

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



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

Thursday, September 12, 2024 at 10:00 a.m.,  
NCUAQMD District Office  
707 L Street, Eureka, CA 95501

**AGENDA**

- |    |                                       |                    |
|----|---------------------------------------|--------------------|
| 1. | <b>10:00 a.m. Call to Order</b>       | <b>Board Chair</b> |
| 2. | <b>Roll Call</b>                      | <b>Clerk</b>       |
| 3. | <b>Changes or Deletions to Agenda</b> | <b>Board Chair</b> |

**CONSENT AGENDA**

- |     |  |                    |
|-----|--|--------------------|
| 4.  | <b>Consider Approving the Consent Agenda, Items for action, 4.1 through 4.3:</b> The Board may approve the Consent Agenda by single motion in whole or in part with or without further discussion.<br><u>Action Requested:</u> Approve Consent Agenda Items 4.1 through 4.3. | <b>Board Chair</b> |
| 4.1 | By Consent, Approve Minutes of July 18, 2024 Board Meeting   |                    |
| 4.2 | By Consent, Accept and File District Activity Report   |                    |
| 4.3 | By Consent, Approve Renewal of Legal Services Contract with Nancy Diamond  |                    |

## REGULAR AGENDA

- |     |  |             |
|-----|--|-------------|
| 5.  | <b>Public Comment Period</b> (pursuant to Government Code section 54954.3(a))  | Board Chair |
| 6.  | <b>FPPC Conflict of Interest Code</b><br><u>Action Requested:</u> Approve Filing of “No Change” for District Conflict of Interest Code | APCO        |
| 7.  | <b>Appoint District Hearing Board Members</b><br><u>Action Requested:</u> Appoint District Hearing Board Member                        | APCO        |
| 8.  | <b>Closed Session: Conference with Legal Counsel - Anticipated Litigation, one case</b><br>Government Code Section 54956.9             | APCO        |
| 9.  | <b>APCO Report</b>   | APCO        |
| 10. | <b>Board Member Reports</b>  | Board Chair |
| 11. | <b>Adjournment</b>   | 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  
July 18, 2024**

The meeting was called to order by Vice-Chair Dan Frasier at 10:00 a.m. 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
Mike Wilson	Humboldt County Supervisor

**MEMBERS ABSENT:**

Chris Howard	Del Norte County Supervisor
Alexandra Stillman	City of Arcata Councilmember

**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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**Agenda Item 1: Call to Order**

**Agenda Item 2: Roll Call**

**Agenda Item 3: Changes or Deletions to the Agenda**

**Agenda Item 4: Consider Approving the Consent Agenda**

4.1: Approve Minutes of the May 16, 2024 Board Meeting

4.2: By Consent, Accept and File District Activity Report



A motion offered by Supervisor Bohn duly seconded by Councilmember Wilson to Adopt Consent Agenda Items 4.1-4.2, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 18<sup>th</sup> day of July 2024, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes: Supervisor Bohn, Supervisor Frasier, and Supervisor Wilson (3)  
Nays: None (0)  
Abstain: None (0)  
Absent: Supervisor Howard and Councilmember Stillman (2)

There was no public comment.

### **Agenda Item 5: Public Comment Period**

There was no public comment.

### **Agenda Item 6: Appoint District Hearing Board Members**

The Board was presented with the resumes Staff had received during the open solicitation for Hearing Board members. The Board reviewed the materials and discussed appointments.

Positions were appointed as follows:

- Attorney - Paul Hagen
- Engineer Alternate - Iver Skavdal
- Public Member Alternate – Netra Kharti

A motion offered by Supervisor Bohn duly seconded by Supervisor Wilson to Appoint Hearing Board Members As Discussed In Open Session, is hereby APPROVED by the North Coast Unified Air Quality Management District Board of Directors on this 18<sup>th</sup> day of July 2024, by the following votes:

UNANMIOUS PASS by the following vote:

Ayes: Supervisor Bohn, Supervisor Frasier, and Supervisor Wilson (3)  
Nays: None (0)  
Abstain: None (0)  
Absent: Supervisor Howard and Councilmember Stillman (2)

There was no public comment.

### **Agenda Item 7 Public Hearing: Closed Session: Conference with Legal Counsel - Anticipated Litigation, one case**

The Board adjourned to Closed Session at 10:19 a.m. and reconvened at 10:54 a.m. There was no Report Out from Closed Session

**Agenda Item 8: APCO Report**

The APCO provided a report on the following:

- Wildfire Smoke Impacts – 2024 Season
- Humboldt Bay Harbor, Recreation and Conservation District projects
- District hosted trainings for Local Gas Station Company Staff
- District Support of AB2522 – Compensation of Governing Boards
- District Staffing Changes

There was no public comment.

**Agenda Item 9: Board Member Reports**

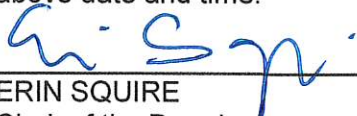
There were not Board Member reports.

**Agenda Item 10: Adjournment**

The Governing Board Meeting was adjourned at 11:03 a.m.

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.

  
ERIN SQUIRE  
Clerk of the Board

July 25, 2024  
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  
(707) 443-3093  
[www.ncuagmd.org](http://www.ncuagmd.org)



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** District Activity & Air Quality Monitoring Report

**DATE:** September 12, 2024

**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 an air quality monitoring report for the most recent period.

## 2024 Activity Report

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD Totals	2023 Totals
<b>Complaint Responses - General</b>	1	1	1	10	12	5	3	0					33	37
<b>Complaint Responses - Open Burning</b>	4	8	12	22	15	13	7	0					81	195
<b>Permissive Burn Days</b>	31	29	31	30	31	30	0	13					195	346
<b>Non-Permissive Burn Days ("No Burn Day")</b>	0	0	0	0	0	0	31	18					49	19
<b>Permissive Burn Days (%)</b>	100%	100%	100%	100%	100%	100%	0%	42%					80%	95%
<b>Standard (Residential) Burn Permits Issued</b>	437	238	243	327	196	20	10	14					1,485	2,631
<b>Non-Standard Burn Permits Issued</b>	440	233	222	290	153	78	7	15					1,438	2,634
<b>"No Burn Day" Permits Issued</b>	0	0	0	0	0	0	0	0					0	0
<b>Smoke Management Plans (SMP) Reviewed</b>	13	6	5	4	5	1	2	3					39	111
<b>SMP Burn Authorizations Issued</b>	141	76	155	102	21	23	0	1					519	1,114
<b>Acres Authorized</b>	2,062	427	252	326	21	137	0	1					3,226	13,297
<b>Stationary Source Permits Issued (new)</b>	0	0	3	3	7	5	6	1					25	67
<b>Stationary Source Permits Issued (amended)</b>	0	0	0	0	1	1	0	0					2	13
<b>Stationary Source Permit Apps. Received</b>	4	5	4	5	4	8	4	3					37	62
<b>Stationary Source De minimus Determination</b>	2	2	1	2	1	1	0	0					9	6
<b>Inspections - Major Sources</b>	1	1	4	3	1	1	0	3					14	15
<b>Inspections - Minor Sources</b>	51	59	22	26	58	29	41	31					317	495
<b>Inspections - Mobile Sources</b>	1	3	1	4	3	1	7	0					20	1
<b>Inspections - Asbestos</b>	1	0	2	0	0	0	1	1					5	2
<b>Asbestos Notifications Processed</b>	8	4	3	8	17	9	16	9					74	73
<b>Notice(s) of Violation (NOVs) Issued</b>	1	5	2	11	2	4	4	0					29	122
<b>Environmental Documents Reviewed</b>	4	5	10	12	15	15	12	10					83	34
<b>Grants Paid: Woodstove</b>	0	0	0	0	0	0	0	0					0	2
<b>Grants Paid: Moyer</b>	0	1	0	1	1	0	0	0					3	2
<b>Grants Paid: FARMER</b>	0	0	0	0	0	0	0	0					0	0
<b>Grants Paid: Rural School Bus</b>	3	3	1	12	0	0	0	2					21	21
<b>Public Records Requests Received</b>	6	5	5	4	5	2	4	2					33	58

# NCUAQMD Air Quality Monitoring Report

September 2024

The following information summarizes ambient air quality data with respect to applicable State and Federal Ambient Air Quality Standards (AAQS) for the period of April and May 2024.

## Air Monitoring Data Summary

### PM<sub>10</sub> AAQS:

- 1) State PM<sub>10</sub> 24-hour AAQS -
  - No exceedances were recorded during this period.
- 2) Federal PM<sub>10</sub> 24-hour AAQS -
  - No exceedances were recorded during this period.

### PM<sub>2.5</sub> AAQS:

- 1) State PM<sub>2.5</sub> 24-hour AAQS -
  - No exceedances were recorded during this period.
- 2) Federal PM<sub>2.5</sub> 24-hour AAQS –
  - No exceedances were recorded during this period.
- 3) January through May data is included in this data set.

### Gaseous Pollutant AAQS:

- a) Ozone (O<sub>3</sub>) -
  - There were no State or Federal AAQS exceedances recorded during this period.
- b) Nitrogen Dioxide (NO<sub>2</sub>) -
  - There were no State or Federal AAQS exceedances recorded during the period.
- c) Sulfur Dioxide (SO<sub>2</sub>) -
  - There were no State or Federal AAQS exceedances recorded during the period.

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

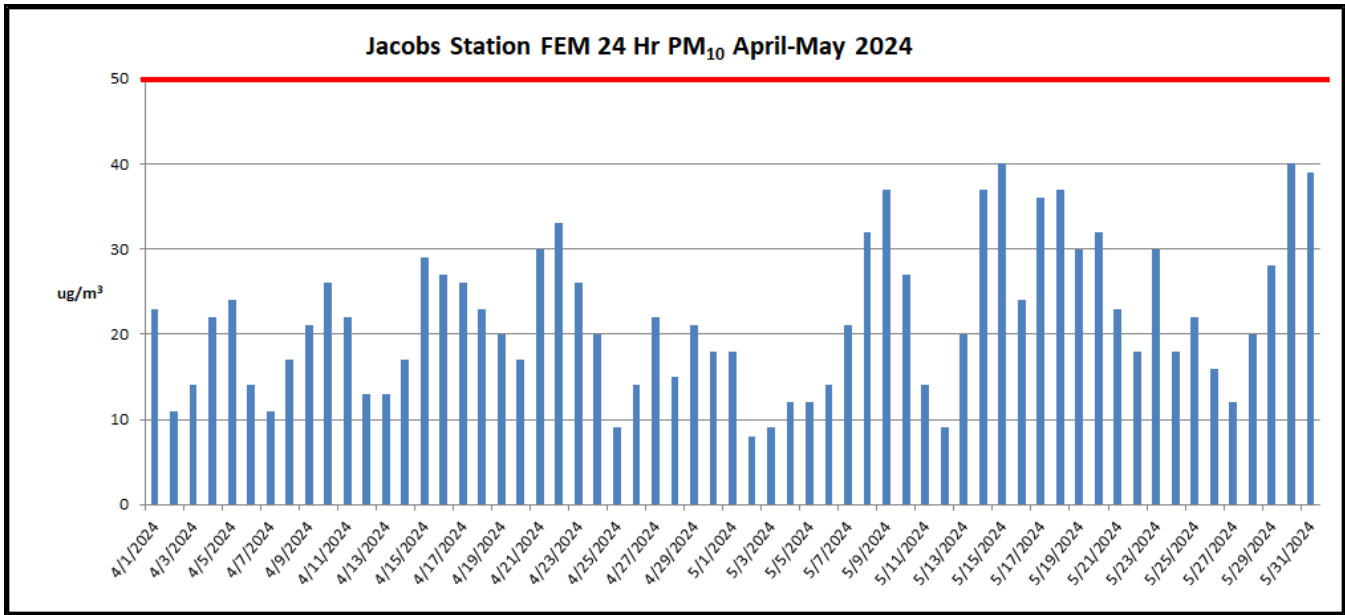
(Excluding data which is undergoing Exceptional Event Exclusion Determination)

Period of April-May 2024	Air Monitoring Station		
	Jacobs	Crescent City	Weaverville
<b>PM<sub>10</sub> 24-hour Average Max</b>	80%	N/A	N/A
<b>PM<sub>10</sub> Rolling Arithmetic Mean</b> (June 2023-May 2024)	85%	N/A	N/A
<b>PM<sub>2.5</sub> 24-hour Average (FRM) Max</b> (January 2024-May 2024)	40%	N/A	N/A
<b>PM<sub>2.5</sub> Rolling Arithmetic Mean (FRM)</b> (June 2023-May 2024)	56%	N/A	N/A
<b>PM<sub>2.5</sub> 24-hour Average (Non-FEM) Max</b>	N/A	49%*	23%*
<b>PM<sub>2.5</sub> Rolling Arithmetic Mean (non-FEM)</b> (June 2023-May 2024)	N/A	68%*	73%*

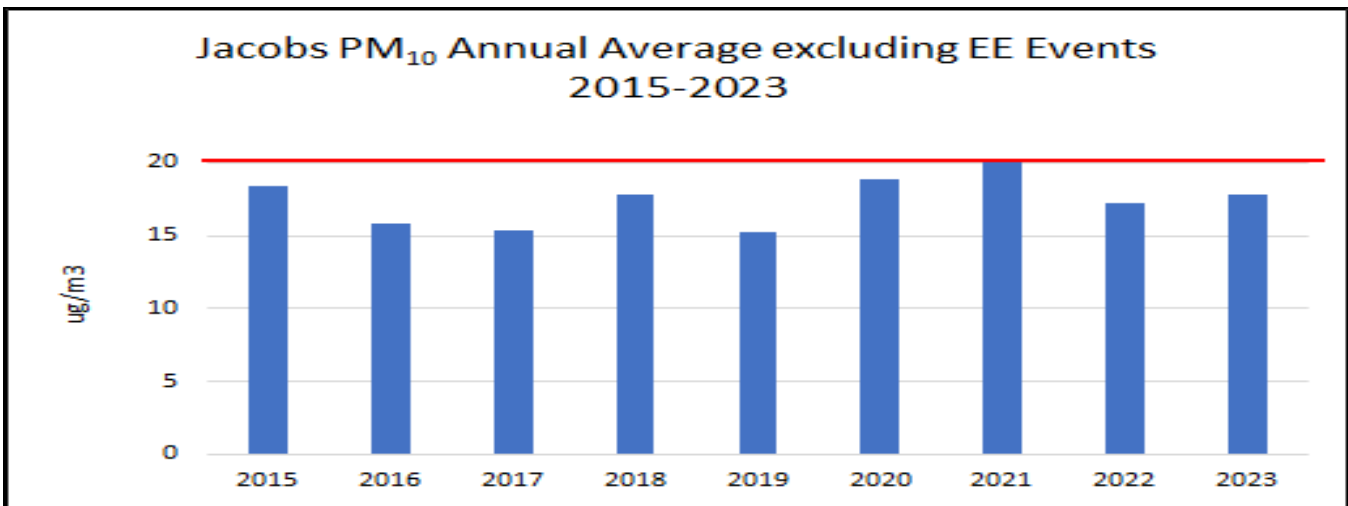
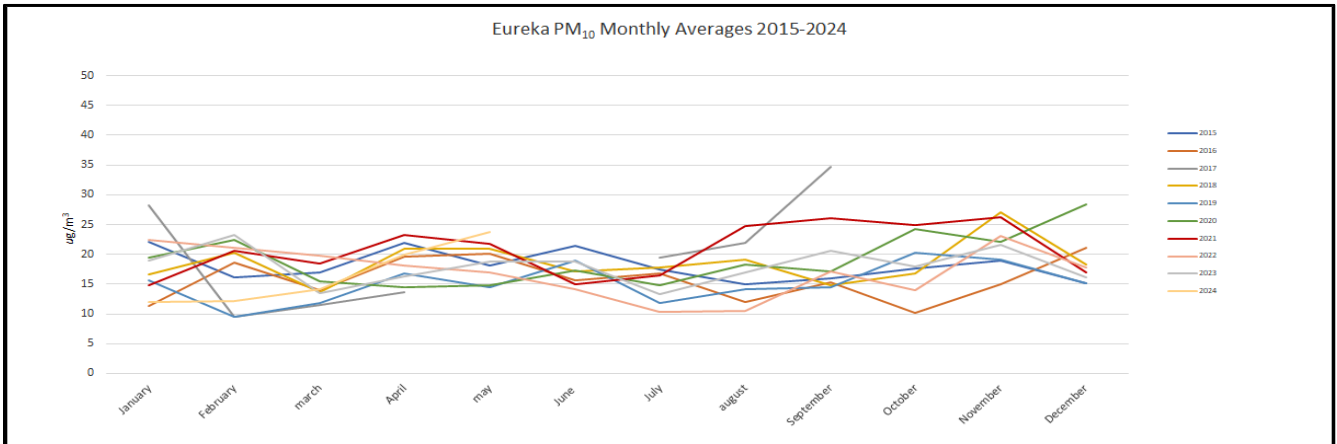
\* Instrument not used for Federal Attainment Designation

**PM<sub>10</sub> Data and Trends:**

**Eureka, Humboldt County**



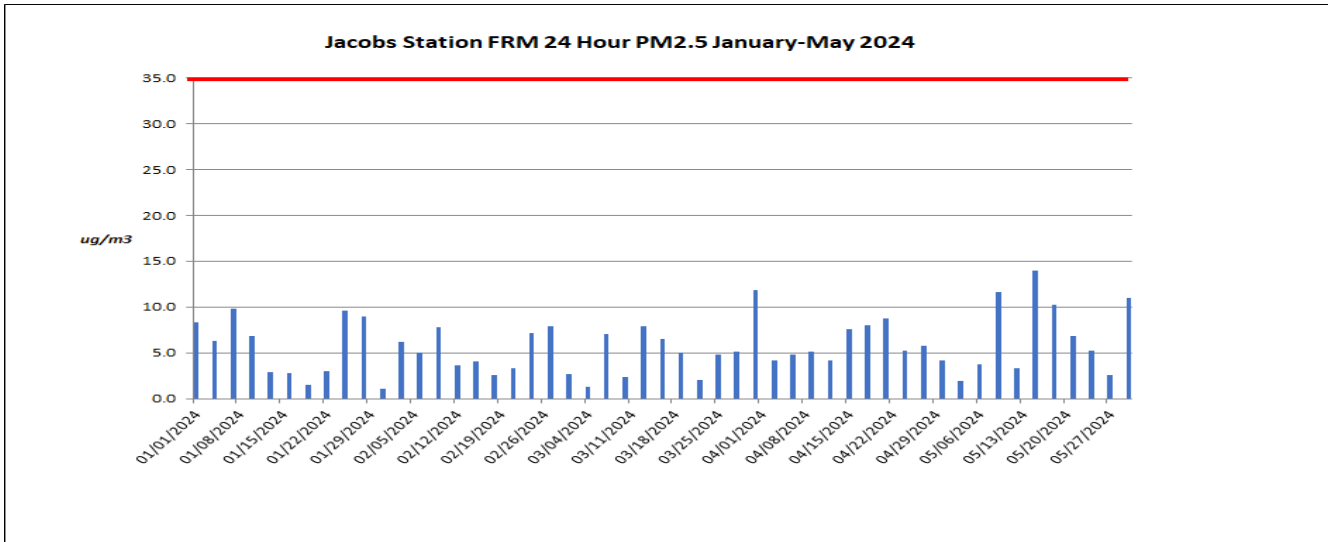
- State PM<sub>10</sub> 24-Hour AAQS is 50 ug/m<sup>3</sup>; Federal PM<sub>10</sub> 24-Hour AAQS is 150 ug/m<sup>3</sup>.
- State and Federal PM<sub>10</sub> Annual Arithmetic Mean AAQS is 20 ug/m<sup>3</sup>.
- Humboldt County is classified as non-attainment for the State PM<sub>10</sub> AAQS.



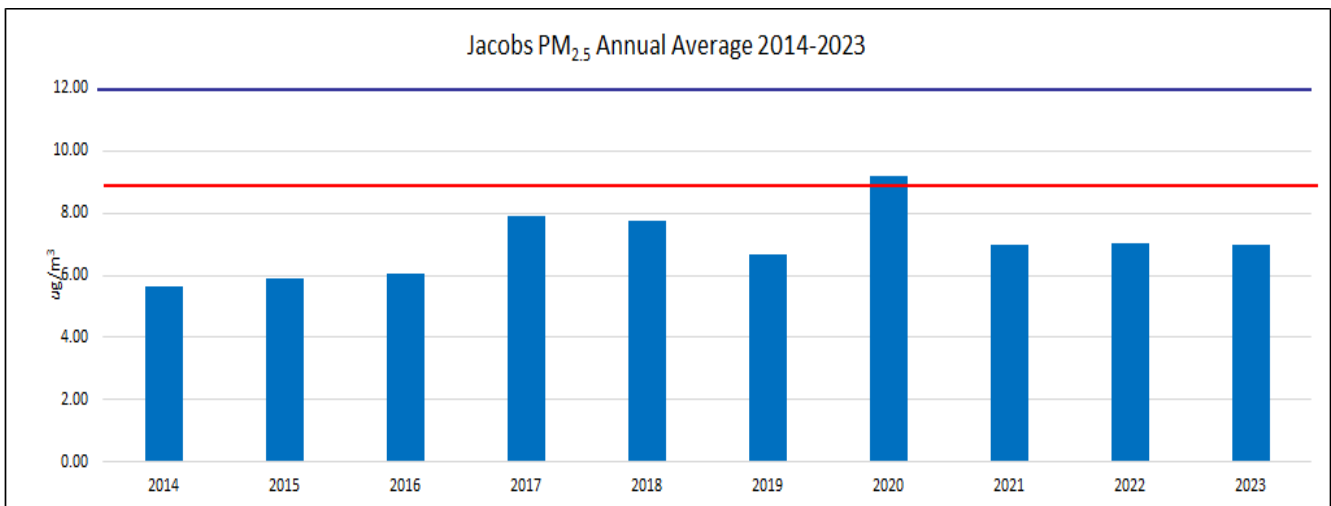
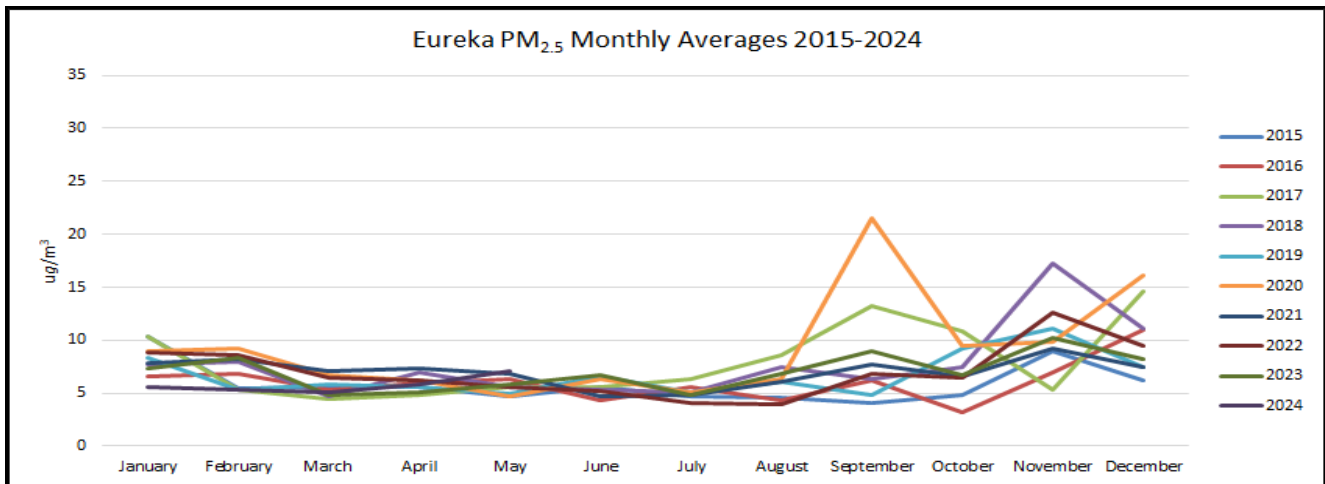
- State PM<sub>10</sub> Annual Arithmetic Mean AAQS is 20 ug/m<sup>3</sup>; There is no separate Federal PM<sub>10</sub> annual standard.

PM2.5 Data and Trends:

**Eureka, Humboldt County**



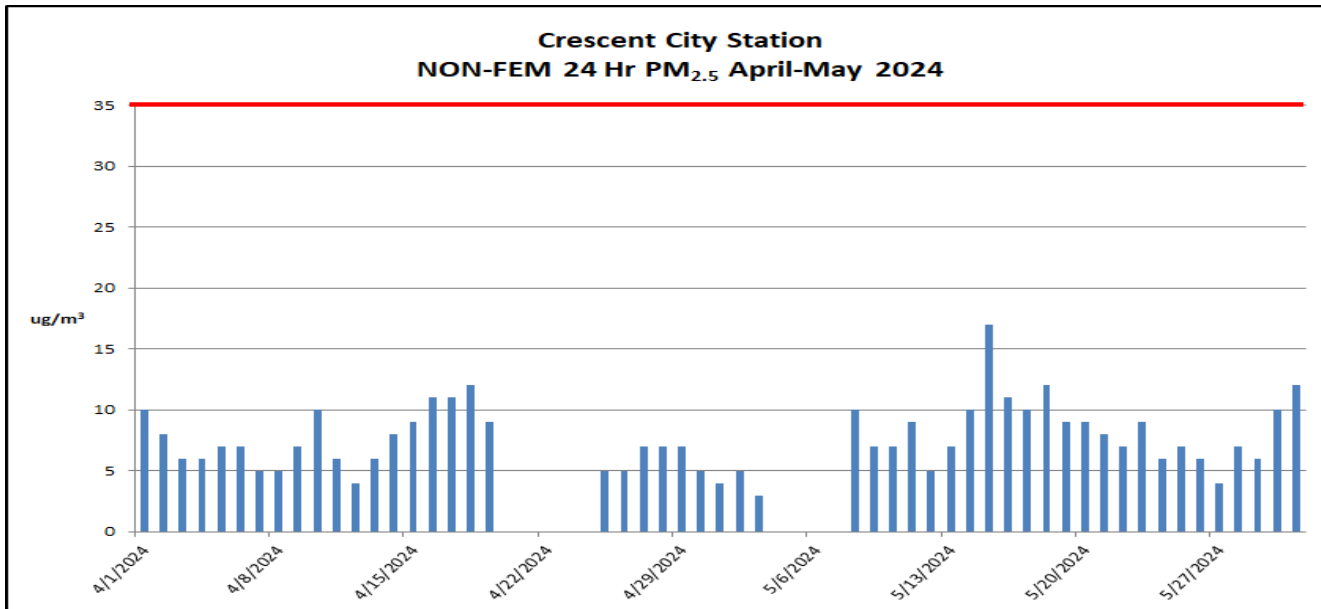
- Federal PM<sub>2.5</sub> 24-Hour AAQS is 35  $\mu\text{g}/\text{m}^3$ ; There is no separate State PM<sub>2.5</sub> 24-Hour standard



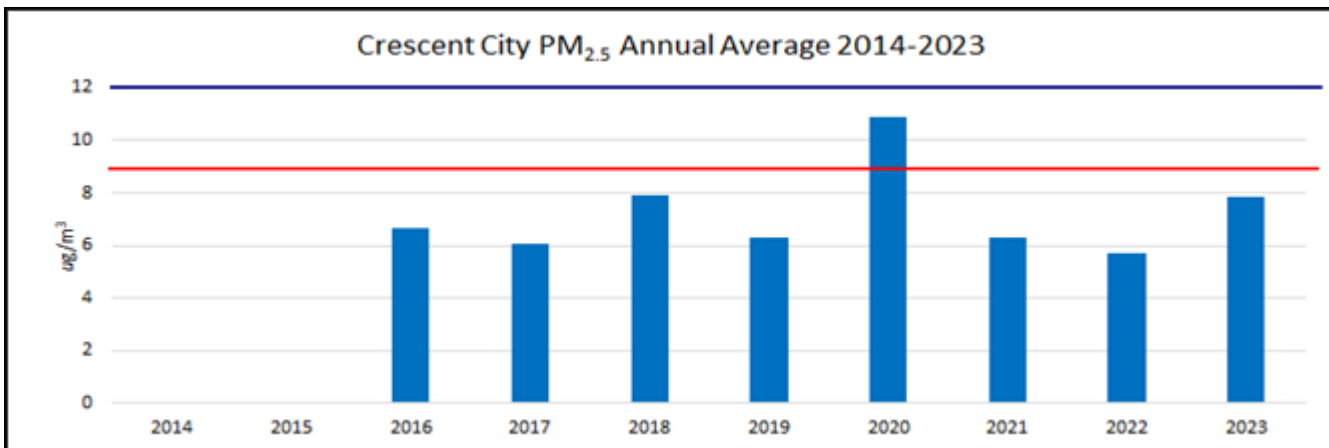
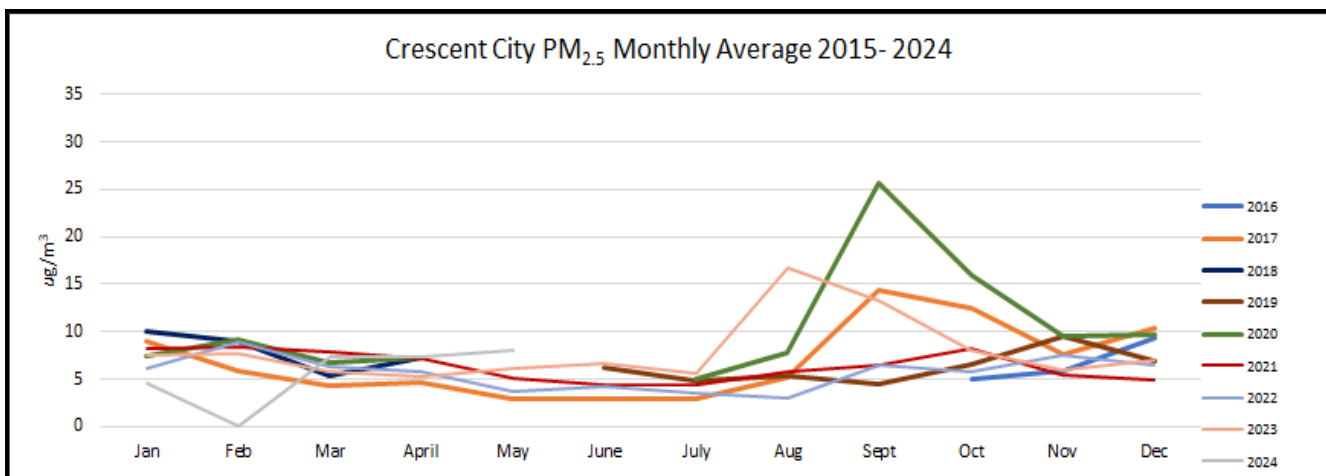
- State PM<sub>2.5</sub> Annual Arithmetic Mean AAQS is 12  $\mu\text{g}/\text{m}^3$ ;
- Federal PM<sub>2.5</sub> Annual Standard changed from 12 to 9  $\mu\text{g}/\text{m}^3$  in February of 2024.



## Crescent City, Del Norte County

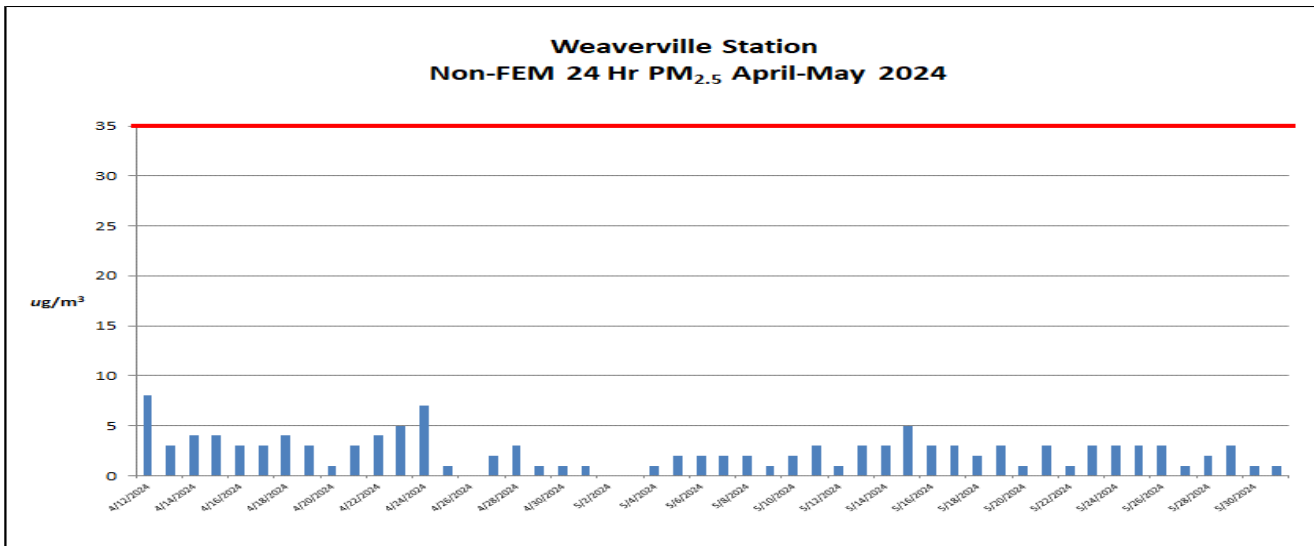


- Federal PM<sub>2.5</sub> 24-Hour AAQS is 35 ug/m<sup>3</sup>; There is no separate State PM<sub>2.5</sub> 24-Hour standard
- This monitor is not used for attainment decisions.

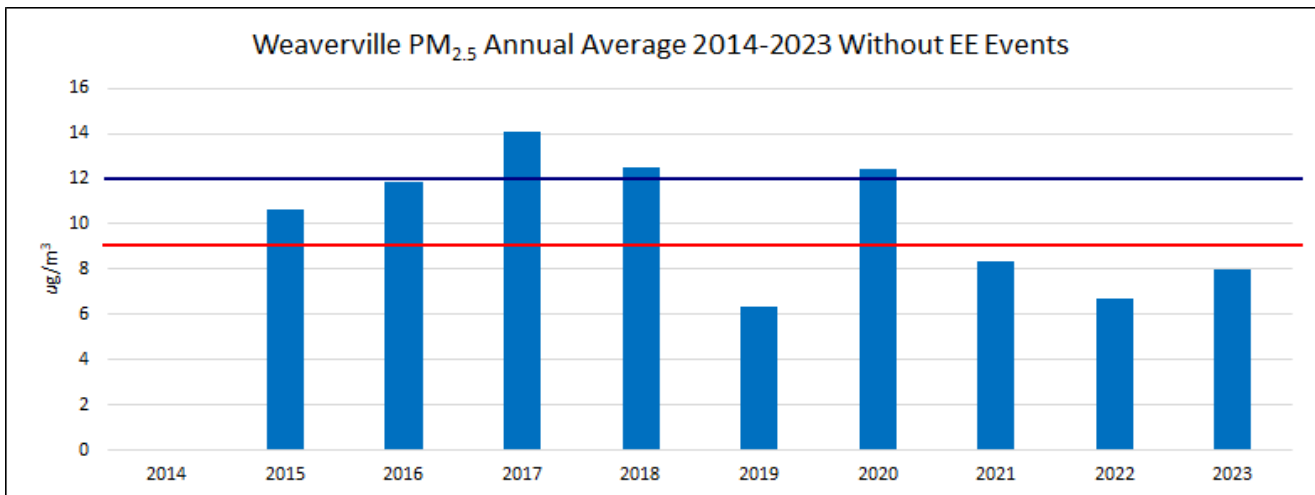
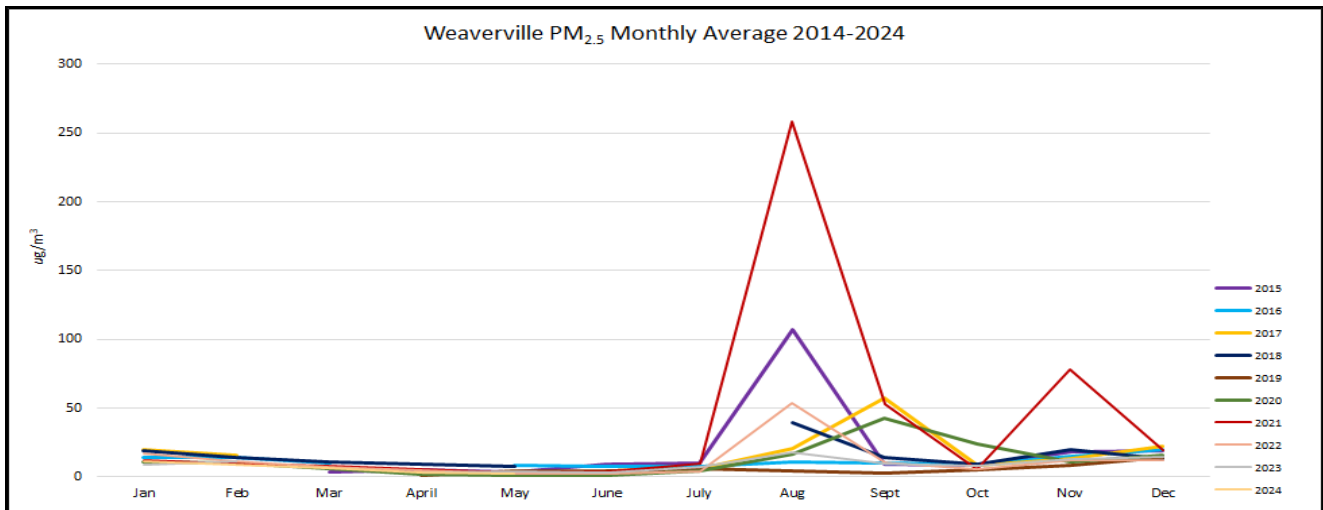


- State PM<sub>2.5</sub> Annual Arithmetic Mean AAQS is 12 ug/m<sup>3</sup>; Federal PM<sub>2.5</sub> annual standard is 9ug/m<sup>3</sup>
- Federal PM<sub>2.5</sub> Annual Standard changed from 12 to 9ug/m<sup>3</sup> in February of 2024.
- This monitor is not used for attainment decisions.

## Weaverville, Trinity County



- Federal PM<sub>2.5</sub> 24-Hour AAQS is 35 ug/m<sup>3</sup>; There is no separate State PM<sub>2.5</sub> 24-Hour standard.
- This monitor is not used for attainment decisions.



- State PM<sub>2.5</sub> Annual Arithmetic Mean AAQS is 12 ug/m<sup>3</sup>; The Federal PM<sub>2.5</sub> annual standard is 9 ug/m<sup>3</sup>
- Federal PM<sub>2.5</sub> Annual Standard changed from 12 to 9 ug/m<sup>3</sup> in February of 2024
- This monitor is not used for attainment decisions.

# Agenda Item: 4.3

**North Coast Unified  
Air Quality Management District**  
707 L Street, Eureka, CA 95501  
Telephone (707) 443-3093 FAX (707) 443-3099  
<http://www.ncuaqmd.org>



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** Renewal Contract for Legal Services

**DATE:** September 12, 2024

**ACTION REQUESTED:** Approve Renewal of Legal Services Contract with Nancy Diamond

**SUMMARY:**

Staff recommends that the Board approve the attached contract for legal services for District Counsel with Nancy Diamond, Esq. with the Law Offices of Nancy Diamond. The contract provided here is very similar to previous contracts for Ms. Diamond and includes an increase for legal services and paralegal services, which has not been updated since 2017 and even with the increase is still considered below what other comparable legal services would charge.

Staff strongly feels Ms. Diamond is the preferred choice to fulfill this position, as her substantial amount of experience and knowledge in the area of air quality and environmental law will continue to serve the District well. The increase in fees identified in the contract is covered in the District's FY 24-25 Budget.

**CONTRACT FOR LEGAL SERVICES  
BETWEEN  
NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT  
AND LAW OFFICES OF NANCY DIAMOND**

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**THIS CONTRACT FOR LEGAL SERVICES**, effective September 1, 2024 (“Effective Date”), is made by and between NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT, hereinafter referred to as “NCUAQMD,” and LAW OFFICES OF NANCY DIAMOND, hereinafter referred to as "Attorney."

**I. SCOPE OF SERVICES**

NCUAQMD shall retain Attorney as its General Counsel, and Attorney shall provide NCUAQMD with advice, counsel and representation in legal matters and litigation pursuant to the terms and conditions hereafter set forth. NCUAQMD hereby appoints Attorney as General Counsel of NCUAQMD. Services of Attorney are generally described as follows:

**A. Basic Legal Services:** Attorney shall provide the following basic legal services:

**1. Preparation of Documents:** Attorney shall develop, review, or comment on ordinances, resolutions, contracts, agreements and other documents at the request of the NCUAQMD Board of Directors (“Board”) or its Air Pollution Control Officer (“APCO”).

**2. Legal Advice:** Attorney shall provide NCUAQMD with advice and counsel in oral or written form pertaining to legal matters at the request of the NCUAQMD Board or APCO, including but not limited to resolutions, ordinances, claims for damages, and contracts. Attorney shall be available for consultation with NCUAQMD staff.

**B. Other Legal Services:** Attorney shall provide other legal services to NCUAQMD as follows:

**1.** Legal review of documents for audits, grant applications, and matters pertaining to funding sought or obtained from other governmental entities.

**2.** Legal advice in connection with environmental review of major projects proposed for NCUAQMD.

**3.** Legal services in connection with pending or threatened litigation, including appeals.

**4.** Legal advice and/or training to the NCUAQMD Board and staff on conflict of interest and ethics statutes, financial disclosure laws, open meetings laws and other matters to ensure compliance with statutory requirements.

**C. Litigation:** At the request of the NCUAQMD Board, Attorney shall represent NCUAQMD in litigation. "Litigation," for the purposes of this Contract, means any proceeding in any court or before any local, state or federal administrative agency including, but not limited to, the following services:

**1.** Acting as defense Attorney to fully represent NCUAQMD, its officers and employees against lawsuits filed against NCUAQMD unless said defense is provided by Attorneys engaged by NCUAQMD's insurance carriers to represent NCUAQMD, in which case Attorney shall fully cooperate with insurance Attorneys.

2. Prosecuting all legal actions as directed by the NCUAQMD Board.

**D. Meetings:** Attorney shall attend NCUAQMD Board of Director meetings. Attorney shall attend staff meetings and/or other NCUAQMD meetings when requested by the APCO or the NCUAQMD Board.

**E. Services Not Covered:** It is expressly understood and agreed that Attorney shall have no general responsibility for overseeing NCUAQMD operations; and that Attorney shall have no duty or authority to prosecute criminal violations of any law or ordinance, except as otherwise expressly provided by ordinance or resolution of the NCUAQMD Board. It is also understood and agreed that NCUAQMD may obtain legal services from time to time from other Attorneys concerning special matters.

## II. COMPENSATION AND EXPENSE REIMBURSEMENT

**A. Compensation:** NCUAQMD agrees to compensate Attorney for services and expenses incurred on NCUAQMD's behalf based on the fee schedule in Exhibit A, attached hereto and incorporated herein

**B. Travel Reimbursement:** If Attorney is requested by the NCUAQMD Board or the APCO to travel outside Humboldt County on NCUAQMD business, NCUAQMD shall reimburse Attorney for all travel expenses actually incurred, including reasonable charges for meals, lodging, mileage, airfare, taxi service, ground transportation, parking fees, bridge tolls and other similar charges. Said reimbursement will only be paid upon submission of an itemized bill and the appropriate receipts to the NCUAQMD Board.

**C. Miscellaneous:**

**1. Office Expenses:** NCUAQMD shall reimburse Attorney for all costs actually advanced by Attorney on NCUAQMD's behalf, including but not limited to long distance telephone charges, extraordinary copying charges, Fed-Ex, UPS or Overnight Mail delivery costs, Westlaw charges, charges for recordation and certification of documents and extraordinary postal expenses.

**2. Litigation Expenses:** NCUAQMD shall reimburse Attorney for all litigation expenses actually advanced by Attorney on NCUAQMD's behalf, including but not limited to court filing fees, jury fees, witness fees, deposition costs, costs of obtaining documents by subpoena, and other ordinary and necessary litigation expenses.

**D. Payment:** NCUAQMD will pay Attorney within fifteen (15) days after receipt of billing which itemizes services, time and charges.

## III. CONFLICT OF INTEREST

Attorney shall be entitled to maintain an active private law practice but will not represent private clients on claims adverse to or against NCUAQMD. Attorney's representation of NCUAQMD on any matter, including a matter that would otherwise constitute a conflict of interest shall not be deemed a conflict of interest, and NCUAQMD herewith expressly waives any such conflict.

If a former client of Attorney asserts a claim adverse to or in conflict with an interest of NCUAQMD or against NCUAQMD, and representation of NCUAQMD would pose a conflict of interest for Attorney, Attorney will promptly disclose the potential conflict to NCUAQMD Executive Director and NCUAQMD Board and assist NCUAQMD in obtaining separate legal representation acceptable to NCUAQMD.

#### **IV. ERRORS AND OMISSIONS INSURANCE**

At all times during this Contract, Attorney shall maintain a policy of professional errors and omissions insurance in the amount not less than, Two Million Dollars (\$2,000,000.00) per claim and Two Million Dollars (\$2,000,000.00) annual aggregate.

#### **V. INDEMNIFICATION**

Attorney agrees to indemnify and hold NCUAQMD harmless from any and all claims, demands, causes of action, suits and judgments advanced by any person or persons other than Attorney, whether or not meritorious, which arise in any way out of Attorney's performance of her duties under this agreement, or out of Attorney holding the office of NCUAQMD General Counsel. Attorney's duty to indemnify shall include a duty to defend NCUAQMD in any threatened or pending litigation, and to pay for or reimburse NCUAQMD for counsel fees and litigation expenses reasonably incurred in defense of suit threatened or pending litigation.

#### **VI. TERM**

This Contract is effective as of the Effective Date set forth above, and unless terminated as provided under Section VII, shall terminate one year following.

#### **VII. TERMINATION OF CONTRACT**

Either party may terminate this Contract by giving ninety (90) days' written notice to the other party. In the event of termination, Attorney shall receive compensation and reimbursement for all services rendered and expenses due at the time of termination. All law books paid for by NCUAQMD shall be returned to NCUAQMD.

#### **VIII. CONTRACT TERMS TO BE SOLE AGREEMENT**

This written Contract contains the sole and entire agreement between the parties. It supersedes any and all other agreements between the parties, including, without limitation, prior contracts for legal services, saving and excepting applicable indemnification provisions therein and any sums due and owing to Attorney for services rendered, costs or expenses incurred by Attorney under any prior contract. The parties acknowledge and agree that neither of them has made any representation with respect to the subject matter of this agreement or any representations inducing the execution and delivery thereof except such representations as are specifically set forth herein; and each party acknowledges that it has relied on its own judgment in entering into this Contract.

#### **IX. WAIVER OR MODIFICATION INEFFECTIVE UNLESS IN WRITING**

No waiver or modification of this agreement or of any covenant, condition or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith.

#### **X. CONTRACT GOVERNED BY LAW OF STATE OF CALIFORNIA**

This Contract and performance hereunder, and all suits and special proceedings hereunder, shall be construed in accordance with the laws of the State of California. In any action, special proceeding or other proceeding that may be brought arising out of, in connection with, or by reason of this Contract, the laws of the State of California shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which the action or special proceeding may be instituted.

**IN WITNESS WHEREOF**, the parties have entered into this Contract as of the date above written.

**LAW OFFICES OF NANCY DIAMOND**

By: \_\_\_\_\_  
Nancy Diamond

**NORTH COAST UNIFIED AIR QUALITY  
MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
Chris Howard, Governing Board Chair



**EXHIBIT A**  
**FEE SCHEDULE**  
(Effective September 1, 2024)

Attorney Services, Nancy Diamond: \$ 280.00 per hour

Attorney Services, Other Individuals: Not to exceed rate of Nancy Diamond, and subject to approval of Executive Director

Paralegal Services: \$175.00 per hour

Rates are subject to increase upon written approval by the APCO and Chair of the Board.

# Agenda Item: 5

## Public Comment Period

# Agenda Item: 6

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



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** FPPC Conflict of Interest Code

**DATE:** September 12, 2024

**ACTION REQUESTED:** Approve Filing of “No Change” for District Conflict of Interest Code

**DISCUSSION:**

Every two years the District is required to review its Conflict of Interest Code to determine whether updates are required, and thereafter to file a status report with the Fair Political Practices Commission (FPPC). Staff recommends a “no change” report be submitted to the FPPC as there have been no significant changes in the District or with District staff duties that would warrant a Code update.

Designated employees, Governing Boards members, Hearing Board members, and their alternates are required to file their statements with the District, who makes these statements available for public inspection and reproduction (Government Code Section 81008). Each year, the District forwards a memorandum to the FPPC attesting to the timely filing of the statements.

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt conflict-of-interest codes. The District’s Conflict of Interest Code incorporates by reference the FPPC conflict of interest regulation (2 Cal. Code of Regs. Sec. 18730) together with a list of District officials and employees “designated” by the District as required to annually file financial disclosure statements. “Designated” employees are those who materially participate in District decision making and/or are conferred with job duties in which they are called upon to routinely exercise judgment. State law separately requires Governing Board members and the APCO to annually file financial disclosure statements. A copy of the District’s Code is attached.

# 2024 Multi-County Agency Biennial Notice

Name of Agency: North Coast Unified Air Quality Management District

Mailing Address: 707 L Street, Eureka, CA 95501

Contact Person: Erin Squire Phone No. 707-443-3093 x 111

Email: esquire@ncuaqmd.org Alternate Email: support@ncuaqmd.org

Counties within Jurisdiction, or for Charter Schools, Counties in which the School is Chartered:  
(if more space is needed, include an attachment):

Del Norte, Humboldt, Trinity

No. of Employees\* 30 No. of Form 700 Filers\* 20

*\*Including board and committee members*

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

Please identify which statement accurately describes your agency's status.

- This agency has reviewed its conflict of interest code. The current code designates all positions which make or participate in making governmental decisions. The designated positions are assigned accurate disclosure categories that relate to the job duties of the respective positions. The code incorporates FPPC regulation 18730 so that all relevant Government Code Sections are referenced.
- This agency has reviewed its conflict of interest code and has determined that an amendment is necessary. An amendment may include the following:
- New positions which involve the making or participating in the making of decisions which may foreseeably have a material impact on a financial interest
  - Current designated positions need renaming or deletion
  - Statutorily required provisions of the code need to be addressed
  - Disclosure categories need revision

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## Verification (to be completed if no amendment is required)

*This multi-county agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

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*Signature of Chief Executive Officer*

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*Date*

All multi-county agencies must complete and return this notice, including those agencies whose codes are currently under review. Please return this notice no later than **October 1, 2024** to the FPPC at [biennialnotice@fppc.ca.gov](mailto:biennialnotice@fppc.ca.gov) or 1102 Q Street, Suite 3050, Sacramento, CA 95811.

[www.fppc.ca.gov](http://www.fppc.ca.gov)  
FPPC Advice: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) (866.275.3772)  
Page 1 of 1

## 2022 Multi-County Agency Biennial Notice

Name of Agency: North Coast Unified Air Quality Management District  
Mailing Address: 707 L Street, Eureka, CA 95501  
Contact Person: Erin Squire Phone No. 707-443-3093 x 111  
Email: esquire@ncuaqmd.org Alternate Email: support@ncuaqmd.org

Counties within Jurisdiction, or for Charter Schools, Counties in which the School is Chartered:  
(if more space is needed, include an attachment):

Del Norte, Humboldt and Trinity Counties

No. of Employees\* 32 No. of Form 700 Filers\* 23  
*\*Including board and committee members*

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.**

Please identify which statement accurately describes your agency's status.

- This agency has reviewed its conflict of interest code. The current code designates all positions which make or participate in making governmental decisions. The designated positions are assigned accurate disclosure categories that relate to the job duties of the respective positions. The code incorporates FPPC regulation 18730 so that all relevant Government Code Sections are referenced.
- This agency has reviewed its conflict of interest code and has determined that an amendment is necessary. An amendment may include the following:
- New positions which involve the making or participating in the making of decisions which may foreseeably have a material impact on a financial interest
  - Current designated positions need renaming or deletion
  - Statutorily required provisions of the code need to be addressed
  - Disclosure categories need revision

### Verification (to be completed if no amendment is required)

*This multi-county agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.*

  
\_\_\_\_\_  
Signature of Chief Executive Officer

9/28/2022  
\_\_\_\_\_  
Date

All multi-county agencies must complete and return this notice, including those agencies whose codes are currently under review. Please return this notice no later than **October 3, 2022** to the FPPC at [biennialnotice@fppc.ca.gov](mailto:biennialnotice@fppc.ca.gov) or 1102 Q Street, Suite 3000, Sacramento, CA 95811.

[www.fppc.ca.gov](http://www.fppc.ca.gov)  
FPPC Advice: [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov) (866.275.3772)  
Page 1 of 1

**CONFLICT-OF-INTEREST CODE FOR THE  
NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating officials and employees and establishing disclosure categories, shall constitute the conflict-of-interest code of the **North Coast Unified Air Quality Management District (District)**.

Individuals holding designated positions shall file their statements with the **District**, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) All statements will be retained by the **District**.

**CONFLICT-OF-INTEREST CODE FOR THE  
NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT  
APPENDIX A-DESIGNATED POSITIONS**

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Deputy Air Pollution Control Officer	1, 3
Permits & Planning Division Manager	1, 3
Compliance & Enforcement Division Manager	1
Controller	2
Hearing Board Members	1
District Counsel	1
Consultants	*

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov. Code Sec. 81008.)

**Public Officials Who Manage Public Investments**

The following positions are NOT covered by the conflict-of-interest code because they must file under Gov. Code Section 87200 and, therefore, are listed for informational purposes only:

- Governing Board Members
- Air Pollution Control Officer – Executive Director

An individual holding one of the above listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by section 87200.



**CONFLICT-OF-INTEREST CODE FOR THE  
NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT  
APPENDIX B-DISLCOSURE CATEGORIES**

**Disclosure Categories**

Category 1

Designated positions in Category 1 must report:

- (a) Investments and business positions in any business entity and sources of income, including gifts, loans and travel payments, from sources that provide services, supplies, materials, machinery or equipment of the type utilized by the District;
- (b) Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from all business entities, governmental entities, and non-profits that are regulated, as well as any homeowner/renter that is fined or cited by, the District including sources subject to permits and enforcement;
- (c) Investments and business positions in any business entity and sources of income, including gifts, loans and travel payments, from sources of the type that engage in the acquisition, disposal or development of real property within the District;
- (d) Investments and business positions in any business entity and sources of income, including gifts, loans and travel payments, from sources of the type that engages in the preparation of environmental impact report or statements; and
- (e) All interest in real property.

Category 2

Designated positions in Category 2 must report:

- (a) Investments and business positions in any business entity and sources of income, including gifts, loans and travel payments, from sources that provide services, supplies, materials machinery or equipment of the type utilized by the designated position's department.

Category 3

Designated positions in Category 3 must report:

Investments and business positions in business entities, and sources of income, including loans, gifts, and travel payments, from sources of the type that receive financial or technical assistance from the District.

## How to Amend a Multi-County Agency's Conflict of Interest Code

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The law requires that every multi-county agency have a conflict of interest code which identifies all agency officials and employees who make or participate in making governmental decisions. Conflict of interest codes are a fundamental tool in ensuring the public's trust in government officials.

It is essential and legally-required that an agency's conflict of interest code reflect the current structure of its organization and properly identify officials who should be filing Statements of Economic Interests (Form 700).

One of the FPPC's primary goals is to streamline the process for amending conflict of interest codes so the process is more efficient.

### Elements of a Conflict of Interest Code:

A conflict of interest code must:

- Provide reasonable assurance that all financial interests that pose a foreseeable conflict of interest will be disclosed;
- Provide to each affected person a clear and specific statement of his or her disclosure requirements; and
- Adequately differentiate between designated employees with different powers and responsibilities.

### A Conflict of Interest Code Consists of Three Components:

#### 1) Incorporation Page (Terms of the Code)

This section designates where the Form 700s are filed. Generally, statements are maintained at each agency. However, the FPPC receives certain statements from over 150 agencies including those that contract all administrative functions to a private third party.

Each agency's conflict of interest code references Regulation 18730. This regulation, among other things, provides rules for disqualification procedures, reporting financial interests, and lists the current gift limit.

#### 2) List of Designated Positions

The conflict of interest code must list all agency positions that involve making or participation in making decisions that "may foreseeably have a material effect on any financial interest." This covers agency members, officers and employees who are in positions where it is reasonably foreseeable that the decisions they make or participate in making will have financial impacts.

- Have there been any substantial changes in duties or responsibilities for any positions since the current conflict of interest code was approved by FPPC?

If you answered yes to any of the above questions, your agency's conflict of interest code will likely need to be amended.

## **Process for Amending a Multi-County Agency's Conflict of Interest Code:**

There are generally six main steps in amending an agency's conflict of interest code.

### **1. Gather the Tools You Will Need and Attend FPPC Training**

- Last approved conflict of interest code from FPPC
- Current organizational chart
- Job descriptions
- Agency information (e.g., website link, annual report, budget, press releases)
- FPPC's Multi-County Agency Code Internal Checklist

### **2. Complete Your Tasks**

- Review the agency's programs and organizational chart and compare to the current conflict of interest code.
- Identify necessary changes and create a draft conflict of interest code. Changes include:
  - Deleting positions that have been eliminated since the last conflict of interest code was adopted or amended
  - Adding new positions to the conflict of interest code as needed
  - Reviewing and revising disclosure categories; and
  - Assigning appropriate disclosure categories to designated positions.

### **3. Submit the Required Documents to FPPC via email to advice@fppc.ca.gov**

- Proposed conflict of interest code in Word in a strikeout/underline format (using last approved conflict of interest code as basis)
- Current organizational chart
- Written description of changes
- Job descriptions/duty statements will be requested on an as-needed basis
- Brief justification when an official is designated to report all financial interests.

### **4. Complete Agency and FPPC Review and Discussion**

Once a draft conflict of interest code and the required documents are received, the FPPC will conduct an initial review. FPPC staff will follow up with you on any questions or concerns regarding the draft conflict of interest code, and may meet with you to clarify any questions.

- This consultation process may result in changes to the draft conflict of interest code. Once the FPPC and the agency agree on the draft conflict of interest code, it is ready for public notice.
- Note: An agency that requires its board to approve the conflict of interest code should obtain that approval at this stage.

# Agenda Item: 7

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



**TO:** North Coast Unified Air Quality Management District Board

**FROM:** Brian Wilson, APCO

**SUBJECT:** Appoint District Hearing Board Members

**DATE:** September 12, 2024

**ACTION REQUESTED:** Appoint District Hearing Board Member

**SUMMARY:**

The District Hearing Board has several vacancies for the member positions of Professional Engineer, Medical Professional, and Attorney. As directed, District staff has continued to engage in outreach activities and has reached out to appropriate organizations. Recently, resume has been received from a medical professional. The resume will be provided during the Board meeting for review. Please review this potential candidate and take action or provide direction to Staff as appropriate.

**BACKGROUND:**

The current Hearing Board members and the corresponding alternates are as follows:

MEMBER POSITION(S)		MEMBER	APPOINTMENT EXPIRATION
<b>Professional Engineer</b>	Primary	Charles Rocklein	Appointment expires 1/18/26
	Alternate	Netra Kharti	Appointment expires 7/18/27
<b>Attorney</b>	Primary	Paul Hagen	Appointment expires 7/18/27
	Alternate	(vacant)	
<b>Medical Professional</b>	Primary	(vacant)	
	Alternate	(vacant)	
<b>Public Member #1</b>	Primary	Ken Mierzwa	Appointment expires 01/18/26
<b>Public Member #2</b>	Primary	Joanna Hawley-Jones	Appointment expires 03/18/26
<b>Public Member</b>	Alternate	Iver Skavdal	Appointment expires 7/18/27

Hearing Board members serve for a term of three years and then must be reappointed. 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 positions and Attorney alternate position are still unfilled. The H&SC § 40801 gives the following guidance on the background needed for these vacant positions as follows:

Attorney Member/Alternate - *“...member admitted to the practice of law in this state.”*

Medical Professional Member/Alternate - *“...member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine.”*

Last year, the Governing Board approved the request to perform recruitment outreach for these positions to solicit letters of interest and resumes for these unfilled positions. District staff has performed the following outreach:

- Advertisement in the Times Standard, for all open positions.
- Posting on the District website for all open positions.
- Posting on the Districts Facebook page
- Email and phone outreach to the Humboldt Independent Practice Association, Humboldt Del Norte Medical Society, and the Providence Hospital System for the open medical professional position.
- Email outreach to the Humboldt Builders Exchange for inclusion in their newsletter to all members for the open engineer alternate position.
- Direct mailings to all Civil Engineers found through a Google search in Humboldt, Del Norte & Trinity Counties, with approximately 40 mailings sent for the open engineer alternate position.

Staff has run several public notices in the Times Standard, Trinity Journal and Del Norte Triuplicate, as well as the District website and Facebook postings. Governing Board members can also suggest individuals which can be discussed by the Board.

If appropriate individuals meeting the Professional Engineer, Medical Professional, and/or Attorney cannot be found, it is at the discretion of the Governing Board to appoint other individuals as necessary to the Hearing Board. It states under H&SC § 40802: *“if the district board, in the case of a district with population of less than 750,000, is unable to appoint a person with the qualifications specified in section 40801 who is willing and able to serve, and for that reason a vacancy exists on the hearing board, the county district board may, in order to fill that vacancy, appoint any person to the hearing board.”*

Staff will continue outreach efforts to fill any vacant positions and will appropriately advise the Governing Board. Staff requests that the Board review the recently received resume as a potential candidate and take action or provide direction to Staff as appropriate.

# Agenda Item: 8

## Closed Session

# Agenda Item: 9

## APCO Report



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



**TO:** North Coast Unified Air Quality Management District Board  
**FROM:** Brian Wilson, APCO  
**SUBJECT:** APCO Report  
**DATE:** September 12, 2024  
**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. EPA Releases Updated AirNow Fire & Smoke Map**

The North Coast AQMD, California Air Resources Board (CARB), US Forest Service, and the US EPA, all highly recommend using the *AirNow Fire & Smoke Map* (a collaboration between the US EPA and the US Forest Service) for information during wildfire smoke events (<https://fire.airnow.gov>). This website provides the best way to view wildfire smoke impacts, air quality index levels, forecast smoke plumes, deployed wildfire air monitors, current air quality PM sensors (from the PurpleAir website), and up-to-date information on the status of any active wildfires (fire perimeter map, heat signatures, etc.), which are all contained in this one online interactive map.

The US EPA and US Forest Service have just released an updated version of the *AirNow Fire & Smoke Map* (see attached article). The updated Fire & Smoke Map has a new look and feel, and is designed to load more quickly, and includes information not available in the previous versions. The updated map loads more quickly and includes additional information to help protect people from wildfire smoke.

**2. Wildfire Smoke Impacts – 2024 Season**

Although the 2024 wildfire season is still unfolding, so far the District has only issued six Air Quality Smoke Advisories in response to smoke impacts primarily from the Shelly Fire (Klamath National Forest in Siskiyou County), the Hill Fire (South of Willow Creek in Humboldt County) and the most recent Boise Fire (southeast of

Orleans in Humboldt County). District Staff will issue further Smoke Advisories as appropriate.

### **3. California Senate Bill (SB) 310: Cultural Burns**

Recently SB 310 (Dodd) passed the California Senate is now on the Governor desk for approval. SB 310 was initially legislation regarding the civil liability of prescribed fire. However, it was amended to expand the scope of cultural burning such that compliance with specified state permitting or regulatory requirements is not required if a California Native American tribe has an agreement with such entities as CAL FIRE or an air district.

The Legislative Counsel's Digest indicates that existing law provides that no person is liable for any fire suppression or other costs otherwise recoverable for a prescribed burn if specified conditions are met, including, among others, that 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, as defined, conducted by a cultural fire practitioner, as defined, 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.

The Counsel's Digest further indicates that 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 the California Secretary of the Natural Resources Agency in consultation with its departments, commissions, boards, conservancies, and other entities, to enter into written agreements with federally recognized California Native American tribes in support of tribal sovereignty with respect to cultural burning in their ancestral territories. The bill would provide that, in deference to tribal sovereignty, the secretary may agree in a written agreement regarding cultural burning that compliance with specified state permitting or regulatory requirements (e.g. CAL FIRE or air district permit, etc.) is not required. The bill would authorize local air districts to enter into written agreements with federally recognized California Native American tribes in support of tribal sovereignty with respect to cultural burning in their ancestral territories, as specified. The bill would provide that it does not grant immunity from fire suppression or other specified recoverable costs to any person whose conduct constitutes gross negligence.



**News Releases:**  
**Headquarters**

[CONTACT US <https://epa.gov/newsreleases/forms/contact-us>](https://epa.gov/newsreleases/forms/contact-us)

# EPA and Forest Service Release Updated AirNow Fire and Smoke Map

Updated map loads more quickly, includes additional information to help protect people from wildfire smoke

September 5, 2024

## Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

**WASHINGTON** – Today, Sept. 5, the U.S. Environmental Protection Agency and the U.S. Department of Agriculture’s Forest Service released an updated version of the popular AirNow Fire and Smoke Map to provide millions of people in the U.S. with more information they can use to protect themselves from wildfire smoke.

“As millions of Americans have experienced, wildfire smoke can travel for hundreds of miles, including from Canada, affecting people anywhere in the U.S.,” **said EPA Assistant Administrator for Air and Radiation Joseph Goffman.** “The updated AirNow Fire and Smoke Map makes even more information available about wildfire smoke and air quality – information anyone across the country can use to reduce their exposure and protect their health.”

“As we continue the important work to confront the wildfire crisis, we are committed to working with federal, state, tribal and local health departments and air quality agencies to protect public health,” **said Forest Service Chief Randy Moore.** “This updated map is a

valuable resource for people taking action to protect themselves and their families from smoke impacts.”

The updated Fire and Smoke Map has a new look and feel, is designed to load more quickly, and includes information not available in the previous versions, such as:

- Air quality monitoring information on coarse particle pollution and ozone, both of which can increase because of wildfire smoke.
- More information on individual wildland fires, including the type of fire and level of fire activity, when available.
- Information from low-cost fine particle sensors in Canada, in cooperation with Environment and Climate Change Canada.

The new version of the map allows users to see activity recommendations at a glance – or to expand the information to see more, including more information on actions to take to protect your health, charts showing how air quality has changed over the past week, and whether there are other fires within 30 miles of their locations. The map makes Smoke Outlook alerts more prominent and links to these forecasts, where available, to help the public better understand the possible impacts of smoke over the next several days. The Forest Service-led Interagency Wildland Fire Air Quality Response Program issues Smoke Outlooks for certain large fires.

EPA and the Forest Service made a beta version of the map available for public review in July; the new version reflects changes the agencies have made to date in response to public feedback.

EPA and the Forest Service developed the Fire and Smoke Map to provide the public information on fire locations, smoke plumes, near real-time air quality, Smoke Outlooks for large U.S. wildfires, and protective actions to take -- all in one place. To give users the most localized air quality information possible, the map pulls data from monitors that regularly report to AirNow, temporary monitors such as those the Forest Service and air agencies have deployed near fires, and crowd-sourced data from nearly 15,000 low-cost sensors that measure fine particle pollution, the major harmful pollutant in smoke. The map shows this data in the familiar color-coding of the U.S. Air Quality Index.

You can view the Fire and Smoke Map [↗](#) on the AirNow website or select the smoke icon on the bottom right of the AirNow smartphone app. To view the map in Spanish or to select a modified AQI color scale for users with certain color vision deficiencies, click the settings icon at the top right corner of the map.

Download the AirNow app:

- Apple App Store: <https://apps.apple.com/us/app/epa-airnow/id467653238> [↗](#)  
<<https://apps.apple.com/us/app/epa-airnow/id467653238>>
- Google Play Store: <https://play.google.com/store/apps/details?id=com.saic.airnow> [↗](#)

Learn more about the AQI <<https://www.airnow.gov/aqi/aqi-basics/>>.

Contact Us <<https://epa.gov/newsreleases/forms/contact-us>> to ask a question, provide feedback, or report a problem.

LAST UPDATED ON SEPTEMBER 5, 2024

**Assistance** <<https://epa.gov/lep/assistance>>

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**Assistância**

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Помощь <<https://epa.gov/lep/assistance#rus>>

**Trợ Giúp** <<https://epa.gov/lep/assistance#viet>>

AMENDED IN ASSEMBLY AUGUST 19, 2024

AMENDED IN ASSEMBLY JUNE 28, 2023

AMENDED IN SENATE APRIL 12, 2023

AMENDED IN SENATE MARCH 30, 2023

**SENATE BILL**

**No. 310**

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**Introduced by Senator Dodd**

February 6, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

SB 310, as amended, 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, that 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, as defined, conducted by a cultural fire ~~practioner~~, *practitioner*, as defined, 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.

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 the Secretary of the Natural Resources Agency, ~~with the concurrence of the Secretary for Environmental Protection~~, *in consultation with its departments, commissions, boards, conservancies, and other entities*, to enter into written agreements with federally recognized California Native American tribes in support of tribal sovereignty with respect to cultural ~~burning~~, *burning in their ancestral territories*. The bill would provide that, in deference to tribal sovereignty, the secretary may ~~agree, with regard to~~ *agree in a written agreement regarding* cultural ~~burning~~, *burning* that compliance with specified state permitting or regulatory requirements is not required. ~~In order to support those agreements, the bill would also require the secretary to convene a cultural burn working group consisting of specified state agencies, California Native American tribes, local air pollution control districts, and local governments, with the goal of determining a framework to enable conditions conducive to cultural burning, as specified. The bill would require the working group to report its findings to the Legislature on or before January 1, 2025. The bill would authorize local air districts to enter into written agreements with federally recognized California Native American tribes in support of tribal sovereignty with respect to cultural burning in their ancestral territories, as specified. The bill would provide that it does not grant immunity from fire suppression or other specified recoverable costs to any person whose conduct constitutes gross negligence. The bill would repeal these provisions on January 1, 2029. 2030.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

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

3 3333.8. (a) The Legislature finds and declares that in order to  
4 meet fuel management goals, the state must rely on private entities  
5 to engage in prescribed burning for public benefit.

6 (b) Notwithstanding Sections 13009 and 13009.1 of the Health  
7 and Safety Code, no person shall be liable for any fire suppression  
8 or other costs otherwise recoverable pursuant to Section 13009 or  
9 13009.1 of the Health and Safety Code resulting from a prescribed  
10 ~~burn~~ *fire or cultural burn* if all of the following conditions are met:

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

14 (2) A burn boss, as defined in paragraph (1) of subdivision (a)  
15 of Section 4500 of the Public Resources Code, has reviewed and  
16 approved a written prescription for the burn that includes adequate  
17 risk mitigation measures.

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

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

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

26 (6) The burn is conducted in compliance with any air quality  
27 permit required pursuant to Article 3 (commencing with Section  
28 41850) of Chapter 3 of Part 4 of Division 26 of the Health and  
29 Safety Code.

30 (c) Cultural burns conducted by a cultural fire practitioner are  
31 exempt from paragraphs (2) and (3) of subdivision (b).

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

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



1 (f) “Cultural burn” or “cultural burning” means the intentional  
2 application of fire to land by a California Native American tribe,  
3 a tribal organization, or a cultural fire practitioner to achieve  
4 cultural goals or objectives, including for sustenance, ceremonial  
5 activities, biodiversity, or other benefits.

6 (g) “Cultural fire practitioner” means a person recognized by a  
7 California Native American tribe or tribal organization with  
8 substantial experience in burning to meet cultural goals or  
9 objectives, including for sustenance, ceremonial activities,  
10 biodiversity, or other benefits.

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

13 4002.4. “Cultural burn” or “cultural burning” means the  
14 intentional application of fire to land by a California Native  
15 American tribe, a tribal organization, or a cultural fire practitioner  
16 to achieve cultural goals or objectives, including for sustenance,  
17 ceremonial activities, biodiversity, or other benefits.

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

20 4002.6. “Cultural fire practitioner” means a person recognized  
21 by a California Native American tribe or tribal organization with  
22 substantial experience in burning to meet cultural goals or  
23 objectives, including for sustenance, ceremonial activities,  
24 biodiversity, or other benefits.

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

28  
29 Article 4.5. Tribal Sovereignty with Respect to Cultural Burning  
30

31 4505. (a) ~~(1) The Legislature finds and declares~~ *acknowledges*  
32 ~~that federally recognized California Native American tribes retain~~  
33 ~~have inherent sovereignty with respect to cultural burning within~~  
34 ~~their ancestral territories; and authority to regulate their members~~  
35 ~~and cultural practices, including, but not limited to, cultural fire~~  
36 ~~practitioners and cultural burning.~~

37 (2) *The Legislature finds and declares that in order to meet fuel*  
38 *management and wildfire resilience goals of the state and to*  
39 *address the historical wrongs of criminalizing cultural use of fire,*  
40 *the state must work collaboratively with federally recognized*

1 *California Native American tribes that engage in cultural burning*  
2 *within their ancestral territories.*

3 (b) (1) ~~The Secretary of the Natural Resources Agency Agency,~~  
4 ~~in consultation with its departments, commissions, boards,~~  
5 ~~conservancies, and other entities, may enter into written~~  
6 ~~agreements with federally recognized California Native American~~  
7 ~~tribes in support of tribal sovereignty with respect to cultural~~  
8 ~~burning. burning in their ancestral territories. In deference to~~  
9 ~~tribal sovereignty, the secretary may agree, with regard to agree~~  
10 ~~in a written agreement regarding cultural burning, burning that~~  
11 ~~compliance with the either of the following is not required:~~

12 (A) ~~The state permitting or regulatory requirements in Article~~  
13 ~~3 (commencing with Section 4491) of this chapter and Article 3~~  
14 ~~(commencing with Section 41850) of Chapter 3 of Part 4 of~~  
15 ~~Division 26 of the Health and Safety Code is not required. 4491).~~

16 (B) ~~The burn plan requirements in subdivision (e) of Section~~  
17 ~~4500.~~

18 ~~(2) The Secretary of the Natural Resources Agency may enter~~  
19 ~~into an agreement with a federally recognized California Native~~  
20 ~~American tribe related to Article 3 (commencing with Section~~  
21 ~~41850) of Chapter 3 of Part 4 of Division 26 of the Health and~~  
22 ~~Safety Code only with the concurrence of the Secretary for~~  
23 ~~Environmental Protection.~~

24 (2) *The Secretary of the Natural Resources Agency shall consult*  
25 *with federally recognized California Native American tribes on*  
26 *the implementation of paragraph (1).*

27 (3) (A) *Local air districts may enter into written agreements*  
28 *with federally recognized California Native American tribes in*  
29 *support of tribal sovereignty with respect to cultural burning in*  
30 *their ancestral territories.*

31 (B) *A local air district may agree in a written agreement*  
32 *regarding cultural burning that compliance with its permitting,*  
33 *regulatory, or administrative requirements is not required.*

34 (C) *In the event of a disagreement between a local air district*  
35 *and a tribe in developing or implementing an agreement, the*  
36 *Secretary for Environmental Protection shall assist in resolving*  
37 *the disagreement.*

38 (4) *The Secretary of the Natural Resources Agency or the local*  
39 *air district shall provide a copy of a final written agreement*  
40 *developed under this subdivision to the Deputy Secretary for Tribal*

1 *Affairs at the Natural Resources Agency. In addition, a local air*  
2 *district shall provide a copy of a final written agreement developed*  
3 *under this subdivision to the State Air Resources Board.*

4 (c) Nothing in this section provides authorization to enter or  
5 burn property without the permission of the landowner.

6 ~~(d) In order to support the agreements described in subdivision~~  
7 ~~(b), the Secretary of the Natural Resources Agency shall convene~~  
8 ~~a cultural burn working group consisting of, but not limited to, the~~  
9 ~~Secretary of the Natural Resources Agency, the Secretary for~~  
10 ~~Environmental Protection, the State Air Resources Board, the State~~  
11 ~~Water Resources Control Board, the Department of Fish and~~  
12 ~~Wildlife, the Department of Forestry and Fire Protection, the~~  
13 ~~Department of Parks and Recreation, the California Coastal~~  
14 ~~Commission, California Native American tribes, local air pollution~~  
15 ~~control districts, and local governments, with the goal of~~  
16 ~~determining a framework to enable conditions conducive to cultural~~  
17 ~~burning, including consideration of the role of a local air pollution~~  
18 ~~control district in supporting the effort of cultural burning. On or~~  
19 ~~before January 1, 2025, the cultural burn working group shall~~  
20 ~~report to the Legislature on the findings of the workgroup, in~~  
21 ~~compliance with Section 9795 of the Government Code.~~

22 ~~(e) For purposes of this article, “ancestral territory” means the~~  
23 ~~area over which a California Native American tribe exercises~~  
24 ~~jurisdiction pursuant to its constitution.~~

25 ~~(d) Any state or local agency operating within a federally~~  
26 ~~recognized California Native American tribe’s ancestral territory,~~  
27 ~~including a local air district and a regional water quality control~~  
28 ~~board, is highly encouraged to collaboratively work together with~~  
29 ~~federally recognized California Native American tribes to create~~  
30 ~~conditions that support cultural burning.~~

31 ~~(e) A cultural burn conducted with an agreement developed~~  
32 ~~under this section shall meet the permit requirements of Section~~  
33 ~~3333.8 of the Civil Code.~~

34 ~~(f) This section does not grant immunity from fire suppression~~  
35 ~~or other costs otherwise recoverable pursuant to Section 13009~~  
36 ~~or 13009.1 of the Health and Safety Code to any person whose~~  
37 ~~conduct constitutes gross negligence.~~

38 ~~(g) An agreement reached under this section shall include a~~  
39 ~~clear description of the area covered by the agreement and an~~

1 *attestation that the area is within the boundaries of the tribe's*  
2 *ancestral territory.*

3 (f)

4 (h) This article shall remain in effect only until January 1, ~~2029~~,  
5 2030, and as of that date is repealed.

# Agenda Item: 10

## Board Member Reports

# Agenda Item: 11

## Adjournment