

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



**Meeting of the
North Coast Unified Air Quality Management District
Governing Board of Directors**

Thursday, March 16, 2023 at 10:00 a.m.,
NCUAQMD District Office
707 L Street, Eureka, CA 95501

AGENDA

- | | | |
|-----------|---------------------------------------|--------------------|
| 1. | 10:00 A.M. Call to Order | Board Chair |
| 2. | Roll Call | Clerk |
| 3. | Changes or Deletions to Agenda | Board Chair |

CONSENT AGENDA

- | | | |
|------------|--|--------------------|
| 4. | Consider Approving the Consent Agenda, Items for action, 4.1 through 4.5: The Board may approve the Consent Agenda by single motion in whole or in part with or without further discussion.
<u>Action Requested:</u> Approve Consent Agenda Items 4.1 through 4.5. | Board Chair |
| 4.1 | By Consent, Approve Minutes of January 19, 2023 Board Meeting | |
| 4.2 | By Consent, Accept and File District Activity Report | |
| 4.3 | By Consent, Accept and File SDRMA Acknowledgement Award Correspondence | |
| 4.4 | By Consent, Accept and File SDRMA and CSDA Board of Directors Call for Nomination | |

- 4.5 By Consent, Authorize Funds for Expenditure in FY2022-23 Budget

REGULAR AGENDA

- | | | |
|-----|---|-------------|
| 5. | Public Comment Period (pursuant to Government Code section 54954.3(a)) | Board Chair |
| 6. | Election of Officers
<u>Action Requested:</u> Hold Election for Chair and Vice-Chair for the 2023 Calendar Year | Board Chair |
| 7. | Air Toxic “Hot Spots” AB 2588 Program
<u>Action Requested:</u> Accept and File Report | APCO |
| 8. | Appoint District Hearing Board Members
<u>Action Requested:</u> Reappoint District Hearing Board Members and Corresponding Alternate Members | APCO |
| 9. | Increase District X-Factor by Consumer Price Index
<u>Action Requested:</u> Approve Resolution 2023-1: Increase District X-Factor by Consumer Price Index (CPI) | APCO |
| 10. | District Pension and Other Post Employment Benefits Liabilities
<u>Action Requested:</u> Accept and File Report | APCO |
| 11. | APCO Report | APCO |
| 12. | Board Member Reports | Board Chair |
| 13. | Adjournment | Board Chair |

The meeting rooms are ADA accessible. Accommodations and access to NCUAQMD meetings for people with special needs must be requested of the Clerk in advance of the meeting.

Agenda Item: 1

Call to Order

Agenda Item: 2

Roll Call

Agenda Item: 3
Changes & Deletions
to the Agenda

Agenda Item: 4

Consent Agenda

Agenda Item: 4.1

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**Minutes of the Special Meeting of the North Coast
Unified Air Quality Management District Governing
Board of Directors Meeting of
January 19, 2023**

The meeting was called to order by Chair Chris Howard at 10:05 AM at the NCUAQMD District Office: 707 L Street, Eureka, CA.

The meeting location was made available to the public.

MEMBERS PRESENT:

Rex Bohn	Humboldt County Supervisor
Dan Frasier	Trinity County Supervisor
Chris Howard	Del Norte County Supervisor

MEMBERS ABSENT:

Mike Wilson	Humboldt County Supervisor
Vacant	Mayor/City Council Representative

STAFF PRESENT:

Brian Wilson	APCO
Jason Davis	Deputy APCO
Erin Squire	Clerk of the Board

OTHERS PRESENT:

Nancy Diamond	District Counsel
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A member of the public was in attendance but did not provide comment on any agenda items.

Agenda Item 1: Call to Order

Agenda Item 2: Roll Call

Agenda Item 3: Changes or Deletions to the Agenda

There were no changes or deletions to the agenda.

Agenda Item 4: Consider Approving the Consent Agenda

4.1: Approve Minutes of the July 21, 2022, Board Meeting

4.2: By Consent, Accept and File District Activity Report

4.3: By Consent, Approve Account Transfers

A motion offered by Supervisor Frasier, duly seconded by Supervisor Bohn, to Adopt Consent Agenda Items 4.1-4.3 is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 19th day of January, 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes:	Supervisor Bohn, Supervisor Frasier, and Supervisor Howard (3)
Nays:	None (0)
Abstain:	None (0)
Absent:	Supervisor Wilson (1)

There was no public comment.

Agenda Item 5: Public Comment

There was no public comment.

Agenda Item 6: Calendar of Meetings for 2023

Staff presented the proposed Calendar of Meetings for 2023. Board Members discussed possible conflicts with the November meeting date and proposed moving to the second week of November instead of the third. The November meeting will be held on the 9th of the month.

A motion offered by Supervisor Bohn, duly seconded by Supervisor Frasier, to Adopt the Calendar of Meetings for 2023 with the Proposed Changes to the November Meeting Date, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 19th day of January, 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes:	Supervisor Bohn, Supervisor Frasier, and Supervisor Howard (3)
Nays:	None (0)
Abstain:	None (0)
Absent:	Supervisor Wilson (1)

There was no public comment.

Agenda Item 7: FPPC Conflict of Interest Code

A motion offered by Supervisor Bohn, duly seconded by Supervisor Frasier to Approve Filing “No Change” for District Conflict of Interest Code, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on 19th day of January, 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes: Supervisor Bohn, Supervisor Frasier, and Supervisor Howard (3)
Nays: None (0)
Abstain: None (0)
Absent: Supervisor Wilson (1)

There was no public comment.

Agenda Item 8: Appoint District Hearing Board Members

Staff provided an update on Hearing Board appointments and went over the current vacancies. Board discussion ensued.

A motion offered by Supervisor Frasier, duly seconded by Supervisor Bohn to Continue the Reappointment of District Hearing Board Members and Corresponding Alternate Members to the March 16, 2023 Meeting, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 19th day of January, 2023, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes: Supervisor Bohn, Supervisor Frasier, and Supervisor Howard (3)
Nays: None (0)
Abstain: None (0)
Absent: Supervisor Wilson (1)

There was no public comment.

Agenda Item 9: APCO Report

The APCO reported out on the following:

- District Staffing Changes
- Recent Storm Damage to District Air Monitoring Station
- EPA Looking to Lower the PM_{2.5} NAAQS
- Update on Prescribed Burning
- Possible Exclusions for Air Curtain Incinerators (ACIs) under Federal Law
- Air Curtain Incinerators (ACIs) Activity by CAL FIRE
- Stanford Researchers Modeling on Wildfire Smoke
- California Moves to Accelerate 100% New Zero-Emission Vehicle Sales by 2035
- EPA Increases Grant Funding for Clean School Buses

Supervisor Bohn and Supervisor Howard requested more information about the proposal to lower the PM_{2.5} NAAQS. They would like to share this information with the California State Association of Counties (CSAC) and the Rural County Representatives of California (RCRC).

Winslow Condon, Compliance and Enforcement Manager, joined the meeting at 10:45 AM.

Supervisor Howard requested a copy of the complete report/presentation made by Stanford Researchers, to CAPCOA, regarding wildfire smoke.

There was no public comment.

Agenda Item 10: Board Member Reports

There were no Board Member reports.

Agenda Item 11: Adjournment

The Governing Board Meeting was adjourned at 10:55 AM.

Clerk of the Board Certification:

I hereby certify the foregoing to be a full, true, and correct original record of the above-entitled meeting of the North Coast Unified Air Quality Management District Board of Directors held at the above date and time.

DocuSigned by:
Erin Squire
22DC6E014F12414
ERIN SQUIRE
Clerk of the Board

3/6/2023 | 1:28 PM PST
Date

The meeting rooms are ADA accessible. Accommodations and access to NCUAQMD meetings for people with special needs must be requested of the Clerk in advance of the meeting.

Agenda Item: 4.2

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501

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TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: District Activity & Air Quality Monitoring Report

DATE: March 16, 2023

ACTION REQUESTED: By Consent, Accept and File District Activity Reports

SUMMARY:

Attached is a summary of the major District activities logged during the reporting period and a air quality monitoring report for the most recent period.

2023 Activity Report

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD Totals	2022 Totals
Complaint Responses - General	1	1											2	37
Complaint Responses - Open Burning	18	9											27	195
Permissive Burn Days	31	28											59	346
Non-Permissive Burn Days ("No Burn Day")	0	0											0	19
Permissive Burn Days (%)	100%	100%												
Standard (Residential) Burn Permits Issued	637	359											996	2,631
Non-Standard Burn Permits Issued	575	264											839	2,634
"No Burn Day" Permits Issued	0	0											0	0
Smoke Management Plans (SMP) Reviewed	4	9											13	111
SMP Burn Authorizations Issued	113	262											375	1,114
Acres Authorized	1,162	3,183											4,345	13,297
Stationary Source Permits Issued (new)	0	1											1	67
Stationary Source Permits Issued (amended)	0	0											0	13
Stationary Source Permit Apps. Received	4	5											9	62
Stationary Source De minimus Determination	0	0											0	6
Inspections - Major Sources	0	2											2	15
Inspections - Minor Sources	29	23											52	495
Inspections - Mobile Sources	0	0											0	1
Inspections - Asbestos	0	1											1	2
Asbestos Notifications Processed	11	10											21	73
Notice(s) of Violation (NOVs) Issued	11	13											24	122
Environmental Documents Reviewed	2	3											5	34
Grants Paid: Woodstove	0	0											0	2
Grants Paid: Moyer	0	0											0	2
Grants Paid: FARMER	0	0											0	0
Grants Paid: Rural School Bus	1	2											3	21

NCUAQMD Air Quality Monitoring Report

March 2023

The following information summarizes ambient air quality data with respect to applicable State and Federal Ambient Air Quality Standards (AAQS) for the period of October 2022 to November 2022.

Air Monitoring Data Summary

PM₁₀ AAQS:

- 1) State PM₁₀ 24-hour AAQS -
 - One exceedance was recorded at the Eureka Jacobs station using a Federal Equivalent Method (FEM) monitor during this period. This exceedance was attributable to a prescribed burn on November 18, 2022 which had escaped beyond its original smoke management plan.
- 2) Federal PM₁₀ 24-hour AAQS -
 - No exceedances were recorded at the Eureka Jacobs station using a Federal Equivalent Method (FEM) monitor during this period.

PM_{2.5} AAQS:

- 1) State PM_{2.5} 24-hour AAQS -
 - No exceedances were recorded at the Eureka Jacobs station using a Federal Equivalent Method (FRM) monitor during this period.
 - No exceedances were recorded at either the Crescent City or Weaverville stations using non-FEM monitors during this period.
- 2) Federal PM₁₀ 24-hour AAQS -
 - No exceedances were recorded at the Eureka Jacobs station using a Federal Equivalent Method (FRM) monitor during this period.
 - No exceedances were recorded at either the Crescent City or Weaverville stations using non-FEM monitors during this period.

Gaseous Pollutant AAQS:

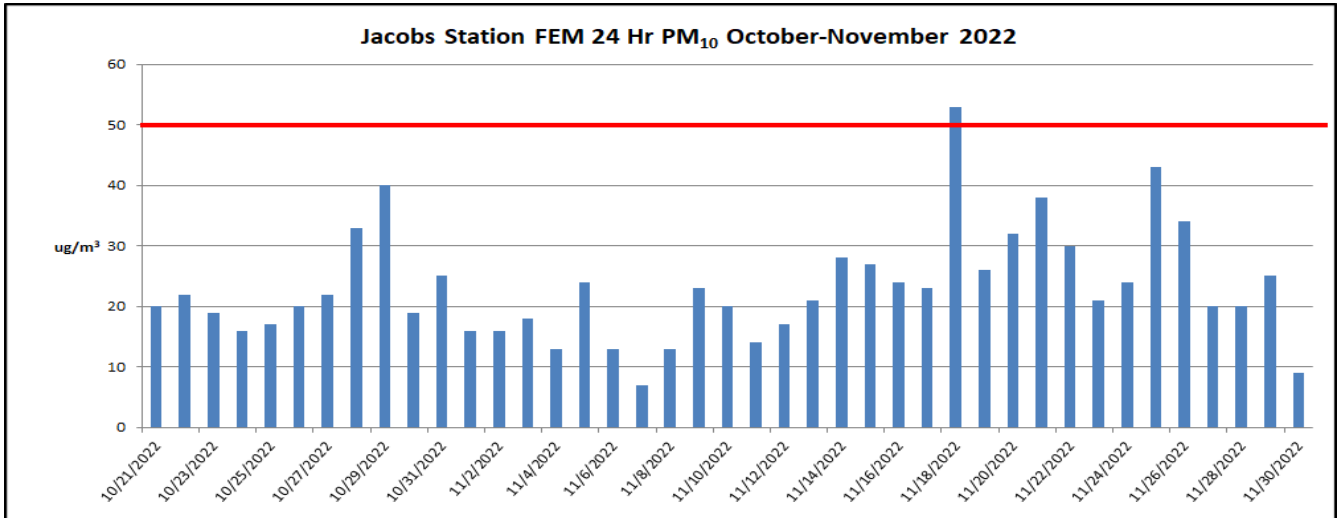
- a) Ozone (O₃) -
 - There were no State or Federal AAQS exceedances recorded at the Eureka Jacobs station for this pollutant during the period.
- b) Nitrogen Dioxide (NO₂) -
 - There were no State or Federal AAQS exceedances recorded at the Eureka Jacobs station for this pollutant during the period.
- c) Carbon Monoxide (CO) -
 - There were no State or Federal AAQS exceedances recorded at the Eureka Jacobs station for this pollutant during the period.

Particulate Matter (PM) Levels in Relation to State Ambient Air Quality Standards (AAQS):

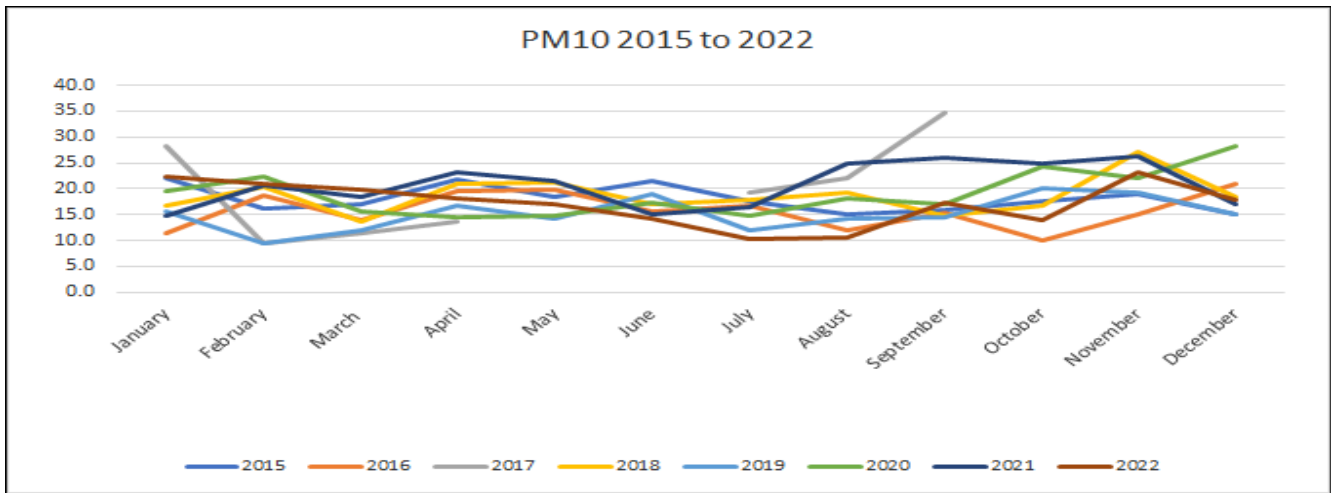
Period of Oct 2022 – Nov 2022	Air Monitoring Station		
	Jacobs	Crescent City	Weaverville
PM ₁₀ 24-hour Average	86%	N/A	N/A
PM ₁₀ Rolling Arithmetic Mean	84%	N/A	N/A
PM _{2.5} 24-hour Average (FRM)	61%	N/A	N/A
PM _{2.5} Rolling Arithmetic Mean (FRM)	57%	N/A	N/A
PM _{2.5} 24-hour Average (Non-FEM)	N/A	40%*	66%*
PM _{2.5} Rolling Arithmetic Mean (non-FEM)	N/A	47%*	65%*
<i>* Instrument not used for Federal Attainment Designation</i>			

PM₁₀ Data and Trends:

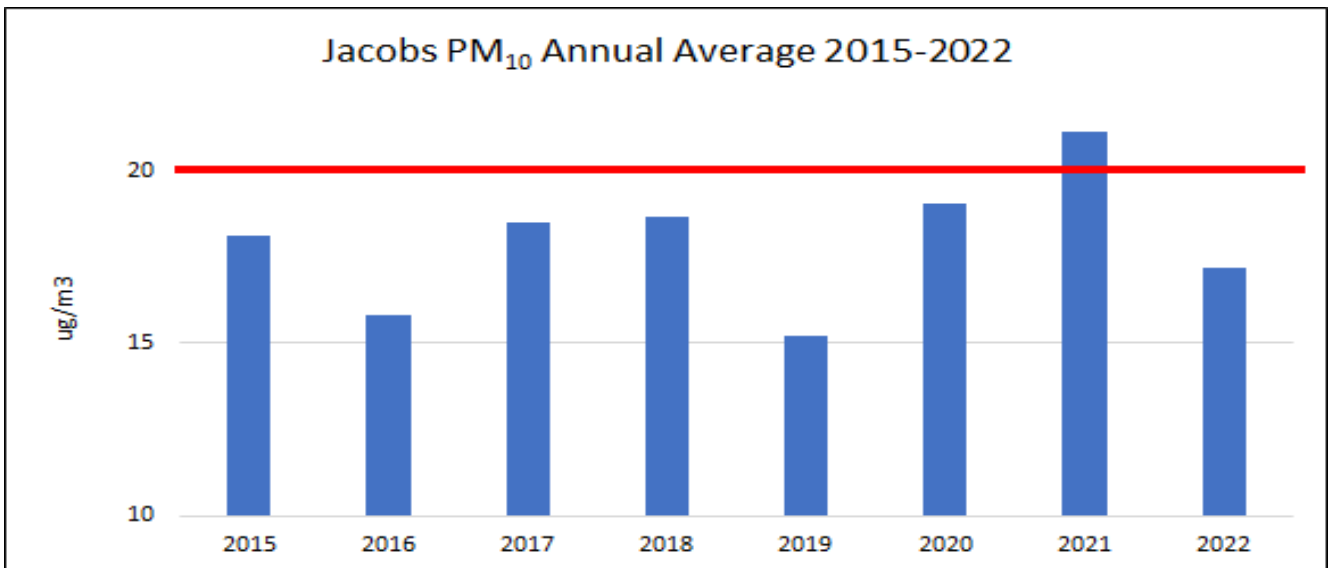
Eureka, Humboldt County



- State PM₁₀ 24-Hour AAQS is 50 ug/m³; Federal PM₁₀ 24-Hour AAQS is 150 ug/m³.
- State PM₁₀ Annual Arithmetic Mean AAQS is 20 ug/m³; There is no separate Federal PM₁₀ annual standard.
- Humboldt County is classified as non-attainment for the State PM₁₀ AAQS



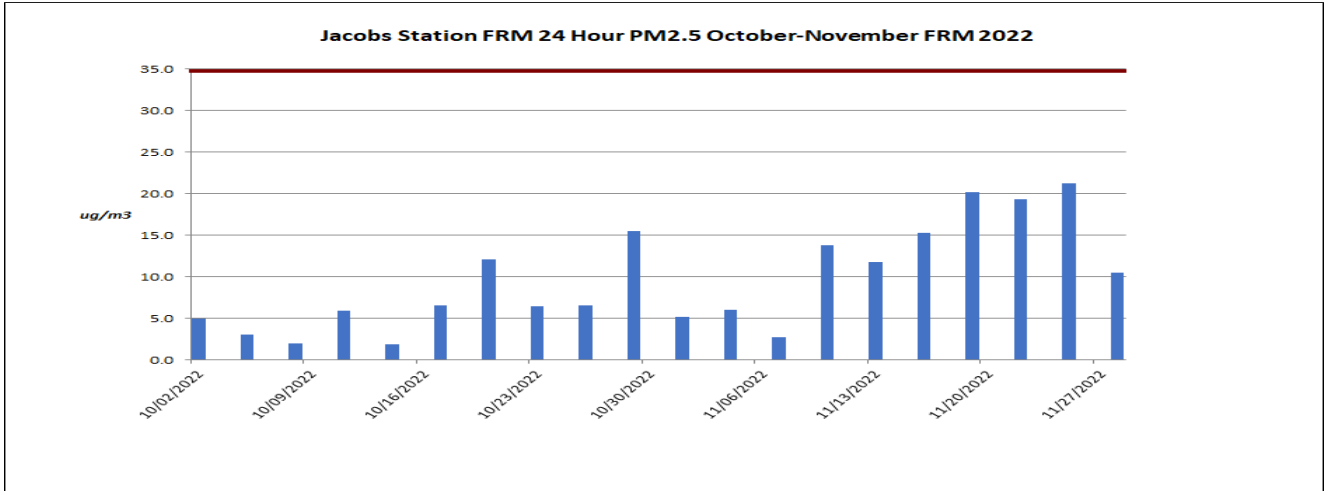
- State PM₁₀ Annual Arithmetic Mean AAQS is 20 ug/m³; There is no separate Federal PM₁₀ annual standard.



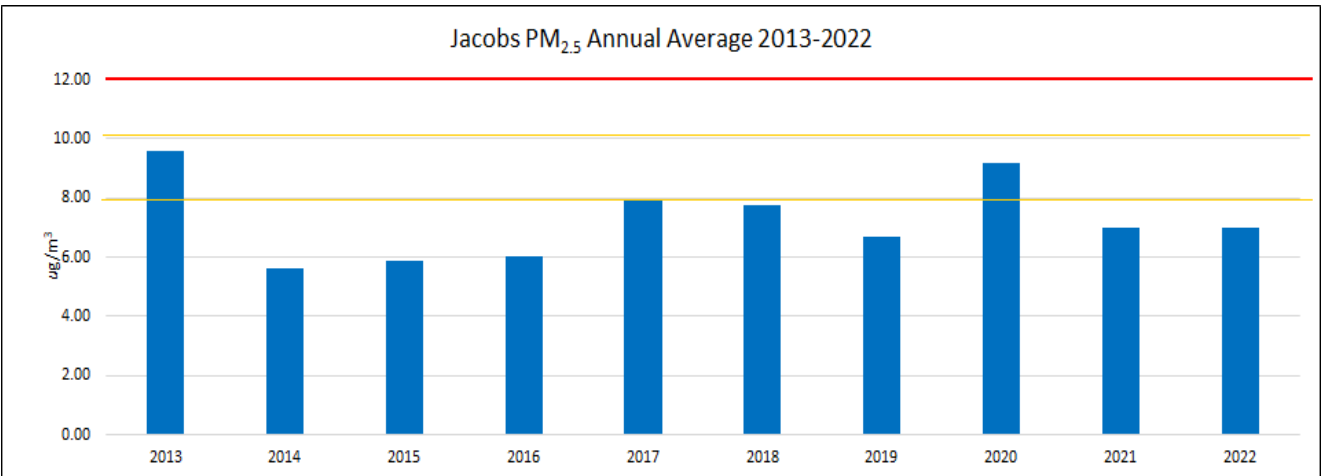
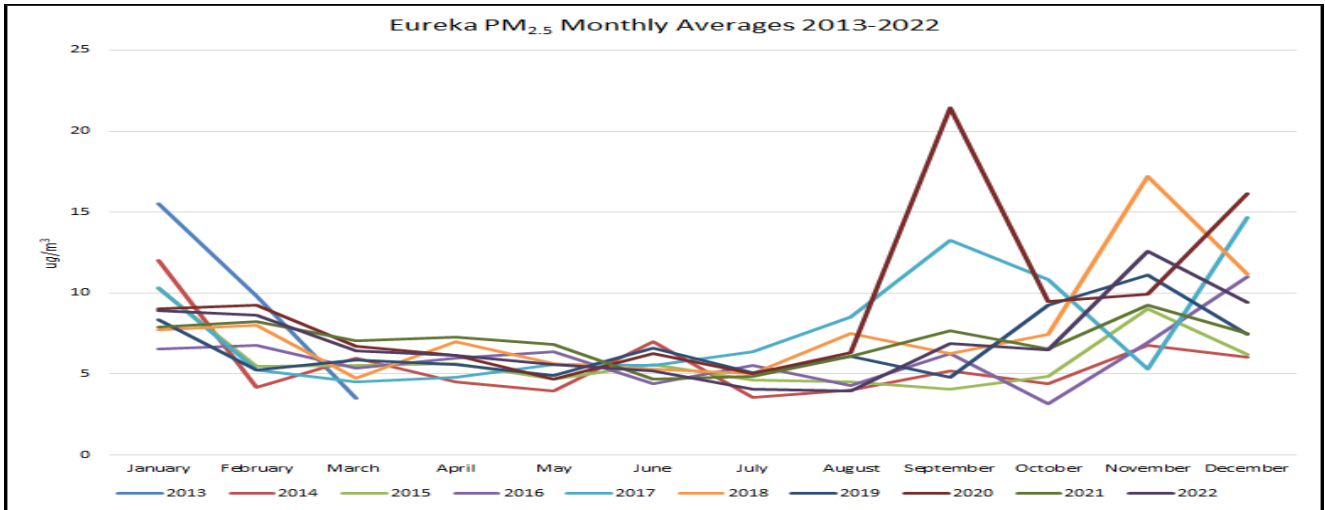
- State PM₁₀ Annual Arithmetic Mean AAQS is 20 ug/m³; There is no separate Federal PM₁₀ annual standard.

PM2.5 Data and Trends:

Eureka, Humboldt County

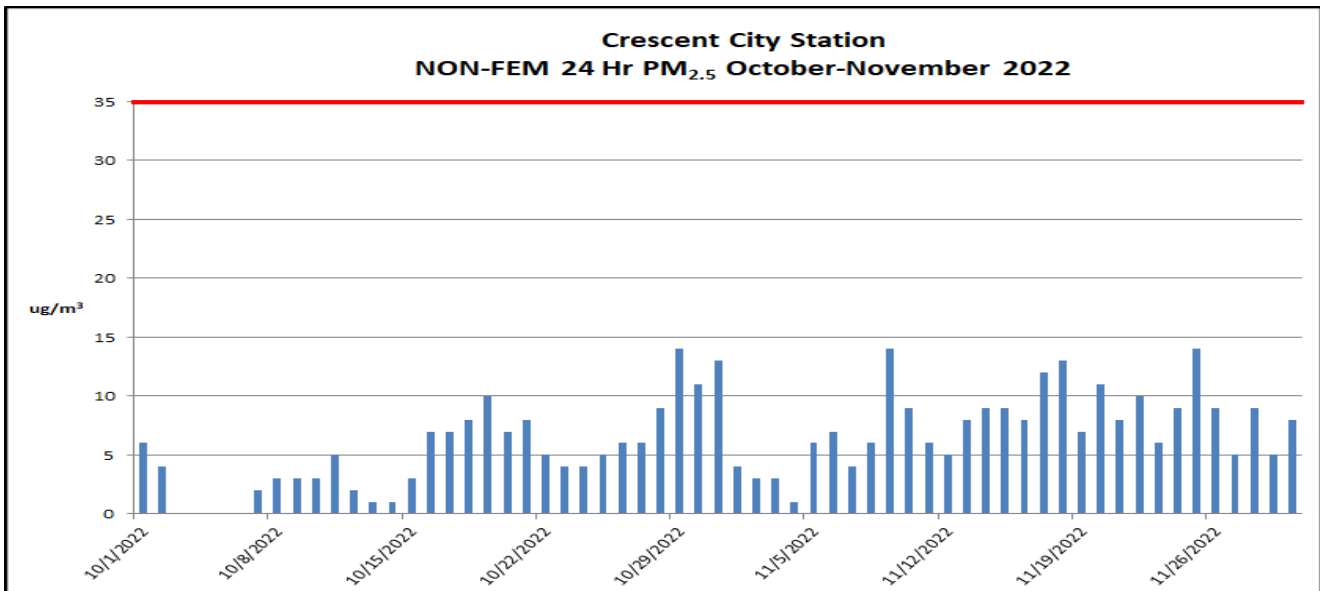


- Federal PM_{2.5} 24-Hour AAQS is 35 ug/m³; There is no separate State PM_{2.5} 24-Hour standard

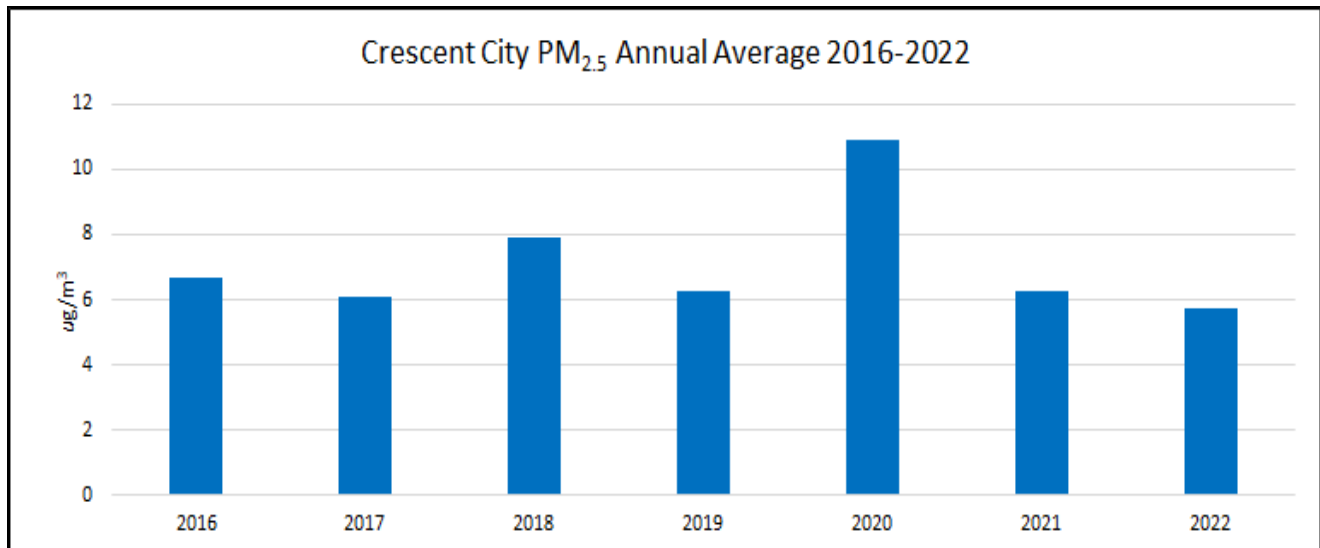
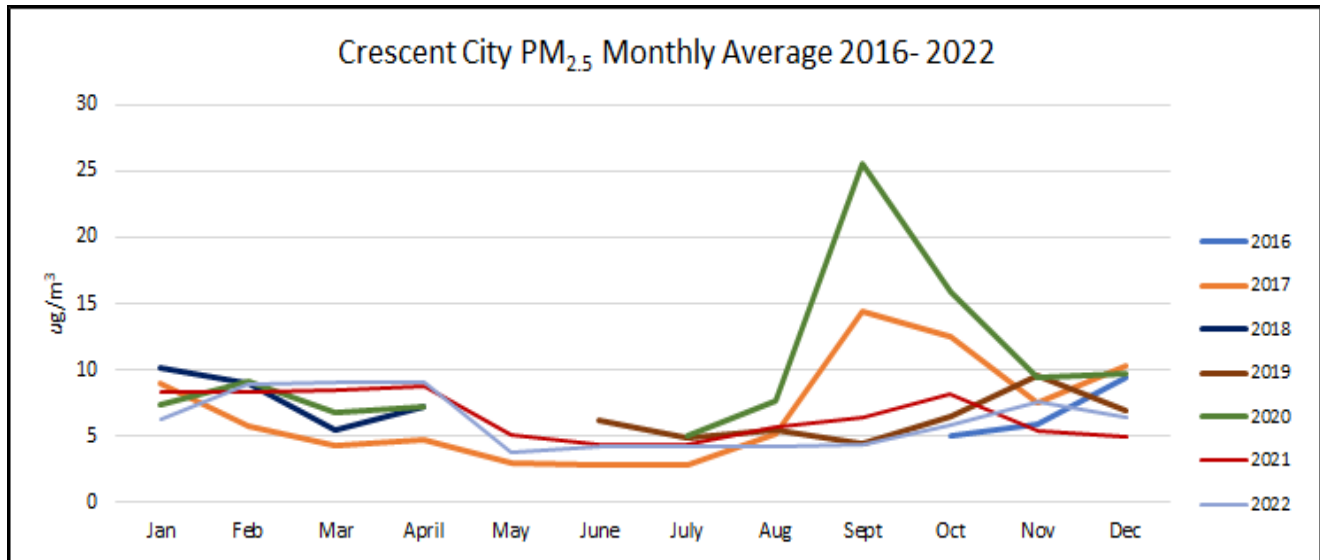


- State PM_{2.5} Annual Arithmetic Mean AAQS is 12 ug/m³; There is no separate Federal PM_{2.5} annual standard

Crescent City, Del Norte County

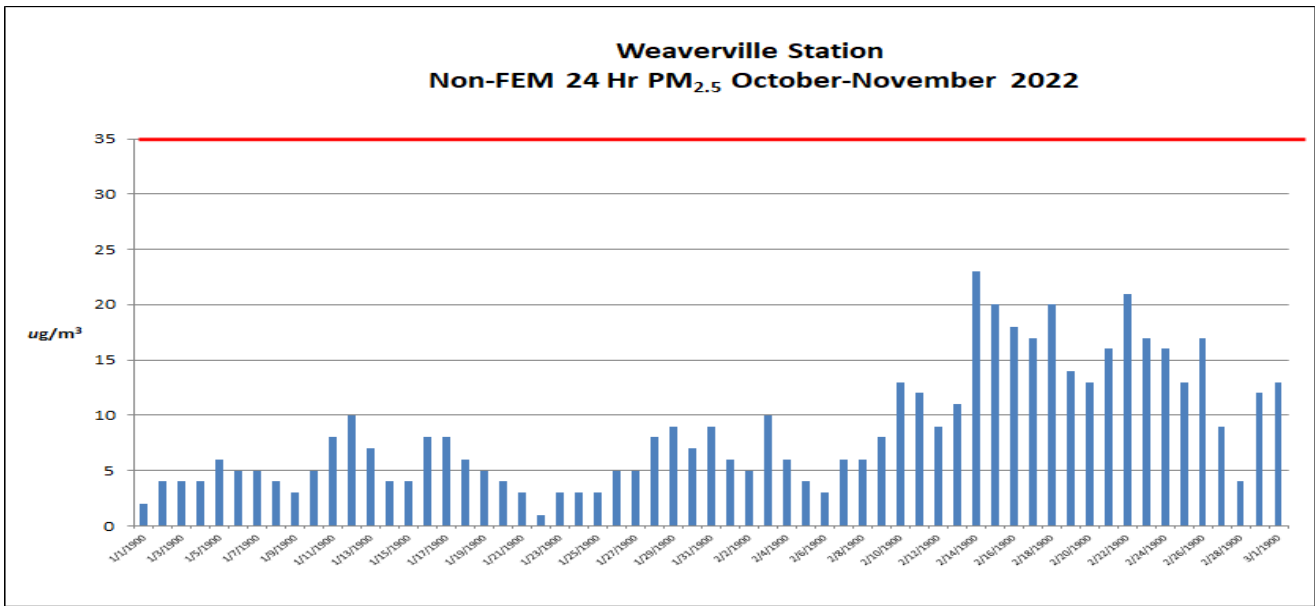


- Federal PM_{2.5} 24-Hour AAQS is 35 ug/m³; There is no separate State PM_{2.5} 24-Hour standard
- This monitor is not used for attainment decisions

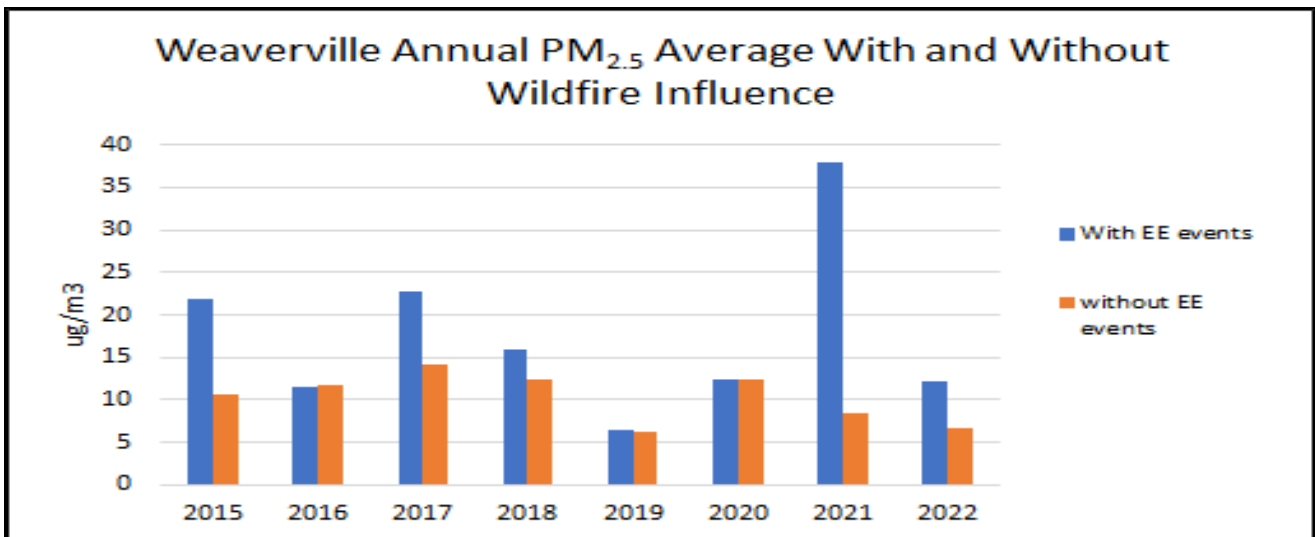
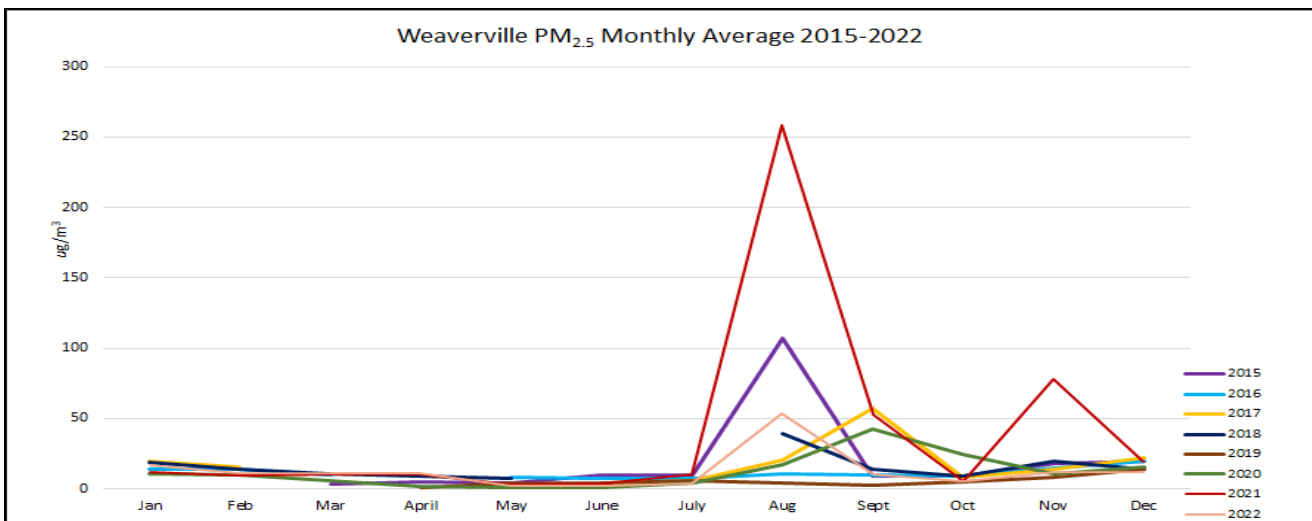


- State PM_{2.5} Annual Arithmetic Mean AAQS is 12 ug/m³; There is no separate Federal PM_{2.5} annual standard

Weaverville, Trinity County



- Federal PM_{2.5} 24-Hour AAQS is 35 ug/m³; There is no separate State PM_{2.5} 24-Hour standard
- This monitor is not used for attainment decisions



- State PM_{2.5} Annual Arithmetic Mean AAQS is 12 ug/m³; There is no separate Federal PM_{2.5} annual standard

Agenda Item: 4.3

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: SDRMA Acknowledgement Award Correspondence

DATE: March 16, 2023

ACTION REQUESTED: By Consent, Accept and File

SUMMARY:

Attached are two letters of correspondence from the Special District Risk Management Authority (SDRMA) directed to the District's Board Chair regarding acknowledgement awards to the District for SDRMA's Workers' Compensation and Property/Liability Program.

October 18, 2022

Mr. Rex Bohn
Board Chair
North Coast Unified Air Quality Management District
707 L Street
Eureka, California 95501

Re: President's Special Acknowledgement Award - Workers' Compensation Program

Dear Mr. Bohn,

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the North Coast Unified Air Quality Management District's Governing Body, management, and staff towards proactive loss prevention and workplace safety for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Workers' Compensation Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year. Your agency's efforts have resulted in no "paid" workers' compensation claims for the prior five consecutive program years from 2017-22. This is an outstanding accomplishment that serves as an example for all SDRMA members!

In addition to this annual recognition, members with no "paid" claims during 2021-22 earned one credit incentive point (CIP) reducing their annual contribution amount, and members with no "paid" claims for the prior five consecutive program years earned three additional bonus CIPs. Also, members without claims receive a lower "experience modification factor" (EMOD), which also reduces their annual contribution amount.

On behalf of the SDRMA Board of Directors and staff, it is my privilege to congratulate your Governing Body, management, and staff for your commitment to proactive loss prevention and safety in the workplace.

Sincerely,
Special District Risk Management Authority



Mike Scheafer, President
Board of Directors



President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

North Coast Unified Air Quality Management District

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!


Mike Scheafer, SDRMA Board President

October 18, 2022
Date

October 18, 2022

Mr. Rex Bohn
Board Chair
North Coast Unified Air Quality Management District
707 L Street
Eureka, California 95501

Re: President's Special Acknowledgement Award – Property/Liability Program

Dear Mr. Bohn,

This letter and enclosed certificate are to formally acknowledge the dedicated efforts of the North Coast Unified Air Quality Management District's Governing Body, management, and staff towards proactive risk management and loss prevention training for earning the President's Special Acknowledgement Award! The Award is to recognize members with no "paid" claims during the prior **five consecutive program years** in the Property/Liability Program.

A "paid" claim for the purposes of this recognition represents the first payment on an open claim during the prior program year and excludes property claims. Your agency's efforts have resulted in no "paid" property/liability claims for the prior five consecutive program years from 2017-22. This is an outstanding accomplishment that serves as an example for all SDRMA members!

In addition to this annual recognition, members with no "paid" claims during 2021-22 earned one credit incentive point (CIP) reducing their annual contribution amount, and members with no "paid" claims for the prior 5 consecutive program years earned three additional bonus CIPs.

On behalf of the SDRMA Board of Directors and staff, it is my honor to congratulate your Governing Body, management, and staff for your commitment to proactive risk management and loss prevention training.

Sincerely,
Special District Risk Management Authority



Mike Scheafer, President
Board of Directors



SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

North Coast Unified Air Quality Management District

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Property/Liability Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period and excludes property claims. Congratulations on your excellent claims record!

Mike Scheafer, SDRMA Board President

October 18, 2022

Date

Agenda Item: 4.4

**North Coast Unified
Air Quality Management District**

707 L Street, Eureka, CA 95501

(707) 443-3093

www.ncuagmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: Nominations for SDRMA and CSDA Board of Directors

DATE: March 16, 2023

ACTION REQUESTED: By Consent, Accept and File

SUMMARY:

The District has received a Notice of Nominations for the Governing Board of Directors for the Special District Risk Management Authority (SDRMA). Additionally, the District has also received a Notice of Nominations for the Governing Board of Directors for the California Special Districts Association (CSDA).

At the Board's discretion, please discuss possible nominees for the SDRMA Board of Directors and CSDA Board of Directors, and vote to nominate if needed. A Resolution will be prepared for the April meeting as necessary.

Notification of Nominations – 2023 Election
SDRMA Board of Directors

January 18, 2023

Mr. Rex Bohn
Board Chair
North Coast Unified Air Quality Management District
707 L Street
Eureka, California 95501

Dear Mr. Bohn:

Notice of Nominations for the Special District Risk Management Authority (SDRMA) Board of Directors 2023 Election is being provided in accordance with the SDRMA Sixth Amended and Restated Joint Powers Agreement. The following nomination information has been posted to the SDRMA website: Nomination Packet Checklist, Board of Director Fact Sheet, Nomination/Election Schedule, SDRMA Election Policy No. 2022-06, Sample Resolution for Candidate Nomination and Candidate Statement of Qualifications.

General Election Information - Three (3) Directors seats are up for election. The nomination filing deadline is Monday, May 1, 2023. Nomination submissions must be received by 4:30 pm at the SDRMA office on May 1, 2023, in original format with wet signatures. *Digital/Electronic signatures will not be accepted.* Ballots will be mailed to all SDRMA member agencies in mid-May. Mail-in ballots will be due Tuesday, August 8, 2023.

Nominee Qualifications - Nominees must be a member or the agency's governing body or full-time management employee (see SDRMA Election Policy 2022-06, Section 4.1) and be an active member agency of both SDRMA's property/liability and workers' compensation programs. Candidates must be nominated by resolution of their member agency's governing body and complete and submit a "Statement of Qualifications".

Nomination Documents and Information - Nomination documents (Nominating Resolution and Candidates Statement of Qualifications) and nomination guideline information may be obtained on SDRMA's website at www.sdrma.org. To obtain documents electronically:

From the SDRMA homepage, click on the "2023 Nomination & Election Information" button. All necessary nomination documents and election information may be downloaded and printed.



Nomination Filing Deadline – Nomination documents must be received in SDRMA’s office no later than 5:00 P.M. on Monday, May 1, 2023.

Please do not hesitate to contact us memberplus@sdrma.org or 800-537-7790, if you have any questions regarding the 2023 SDRMA Board of Director Nominations or the election process.

Sincerely,
Special District Risk Management Authority

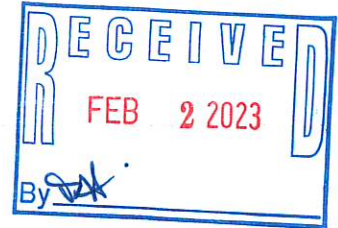
A handwritten signature in blue ink, which appears to read 'Ellen Doughty', is placed below the typed name.

Ellen Doughty, ARM
Chief Member Services Officer



**California Special
Districts Association**

Districts Stronger Together



DATE: January 30, 2023
TO: CSDA Voting Member Presidents and General Managers
FROM: CSDA Elections and Bylaws Committee
**SUBJECT: CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS
SEAT C**

The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2024 - 2026 term.

The leadership of CSDA is elected from its six geographical networks. Each of the six networks has three seats on the Board with staggered 3-year terms. Candidates must be affiliated with an independent special district that is a CSDA Regular Member in good standing and located within the geographic network that they seek to represent.
(See attached CSDA Network Map)

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration. Serving on the Board requires one's interest in the issues confronting special districts statewide.

Commitment and Expectations:

- Attend all Board meetings, usually 4-5 meetings annually, at the CSDA office in Sacramento.
- Participate on at least one committee, meets 3-5 times a year at the CSDA office in Sacramento.
(CSDA reimburses Directors for their related expenses for Board and committee meetings as outlined in Board policy).
- Attend, at minimum, the following CSDA annual events: Special Districts Legislative Days - held in the spring, and the CSDA Annual Conference - held in the fall.
*(CSDA does **not** reimburse expenses for the two conferences even if a Board or committee meeting is held in conjunction with the event)*
- Complete all four modules of CSDA's Special District Leadership Academy within 2 years of being elected.
*(CSDA does **not** reimburse expenses for the Academy classes even if a Board or committee meeting is held in conjunction with the event).*

Nomination Procedures: Any Regular Member in good standing is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors), for election to the CSDA Board of Directors. **A copy of the member district's resolution or minute action and Candidate Information Sheet must accompany the nomination. The deadline for receiving nominations for the Northern, Sierra, Coastal and Southern Networks is April 6, 2023. Where there is no incumbent running in the Bay Area and Central Networks the deadline for receiving nominations is April 17, 2023. Nominations and supporting documentation may be mailed or emailed.**

Mail: 1112 I Street, Suite 200, Sacramento, CA 95814
Fax: 916.442.7889
E-mail: amberp@csda.net

Once received, nominees will receive a candidate's letter. The letter will serve as confirmation that CSDA has received the nomination and will also include campaign guidelines.

CSDA will begin electronic voting on June 5, 2023. All votes must be received through the system no later than 5:00 p.m. July 14, 2023. The successful candidates will be notified no later than July 18, 2023. All selected Board Members will be introduced at the Annual Conference in Monterey, CA in August 2023.

Expiring Terms

(See enclosed map for Network breakdown)

Northern Network	Seat C – Fred Ryness, Burney Water District*
Sierra Network	Seat C – Pete Kampa, Groveland Community Services District*
Bay Area Network	Seat C – <i>Vacant</i>
Central Network	Seat C – Steve Perez, GM, Rosamond Community Services District
Coastal Network	Seat C – Vince Ferrante, Moss Landing Harbor District*
Southern Network	Seat C – Arlene Schafer, Costa Mesa Sanitary District*

(* = Incumbent is running for re-election)

CSDA will be using a web-based online voting system allowing your district to cast your vote easily and securely. Electronic Ballots will be emailed to the main contact in your district June 5, 2023. All votes must be received through the system no later than 5:00 p.m. July 14, 2023.

Districts can opt to cast a paper ballot instead; but you must contact Amber Phelen by e-mail amberp@csda.net by April 6, 2023 in order to ensure that you will receive a paper ballot on time.

CSDA will mail paper ballots on June 5, 2023 per district request only.

If you have any questions, please contact Amber Phelen at amberp@csda.net.



California Special Districts Association
DISTRICT NETWORKS





**California Special
Districts Association**
Districts Stronger Together

2023 CSDA BOARD CANDIDATE INFORMATION SHEET

The following information **MUST** accompany your nomination form and Resolution/minute order:

Name: _____

District/Company: _____

Title: _____

Elected/Appointed/Staff: _____

Length of Service with District: _____

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

3. List local government involvement (such as LAFCo, Association of Governments, etc.):

4. List civic organization involvement:

****Candidate Statement** – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. **Any statements received in the CSDA office March 31, 2023, after 5:00 p.m. will not be included with the ballot.**



**California Special
Districts Association**
Districts Stronger Together

2023 BOARD OF DIRECTORS NOMINATION FORM

Name of Candidate: _____

District: _____

Mailing Address: _____

Network: _____ (see map)

Telephone: _____
(PLEASE BE SURE THE PHONE NUMBER IS ONE WHERE WE CAN REACH THE CANDIDATE)

Fax: _____

E-mail: _____

Nominated by (optional): _____

Return this form, a Board resolution/minute action supporting the candidate, and Candidate Information Sheet by mail or email to:

CSDA
Attn: Amber Phelen
1112 I Street, Suite 200
Sacramento, CA 95814
(877) 924-2732

amberp@csda.net

DEADLINE FOR RECEIVING NOMINATIONS:

March 31, 2023 at 5:00 p.m.

Agenda Item: 4.5

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: Authorize Funds for Expenditure in FY2022-23 Budget

DATE: March 16, 2023

ACTION REQUESTED: By Consent, Authorize Funds for Expenditure

BACKGROUND:

Staff recommends that the Board authorize an increase of \$10,000 to Budget Account #66100, "Fixed Assets >\$5,000" in the current FY2022-23 Budget. This additional expense will be offset by pending Rural School Bus Pilot Project (RSBPP) Grant Administration Funds anticipated to increase the RSBPP Grant Admin (YR 2) income item before the end of the fiscal year. CARB staff has agreed that this use of these funds to satisfy the long term storage requirement under the program is an acceptable need and expenditure as the grants administrator. RSBPP Admin Funds are admin income from the direct reimbursement of costs incurred with the administration of the Rural School Bus Pilot Program (RSBPP).

Agenda Item: 5

Public Comment Period

Agenda Item: 6
Election of Officers
2023 Calendar Year

Agenda Item: 7

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: Air Toxic "Hot Spots" AB 2588 Program

DATE: March 16, 2023

ACTION REQUESTED: Accept and File Report

SUMMARY:

The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) was implemented to collect toxic emissions data, to identify facilities potentially having localized health risk impacts (e.g. "hot spot" areas), to ascertain the extent of the health risks, and to notify nearby residents of significant risks. The Air Toxics "Hot Spots" Act established a formal air toxics emission inventory risk quantification program for districts to manage.

To better understand the sources of emissions that may contribute to adverse health risks or other impacts at the local, regional, and statewide level, CARB developed the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (or CTR) to implement statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities. The amendments to the CTR became effective January 1, 2022 and the updates to the EICG on March 21, 2022.

The amendments established a phased-in compliance schedule for facilities as well as air districts. Although it has a multi-county jurisdiction, the District is considered a small-rural air district (one of twenty-five), as compared to medium (Yolo-Solano, Monterey, etc.) or larger air districts (South Coast, Bay Area, San Joaquin, Sac Metro). CARB recognized that the smaller staffed air districts did not always have the staff, expertise, or funding to meet the considerable challenge of satisfying the regulations. CARB therefore established later compliance date for smaller air districts to comply with the regulations. The District is categorized as a 'Group B' air district and is scheduled to comply with the regulations by 2024.

The District has prepared a draft version for the 2023 Annual Report of Calendar Year 2022 Emissions and intends to conduct a meeting in the Fall to receive stakeholder input prior to its release. However, this version will be limited to including only those legacy sources and those the District has previously reported and for other key initial sources or

facility categories that have been properly completed. The District will be providing a more comprehensive report in the Fall of 2024 when it meets the obligations of the CTR as indicated above.

BACKGROUND:

While the criteria pollutants (CO, NO_x, SO₂, O₃, PM) are instrumental in the causation of many health effects to the respiratory system, many air toxics are of interest since they are cancer causing air contaminants. With public concern shifting from the “smog” type pollutants to those which are labeled as toxic, a whole new environmental effort has been mounted in dealing with the release of toxics.

The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly) was enacted in September 1987. Under this Act, stationary sources are required to report the types and quantities of certain substances their facilities routinely release into the air. Emissions of interest are those that result from the routine operation of a facility or that are predictable, including but not limited to continuous and intermittent releases and process upsets or leaks.

The goals of the Air Toxics "Hot Spots" Act are to collect toxic emissions data, to identify facilities potentially having localized health risk impacts (e.g. “hot spot” areas), to ascertain the extent of the health risks, and to notify nearby residents of significant risks. It established a formal air toxics emission inventory risk quantification program for CARB and air districts to manage. In September 1992, the "Hot Spots" Act was amended by Senate Bill (SB) 1731 (Calderon) to address the reduction of significant risks. The bill required that owners of significant-risk facilities reduce their risks below the level of significance.

The Act requires that toxic air emissions from stationary sources (facilities) be quantified and compiled into an inventory according to criteria and guidelines developed by the ARB, that each facility be prioritized to determine whether a health risk assessment (HRA) must be conducted, that the risk assessments be conducted according to methods developed by the Office of Environmental Health Hazard Assessment (OEHHA), that the public be notified of significant risks posed by nearby facilities, and that emissions which result in a significant risk be reduced.

District Program

The District's implementation of the AB 2588 “Hot Spots” Program began in 1989 with the District Governing Board's adoption of policies and procedures for emission data collection and analysis in accordance with the *AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines Regulation* (EICG). The EICG specifies that any facility which manufactures, formulates, uses, or releases any *listed substance* shall be subject to reporting obligations based on the quantity of criteria pollutants emitted. Shortly after adoption, the District began collecting inventory information and prioritizing the first 15 facilities. Many companies elected to voluntarily install air pollution control technology or to abandon the use of antiquated equipment in order to reduce impacts. In early 1993, the District Governing Board defined the health risk assessment preparation threshold as

a prioritization score greater than 50 for cancer and non-cancer effects, considered individually.

District Health Risk Assessment Preparation Thresholds			
Prioritization Score	Cancer	Non-Cancer Effects	
		Acute	Chronic
	X > 50	X > 50	X > 50

Later that same year, the District released its first annual report of emissions.

The Hot Spots Act requires facilities that are ranked as a high priority to submit a health risk assessment (HRA) to the air district. A risk assessment, as defined under the Hot Spots Act, includes a comprehensive analysis of the dispersion of hazardous substances into the environment, the potential for human exposure, and a quantitative assessment of both individual and population-wide health risks associated with those levels of exposure. The risk assessments submitted by the facilities are reviewed by OEHHA and approved by the District. In addition, the District may require facilities in the intermediate and low priority categories to also submit a health risk assessment. Risk assessments are meant to be conservative to avoid underestimating the risk. As such, assumptions about exposure and toxicity of the pollutants are made that err on the side of public health protection.

Risk notification thresholds have been established by the District. If the results of a health risk assessment indicate risk levels exceed the threshold (health risk of 10 in 1 million or greater for cancer risk, and 1.0 or greater for noncancer effects), the facility owner must notify the public.

District Health Risk Public Notification Thresholds			
Health Risk Score	Cancer	Non-Cancer Effects	
		Acute	Chronic
	X > 10	X > 1	X > 1

All facilities evaluated by the District in the early 1990's reduced their scores to less than significant with the exception of the Louisiana-Pacific (LP) Corporation pulp mill. The health risk assessment prepared in 1995 by LP, indicated a noncancer chronic health index of 2.8, a value greater than the 1.0 action level established by the District. LP notified the public of the health impact later that year.

By 2000, a health risk assessment had been performed on all high-priority facilities. Since that time, the District collected inventory information from facilities subject to the regulation at four-year intervals. Three major industrial sources and two medium-sized facilities permanently ceased operations during the period of 2000 through 2022. There has been no new medium or large industrial source construction with one notable exception, the Humboldt Bay Generating Station owned by Pacific Gas & Electric. A health risk assessment was prepared for this project in consultation with CARB and OEHHA. The Humboldt Sawmill Company (HSC) recently acquired Humboldt Redwood Company that was previously owned by the Pacific Lumber Company (PALCO). In 2000, HSC was classified as a Tracking Facility (Simple) and until recently there had been no substantial changes in emissions. Therefore, the District has requested an update to the emission inventory plan from HSC before their Title V renewal occurs in 2023. The District

will review the plan and if approved, HSC must implement the plan and provide a detailed report of emissions.

Regulatory Updates

To better understand the sources of emissions that may contribute to adverse health risks or other impacts at the local, regional, and statewide level, CARB developed the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (or CTR) in 2020 to implement statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities.

The data collected under the CTR supports the implementation of AB 617, AB 197, and AB 2588. The passage of the CTR coincided with revisions to the EICG including:

- Incorporation of the most recent versions of the OEHHA Risk Assessment Guidelines and the most recent CAPCOA Facility Prioritization Guidelines.
- Expansion of the reporting of building height and other parameters related to building downwash effects.
- Update of Diesel Engine risk screening tables.
- Update of the list of reportable substances to include new/modified chemicals of concern.
- Addition of three types of chemical functional groups.
- Established a phase-in schedule for the reporting of newly added chemicals.
- Update of the list of chemicals associated with specific industry sectors and broad overarching processes.
- Addition of new source testing requirements for waste management facilities.
- Update of the classes/sectors and reporting thresholds to add facility types posing potential public health concerns.
- Established a sector phase-in schedule consistent with the CTR regulation.

District Implementation

The amendments to the CTR became effective January 1, 2022 and the updates to the EICG on March 21, 2022. The amendments established a phased-in compliance schedule for facilities as well as air districts. Although it has a multi-county jurisdiction, the District is considered a small-rural air district (one of twenty-five), as compared to medium (Yolo-Solano, Monterey, etc.) or larger air districts (South Coast, Bay Area, San Joaquin, Sac Metro). CARB recognized that the smaller staffed air districts did not always have the staff, expertise, or funding to meet the considerable challenge of satisfying the regulations. CARB therefore established later compliance date for smaller air districts to comply with the regulations. The District is categorized as a 'Group B' air district with compliance obligations as follows:

Effective Initial Emission Data Qualification Year for New Sources			
Air District Group	Existing Group	ChemSet-1	ChemSet-2
B	2024	2024	2028

The milestones for the District's implementation plan are as follows:

- Spring of 2023: Update emission inventory forms as needed to ensure the capture of the requisite information necessary for the facilities to fully comply with the reporting requirements.
- June 2023: Identify core facilities that require updated emission inventory plans based on existing inventory information (pre-2023).
- September 2023: Develop prioritization scores for gasoline dispensing facilities.
- Spring of 2024: Input facility activity information for Calendar Year 2023 into CEDAIRS, CARB's emission inventory reporting database.
- April 2024: Develop prioritization scores for diesel engines
- June 2024: Prioritize all core facilities
- October 2024: Release the 2024 Annual Report of Calendar Year 2023 Emissions

As indicated previously, the District has prepared a draft version for the 2023 Annual Report of Calendar Year 2022 Emissions and intends to conduct a meeting in the Fall to receive stakeholder input prior to its release. However, this version will be limited to including only those legacy sources and those the District has previously reported and for other key initial sources or facility categories that have been properly completed. The District will be providing a more comprehensive report in the Fall of 2024 when it meets the obligations of the CTR as indicated above.

Agenda Item: 8

**nNorth Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: Appoint District Hearing Board Members

DATE: March 16, 2023

ACTION REQUESTED: Reappoint District Hearing Board Members and Corresponding Alternate Members

SUMMARY:

At this time, the current District Hearing Board Member position appointments have expired or will be expiring in the coming months. There is a need to either reappoint the member positions and/or make changes. To help ensure a quorum, when necessary, Staff recommends changing the appointment for the Public Member #1 position where Ms. Joanna Hawley-Jones would become the appointed primary public member and Ms. Sarah Samples would become the alternate member for this position

MEMBER POSITION(S)		MEMBER	APPOINTMENT EXPIRATION
Professional Engineer	Primary	Charles Rocklein	Appointment expires 12/31/22
	Alternate	- vacant -	
Attorney	Primary	- vacant -	
	Alternate	- vacant -	
Medical Professional	Primary	- vacant -	
	Alternate	- vacant -	
Public Member #1	Primary	Ken Mierzwa	Appointment expires 01/15/23
Public Member #2	Primary	Joanna Hawley-Jones	Appointment expires 03/18/23
Public Member	Alternate	Sarah Sampels	Appointment expires 12/31/22

It is therefore recommended that the Board reappoint the current Hearing Board members to their respective positions above, with Ms. Joanna Hawley-Jones reappointed as the Public Member #1 position and Ms. Sarah Samples reappointed as the alternate Public Member.

BACKGROUND:

In accordance with Health & Safety Code (H&SC) § 40800, an Alternate member may serve only in the absence of the Hearing Board member with whom they are associated, and are also limited for the same term as the Hearing Board member with whom they are associated.

The Medical Professional position, Attorney position, and their alternates are currently vacant. In addition, there is still a vacancy for an alternate to the Professional Engineer position. Staff has run several public notices in the Times Standard, Trinity Journal and Del Norte Triplicate, as well as the District website and Facebook postings. Governing Board members can also suggest individuals which can be discussed by the Board. Staff is continuing outreach efforts to fill the vacant positions.

Agenda Item: 9

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: Increase District X-Factor by Consumer Price Index

DATE: March 16, 2023

ACTION REQUESTED: Adopt Resolution 2023-1: Increase District X-Factor by Consumer Price Index (CPI)

SUMMARY:

The District has adopted a permit fee schedule in its Regulation IV, with the purpose of allowing the District to fully recover all costs associated with implementation, inspection, and enforcement of the air quality programs under the District's jurisdiction. Regulation IV allows for an annual adjustment of the hourly cost of operations portion of all fees (the "X-Factor"). As costs fluctuate over time, the District is able to recover the costs of implementing the programs by simply adjusting the X-Factor rather than proceeding through a rule making action to amend all the fee tables.

Each year as part of the budget preparation process, the Governing Board adopts a dollar value for the value of "X" in the fee tables. Typically, an increase in the X-Factor by the Consumer Price Index (CPI) is found to be necessary to keep pace with program costs. Increases to the X-Factor by CPI are established by Resolution as determined by Rule 400(2.3) as pursuant to Section 2212 of the Revenue and Taxation Code.

The last time the Governing Board approved general programmatic increases (aside from CPI increases to the X-Factor) was in 2015 in order to better align fees charged with costs incurred with operation of District programs. Part of that discussion included the understanding that it would be prudent to include any future annual CPI increases to the X-Factor as CPI was part of the forecasted calculations.

The draft Proposed District FY 2023-24 Budget will be publicly noticed on March 21, 2023 and then discussed at the Board Meeting in April. Presently, the draft proposed budget still indicates a budget deficit due to the costs of active and retiree health care insurance and pension on the Unfunded Accrued Liability and the pending impact from managing these liabilities using funds in reserve. Under the Rule, it is evident that at a CPI increase would be needed at minimum in order keep pace with program costs. The Board can then have additional discussion about options or strategies to close the remaining budget gap at the budget review meeting in April. It is desirable to include the CPI in the draft proposed budget, so any remaining deficit in the

budget can then be identified, so any general or programmatic increase to the X-Factor (beyond CPI) is clearer.

In accordance with District Rule 400 and upon review of the California Consumer Price Index (CPI) Table Annual Average for 2022 (All Urban Consumers), it is recommended that the X-Factor be increased by 3.19%, from \$150 to \$155. This would only affect fees or revenue items that have a X-Factor component in the fee regulations. The proposed Resolution 2023-1 is attached for consideration and approval.

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



Resolution 2023-1:

Increase District X-Factor by Consumer Price Index

WHEREAS, the District has adopted a permit fee schedule in its Regulation IV, with the stated purpose of allowing the District to fully recover all costs associated with implementation, inspection, and enforcement of the air quality programs under the District’s jurisdiction;

WHEREAS, Rule 400(B)(1) of Regulation IV allows for an annual adjustment of the hourly cost of operations portion of all fees (the “X-Factor”); and

WHEREAS, Rule 400(B)(1)(a) states that the value of “X” shall be rounded to the nearest whole dollar, and shall be assigned by the District Board of Directors each budget year through resolution, based on two components, either:

- 1) The actual program costs for the immediately preceding year; or
- 2) An adjustment in amount not greater than the change in the Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code; and

WHEREAS, the fees charged pursuant to Regulation IV are imposed to recover the reasonable regulatory costs to the District for issuing licenses and permits, performing investigations, inspections, and audits, and the administrative enforcement and adjudication thereof are not taxes as defined in Section 1(e)(3) of Article XIII C of the California Constitution (Proposition 26); and

WHEREAS, the annual average percentage change from January 1, 2022 to December 31, 2022 in the Consumer Price Index: All Urban Consumers, California, all items (1982-84=100)] was 3.19224%.

THEREFORE, BE IT RESOLVED, that the North Coast Unified Air Quality Management District Board hereby increases the Regulation IV, Rule 400 X-Factor by 3.19%, and rounded to the nearest whole dollar.

Board Chair

Date:

Clerk of the Board

Date:

Agenda Item: 10

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuagmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: Discuss District Pension and Other Post Employment Benefit (OPEB) Liabilities

DATE: March 16, 2023

ACTION REQUESTED: Accept and File Report

SUMMARY:

The District continues to move forward with determining and managing its pension liability and Other Post Employment (OPEB) liabilities as mentioned at the last financial audit. The District has engaged the services of Total Compensation Services and GovInvest Inc. for actuarial services and calculate these liabilities. GovInvest provides services to governments with analytical tools to better determine how to best manage these liabilities and what are the best approaches for the entity. Representative(s) from GovInvest are scheduled to provide a presentation on Pension and Other Post Employment Benefits (OPEB) liabilities, including recent actuarial information for the District, and to answer questions and discuss options.

BACKGROUND:

The District's OPEB liability stem from providing full medical benefits to retirees from the date of retirement from the District until they are eligible for Medicare, at which time the District's insurance is no longer the primary insurance. After this, the District continues to pay the premium as secondary insurance. For the period ending June 30, 2019, the balance of the OPEB Liability was \$3,317,748 and the most recent GASB 68 calculation of net pension liability with CalPERS was \$916,768.

A key role of the District's Reserve Fund has also been to act as a trust account for the District's OPEB liability and will also serve to reduce CalPERS pension debt obligations. In the initial District Reserve Fund Policy and Guidelines document in 2010, the Board initially earmarked \$300,000 separately as funds set directly aside for the District's growing liability related to OPEB retiree medical benefits. Since 2018, the Reserve has been increasing above \$1 million, with the eventual goal of applying these funds toward

the growing pension and OPEB liabilities. Currently, the unencumbered Reserve Funds are estimated to be about \$2.5 million, where \$2.2 million is conservatively available to apply to a liability trust fund once the Board approves a District Liability Funding Policy. Now that the actuarial(s) have been performed and the liabilities calculated, the next step would be to develop a District Liability Funding Policy that would apply available funds to manage these liabilities.

There are only a few financial instruments available dedicated solely for prefunding defined benefit plan costs specific for government employers. CalPERS offers the California Employers' Retiree Benefit Trust (CERBT) Fund, and the California Employers' Pension Prefunding Trust (CEPPT) Fund. The Public Agency Retirement Services (PARS) Trust is also a viable alternative to the CalPERS option.

District staff intends to continue to engage the Board to discuss these liabilities and to suggest options that will involve use of the Reserve funding to mitigate these liabilities. A District Liability Funding Policy will be presented at a following Board meeting.

Agenda Item: 11

**North Coast Unified
Air Quality Management District**
707 L Street, Eureka, CA 95501
(707) 443-3093
www.ncuaqmd.org



TO: North Coast Unified Air Quality Management District Board

FROM: Brian Wilson, APCO

SUBJECT: APCO Report

DATE: March 16, 2023

ACTION REQUESTED: Accept and File

The following information is provided as a summary of items of interest to the Board and District. Staff solicits and appreciates any feedback concerning these items or other items of interest from the Board.

1. Local increases in prescribed burning anticipated from Federal funding

The Federal government announced expanded efforts to reduce wildfire risk across the western United States. The Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) will impact at-risk critical infrastructure in California and other states (see attached article). Recently, the USFS introduced the initial 10 fire-prone landscapes projects that are now funded for the next five years through BIL funds and IRA funds as part of the agency's broader strategy to protect communities, critical infrastructure and forest resources from catastrophic wildfire. This will commit \$1.8 billion to hazardous fuels reduction projects on national forests and grasslands.

Locally for example, this priority designation will allow funding for wildfire mitigation efforts in over 900,000 acres of the Shasta-Trinity and Six Rivers National Forests as portions are now designated as priority landscapes (see attached press article). This designation means that funding is available to support wildfire risk reduction treatments around high-risk communities in Trinity, Humboldt, Shasta, and Siskiyou Counties. Recently in February, the Shasta Trinity National Forest conducted about a 5,000 acre burn over a few days when conditions were favorable.

2. Legislation affecting prescribed burning in regards to civil liability and cultural burning (SB 332, SB 926, SB 310)

Prescribed fire is often cited as a barrier to the use of prescribed fire in California. In 2018, SB 1260 recently clarified that "compliance with a permit issued pursuant to

this article shall constitute facie evidence of due diligence. This new language did not represent a change to state law, but did offer clarification.

In 2021, **SB 332** (see attached) made modifications in gross negligence with respect to prescribed burning operations. CARB clarified that cultural burns conducted by a cultural fire practitioner are exempt from the burn boss review process but the burner still must comply with CAL FIRE and air district permit requirements.

in Fall of 2022, **SB 926** (see attached) created a Prescribed Fire Liability Pilot Program to be administered by CAL FIRE, where \$20 million would be available for a Prescribed Fire Claims Fund.

More recently in February, Senator Dodd introduced **SB 310** (see attached) that proposes to modify code such that cultural fire practitioners would need to obtain approval to burn pursuant to tribal laws/requirements as adopted by a California Native American tribe within its ancestral territory, and would exempt those burns from those existing law for permitting requirements and other prohibitions. The bill would encourage a tribe to provide advanced notice of cultural burning approval to the Department of Forestry and Fire Protection or other agency having direct protection responsibility in the area where the cultural burn is located.

3. Proposed legislation regarding Voluntary Vessel Speed Reduction and sustainable shipping program (AB 953) to include the North Coast

Recently, Assemblymembers Gregg Hart and Damon Connolly introduced **AB 953** to task the Ocean Protection Council, in coordination with some California air districts along the coast and in consultation with the federal Office of National Marine Sanctuaries, the U.S. EPA, the U.S. Navy, and CARB, to create a statewide voluntary vessel speed reduction and sustainable shipping program for the entire California coast. AB 953 would build upon the existing *Protecting Blue Whales and Blue Skies* program (www.bluewhalesblueskies.org) as well as any other existing local vessel speed reduction programs. Some other air districts (Bay Area AQMD, Santa Barbara APCD, and the San Luis Obispo APCD) are supporting the bill to pursue a statewide VSR program to build on what they consider the success of the program and to achieve even more near-term reductions in ozone precursor emissions statewide.

The program can achieve emission reductions by incentivizing Ocean-Going Vessels (OGVs) to reduce their transit speed to 10 knots or less within designated zones. Other benefits indicated are reducing the risk of fata whale strikes and the level of ocean noise. District Staff has reached out to the Director of the Humboldt Bay Harbor, Recreation and Conservation District to ensure awareness of the proposed bill.

4. Update on Financial Audits and Liability Actuarial(s)

Last May, the District entered into a Professional Service Contract with Brown-Armstrong from Bakersfield for Financial Auditing Services for the fiscal years ending June 30, 2018, 2019, & 2020. However, COVID-19 has continued to have

impacts and timing on the new auditors (and their clients) and completion of year-end accounting, and pending reconciliations and financial statements with Jackson & Eklund, these audits are anticipated to be completed later this year.

As previously discussed in the agenda, the pension liability and Other Post Employment (OPEB) liabilities have been completed from actuarial services of Total Compensation Services and GovInvest Inc.

5. Draft Proposed FY 2023-24 Budget

The District's Draft Proposed Budget for FY 2023-24 will be publicly noticed on March 21, 2023. The draft budget will be discussed at the next Board Meeting in April and potentially approved at the following Board Meeting in May. Presently, the draft proposed budget has a budget deficit due to increases in active and retiree health care insurance, and impacts from retirement and OPEB liabilities. Addressing the District's OPEB and pension liabilities will have a significant effect on balancing the budget.

6. Staff Training, Workshops, & Symposiums

Here is a brief list of the main training staff has participated since the last Board Meeting:

- CAPCOA - *Monitoring Committee Symposium* - Wendy Caruso & Randy Dickau
- GovInvest - *Labor Costing Group: Proposals & Scenarios* - Penny Costa
- GovInvest - *Pension Group: Additional Discretionary Payments* - Penny Costa
- CSDA - *Effective Management in a Hybrid Work Environment* - Jason Davis
- CSDA - *Building Relationships with Your Lawmaker* - Jason Davis
- CSDA - *Emergency Preparedness Summit* - Jason Davis
- CARB - *Visible Emission Evaluation Recertification* - David Huffman & Lloyd Green
- CARB - *AP108: Stationary Source Permitting Overview* - David Huffman & Cameron Purchio
- SDRMA - *COVID-19 Prevention* - Keala Roberts
- CalPERS - *Community Property and Your Retirement* - Erin Squire
- CSDA - *Public Records Act Requests 2023* - Erin Squire & Alexandra Winkler
- Streamline - *Masterclass: New In-Page Layouts* - Erin Squire & Alexandra Winkler
- CSDA - *Records Retention and Management in the Electronic Age* - Alexandra Winkler
- CSDA - *How to Handle an Unexpected Surge in PRA Requests* - Alexandra Winkler
- CSDA - *Public Records Act Requests 2020* - Alexandra Winkler
- CARB - *Visual Emission Evaluation* - Alexandra Winkler
- CARB - *Public Workshop: Landfill Methane Emissions in California* - Alexandra Winkler
- SAFE (Smoke, Air, Fire, Energy) Symposium – Brian Wilson



Biden-Harris Administration Launches New Efforts to Address the Wildfire Crisis

Press Release

Release No. 0010.23

Contact: USDA Press

Email: press@usda.gov

WASHINGTON, Jan. 19, 2023 – Today, Agriculture Secretary Tom Vilsack announced expanded efforts to reduce wildfire risk across the western U.S. These investments, made possible through President Biden’s landmark [Bipartisan Infrastructure Law \(BIL\)](#) and the [Inflation Reduction Act \(IRA\)](#), will directly protect at-risk communities and critical infrastructure across 11 additional landscapes in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington.

“It is no longer a matter of if a wildfire will threaten many western communities in these landscapes, it is a matter of when,” said Secretary Vilsack. “The need to invest more and to move quickly is apparent. This is a crisis and President Biden is treating it as one. Today’s announcement will bring more than \$490 million to 11 key landscapes across the western United States, and will be used to restore our national forests, including the restoration of resilient old-growth forest conditions.”

The Forest Service announced their original 10 landscape project areas last year as part of the [agency’s broader strategy](#) to protect communities, critical infrastructure and forest resources from catastrophic wildfire. Combined with these initial landscape investments, the additional efforts being announced today represent a total USDA investment of \$930 million across 45 million acres.

This work spans 134 of the 250 high-risk “firesheds” identified in the [Wildfire Crisis Strategy](#) and will mitigate wildfire risk to around 200 communities in the western U.S. Firesheds are areas where wildfire is likely to pose the greatest risk to communities and resources.

The landscapes for these additional investments were selected based on the potential for wildfire to affect nearby communities and buildings, with a focus on protecting underserved communities, critical infrastructure, public water sources and Tribal lands. USDA also considered more than 3,000 comments from 11 roundtable meetings held in the first half of 2022, which included partners, industry, Tribes and other stakeholders.

“We are building on the investments announced last year and by expanding the Forest Service effort to cover 21 landscapes where communities, critical infrastructure and our natural resources are most in need of protection from the growing threat of wildfires,” said USDA Undersecretary for Natural Resources and the Environment (NRE), Dr. Homer Wilkes. “This is part of our agency wide focus to reduce wildfire risk across the country. We will use every tool we have to address this crisis and make your communities safer.”

Secretary Vilsack is also directing the Forest Service to use and prioritize a suite of provisions authorized in the Bipartisan Infrastructure Law to more quickly apply targeted treatments to the high-risk firesheds identified in the Wildfire Crisis Strategy, while opening up additional opportunities to pursue science-based reforestation, restoration of old growth forests and recovery of other areas impacted by wildfire.

These treatments are required to be ecologically appropriate, maximize the retention of large trees, protect old growth, and to consider possible effects on historically underserved communities and Tribes. Treatments are also to be carried out collaboratively alongside participating communities and partners.

“Doing this work in the right place, at the right time, and at the right scale, combined with the use of emergency authorities, will accelerate our planning, consultation, contracting, hiring and project work to reduce wildfire risk and improve forest health and resilience,” said Forest Service Chief Randy Moore. “Collaboration with Tribes, communities and partners will remain a priority, and we will continue to use the best available science when carrying out this important work.”

Background: The Forest Service Wildfire Crisis Strategy

This announcement comes on the anniversary of the [launch](#) of the Forest Service's Wildfire Crisis Strategy, which debuted Jan. 18, 2022. A few months later, the agency introduced the [initial 10 fire-prone landscapes](#) that are now funded for the next five years through Bipartisan Infrastructure Law funds. In addition, President Biden's Inflation Reduction Act will commit \$1.8 billion to hazardous fuels reduction projects on national forests and grasslands.

Since releasing its Wildfire Crisis Strategy one year ago, the Forest Service and its partners have used the best available science and data to identify the highest risk landscapes for treatment projects. The Forest Service found that around 80% of the wildfire risk to communities is concentrated in less than 10% of firesheds. These targeted investments focus on firesheds of the highest risk, where projects are ready to begin or to expand.

The 10-year strategy calls for treating up to 20 million acres on national forests and grasslands and up to 30 million acres on other federal, state, Tribal, private and family lands to assure our forests are more resilient to wildfire and other effects of climate change, safer for communities, and remain key refuges for plants, fish and wildlife.

Over the past 20 years, many states have had record catastrophic wildfires, devastating communities, lives and livelihoods, and causing billions of dollars in damage. More than 10 million acres – more than twice the size of New Jersey – burned each year across the U.S. in 2020, 2017 and 2015.

The Wildfire Crisis Strategy builds on current work by leveraging congressional authorities and partnerships to support the department's work to mitigate wildfire risk, and restores forest health over the next decade. In addition to [State Forest Action Plans](#), the strategy also aligns with the [Collaborative Forest Landscape Restoration Program](#), [Tribal Forest Protection Act](#), [Good Neighbor Authority](#), [Joint Chiefs' Landscape Restoration Partnership](#) and [Shared Stewardship](#) agreements.

In June 2022, USDA released the [Secretary's Memorandum on Climate Resilience and Carbon Stewardship of America's National Forests and Grasslands](#). The Secretary's memo builds on previous actions on climate change, equity, and forest resilience, and provides more specific and time-bound actions to integrate into agency programs. The Forest Service used the guidance in the Secretary's memo to better inform the selection criteria for projects under the Wildfire Crisis Strategy, including equity, source water

protection, community infrastructure and wildlife corridors. Recognizing that insects, disease, and wildfire are among the most significant threats to mature and old growth forests, in alignment with the Biden-Harris Administration, the Forest Service will be targeting hazardous fuels reduction projects to address these threats to promote the protection and restoration of mature or old-growth forests.

USDA touches the lives of all Americans each day in so many positive ways. Under the Biden-Harris Administration, USDA is transforming America's food system with a greater focus on more resilient local and regional food production, promoting competition and fairer markets for all producers, ensuring access to safe, healthy and nutritious food in all communities, building new markets and streams of income for farmers and producers using climate-smart food and forestry practices, making historic investments in infrastructure and clean energy capabilities in rural America, and committing to equity across the Department by removing systemic barriers and building a workforce more representative of America. To learn more, visit www.usda.gov.

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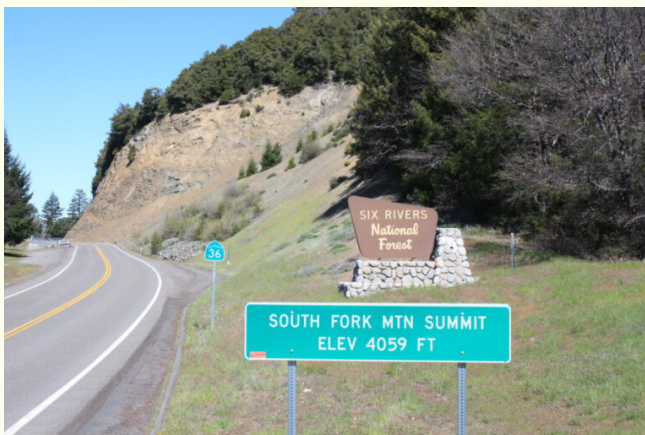
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NEWS, NATURE AND COMMUNITY THROUGHOUT THE EMERALD TRIANGLE

PRIORITY DESIGNATION WILL ALLOW FUNDING FOR WILDFIRE MITIGATION EFFORTS IN NORTHERN CALIFORNIA COUNTIES

Tuesday, 24 January 2023, 8:36 am | [Staff](#) | [One comment](#)

Press release from Six Rivers National Forest:



[All photos courtesy of Six Rivers National Forest]

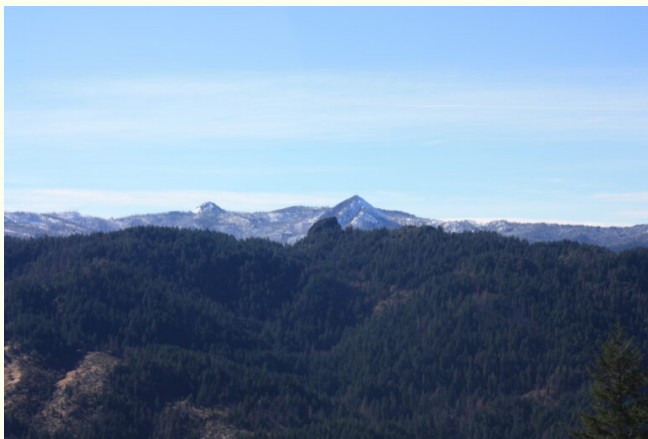
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Department of Agriculture Secretary Tom Vilsack announced expanded efforts to reduce wildfire risk across the western U.S. Over 900,000 acres of the Shasta-Trinity and Six Rivers National Forests are now designated as priority landscapes. This designation means that funding from the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Law (IRL) is available to support wildfire risk reduction treatments around high-risk communities in Trinity, Humboldt, Shasta, and Siskiyou Counties.-



Since releasing its Wildfire Crisis Strategy one year ago, the Forest Service and its partners have used the best available science and data to identify the highest-risk landscapes for treatment projects. Over 80% of the wildfire risk to communities is concentrated in less than 10% of “firesheds,” or areas where wildfires are likely to threaten communities and infrastructure. “The threat of wildfire has become the top concern for Northern California residents who reside in the rural areas within our

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beautiful landscape,” said Six Rivers National Forest Supervisor Ted McArthur. “This funding allows us to do the work needed on the ground to reduce risk around our rural communities and all the people who call these communities home.”



“We understand the critical nature of our landscapes and the related impacts to our communities. This funding directly supports our risk reduction treatments in a manner that will promote forest health and resilience,” said Rachel Birkey, Shasta-Trinity National Forest Supervisor. “We look forward to working closely with our partners and communities to implement these projects. Our work would not be possible without their tremendous support.”



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Detailed information regarding the Wildfire Crisis Strategy and these newly designate landscapes can be found at <https://www.usda.gov/media/press-releases/2023/01/19/biden-harris-administration-launches-new-efforts-address-wildfire#:~:text=WASHINGTON%2C%20Jan.%2019%2C%202023,will%20directly%20protect%20at%20Drisk>



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SB-332 Civil liability: prescribed burning operations: gross negligence. (2021-2022)

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Date Published: 10/07/2021 02:00 PM

Senate Bill No. 332

CHAPTER 600

An act to add Section 3333.8 to the Civil Code, relating to civil liability.

[Approved by Governor October 06, 2021. Filed with Secretary of State
October 06, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 332, Dodd. Civil liability: prescribed burning operations: gross negligence.

Existing law makes a person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by the person to escape onto any public or private property liable for the fire suppression costs incurred in fighting the fire, the cost of providing rescue or emergency medical services, the cost of investigating and making any reports with respect to the fire, and the costs relating to accounting for the fire and the collection of specified funds.

Existing law authorizes the Director of Forestry and Fire Protection to enter into an agreement, including a grant agreement, for prescribed burning or other hazardous fuel reduction efforts with any person for specified purposes. Existing law requires the agreement to designate an officer of the Department of Forestry and Fire Protection or a certified burn boss as the burn boss with final authority regarding the prescribed burning operation and to specify the duties of, and the precautions taken by, the person contracting with the department and any personnel furnished by that person. Existing law prohibits a person from knowingly setting or permitting agricultural burning unless that person has a valid permit, as specified. Existing law prohibits, among other things, a person from setting fire or causing fire to be set to any forest, brush, or other flammable material that is on any land that is not the person's own, or under the person's legal control, without the permission of the owner, lessee, or agent of the owner or lessee of the land.

This bill would provide that no person shall be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, including, among others, that the burn be for the purpose of wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture, and that, when required, a certified burn boss review and approve a written prescription for the burn. The bill would provide that any person whose conduct constitutes gross negligence shall not be entitled to immunity from fire suppression or other costs otherwise recoverable, as specified. The bill would define terms for its purposes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3333.8 is added to the Civil Code, to read:

3333.8. (a) The Legislature finds and declares that in order to meet fuel management goals, the state must rely on private entities to engage in prescribed burning for public benefit.

(b) Notwithstanding Sections 13009 and 13009.1 of the Health and Safety Code, no person shall be liable for any fire suppression or other costs otherwise recoverable pursuant to Section 13009 or 13009.1 of the Health and Safety Code resulting from a prescribed burn if all of the following conditions are met:

(1) The purpose of the burn is for wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture.

(2) A person certified as a burn boss pursuant to Section 4477 of the Public Resources Code reviewed and approved a written prescription for the burn that includes adequate risk mitigation measures.

(3) The burn is conducted in compliance with the written prescription.

(4) The burn is authorized pursuant to Chapter 6 (commencing with Section 4411) or Chapter 7 (commencing with Section 4461) of Part 2 of Division 4 of the Public Resources Code.

(5) The burner has a landowner's written permission or the approval of the governing body of a Native American Tribe to burn.

(6) The burn is conducted in compliance with any air quality permit required pursuant to Article 3 (commencing with Section 41850) of Chapter 3 of Part 4 of Division 26 of the Health and Safety Code.

(7) Cultural burns conducted by a cultural fire practitioner are exempt from paragraphs (2) and (3).

(c) This section shall not be construed to grant immunity from fire suppression or other costs otherwise recoverable pursuant to Section 13009 or 13009.1 of the Health and Safety Code to any person whose conduct constitutes gross negligence.

(d) Nothing in this section affects the ability of a private or public entity plaintiff to bring a civil action against any defendant.

(e) "Cultural burn" means the intentional application of fire to land by Native American tribes, tribal organizations, or cultural fire practitioners to achieve cultural goals or objectives, including subsistence, ceremonial activities, biodiversity, or other benefits.

(f) "Cultural fire practitioner" means a person associated with a Native American tribe or tribal organization with experience in burning to meet cultural goals or objectives, including subsistence, ceremonial activities, biodiversity, or other benefits.



SB-310 Prescribed fire: civil liability: cultural burns. (2023-2024)

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Date Published: 02/06/2023 09:00 PM

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 310

Introduced by Senator Dodd

February 06, 2023

An act to amend Section 3333.8 of the Civil Code, and to amend Sections 4002.4 and 4002.6 of, and to add Article 4.5 (commencing with Section 4505) to Chapter 7 of Part 2 of Division 4 of, the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 310, as introduced, Dodd. Prescribed fire: civil liability: cultural burns.

Existing law provides that no person shall be liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, including, among others, a burn boss, as certified through a certification program developed by the State Fire Marshal, has reviewed and approved a written prescription for the burn, the burn complies with that written prescription, and either the landowner has provided written permission or the governing body of a Native American tribe has given approval, as provided. Existing law exempts cultural burns conducted by a cultural fire practitioner from those requirements that a person certified as a burn boss review and approve a written prescription and that the burn be conducted in compliance with the written prescription. Existing law defines cultural burn and cultural fire practitioner, as provided.

This bill would revise and recast those provisions by, among other things, expanding the definition of burn boss to also include a person qualified for specified positions through the National Wildfire Coordinating Group, as provided, and limiting the tribal approval condition to the approval of the governing body of a California Native American tribe. The bill would also revise and recast the definitions of cultural burn and cultural fire practitioner by, among other things, specifying that the definitions only apply to California Native American tribes.

Existing law imposes various permitting requirements and prohibitions related to prescribed burns, as provided.

This bill would authorize cultural fire practitioners to obtain approval to burn pursuant to a tribal law, ordinance, regulation, resolution, contract, agreement, or other similar mechanism adopted by a California Native American tribe within its ancestral territory. The bill would exempt those burns from those permitting requirements and related restrictions. The bill would encourage the California Native American tribe to provide advanced notice of

cultural burning approval to the Department of Forestry and Fire Protection or other agency having direct protection responsibility in the area where the cultural burn is located.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3333.8 of the Civil Code is amended to read:

3333.8. (a) The Legislature finds and declares that in order to meet fuel management goals, the state must rely on private entities to engage in prescribed burning for public benefit.

(b) Notwithstanding Sections 13009 and 13009.1 of the Health and Safety Code, no person shall be liable for any fire suppression or other costs otherwise recoverable pursuant to Section 13009 or 13009.1 of the Health and Safety Code resulting from a prescribed burn if all of the following conditions are met:

(1) The purpose of the burn is for wildland fire hazard reduction, ecological maintenance and restoration, cultural burning, silviculture, or agriculture.

(2) A ~~person certified as a burn boss pursuant to~~ *boss, as defined in paragraph (1) of subdivision (a) of Section 4477 4500* of the Public Resources ~~Code Code, has~~ reviewed and approved a written prescription for the burn that includes adequate risk mitigation measures.

(3) The burn is conducted in compliance with the written prescription.

(4) The burn is authorized pursuant to Chapter 6 (commencing with Section 4411) or Chapter 7 (commencing with Section 4461) of Part 2 of Division 4 of the Public Resources Code.

(5) The burner has a landowner's written permission or the approval of the governing body of a *California* Native American ~~Tribe~~ *tribe* to burn.

(6) The burn is conducted in compliance with any air quality permit required pursuant to Article 3 (commencing with Section 41850) of Chapter 3 of Part 4 of Division 26 of the Health and Safety Code.

(7) Cultural burns conducted by a cultural fire practitioner are exempt from paragraphs (2) and (3).

(c) This section shall not be construed to grant immunity from fire suppression or other costs otherwise recoverable pursuant to Section 13009 or 13009.1 of the Health and Safety Code to any person whose conduct constitutes gross negligence.

(d) Nothing in this section affects the ability of a private or public entity plaintiff to bring a civil action against any defendant.

(e) "Cultural burn" means the intentional application of fire to land by *California* Native American tribes, tribal organizations, or cultural fire practitioners to achieve cultural goals or objectives, including ~~subsistence,~~ *sustenance*, ceremonial activities, biodiversity, or other benefits.

(f) "Cultural fire practitioner" means a person ~~associated with~~ *recognized by* a *California* Native American tribe or tribal organization with *substantial* experience in burning to meet cultural goals or objectives, including ~~subsistence,~~ *sustenance*, ceremonial activities, biodiversity, or other benefits.

SEC. 2. Section 4002.4 of the Public Resources Code is amended to read:

4002.4. "Cultural burn" or "cultural burning" means the intentional application of fire to land by California Native American tribes, tribal organizations, or cultural fire practitioners to achieve cultural goals or objectives, including for ~~subsistence,~~ *sustenance*, ceremonial activities, biodiversity, or other benefits.

SEC. 3. Section 4002.6 of the Public Resources Code is amended to read:

4002.6. "Cultural fire practitioner" means a person ~~associated with~~ *recognized by* a California Native American tribe or tribal organization with *substantial* experience in burning to meet cultural goals or objectives, including for ~~subsistence,~~ *sustenance*, ceremonial activities, biodiversity, or other benefits.

SEC. 4. Article 4.5 (commencing with Section 4505) is added to Chapter 7 of Part 2 of Division 4 of the Public Resources Code, to read:

Article 4.5. Cultural Burn Approval

4505. Cultural fire practitioners may obtain approval for a cultural burn pursuant to a tribal law, ordinance, regulation, resolution, contract, agreement, or other similar mechanism adopted by a California Native American tribe within its ancestral territory. If such tribal approval for a cultural burn is obtained, no other permit is required, including pursuant to Article 3 (commencing with Section 4491) of this chapter and Article 3 (commencing with Section 41850) of Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and the related restrictions for burning under permit in Article 2 (commencing with Section 4421) of Chapter 6 of this part shall not apply to the cultural burn. The California Native American tribe is encouraged to provide advanced notice of cultural burning approval to the department or other agency having direct protection responsibility in the area where the cultural burn is located.

4506. For purposes of this article, "ancestral territory" means the area over which a California Native American tribe exercises jurisdiction pursuant to its constitution.



SB-926 Prescribed Fire Liability Pilot Program: Prescribed Fire Claims Fund. (2021-2022)

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Date Published: 09/28/2022 02:00 PM

Senate Bill No. 926

CHAPTER 606

An act to add and repeal Section 1063.19 of the Insurance Code, and to amend the heading of Article 4.4 (commencing with Section 4500) of Chapter 7 of Part 2 of Division 4 of, to add Section 4503 to, to repeal Article 4.4 (commencing with Section 4500) of Chapter 7 of Part 2 of Division 4 of, and to repeal and add Section 4500 of, the Public Resources Code, relating to fire prevention, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 926, Dodd. Prescribed Fire Liability Pilot Program: Prescribed Fire Claims Fund.

Existing law authorizes a person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area to apply to the Department of Forestry and Fire Protection (CalFire) for permission to utilize prescribed burning for specified public purposes. Existing law requires, on or before January 1, 2020, the Forest Management Task Force, or its successor entity, in coordination with the Department of Insurance, to develop recommendations for the implementation of an insurance pool or other mechanism for prescribed burn managers that reduces the cost of conducting prescribed fire while maintaining adequate liability protection for lives and property when conducting prescribed burns.

This bill would delete the provision requiring the task force to develop recommendations for the implementation of an insurance pool or other mechanisms for prescribed burn managers. The bill would establish, until January 1, 2028, the Prescribed Fire Liability Pilot Program, to be administered by CalFire, to increase the pace and scale of the use of prescribed fire and cultural burning, as defined, and to reduce barriers for conducting prescribed fires and cultural burning. The bill would create the Prescribed Fire Claims Fund in the State Treasury to support coverage for losses from prescribed fires and cultural burning by nonpublic entities, such as cultural fire practitioners, private landowners, and nongovernmental entities. The bill would require that, upon order of the Department of Finance, the \$20,000,000 appropriated to CalFire by the Legislature in the Budget Act of 2021 be transferred into the fund, and would provide that all moneys deposited or transferred into the fund be continuously appropriated to CalFire for these purposes. By providing for the continuous appropriation of fund moneys to CalFire, this bill would create an appropriation. The bill would authorize CalFire to contract with any entity, including another state agency, such as the California Insurance Guarantee Association, to administer or assist in administering the fund, including managing and operating the fund, adjusting claims made pursuant to the fund, and paying claims from the fund, as provided. The bill would require CalFire to collaborate with other relevant state agencies, cultural fire practitioners, and burn bosses to establish guidelines governing the program

and the administration of the fund and would prescribe minimum requirements for those guidelines. The bill would limit the state's liability for all claims for covered losses established pursuant to the program and the guidelines adopted by CalFire to the amount in the fund.

Existing law creates the California Insurance Guarantee Association (CIGA) and requires all insurers admitted to transact specified insurance lines in this state to become members. Under existing law, CIGA pays and discharges covered claims, which are the obligations of an insolvent insurer that meet specified requirements. Existing law requires CIGA to operate pursuant to a plan of operations, and subjects that plan and its amendments to prior written approval of the Insurance Commissioner.

This bill would authorize CIGA, until January 1, 2028, to administer the Prescribed Fire Claims Fund, subject to prior written approval by the commissioner. The bill would grant CIGA the authority to handle losses arising from prescribed fires and cultural burning that are supported by the fund if the commissioner grants approval and CalFire contracts with CIGA for that purpose. The bill would limit the state's and CIGA's liability for losses arising from prescribed fires and cultural burning that are supported by the fund and associated costs to the amount in the fund.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1063.19 is added to the Insurance Code, to read:

1063.19. (a) The association may administer the Prescribed Fire Claims Fund established by Section 4500 of the Public Resources Code, subject to prior written approval by the commissioner. The association shall seek the commissioner's approval by amending the association's plan of operations in accordance with Section 1063.

(b) Upon approval by the commissioner and if contracted to administer the Prescribed Fire Claims Fund by the Department of Forestry and Fire Protection on the department's behalf, the association is authorized to administer or assist in administering the Prescribed Fire Claims Fund consistent with Section 4500 of the Public Resources Code. The association shall not settle or adjust any claims to the fund while seeking to subrogate against the fund.

(c) The state, the association, the association's member insurers, and officers, directors, agents, and employees of the association or its member insurers shall not be liable for claims for losses described in Section 4500 of the Public Resources Code in excess of the amount in the Prescribed Fire Claims Fund or for the costs of administration, loss adjustment, investigation, and defenses relating to those claims in excess of the amount in the fund.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2028, deletes or extends that date.

SEC. 2. The heading of Article 4.4 (commencing with Section 4500) of Chapter 7 of Part 2 of Division 4 of the Public Resources Code is amended to read:

Article 4.4. Prescribed Fire Liability Pilot Program

SEC. 3. Section 4500 of the Public Resources Code is repealed.

SEC. 4. Section 4500 is added to the Public Resources Code, to read:

4500. (a) For purposes of this section, the following terms have the following meanings:

(1) "Burn boss" means either of the following:

(A) A person certified pursuant to Section 4477 to conduct prescribed burning operations and to enter into contracts related to prescribed burning operations.

(B) A person qualified for the National Wildfire Coordinating Group position title of "Prescribed Fire Burn Boss Type 1" or "Prescribed Fire Burn Boss Type 2."

(2) "Cultural burn" has the same meaning as set forth in Section 3333.8 of the Civil Code.

(3) "Cultural fire practitioner" has the same meaning as set forth in Section 3333.8 of the Civil Code.

(4) "Fund" means the Prescribed Fire Claims Fund established pursuant to subdivision (c).

(5) "Program" means the Prescribed Fire Liability Pilot Program established pursuant to subdivision (b).

(b) The Prescribed Fire Liability Pilot Program is hereby established, to be administered by the department, to increase the pace and scale of the use of prescribed fire and cultural burning and to reduce barriers for conducting prescribed fires and cultural burning.

(c) (1) (A) The Prescribed Fire Claims Fund is hereby created in the State Treasury to support coverage for losses from prescribed fires and cultural burning by nonpublic entities, such as cultural fire practitioners, private landowners, and nongovernmental entities. The moneys in the fund shall be under the control of the department, and the department, or the third-party administrator with whom the department contracts pursuant to subdivision (d), is authorized to direct payments for claims from the fund, consistent with this section and the guidelines adopted by the department pursuant to subdivision (e).

(B) Upon order of the Department of Finance, the amount in Item 3540-102-0001 of the Budget Act of 2021 (Chapter 240 of the Statutes of 2021) shall be transferred into the fund.

(C) Notwithstanding Section 13340 of the Government Code or any other law, all moneys deposited or transferred into the fund, including pursuant to subparagraph (B), shall be continuously appropriated, without regard to fiscal years, to the department for purposes of this section.

(2) (A) Except as provided in subparagraph (B), notwithstanding any other law, the Controller may use moneys in the fund for cash flow loans to the General Fund as provided in Sections 16310 and 16381 of the Government Code. Interest shall be paid on all moneys loaned to the General Fund and shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund.

(B) This paragraph does not authorize any transfer that would interfere with the department's ability to carry out the purposes of this section.

(d) (1) The department may contract with any entity, including another state agency, to serve as a third-party administrator to administer or to assist in administering the fund, including, but not limited to, managing and operating the fund, adjusting claims made to the fund, and paying claims from the fund. Subject to prior written approval by the Insurance Commissioner pursuant to Section 1063.19 of the Insurance Code, the California Insurance Guarantee Association may serve as a third-party administrator of the fund. Participation by the California Insurance Guarantee Association shall be governed by the Insurance Commissioner's authority over its Plan of Operation, pursuant to Article 14.2 (commencing with Section 1063) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

(2) A third-party administrator with whom the department contracts pursuant to this subdivision, including the California Insurance Guarantee Association, is prohibited from settling or adjusting any claims to the fund while seeking to subrogate against the fund.

(3) (A) Notwithstanding any other law, advertising, competitive bidding, and protest requirements, and the requirement for Department of General Services approval, do not apply to a contract of no more than three years entered into by the department in the 2022-2023 fiscal year with a third-party administrator pursuant to this subdivision. However, subsequent contracts shall be awarded in accordance with applicable state laws and policies.

(B) In the event that a third-party administrator with whom the department contracts with pursuant to this subdivision, including the California Insurance Guarantee Association, is prohibited by law from settling or adjusting any claims to the fund as a result of seeking to subrogate against the fund, the department may award a contract to a new third-party administrator for the limited purpose of settling and adjusting those claims only and that contract shall not be subject to existing advertising, competitive bidding, and protest requirements, or the requirement for Department of General Services approval.

(e) The department shall collaborate with other relevant state agencies, cultural fire practitioners, and burn bosses to establish guidelines governing the program and the administration of the fund, including the payment of claims from the fund. The guidelines shall include, at a minimum, all of the following requirements:

(1) An eligible claim shall relate to either of the following:

(A) A prescribed fire conducted or supervised by a burn boss.

(B) A cultural burn conducted or supervised by a cultural fire practitioner.

(2) A claim shall not be paid from the fund unless, at a minimum, all of the following conditions are met:

(A) The department reviewed and approved a burn plan before the prescribed fire or cultural burning.

(B) A burn permit, if required, and all other permits required to conduct the prescribed fire or cultural burn were obtained.

(C) The department determines that the prescribed fire or cultural burn complied with, as applicable, the terms and conditions of all burn plans, burn permits, and other permits required to conduct the prescribed fire or cultural burn.

(3) The maximum amount the fund shall pay for losses arising from any one prescribed fire or cultural burn event is two million dollars (\$2,000,000). For purposes of this paragraph, "losses arising from any one prescribed fire or cultural burn event" means all activities conducted pursuant to any one burn plan and, if required, burn permit.

(f) The department shall post the guidelines established pursuant to subdivision (e) on its internet website.

(g) Notwithstanding any other law, the state's liability for all claims for covered losses established pursuant to this section and the guidelines developed by the department pursuant to subdivision (e) shall be limited as described in this section and to the amount in the fund.

(h) The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to the guidelines developed by the department pursuant to subdivision (e) and used by the department or a third-party administrator with whom the department contracts pursuant to subdivision (d) to implement the program and to administer the fund.

(i) A person engaging with a Native American tribe, tribal organization, or cultural fire practitioner pursuant to this article shall respect tribal sovereignty, customs, and culture.

SEC. 5. Section 4503 is added to the Public Resources Code, to read:

4503. This article shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2028, deletes or extends that date.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect life and property, and increase the number of controlled burns in high wildfire threat areas, by immediately operationalizing the Prescribed Fire Claims Fund to support coverage for losses from prescribed fires and cultural burns by nonpublic entities, such as cultural fire practitioners, private landowners, and other nongovernmental entities, it is necessary for this act to take effect immediately.



AB-953 Coastal resources: voluntary vessel speed reduction and sustainable shipping program. (2023-2024)

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CALIFORNIA LEGISLATURE—2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 953

Introduced by Assembly Members Connolly and Hart

February 14, 2023

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as introduced, Connolly. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before May 1, 2025, in coordination with various entities, including the State Air Resources Board, to develop and implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to include specified components, including, upon an appropriation by the Legislature, financial incentives to program participants based on a percentage of distance traveled by a participating vessel through a vessel speed reduction zone, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California's seaports are North America's primary intermodal gateway to Asia and Transpacific trade. Maritime industry activities at California's public seaports are responsible for employing more than 500,000 people in the state. Nationwide, more than 2,000,000 jobs are linked to maritime industry business conducted at California's public seaports, contributing to California having the largest state economy in the United States.

(b) Every year, the world's largest container ships and auto carriers make thousands of transits along the California coast, with an estimated 120 tons per day of nitrogen dioxides, an ozone precursor, being emitted within 100 nautical miles of the coast. These emissions negatively affect the public health of coastal communities and cause some areas of the coast to be in nonattainment with the national ambient air quality standards for ozone and particulate matter.

(c) Since 2014, the Santa Barbara Air Pollution Control District, Ventura County Air Pollution Control District, and the Bay Area Air Quality Management District, with the federal Office of National Marine Sanctuaries, marine sanctuary foundations, and environmental groups, have administered and promoted the Blue Whales and Blue Skies Program, a voluntary vessel speed reduction program off the Santa Barbara, Ventura, and Bay Area coast to encourage transit speeds of 10 knots or less to reduce air pollution, the risk of harmful whale strikes, and the level of ocean noise.

(d) Since its inception, through 2021, the Blue Whales and Blue Skies Program has provided small incentives and publicity to program participants and has achieved 536,211 slow speed miles, a reduction of over 76,000 tons of nitrogen oxides, and an estimated 50 percent decreased risk of whale strikes during prime migration season in the affected coastal areas.

(e) This highly cost effective voluntary pollution reduction program benefits public health, protects the marine ecosystem, and showcases the beneficial partnership between shipping companies, public health agencies, marine sanctuaries, and environmental organizations.

(f) Creation of a statewide vessel speed reduction program and expansion to other areas of the California coast, including the San Diego and Monterey coasts and the North Coast, would yield additional public health and ecosystem benefits.

SEC. 2. Section 35618 is added to the Public Resources Code, to read:

35618. (a) On or before May 1, 2025, the council shall, in coordination with air pollution control districts and air quality management districts along the coast and in consultation with the federal Office of National Marine Sanctuaries, the federal Environmental Protection Agency, the United States Navy, and the State Air Resources Board, develop and implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

(b) The program shall build upon any existing local voluntary incentive programs and shall include all of the following components:

(1) A marketing and brand ambassador program to promote voluntary vessel speed reduction and sustainable shipping, and an acknowledgment of the program's participants.

(2) Data collection on ship speeds along the California coast in order to analyze the program for future refinement, expansion, or both.

(3) Data collection on underwater acoustic impacts or fatal vessel strikes on whales, to the extent data is available.

(4) Data collection and consideration of the regional air quality impacts on the coast and the local air quality and other environmental impacts to disadvantaged communities from oceangoing vehicle traffic.

(5) Financial incentives to program participants based on a percentage of distance traveled by a participating vessel through a vessel speed reduction zone established at 10 knots or less, to the extent that local, state, or federal funding is made available pursuant to an appropriation by the Legislature.

(c) The council may impose additional qualifying criteria on program participants in order to receive financial incentives under the program, including, but not limited to, individual transit speeds, such as maximum speed in transit or maximum transit average speed.

(d) The council shall provide financial incentives pursuant to this section upon appropriation by the Legislature.

(e) (1) On or before December 31, 2026, the council shall submit a report to the Legislature regarding the implementation of the program.

(2) The report required in paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(3) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting a report imposed by paragraph (1) is inoperative on December 31, 2030.

Agenda Item: 12

Board Member Reports

Agenda Item: 13

Adjournment