

BOARD OF FORESTRY AND FIRE PROTECTION

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Resource Protection Committee Meeting Report

Note: agenda items appear below in the order in which they were discussed by the assembly.

RESOURCE PROTECTION COMMITTEE
July 6, 2010
Time: 1:00 p.m. – 4:00 p.m.

Location: **Resources Bldg.**
15th Floor, Room 1506-12
Sacramento, California

Agenda #1: Update on status of Subvention Funding for the Williamson Act and Board Letter.

Chair Giacomini gave an update and stated that the letter per Mr. Gentry will go out today.

Agenda #2: Update of 14 CCR SRA Fire Safe Regulations Cal Fire Review.

CAL FIRE Staff Chief Melodie Durham stated that the working group met last week for the first time and stated that they have completed the draft scope statement and draft meeting minutes. The Working Group looked at what they wanted to accomplish, based on the direction of the Executive Officer, Mr. Gentry's letter. There are several components of the work plan for the review that will be done by the end of the year, but the complete review of technical rule standards will be accomplished by mid 2011. Once various work items are drafted, Chief Durham will bring the update to the next Committee Meeting.

Chair Giacomini noted that it is the RPC's direction to make sure that NGO's and local government officials are contacted early in the process to gain their input.

Agenda #3: Forest Legacy Program rule proposal update (Jeff Calvert).

Chief Calvert stated that they are getting very close to finalizing a draft rule proposal to bring to RPC. His concerns on the draft regulations are to ensure that granted easements are focused on including provisions to require the easement to retain "working forests". He gave an example of how in final negotiation of easements granted to third parties, the requirement for retaining working forests, where timber harvest is a primary requirement of the easement, is not included in the easement conditions. With third party agreements, CAL FIRE does not sign or approve the easement, and CAL FIRE does not see the final terms and conditions. He would like to incorporate language that prioritizes CAL FIRE as the holder of the conservation easements and be the Grantee. Chief Calvert also discussed his review of other states' conservation easement requirements for working forests.

Mr. Calvert will do some tweaking and will bring this back to the Committee. He suggested that section 1572 Eligibility Criteria and 1573.3 Priority Ranking of Accepted Applications could be locations in the rules to re enforce the need for CAL FIRE to be the easement grantee.

Other options discussed how to strengthen the easement to focus on a working landscape. Deputy Chief Russ Henley mentioned that the Board of Forestry policy should address the performance for projects to retain working forests. Suggestions for the regulation also included strengthening the pre-disclosure requirements of the easement in the "management plan" requirements. Also, currently easements allow amendments, but only towards further restricting management and further limiting working forests.

Chair Giacomini directed staff to continue the word revisions suggested by Chief Calvert and the committee, and have the revised draft reviewed in advance by the appropriate Board or Cal Fire counsel and to ensure consistency with state and federal laws.

Agenda #4: Update on Vegetation Treatment program EIR (Russ Henley).

Assistant Deputy Director Russ Henley distributed a status summary regarding this EIR. The Board is the lead agency on this EIR, with the support being provided by the Department. Chief Henley discussed the purpose of the EIR which is to be a programmatic CEQA document for both state and local responsibility areas. The EIR covers all vegetative treatment methods. The EIR has allocated treatment acres to each bioregion based on historical vegetation treatment accomplishments.

Chief Henley announced that Mr. Doug Wickizer (retired annuitant) will be working on this EIR to complete the administrative draft. The draft EIR has had its initial administrative draft completed in 2009. Internal comments were received, but not incorporated. The contractor who drafted the EIR ended their contractual agreement in April of 2010, but the intention is that the contract will be renewed to assist Mr. Wickizer in completing the administrative draft by including comment revisions.

Chief Henley indicated Proposition 40 funding will be used for the completion of the EIR. It is anticipated that Proposition 40 funding will be available since the bond sales have been completed and \$1-\$2 million of Proposition 40 funding has been cleared through the comptroller's office pending allocation. The \$1-\$2 million funding represents funding for all Proposition 40 programs, of which the EIR is one component. Additionally, Chief Henley went over the summary in terms of timelines. Summary of short term needs (over next 2-3 months) and medium term needs (3-6 months) and long term needs (7-12 months out).

Member Walz raised a question regarding the potential obsolescence of the draft EIR. The draft EIR is greater than one year old and he noted that certain items contained in the original draft may need to be updated. Chair Giacomini suggested that Member Walz and she reactivate as subcommittee representatives of the Board for review of the administrative draft EIR.

Agenda #5: Update on Defensible Space Guideline recommendation by Cal Fire. (Melodie Durham).

CAL FIRE Staff Chief Melodie Durham went over the Defensible Space Guidelines and discussed their recent public information message and brochure based on the Firescope concept of "ready – set -- go". The whole idea is to stop sending the public different messages and to get the homeowners to look at these guidelines on creating defensible space and an overall message on how to do it.

Chief Durham mentioned ongoing work by the Cal Fire "4291 Workgroup" to incorporate the defensible space guidelines in 14 CCR 1299 into a comprehensive field guide publication by the Department. The document is an existing publication titled "Property Guidance for Homeowners". It is expected that this publication will be updated and completed by the end of 2010.

It is expected that there will be minor revisions to the regulatory text in 14 CCR 1299 and to the referenced defensible space guidelines. In October there should be proposed language change for the Board. RPC expects to notice the regulatory and guideline changes in January of 2011 after discussion and any necessary revisions from in the committee.

Agenda #6: Next meeting's agenda and Review of RPC Priority objectives and Work Plan

The next meeting of the RPC will have the following agenda:

1. Update on CAL FIRE Review of 14 CCR 1270 SRA Fire Safe Regulations.
2. Update on Draft of Proposed Regulations for the Forest Legacy Program (Jeff Calvert).
3. Update on Vegetation Treatment program EIR (Russ Henley).
4. Update on Defensible Space Guideline recommendation by Cal Fire. (Melodie Durham)
5. Work Plan Updates.
6. **Possible action item:** RPC recommendation of adoption by the Board of Director's 5-year update to SRA maps.
7. New and unfinished business

Agenda #7: New and Unfinished Business

RPC reviewed a letter received from the Regional Council of Rural Counties on changes to the SRA Classification System Guidelines that are noticed for hearing on July 7, 2010. The letter recommended that local agencies be contacted earlier in any five-year update process to ensure their timely input is received. RPC discussed and will recommend to the Board minor modifications to the SRA Classification System Guidelines on pages 2 and page 15, which would be applicable to the 2015 update, to reflect the comment input.

Chair Giacomini also requested that the adoption hearing be delayed until the October 2010 Board meeting to allow sufficient time for local governments to review the 2010

amended maps that will be presented at the September RPC meeting, recommended by the Director. Chair Giacomini requested that the letter announcing the hearing include the web site where the maps could be reviewed.

RPC discussed RPCs work plan. They noted that work items contained in Priority 2, item 10 for updating technical rule addendum #4 in the Forest Practice Rules for clarity on defensible space standards around homes should be included in any regulatory update for the 14 CCR 1299 regulations. Similarly, RPC recommended that recommendations from the RMAC white paper regarding management state acquired or sponsored land be considered as part of the update to the Forest Legacy Program regulations

ISSUES FOR 2010

PRIORITY 1:

1. **Update of Title 14 CCR 1270 Regulations (Fire Safe), PRC 4290/4291:** *Staff has completed proposed amendments to administrative portions of the regulations. Objective/Status: CAL FIRE and external stakeholders will begin review of RPC proposal and other technical sections of rules. Target is completed initial reviews review by end of 2010 and complete review of technical standards by made 2011. Periodic updates will be received by the RPC in 2010.*
2. **SRA 5 years review of maps:** *SRA classification guidelines proposed amendments held hearing on July, 2010, and adoption of amendments was made by the board. Concurrently, CAL FIRE has established the process and content for completing the 5 year update maps. Objective/Status: Complete regulatory amendments and map updates by end of 2010.*
3. **Forest Legacy Program rule proposal update:** *Develop and adopts regulations for Forest Legacy Program. Objective/Status: Staff briefing RPC on regulations and drafting an ISOR. Goal is to have RPC notice proposal by end of 2010.*
4. **Update on status of Subvention Funding for the Williamson Act and Board letter** *RPC to approve EO letter on topic to Governor's office. Objective/Status: EO submitting draft letter to RPC Chair in July 2010.*

PRIORITY 2:

5. **Vegetation treatment plan EIR:** *Administrative Draft needs to incorporate internal reviewers' comments. CAL FIRE considering options to complete admin. draft and issue for public review. Objective/Status: Cal fire estimated a plan complete the draft EIR. Funding has become available to complete the work over six-month period.*
6. **California Fire Plan:** *Complete update to 1996 Fire Plan, Objective/Status: Final Update Adopted June 2010 and document is completed. RPC will receive period updates on implementation progress.*
7. **Safety Element Review (all counties, cities with VHFHSZ):** *Review ongoing general plans submitted. Objective/Status: Completed and approved revision of GP recommendations at March 2010 RPC. Submission of GP recommendations to counties on-going.*

8. **(D09 #11) Regulatory consistency with new PRC 4291 laws:** *Includes amendments to Technical Rule Addendum No. 4, Minimum Distances Required by Law. Diagram of required defensible space does not show the 30-to-100 foot zone around structures wherein fuels treatment are required per PRC § 4291(b) and 14 CCR § 1299(a)(2). Also potential amendments to 14 CCR 1299. **Objective/Status: this work item will be included in the Update of regulatory guidelines in 2010. Revisions being prepared by CAL FIRE workgroup in progress.***
9. **Utility Vegetation Clearing Standards** *Tracking CALFIRE Monitoring of performance of major woody stem exemption. Also, engagement with CPUC on new vegetation clearing standards. **Objective/Status: Periodic updates in 2010.***
10. **Range Management Advisory Committee's white paper entitled, "State Owned Lands: A Discussion of their Acquisition and Recommendations for Sustaining Natural Resource Values."** *White paper prepared by RMAC for Resources Agency to establish a policy for providing maintenance to lands acquired or privately controlled via use of state funding. **Objective/Status: Completed paper sent to Resources Agency in 2010. No response received from agency.***

PRIORITY 3:

11. **Nursery Program Review:** *Begin review of Board Policies in light of current budget and Magalia closure, ramifications for climate change adaptation strategy. **Objective/Status: No timelines or work progress established.***
12. **Sudden Oak Death Regulations and GSOB** *On going updates being provided by COMTF. **Objective/Status: No timelines or work progress established.***
13. **Vegetation Treatment Program Review:** *Performance report of CAL FIRE programs to evaluate progress in fuel hazard reduction suspended. Issues regarding lack of resources and staffing. **Objective/Status: No timelines or work progress established.***
14. **Fuel Hazard Reduction Emergency and Forest Fire Prevention Exemption (14 CCR §§ 895.1, 1052, 1052.1, 1052.4, 1038(e), and 1038(i))** *Rules allow fire-prone landscapes in fire-critical areas to be treated to lessen their fire threat. However, there is no provision to assure that such landscapes will be maintained. Consider restricting the future management allowed through the FPRs, i.e., even age management. **Objective/Status: No timelines or work progress established.***

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