BOARD OF FORESTRY AND FIRE PROTECTION MEETING MINUTES

Sacramento, CA

March 8, 2023

**BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS**

**Present:**

* J. Keith Gilless, Chairman
* Chris Chase
* Rich Wade
* Mike Jani
* Elizabeth Forsburg-Pardi
* J. Lopez
* Dawn Blake
* Jeremiah Hallisey

**Absent:**

* Katie Delbar

**BOARD STAFF PRESENT:**

* Edith Hannigan, Executive Officer
* Dan Stapleton, Licensing Officer
* Jeff Slaton, Senior Board Counsel
* Robert Roth, Board Counsel
* Jane Van Susteren, Senior Environmental Scientist
* Dr. Kristina Wolf, Environmental Scientist
* Claire McCoy, Wildfire Planning Specialist
* Anna Castro, Executive Assistant

**DEPARTMENTAL STAFF PRESENT:**

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

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

Jeff Slaton, Senior Counsel for the Board reported that during closed session the Board discussed the two litigation matters on the agenda.

* The California Chaparral Institute, et al., vs California State Board of Forestry and Fire Protection (Case No. 37-2020-00005203).
* RCRC vs Board of Forestry and Fire Protection (Case No. 22CECG00123).

During closed session the Board took no reportable actions on the above matters.

**Consent Calendar:**

**03-08-01 Chairman Gilless moves to adopt the Consent Calendar as noticed. Member Wade seconds the motion.**

**Roll Call:**

**Blake: Aye**

**Delbar: Absent**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Gilless: Aye**

**Motion passed.**

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

Thank you, CAL FIRE, on behalf of the people of California for all the work you and sister agencies are doing to deal with the last set of storms.

**Report of the Director, Chris Anthony, Chief Deputy Director, CAL FIRE**

Chief Anthony congratulated Member Forsburg-Pardi, Member Blake, and Member Jani on their re-appointments to the Board. Also, Director Joe Tyler was confirmed by the Senate yesterday.

Winter Storm Response Update

* Currently supporting 15 different incidents throughout the State. 37 Handcrews have been deployed. 24 California department of Corrections, Handcrews, 6 of our CCC crews and 7 California Military Department Crews.
* 5 Task Forces are deployed. A task force is 5 pieces of equipment that are staffed along with the task force leader. 2 bulldozers, 2 helicopters, 1 mobile kitchen units and 51 overhead. Just deployed one of our CAL FIRE Incident Management teams to Inyo and Mono Counties.
* CAL FIRE is currently supporting the following counties: Nevada, Placer, El Dorado, San Bernadino, Medera, Humboldt, Mariposa, Mono, Inyo, Fresno, and Calaveras.

Upcoming Events

* March 27 and 30th California Interagency Incident Management team workshop will be held in Riverside, in collaboration with the Forest Service and the California Wildfire Group and Federal teams.
* This will standardize work flows to allow smoother coordination between the teams.
* Military helicopter manager training and working with Cal Guard are expanding the rotor wing training to include the states of Nevada, Wyoming, and Utah. Because of this will have 250 military participates in that training along with 50 CAL FIRE.

Climate and Energy Program

Forest Health launched their FY 2022-2023 grant solicitation on December 15, 2022. The solicitation for all four grant types closed on February 28, 2023.

* Forest Health had 44 applications and 225 million dollars in requests and 100 million in funding to allocate.
* Post Fire Reforestation regeneration grants we received 18 applications. The total amount that was requested was 99 million and there is 50 million to encumber into grants this year.
* Tribal Wildfire Resilience Planning Grant is a new grant that we are working with California Natural Resources Agency. Received a total of 6 applications and the total grant funding requested was 4.7 million. There is 4 million to put out in planning grants.
* Tribal Wildfire Resilience Implementation Grants received 12 applications for a total of 23 million and we have 15 million allocated for grants.
* We are oversubscribed in all our grant programs which shows that there is a continued need.
* Fire Prevention Grants closed on March 15.

State budget solutions

* 30-million-dollar budget solution for Urban Forestry.
* 5 million for Defensible Space Inspectors.
* 5 million for Monitoring and Research.
* 1 million for Workforce Development even though there was 14 million pulled out of that it is going to be backfilled by Prop 98. This will go directly to community colleges throughout the state for workforce and business development.
* When looking at it over a 4-year period in terms of all the money that has been allocated the defensible space inspectors received about 25 million in total over that 4-year period.
* The monitoring and research we have had 38 million dollars over a 4-year period. With the 5 million dollars roll back we still have 3 million that we will be able to move forward this next fiscal year in the Governor’s proposed budget.
* Last years proposed budget was a two-year budget in terms of what was being allocated. It was 2.81 billion dollars for the Wildfire and Forest Resilience package and moving forward in the Governor’s proposed budget it’s 2.73 billion.
* This still needs to go through the Assembly and the Senate.

Urban and Community Forestry

* Urban and Community Forestry Grants funding was withdrawn but there are opportunities through the Inflation Reduction Act with the Forest Service.
* CAL FIRE is drafting a proposal for Urban and Community Forestry funding available through the Inflation Reduction Act, administered by the USDA Forest Service.

**Board Questions/Comments:**

Member Chase-stated that he hopes that the MOU for NAFO, National Alliance of Forest Owners and Forest Service will be on the agenda and that either it has been or will soon be executed. Also, would like to see more discussion about the role of resource professionals in suppression activities and advising during extended attack. Hopefully there will be discussions with federal counterparts on how that might change the landscape and how it may make more resources available.

Member Chase had a follow up question that was asked last month regarding the lawsuit filed by an organization against the Forest Service contending that there were a small number of retardant drops that impacted water courses and that Forest Service should get a nonpoint source discharge permit to apply fire retardant aerially. What is CAL FIRE doing to prepare itself for develop contingencies if a broad injunction is granted on the use of retardant by federal agents?

* Chief Anthony, state that it was a lawsuit that was brought forward by the Forest Service Employees for Environmental Ethics in the district court of Montana. It was related to a clean act water violations due to the use of retardant and the potential impacts in waterways. CAL FIRE is watching closely as to what the outcome of that suit is going to be. Mitigations have been in place for many years in terms of the use of the retardants that are used in our aircraft. As of now, there is no change in the way we are going to be operating because of that suit.

Member Chase, if federal agencies are unable to apply retardant aerially because of an injunction are there any steps that CAL FIRE can take to backfill their inability to deliver that?

* Chief Anthony stated he does not have the answer to that right now. But under the California Fire Management Assistance Agreement the State and Federal partners share aircraft - the response is based on the closest resources concept. At this time the impacts cannot be determined on what it would look like without knowing what the result of the suit is going to be.

Chairman Gilless, asked if CAL FIRE will be appointing a separate manager for the development of the Pit and Tunnel Stewardship Plan or will it be managed out of one of the demonstration forests?

* Chief Anthony state with the Pit and Tunnel acquisition it brings us up to 84,000 acres in our Demonstration State Forest system. Those acquisitions did not come with additional staff to be able to support those new Demonstration State Forests. Chief Reischman along with Chief Conway and the local units where those new demonstration forests reside have been having discussions with the units about how to go forward with the management of those lands.

Chairman Gilless, can you give an update on the Fire Hazard Severity Zoning Maps? Is there a general timeline?

* Chief Anthony stated that a total of 59 public meetings have taken place throughout the state in every county. As a result of that we extended the public comment period an additional 60 days to make sure that we can capture any comments, concerns and be responsive.

Member Jani, can you tell me what an eddy-covariance flux tower does?

* There are a couple different types of technology that is being tested and deployed at Jackson Demonstration State Forest. One is a flux tower that can help us with early detection of smoke in areas where we do not have visibility. The other one is essentially trying to solve the last mile of broadband connectivity. If we can do that in a forest like the Demonstration State Forests it is increasing our technological capabilities for wildland fire incidents. It allows us the ability to have broadband level communications in very austere environments throughout the state.

Member Chase, what about the sensors? A contractor installed a sensor a couple of weeks ago. It is apparently sensing gases and can detect combustion. It can differentiate between diesel exhaust and combustion from a wildfire. This was installed on a Pacific Power power line on a right of way, through private property. Spoke with the contractor and he stated it was a grant through CAL FIRE issued to a Pacific Power to install these sensors through the northern region of the state. What do you know about that program? How well tested is the technology? How effective is it? How many of these sensors are being deployed?

* Chief Anthony, I will need to get back to you on that.

Chairman Gilless would also like to hear more about what you are doing in detection networks.

* Chief Anthony will follow up on this matter.

Member Lopez thanked Chief for attending last month’s Wildfire and Forestry Resilience Taskforce in Southern California. What was your impression of the meeting?

* Chief Anthony stated that meeting was in Calabasas for the Wildfire and Forest Resilience Taskforce. There were over 350 people in attendance with great representation from Southern California. It was important to us to be able to have that touch point with Southern California. It was great to learn and hear about some of the challenges as it relates to implementing projects in a different environment and different vegetation types. Secretary Crowfoot and Regional Forestry Jenn Eberline did an excellent job of running the meeting. I was thrilled to see the diversity of represented stakeholders that were there and all the other agencies. There were funding commitments that were announced from the Forest Service, CAL FIRE and the National Forest Foundation. In total it came to about 70 million dollars in funding for the Southern California Region.

**Public Comments:**

* Cedric Twight, Sierra Pacific Industries, states he would like to bring an idea for the Board and Chief Anthony, which is to bring to your attention that there is a listing decision on the California Spotted Owl. This decision could impede the State’s goals in terms of fire fuel reduction activities. They are proposing a 4D rule associated with forest fire fuels reduction work. I think I would encourage you as a Board and CAL FIRE to lean in on that and comment because as goes the federal force as goes to California in a lot of respects. If it's not the policy to comment on those situations, you might want to revise that because it’s really a critical issue. But this listing without proper 4(d) rule crafting will diminish the ability of the forest service to be responsive to the wildfire crisis.
* Richard Gienger, regarding the transparency and participation in the revitalization of Jackson’s management. What is happening is continuation of what happened it seems to me and the Board’s response to the 2011 consensus JAG Management is that things are being kept in the dark and CAL FIRE and the Board are moving toward complete control without having adequate input across the Board. Richard feels that change needs to happen as soon as possible.
* Chairman Gilless stated that there are two protasis’s going there. CAL FIRE is working on community engagement from the Jackson but also as some point given the Board’s responsibility to management thinking about assessing where we are at in that. It would be timely the community to comeback and give us an update on timeline for those interactions. But let’s work on making sure we do assess where the Board is at in that interaction. The Board did deal with the previous director to say that we understand that the Management Committee’s role here is that we do have to come back through Management at some point.

**Executive Officer Report, Edith Hannigan, Executive Officer**

**Regulations Coordinator Report, Jane Van Susteren, Regulations Coordinator**

Consideration of adoption of the rule text and approval of the Final Statement of Reasons for the Rulemaking titled “Northern Spotted Owl Take Avoidance and Habitat Updates, 2022”.

* This rule making updates the habitat descriptions to reflect current information and removes Take Avoidance Pathways that no longer meet the requirements for avoidance of Take.

**Public Comments:**

No public comments.

**03-08-02 Member Wade moves to approve the Final Statement of Reason for the “Northern Spotted Owl Take Avoidance and Habitat Updates, 2022”. Member Jani seconds motion.**

**Roll Call:**

**Blake: Aye**

**Delbar: Absent**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Gilless: Aye**

**Motion passed.**

**03-08-03 Member Wade moves to adopt the draft regulatory text for the rule making intitled “Northern Spotted Owl Take Avoidance and Habitat Updates, 2022 and authorize staff to take all actions reasonably necessary to have the adopted regulations go to effect including making appropriate non substantive changes and any changes to facilitate OAL review and approve. Member Jani seconds the motions.**

**Roll Call:**

**Blake: Aye**

**Delbar: Absent**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Gilless: Aye**

**Motion passed.**

**Report of the Standing Committees**

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

The Forest Practice Committee had 4 items on the agenda. No action was taken on items.

**Management Committee, Dawn Blake, member**

The Management Committee do not have any actionable items that came out of yesterday’s Management Committee but discussed two items.

**Public Comment:**

Richard Gienger was happy to hear Member Blake take part in the Board of Forestry. I would like the Management Committee to take an active role in moving forward in modernization of Jackson. This relates to what you just spoke about coming up next month. Looking at hardwood policy from a Fish and Game Commission policy shared situation. The Management Committee could really take a lead in getting Jackson to be aired in a much broader more public manner.

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

The Resource Protection Committee had no actionable items from yesterday’s meeting. The following two items were discussed:

**Report of Board’s Advisory Committees**

**Effectiveness Monitoring Committee, Dr. Elizabeth Forsburg Pardi, Co-Chair**

* The Board approved this morning the 2022 annual report and work plan. This report describes the current membership of the EMC. Describes the activities and their projects of the EMC and the progress towards our annual priorities.
* The Board also approved the revised set of research theme and critical monitoring questions which help guide how EMC funds are allocated every year. A new research theme was added this year - resilience to disturbance in a changing climate.
* The EMC request for proposals will be released this month and Board members will get a copy to share with their networks and we will post it on our Board website.

**Range Management Advisory Committee, Dr. Marc Horney, Chair.**

* Range Management Advisory Committee (RMAC) has developed their first annual report and work plan which will be present it to the Board at the April meeting.
* RMAC has been working on developing agency collaborations and we so far established liaisons with CDFA Healthy Soils Initiative and the CNRA Natural Working Lance Team.
* Working to develop an informational pamphlet that we have been discussing with CAL FIRE that we would like to have added as an addendum to their guidance on fuels reduction guide.
* We are developing a Board field tour coming up on May 10th that will be in San Diego, California. We will be visiting sites at the Corte Madera Ranch in Pine Valley and the Rancho Jamul and Hollenbeck Canyon Wildlife Area managed by the California Department of Fish and Wildlife. The purpose is to demonstrate the use of grazing practices and other range management tools in the interest of managing fuels and wild line fires.
* Recently had a joint meeting with the California Range Land Conservation Coalition on February 24th in Stockton. It was an in-person workshop and was livestreamed webinar.
* On March 16, we will be out at the East Bay Regional Park District doing a similar workshop there.
* Two more workshops planned. One in Paso Robles and one in the Ojai Valley.
* A subcommittee was formed to pursue developing a grazing license agreement with General Services and getting something approved. That has produced a general document. We are still working with General Services to have that go through their channels to get an agreement approved.

**Board Comments:**

Chairman Gilless asked when you described your efforts to come up with a brochure on prescribed herbivory in vegetation management is an issue that the RMAC has been interested in following. It has come up in CalVTP EIR. Do you see this as a parallel track where we should be working on integrated statements on prescribed or beavery or policies or down to the level of targeted audience? Is what you are developing something that you might want to double task or multitask with and think about if that fills a hole in what you would find if you went online for cooperative extension guidance on prescribed herbivory

* The fact that grazing had not been intentionally used in California has left the State absent of culture of knowledge about the application of this tool. When RMAC wrote our white paper back in 2015, pursuant to the VTP then in development seeking that grazing be added in on the basis of science and practice in California and elsewhere. We knew that both in CAL FIRE and in practice around the State of California there was not a great deal of knowledge or understanding about the use or the integration of this practice with the many other practices that are already in use. We knew that education would need to be done. That was our bases for stepping out and undertaking these live and webinar training programs for the public and for CAL FIRE staff over the last 4 years. The role of the committee is not to conduct all this education but the role of RMAC is to identify opportunities and if they are not being actively pursued by appropriate interties like Cooperative Extension to step up and put those forward into the public space.

**Joint Institute for Wood Products Innovation, Katie Harrell, Board staff**

* Remote presentation: Addendum to December 2021 Board-Approved Final Report, Cross-Laminated Timber Layup Tests Using Western Wood Products Association White fir Species Group.

**Board Comments:**

Member Chase, mention that there is reasonable demand for White fir. One of the benefits is that it is much lighter than Douglas fir once it is dry. Did you weight the finished panels and compare them to some of the other species of comparable dimension to look at the weight of the finished panel?

* Yes, in the original report I believe the actual specific gravity and density for each test sample. But we didn’t compare the actual weights.

Member Chase asked if they have plans to test the viability of pine, specifically Ponderosa Pine and Sugar Pine?

* Not for this report but actually there are some professors in Oregon State that have done a few studies with Pondarosa Pine and its viability.

Chairman Gilless, what is the certification of the product a manufacture would have to go through? Is that facility-by-facility certification of their product?

* Yes. If you look at a lot of the manufacturing, they have a list of species that typically use and so they would have to go through that certification.

**03-08-04 Member Chase moves to approve the Addendum Cross- Laminated Timber Layup Test Using Western Wood Products Association White fir Species Group as presented. Chairman Gilless seconds the motions.**

**Roll Call:**

**Blake: Aye**

**Delbar: Absent**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Gilless: Aye**

**Motion passed.**

**Professional Foresters Examination Committee, Dan Stapleton, Assistant Executive Officer**

**03-08-05 Chairman Gilless moves to approve the revision of PFEC Policy 3 Maintenance and Accessibility of Applicant Registrant Records as presented. Member Chase seconds the motions.**

**Roll Call:**

**Blake: Aye**

**Delbar: Absent**

**Hallisey: Aye**

**Lopez: Aye**

**Forsburg-Pardi: Aye**

**Wade: Aye**

**Jani: Aye**

**Chase: Aye**

**Gilless: Aye**

**Motion passed.**

**Presentation**

Forestry Challenge Champion Presentation, Diane Dealey Neill, Forestry Educators Inc, and Foresthill High School.

**CONCLUSION**

**Public Forum**

* Richard Gienger just wants to bring up maybe the Board might feel to take on revisiting the implementation intent of AB1492. It was very promising in its early years of its implementation and thinks that it’s been let down. Urges the Board to take part in some discussions maybe a daylong conference with stakeholders.

**Adjournment**

Respectfully submitted,

ATTEST:





Edith Hannigan J. Keith Gilless

Executive Officer Chairman