked to provide their comments via email to be incorporated into a revised draft ahead of the March Board meeting.
* The Botanical Resources memo under development by the Forest Practice Committee had been pulled out of committee, and staff were working with the California Department of Fish and Wildlife and the Natural Resources agency to have an updated draft available for the Board’s March meeting.
* The Governor had extended his executive order suspending some portions the Bagley-Keene Open Meeting Act, allowing the option of a virtual March Board meeting. The format of the March meeting had not yet been decided upon.
* The 15-day comment period for the draft State Fire Safe Development Regulations closed today, January 19. The Board had received about 100 public comment letters; staff would review comments and present a revised draft in a few months’ time.
* Plans for the Board’s 2022 travel meetings were being finalized, with an anticipated trip to Santa Cruz in July and plans for the May and September meetings yet to be confirmed.

## Report of the Regulations Coordinator, Eric Hedge

* Management Committee Chair Chris Chase introduced the rulemaking “Meadows and Wet Areas, and Cutover Land Amendments” for Board consideration. The intent of the regulatory package was to improve clarity and consistency by removing the remaining uses of “cutover land” that were not removed when that term was scrubbed from the regulation in 2011. The package also clarified that the existing definition of meadows and wet areas applies to all three forest districts in the state and created additional provisions for aspen restoration.
* Mr. Hedge provided a walk-through of the proposed changes in the draft rule text.

### Public and Agency Comment

David Fowler, North Coast Regional Water Quality Control Board, encouraged the Board’s use of the existing definition of meadows and wet areas currently in use by all state and regional water boards. He argued that this would provide clarity, consistency, and ease of enforcement that the Board’s proposed definition lacked.

Eric Huff, Forest Practice Program Staff Chief, expressed his disagreement with Mr. Fowler’s proposal. He argued that the current proposed definition did provide the necessary clarity and consistency and that combining two separate authorities by using a singular definition as proposed by Mr. Fowler would lead to confusion by field practitioners and was outside the scope of this rulemaking. Chief Huff was in support of a 45-day notice for the rulemaking.

Alan Levine commented in support of Mr. Fowler’s proposal.

Tim Ryan, California Department of Fish and Wildlife, commented in support of Mr. Fowler’s proposal.

Vince Taylor commented in support of Mr. Fowler’s proposal.

Cedric Twight, Sierra Pacific Industries, commented in favor of moving the rulemaking forward into a 45-day comment period.

Member Chase expressed his appreciation for the respectful engagement seen throughout the rulemaking process, his stance that the existing definition of meadows and wet areas ws adequate for resource protection, and his support for moving the rulemaking forward into a 45-day comment period.

**01-22-01 Member Chase moved to approve the rulemaking “Meadows and Wet Areas, and Cutover Land Amendments” for 45-day noticing. Member Jani seconded.**

**Board Discussion:**

Chairman Gilless expressed his respect for the comments of the Water Board and other agencies and stated that they were within the scope of concerns addressed during a 45-day comment period.

Member Wade expressed confusion with the problem statement in the Initial Statement of Reasons (ISOR); Eric Hedge addressed his question and pointed out an additional editorial change needed in the ISOR based on Member Wade’s comment. Member Chase and Member Jani accepted the proposed friendly amendment.

Member Wade pointed out that the first two paragraphs of page 2 of the ISOR required general grammatical cleanup.

Member Jani asked if there was a reason given for why the committee chose to use the current definition of meadows and wet areas instead of the proposed Water Boards’ definition. Member Chase replied that 1) that it would be beyond the scope of this regulatory package, 2) a general perception among stakeholders that the current definition sufficiently protects the resource, 3) concern that a change to the definition would lead to confusion and regulatory uncertainty among the regulated public, and 4) uncertain implications throughout the rules of changing the definition.

**Roll Call:**

**Chase aye**

**Forsberg aye**

**Lopez aye**

**Delbar aye**

**Jani aye**

**Wade aye**

**Husari aye**

**Gilless aye**

**The motion passed.**

## Report of the Professional Foresters Examining Committee, Dan Stapleton, Licensing Officer

Dan Stapleton presented the October 2021 RPF and CRM exam results for Board review and certification. The exam had a total passing rate of 23%. The following individuals were recommended for licensing as Registered Professional Foresters (RPF) by the Professional Foresters Examining Committee (PFEC):

RPF 3152 – Skyler Twohig

RPF 3153 – Brian Morris

RPF 3154 – Cale Lopez

RPF 3155 – Alexander Winter

RPF 3156 – Eric Holst

RPF 3157 – Tristan Cole

RPF 3158 – Aidan Stephens

RPF 3159 – Evan Mahoney-Moyer

RPF 3160 – Joseph Wright

RPF 3161 – Christopher Daunt

The following individuals were recommended for licensing as Certified Rangeland Managers by the California-Pacific Section of the Society for Range Management (Cal Pac SRM):

CRM 126 – Tracy Schohr

CRM 127 – Rebecca Ozeran

**01-22-02 Member Lopez moved to certify as Registered Professional Foresters and Certified Rangeland Managers those individuals recommended by the PFEC and the Cal-Pac SRM as fulfilling all qualifications as required under the Professional Forester’s Law. Member Chase seconded the motion.**

**Roll Call:**

**Chase aye**

**Forsberg aye**

**Lopez aye**

**Delbar aye**

**Jani aye**

**Wade aye**

**Husari aye**

**Gilless aye**

**The motion passed.**

## Report of the Standing Committees

### Forest Practice Committee, Rich Wade, Chair

* Discussion of regulatory change to how Class 2L watercourses are defined in anadromous salmonid watersheds as the current definition is to sunset at the end of 2022. Cited input from a study done from the Effectiveness Monitoring Committee and information presented by Drew Coe indicating that Class 2L watercourses would best be defined by size of watercourse and tributary area. This would eliminate watercourse width as a criterion. The committee recommended that Board staff move forward with an Initial Statement of Reasons to be brought back next month.
* Review of committee priorities, to be revisited at next FPC meeting for finalization.

**Public Comment**

Richard Gienger commented that the committee’s priorities should reflect how many years a given priority has been an ongoing issue. He called for additional considerations and parameters for describing forest and watershed conditions. He also commented that California has never engaged in true consultation with tribes as it should in conducting site reviews.

### Management Committee, Chris Chase, Chair

* Discussion of Meadows and Wet Areas rulemaking
* Update on conversion issue – Committee would schedule a workshop prior to next Board meeting to fully scope the issue. Staff would work with the Department on creating a matrix of issues to help identify problems, with the goal to provide clarity and an efficient path for the regulated public. The committee was aiming to bring forth a rule package for consideration before mid-year.
* Working group on basal area stocking standards and update on the uneven-aged working group continues to meet and make progress
* Finalization of 2022 committee priorities

**Public Comment**

Richard Gienger commented to call for the Management Committee to take on the Jackson Management Plan, as it is a more public venue than the Jackson Advisory Group.

Alan Levine expressed concern that accurate forest information was not being delivered to the Department. He also wanted to remind the Board that CAL FIRE is not the lead agency in timber conversions, but rather counties are, and the Department needs to align its work with County CEQA documents accordingly.

Eric Carlson, Associated California Loggers, commented to express that a potential halt to timber sales in Jackson Demonstration State Forest would be due to the extralegal activity of protesters. He criticized the protesters for disregarding the Department and the Governor and expressed concerns about job loss in the timber industry.

Vince Taylor expressed his view that the Board doesn’t understand that JDSF is publicly owned and that the public’s interests should take precedent over those of the timber industry. He called for a review of the JDSF Management Plan to take fire and carbon sequestration into consideration.

### Resource Protection Committee, Sue Husari, Chair

* Consideration of work by Zone 0 workgroup on developing regulations for an ember resistant zone as required by AB 3074.
* Update on the Subdivision Review Program’s implementation of PRC 4290.5
* Review of draft Safety Elements from the City of Santa Clarita, Agoura Hills, and Los Angeles County.
* Review of draft compliance form for Subdivision Map Findings.
* Review of draft committee priorities for 2022.

## Report of the Board’s Advisory Committees

### Effectiveness Monitoring Committee, Sue Husari, Chair

* Reviewed updates to the 2021 EMC Annual Report and Workplan.

**01-22-03 Chair Gilless moved to approve the EMC Annual Report and Workplan. Member Jani seconded.**

**Roll Call**

**Chase aye**

**Forsberg aye**

**Lopez aye**

**Delbar aye**

**Jani aye**

**Wade aye**

**Husari aye**

**Gilless aye**

**The motion passed.**

* Two open seats on the EMC for committee members recruited from the public, with a third opening to fill Member Husari’s seat.
* Review and selection of funded EMC project proposals – EMC was only able to fund one project due to Central Water Board requirement for indirect charges. The funded project will look at the relationship between ground nesting bees and fuels and forest management treatments.

Chair Gilless expressed his thanks for Member Husari’s work on both EMC and RPC. He asked for Member Husari’s input on what types of expertise would be useful to look for in potential new EMC members. Member Husari recommended looking for members who understand the scientific method and monitoring processes, with increased representation from NGOs and a preference for a forester or a fire ecologist with an interest in cumulative effects.

**Public Comment**

Richard Gienger thanked Member Husari for her service and called for increased representation from fisheries, geology, and NGOs in the Board’s selection of new members.

### Range Management Advisory Committee (RMAC), Marc Horney, Chair

* Initial meeting of State Grazing Licenses and Land Management subcommittee to explore the development of a grazing license contract agreement for by state agencies to use grazing for prescriptive fuels treatment on state lands. Anticipated project completion by end of September 2022, with a progress report by the end of June.

Chair Gilless asked whether Mr. Horney anticipated this project having any application for stewardship of private lands.

Mr. Horney responded that the task of this subcommittee was strictly for state lands, however private land management organization such as conservancies might find the design of the license agreement to be useful to model their own agreements on.

### Joint Institute for Wood Products Innovation, Katie Harrell

Presentation: Advancing Collaborative Action on Forest Biofuels in California:Dan Sanchez, UC Berkeley, Academic Member of Joint Institute

**Board discussion**

Member Chase expressed his appreciation for the report and commented on the importance of additional market infrastructure to provide outlet for forest biomass in addressing fuel loading issues. He encouraged as few restrictions on feed stock locations as possible.

**01-22-04 Chair Gilless moved to approve the report Advancing Collaborative Action on Forest Biofuels in California. Member Chase seconded.**

**Roll Call**

**Chase aye**

**Forsberg aye**

**Lopez aye**

**Delbar aye**

**Jani aye**

**Wade unable to vote due to connectivity issues**

**Husari aye**

**Gilless aye**

**The motion passed.**

## Presentation: Fire Resource and Assessment Program Upcoming Assessment Report: Chris Keithly, Russ Henly and Rich Walker, CAL FIRE

## Presentation: Beyond Zone 1: Monitoring of Fire Hazard Reduction Within 300 Feet of Residences Through Timber Harvest with the § 1038(c)(6) Exemption: Drew Coe and Will Olsen, CAL FIRE

**Board discussion**

Member Husari recommended a few language adjustments and improvements to the discussion of ladder fuels. She asked a question about the sampling methodology used and suggested that additional detail and clarity on the sampling methodology would be useful in the report.

Member Lopez asked about forest practice areas in the coastal zone and whether there had been any interaction with the California Coastal Commission. He also asked whether any of the projects covered were completed using the CalVTP.

Mr. Coe was unsure sure if the project team had been directed to address the Coastal Commission issue and offered to get back to Member Lopez with more information. He clarified that all projects covered in the presentation were exemptions, an alternative to using the CalVTP.

Member Chase observed that only about 250 total acres has been treated under this exemption and expressed his hope for this number to grow substantially going forward. He agreed with the report’s recommendation to treat larger areas around communities and to facilitate the aggregation of multiple projects with adjacent ownership, as larger treatment areas would allow for increased use of mechanized logging equipment.

Mr. Coe expressed his agreement and surprise at the lack of use this exemption had received.

Member Chase reiterated the need for a strategy to promote more widespread use of the exemption.

Member Wade commented on the restrictions of the statutory mandate underlying this exemption and to request further clarification in the description of ladder fuels and additional context in the report’s discussion of slash. He also pointed out the relatively low impact of projects completed under this exemption on reducing horizontal fuel continuity.

**Public Comment**

Vince Taylor commented to call for a penalty for property owners who don’t meet minimum defensible space standards.

**01-22-05 Chair Gilless moved to approve the report titled Beyond Zone 1: Monitoring of Fire Hazard Reduction Within 300 Feet of Residences Through Timber Harvest with the § 1038(c)(6) Exemption, provided the authors make modifications consistent with Board discussion. Member Wade seconded.**

**Board Discussion**

Member Husari commented that she would like to see the changes made before Board approval, but that in the interest of forward progress she trusted the authors to make appropriate changes.

Member Wade commented that he would like to see an updated draft of the report before formal approval by the Board.

Chair Gilless withdrew the motion. Member Wade withdrew his second.

## Public Hearing: Emergency Notice Fuel Treatment and RPF Responsibilities

Eric Hedge introduced the proposed amendments to 14 CCR § 1052 and 1052.4.

### Public and Agency Comment

**Jonathan Warmerdam, North Coast Regional Water Quality Control Board, Forest Activities Program, Environmental Program Manager**, called for improved environmental protections, especially regarding road and watercourse crossing construction, and regulatory clarity in the proposed amendments.

**Elliot Chasin, Department of Fish and Wildlife,** commented in support of the North Coast Water Board’s comment and accompanying letter. He expressed concern about the impacts of sediment runoff on aquatic species, and called for improved regulatory clarity.

**Eric Huff, CAL FIRE, Staff Chief of Headquarters Forest Practice Program,** agreed with the call for environmental care in the post-fire environment. He encouraged the Board to move the rulemaking forward, calling it a successful translation of the 2019 monitoring report’s findings into regulation.

**Andrew Jensen, Lahontan Regional Water Quality and Control Board, Division Manager,** voiced support for the North Coast Water Board’s recommendations.

**Alan Levine, a member of the public**, expressed concerns about a lack of control and oversight over operational procedures during emergency and salvage operations. He called for consistency with the Forest Practice Rules and California Water Code.

**Eric Hedge, Board staff,** provided a status update on the regulatory process for the proposed amendments. Preparation of a Final Statement of Reasons would be the next step.

# CONCLUSION

## Public Forum

No members of the public wished to speak.

## Adjournment

Respectfully submitted,

ATTEST:

Signature of Edith Hannigan

Edith Hannigan

Executive Officer

Keith Gilless

Chair