

**BOARD OF FORESTRY AND FIRE PROTECTION**

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**MINUTES**  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
**June 4, 5, & 6, 2002**  
**Corte Madera, California**

**BOARD MEMBERS PRESENT :** Stan Dixon, Chairman  
Mark Bosetti  
Robert Heald  
Tharon O'Dell  
Gary Rynearson

**MEMBER ABSENT :** Kirk Marckwald, Vice Chair

**BOARD STAFF PRESENT :** Daniel R. Sendek, Executive Officer  
George Gentry  
Executive Officer, Foresters Licensing  
Donna Stadler, Executive Assistant  
Jim Mote, Regulations Coordinator

**DEPARTMENTAL STAFF PRESENT :** Andrea Tuttle, Director  
Dean Lucke, Assistant Deputy Director

**CALL TO ORDER**

Chairman Dixon called the June 2002 meeting of the Board of Forestry and Fire Protection to order. He announced that it would be necessary to take some items out of order.

**REPORT OF EXECUTIVE SESSION**

Chairman Dixon reported that there was no action to report from the Executive Session.

**REVIEW AND CONSIDERATION OF COUNTY ACTION PLANS ADDRESSING SUDDEN OAK DEATH HAZARD TREE REMOVAL AND DISPOSITION**

Mr. Stephen Jones, Deputy Chief, CDF Pest Management, reviewed the Sonoma County proposed plan for the Board. He reported that the California Oak Mortality Task Force reviewed the plan and recommends that the Board approve the plan. The Department also believes the plan should be approved.

Mr. John Westoby, Sonoma County Agricultural Commissioner, indicated that the Sonoma plan mirrors the Marin County plan.

Mr. Ryneanson inquired about monitoring of the plan.

Mr. Jones noted that part of the requirements of the plan includes before and after pictures of the trees to be removed and that there is a data sheet to be filed out on each tree. This data requires CDF verification with the Department staff looking at as many of the infected trees as possible.

Mr. Bosetti commented that Sonoma County would be bound by the contract that the state has with Marin County and would be accomplished through a Board of Supervisor's resolution. He wanted to know if there was anything other than the resolution to bind that County to the contract.

Mr. Westoby indicated that there was not.

Chairman Dixon asked the Department if it was aware of any other plans coming in.

Mr. Jones indicated that Santa Cruz would be coming soon.

**02-06-1** Mr. Ryneanson moved to approve the proposed Sonoma County Plan addressing Sudden Oak Death Hazard Tree Removal and Disposition. Mr. O'Dell seconded the motion, and all were in favor.

## **REPORT OF THE ADVISORY COMMITTEES**

### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. George Gentry, Executive Officer for Licensing, reported that the PFEC had not met since the last Board meeting. He referred to the RPF vital statistics in the Board binder and noted the passing of John Grimm, RPF 212; Robert Grundman, RPF 432; Lawrence Ford, RPF 1574.

Mr. Gentry asked for approval for withdrawal of David Young, RPF 80.

**02-06-2** Mr. Heald moved to approve the request for withdrawal. Mr. Bosetti seconded the motion, and all were in favor.

### **RESOURCE PROTECTION COMMITTEE (RPC)**

Mr. Bosetti, RPC Chairman, reported that the Deputy Director of Fire Protection reported that the statewide fire season was declared on June 3, 2002. The CDF academy staff received the Director's Superior Accomplishment Award in recognition of its efforts in graduating over 1000 students in the past 18 months.

Mr. Bosetti noted that Nevada County has requested that the Board certify its Fire Safety Regulations. The RPC asked the Department to review the Nevada County regulations for compliance and recommends that this item be put on the Board's agenda for July.

Mr. Bosetti said that the Committee has been working with the Department in reviewing the Board's Fire Protection policies. The Committee recommends that this item also be put on the Board's agenda for July.

Chairman Dixon asked if Members had any objection to these items being placed on next month's agenda. Hearing none, he indicated that they would be on the Board's July meeting agenda.

## **INTERIM COMMITTEE**

Mr. Heald reported that the Committee continued its discussion on stocking credits for large tress and snags. The Committee recommends that Board staff prepare a 45-Day Notice for stocking standards. He reviewed items to be contained in the notice for the Board.

Chairman Dixon asked for a consensus of the Board. It was agreed to direct staff to prepare a 45-Day Notice for Stocking Standards.

Mr. Heald said that the Department presented the Committee with a proposed archaeological rule package and there was extensive discussion on the package. The Committee directed Board staff to get together with CDF staff to make necessary revision for continued discussion at the next Interim Committee meeting.

Mr. Heald said that the Department of Fish and Game (DFG) presented some information to the Committee regarding proposed regulatory changes to the Oak Retention Standards. CDF provided information on black oaks within forest types of the Sierra Nevada. The Committee requested that DFG work with Board staff to revise the proposed changes for the Interim Committee's next meeting.

Mr. Heald said that under New and Unfinished Business, the Department provided the Committee with information regarding its Non-point Source Pollution Management Plan. There will be further discussion on this issue at the next meeting. There was also a presentation by the Department discussing its policy relative to NTMPs and the use of intermediate treatments. The Department will provide a modification of its draft policy at the Committee's July meeting.

## **AD HOC WATERSHED COMMITTEE**

Mr. Rynearson reported that the Committee reviewed the Roads package as revised by staff that would allow the inclusion of the appropriate sections of 916.9 into the package and would apply statewide. The Committee got halfway through editing and making changes to the package. It is the Committee's hope that it will finish the review of the package in July.

## **MINUTES**

Chairman Dixon asked for approval of the May 2002 minutes.

**02-06-3** Mr. O'Dell moved to approve the May 2002 minutes as amended. Mr. Marckwald seconded the motion, and all were in favor.

## **CHAIRMAN'S REPORT**

Chairman Dixon thanked Chief Driscoll, Marin County, and all those responsible for providing the Board with an excellent field trip. He also thanked the Director for making staff available. It is good for the Board to see issues first hand.

Chairman Dixon announced that he and Member Rynearson have been scheduled to appear before the Senate Rules Committee for confirmation hearings on August 7, 2002, at 1:30 p.m. He noted that the Governor's appointees to the North Coast Regional Water Quality Control Board are also appearing on the same day and time for their confirmation hearing.

## **REPORT OF THE DIRECTOR**

Ms. Andrea Tuttle, Director of the Department of Forestry and Fire Protection (CDF), thanked Marin County for the interesting and informative field trip.

Director Tuttle reported that the Board's budget had been restored. She said that there is a 20 million dollar hole in CDF's budget based on a fee structure. There is a draft trailer bill that has not yet been submitted to the conference Committee. She commented that there has not been much discussion regarding the THP fees issue.

Director Tuttle announced that fire season opened on June 3, 2002. There are a number of federal fires at this time. CDF had an escaped training burn earlier this week. Training burns are very necessary to CDF's fire fighters and there is a need to continue with prescribed and training burns. The Department has increased its administrative review of training burns. An investigation team was put on the training fire escape and recommendations will be coming out soon. All training and prescribed burns are now going through the Region Chief and the Deputy Director of Fire Protection.

Director Tuttle reported that the King airplane has a new infrared capability for both short and long wave detection. The equipment defined where the Ojai fire was, which was not where the team on the ground thought it to be. Under the Sudden Oak Death contract, the King airplane was also used in the China Camp area and picked up some helpful imagery showing tree stress better than it can be seen with the eye.

Director Tuttle noted that the Jackson Demonstration State Forest Management Plan and EIR are complete and out for public comment. The end of the comment period is July 8, 2002. CDF will hold a public hearing on June 12, 2002, in Ukiah. Agencies comments are due by July 1, 2002. CDF will ask the Board to adopt the plan, which will require a special meeting of the Board. CDF and Board staff will work on a time for the special meeting.

Director Tuttle reviewed AB 2234, which would separate CDF from the Resources Agency, for the Board.

Director Tuttle noted that she was able to observe prescribed burning on Nature Conservancy lands in Tehama County. The objective was for control of Star Thistle and Medusa Head. She reported that there is a new museum in Redding called the Turtle Bay Museum, which is a landmark facility for Redding. The museum has a logging camp display, which was originally sponsored by the Paul Bunyan Lumber Company.

## **REPORT OF THE OAK MORTALITY TASK FORCE (OMTF)**

Mr. Mark Stanley, Assistant Deputy Director for Resource Management and Co-chair of the Oak Mortality Task Force (OMTF), referred to the OMTF report in the Board's binder and reviewed it for the Board. Eradication efforts on all nine Sudden Oak Death (SOD) infested sites in Oregon have been completed. Four new sites have been located next to areas treated last year. Eradication efforts on these sites are underway.

Mr. Stanley noted that the Marin County training session for arborists on SOD sampling and regulation compliance is sold out. There will be another training session in the field. AB 2251 has gone through the Senate and Assembly Budget Committees and the money has been taken out pending the state budget. The Legislature has transferred 2 million dollars to CDF from the California Department of Food and Agriculture (CDFA) for continued SOD efforts. It stills needs to go before the Governor.

Mr. Stanley reported that the May 14 and 15, 2002, meeting on SOD research was a good meeting and well attended. Oregon is very concerned over the preliminary results of susceptibility of cranberry and blueberry cultivars to *Phytophthora ramorum*. Those results were presented at the May 15, 2002, OMTF meeting in Santa Rosa.

Mr. Stanley noted that state and federal regulation are still not harmonized. The USFS is enforcing regulations for woodcutting of conifers in the Covelo District. The Department has released a directive to its fire crews on sanitizing equipment including vehicles. The Forest Service is using the same requirements.

Mr. Stanley noted that a research symposium is being scheduled for this fall in Monterey.

There was some discussion.

### **REPORT FROM OTHER FEDERAL AGENCIES, INCLUDING; the USDA FOREST SERVICE, U.S. FISH & WILDLIFE SERVICE, and U.S. EPA**

Ms. Christine Nota, USDA Forest Service, reported that the Forest Service is five months into the review period for the Sierra Nevada Framework Review. The purpose of the review is to look at 230 appeals. She reviewed the record, the issues raised, and the focus of the review for the Board. The three areas of focus are the National Fire Plan, fuels reduction, and to determine if it is consistent with the Quincy Library Group. The Forest Service is reviewing the impacts on local communities, rangeland, and recreation. There are review and implementation teams working together with an emphasis on field review. She then invited the Board to attend the field review scheduled for June 25, 2002, focusing on fuels management and the impacts on owl habitat. There will be a range management meeting in the southern Sierra. She noted that the recommendations were to go to the Regional Forester by the end of the year.

Ms. Nota noted that on May 21, 2002, SB 2535, the Boxer Wilderness bill, was introduced. The hearings will be scheduled in the near future.

Ms. Nota reported that the 30 Mile Fire Review has been released. There were a number of faults by employees involving preparation and training. She indicated that there would be reprimands as well as removals. The employees do have appeal rights.

Ms. Nota said that last year the Forest Service released its Planning Regulations, but pulled them back. The Planning Regulations will be reintroduced soon with a 90-day comment period. Also, the Sequoia Monument would be released in June or July with a 90-day comment period.

Mr. O'Dell wanted to know in what form the Planning documents would be released.

Ms. Nota indicated that they would be available electronically and that she would provide copies for the Board.

Mr. Joe Blum, National Marine Fisheries Service (NMFS), reported that the NMFS issued a final jeopardy opinion on the Klamath water project. As a part of that opinion, the NMFS issued a reasonable and prudent alternative. The proposal is a 10-year water management plan, however, the plan does not do much for coho.

Mr. Blum indicated that there were no new listings to report. NMFS is reviewing all of its listings to be sure that all of the hatchery fish were considered in the current listings. The

findings should be completed some time next year. NMFS has been sued in Southern California for failure to provide adequate consideration to rainbow trout, which is a resident form of Steelhead. However, science has shown that some rainbows, given the opportunity will go to the ocean. Some steelhead will residualize and become rainbows. NMFS is in negotiation with the Fish and Wildlife Service as to how to address the issue, possibly by including the steelhead in the overall status review and reconsider the issue of rainbow.

## **PUBLIC FORUM**

Mr. Mark Rentz, California Forestry Association (CFA), expressed CFA's concerns regarding THP fees. He provided a copy of the letter by W. M. Beaty and Associates, Inc. (WBA) to the Board indicating opposition to the Timber Yield Tax increase. He noted that WBA strongly opposes proposals to implement a Timber Harvesting Plan fee. How to offset the costs becomes an issue. CFA believes that this could cause an increase in land sales. He then provided a copy of CFA's first magazine and asked that the Members take time to read it indicating that it contains some interesting facts. The magazine focuses on sustainable forestry issues. He referred to the presentation by the Department of Fish and Game and the National Marine Fisheries Service on the sampling procedures analyzing salmonid populations and conditions and trends in California. CFA believes that the two groups were not well prepared. He wanted to know if there would be a follow-up from the two agencies to address the agenda item from last month.

Mr. Jere Melo read his written comments into the record regarding the proposed Bill of Rights. He provided the Board with a copy of those comments.

Mr. Niel Fisher spoke to the THP workshop issue. He believes that the plan filing is adequately addressed in Government Code 65940. He then read portions of that code section into the record. He believes that the filing issue can be resolved by those themes being discussed by the Board in rule proposals and consideration on an appeal to non-filing of a THP.

Mr. Richard Gienger referred to the Department of Fish and Games (DFG) recommended listing to the Endangered Species Act a possible recovery plan for coho. He does not believe it to be a viable option without full stakeholder commitment. He expressed concerns over the interaction with Water Quality regarding the Management Agency Agreement to be renegotiated. He wanted to know about the reality of the Waivers and if Water Quality was keeping the Board informed. He suggested that the Board could incorporate watercourse issues with the upcoming MSG Report. He also suggested that a task force be formed to deal with some of the situations described in Mr. Melo's Bill of Rights proposal. He noted that there is continuing mediation on the Freshwater watershed.

Ms. Helen Libeu referred to the letters from Pope Valley addressed to the Board regarding conversions. She wanted to know if CDF had ever said no to a conversion and suggested that the Department could develop a report to try and determine when a conversion is truly warranted. She asked that the Board stop passing new rules and clean up existing rules. She then reviewed some rules she believes need to be cleaned up.

Mr. Jay Halcomb, RRRAUL, asked about CDF's computerization efforts and the possibility of putting THP's on CD's. He believes that the Department's website contains little useful public information.

**DISCUSSION OF THE BOARD'S RULEMAKING EFFORTS TO DATE, INCLUDING STRATEGY AND THE REVIEW OF REGULATORY PACKAGES WHICH ARE ANTICIPATED FOR JANUARY 1, 2003, IMPLEMENTATION**

Chairman Dixon introduced the topic.

Mr. Heald believes that it is not possible to get the Roads package out this year. He does not believe that the forum is effective.

Mr. Daniel Sendek, Executive Officer for the Board, commented that unless the Board wants to have a special committee meeting in addition to its July regularly scheduled meeting, which would be the last opportunity to allow for getting out a 45-Day Notice, it would be unlikely to get the package out this year.

Chairman Dixon said that the reason for this discussion is to preclude from happening what has happened over the last couple of years where things get jammed up at the end of the year.

Mr. O'Dell commented that the issues the Board works on take time. He is encouraged by the willingness of others to see the broader picture of endangered species and how that affects the Board's work. The availability of funding to make things come together and the willingness for agencies to be responsive and sensitive to outside pressures to reexamine some of their actions is necessary. These things take time, but he believes that things are beginning to line up.

Mr. Heald said that he believes that there is a need for substantial support from staff and two meetings to accomplish this task if it is going to happen with a January 1, 2003, implementation date.

Chairman Dixon asked if since the Board will be getting together for a special meeting on Jackson Demonstration State Forest in July, would committee members be willing to spend additional time in committee during that special meeting to focus on seeing if there is potential for getting it done this year?

Mr. O'Dell replied that he would be willing.

Mr. Heald agreed and commented on the logistics. If the Board has a July meeting and makes substantial progress, then it also has to remember that some time between that regular meeting and the special meeting the time and the work staff has to accomplish to finish it needs to be considered.

Mr. O'Dell said that the Committee is willing to cooperate internally. It does take time and staff to carry it.

Chairman Dixon said that the Members should to let the Executive Officer know what dates they would be available for a special July meeting.

Mr. O'Dell wanted to know when the special meeting for Jackson Demonstration State Forest would be held.

Director Tuttle commented that the Department was still in the process of responding to comments, but that it would probably be in the third or fourth week of July.

Chairman Dixon urged Members to let staff know their schedules as soon as possible.

Mr. Heald noted that the Board and staff are also working on several other packages. He commented that within the guidelines of the Open Meeting Law, it helps if the members can

receive the drafts early enough so that it can familiarize itself with them. He also commented that it helps to speed things up when enough Board members can show up at other committee meetings.

**CONTINUED DISCUSSION OF THE BOARD'S MARCH AND APRIL 2002 TIMBER HARVESTING PLAN SUBMISSION AND REVIEW WORKSHOPS, INCLUDING THE IDENTIFICATION AND PRIORITIZATION OF OPPORTUNITIES TO IMPROVE THE PROCESS, AS WELL AS REDUCE THE PROCESSING TIMES, WITHIN STATUTORY REQUIREMENTS**

Chairman Dixon announced that this discussion would be continued until the July meeting where the full Board could be available to participate.

Mr. Heald suggested that the item be on the agenda and that members be prepared for the discussions.

Mr. O'Dell encouraged all members to be present for the discussions and asked that the public be patient.

Mr. Dan Weldon, Forest Landowners of California (FLOC), requested that the Board formally consider the Bill of Rights in July.

**CONTINUED REPORT OF THE ADVISORY COMMITTEES**

**CALIFORNIA FOREST PEST COUNCIL (CFPC)**

Mr. Stephen Jones, Editorial Committee Chair of the California Forest Pest Council, invited the Board to attend its two upcoming committee meetings. The Insect and Disease Committees are holding a joint meeting on June 25, 2002, on the Eagle Lake Ranger District of the Lassen National Forest. The topics to be viewed and discussed include: Effects of Prescribed Fire on Snags; a sample of Defensible Fuel Profile Zone and the insect and disease considerations, and also a discussion regarding the meaning of the Quincy Library Group law; post burn Bark Beetle activity; and what is causing the decline in old growth stands. Also, the Weed Committee is holding its annual Weed Tour on July 24 and 25, 2002, in the Ft. Bragg area. In conjunction with this meeting, on July 23, 2002, will be the 3<sup>rd</sup> Annual Weed Tour Golf Tournament at the Little River Inn Golf Course and Tennis Club. Among the topics to be viewed and discussed include: Rare Plants and THPS; Chemical & Mechanical site preparation; Conifer release; Pastureland conversion; Noxious Weed Management; Sudden Oak Death; Hack and Squirt; Hardwood Conversion to Conifers; Power line Rights of Way; Pre-commercial thinning; International Broom Initiative; Animal Damage; and Pre-emergent Herbicide trails.

Mr. Jones noted that the Pest Council is preparing comments to the Jackson Demonstration State Forest Draft EIR.

**RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

There was no report this month.

**MONITORING STUDY GROUP (MSG)**

Mr. O'Dell, Chair, reported that the contract for the 2002 Hillslope Monitoring Program fieldwork has been signed by both parties and is currently at the Department of General Services. The

fieldwork should begin in mid-June. Significant progress has been made on the second Hillslope Monitoring Report. Nearly all of the queries run for the first report have been rerun with data from approximately 300 THPs and NTMPs. The draft report is expected by the end of summer 2002.

Mr. O'Dell indicated that there was little interest in having the MSG Workgroup meeting to discuss further refinement of the Watershed Reference Catalog. Some data entries were rearranged and sent to the Workgroup. The Workgroup will review the current draft spreadsheet and provide feedback to staff prior to the next MSG meeting.

Mr. O'Dell noted that the next MSG meeting would be on June 11, 2002, at Howard Forest. The agenda will include a presentation by Campbell Timberlands Management on preliminary wood budget results for the Ten Mile River Watershed; Continued discussion on Campbell Timberland Management's offer to work with the MSG on THP-level Effectiveness Monitoring; and a presentation by CDF titled, "Programs Assessing Implementation and Effectiveness of State Forest Practice Rules and BMPs in the West."

### **REPORT OF EXECUTIVE OFFICER, INCLUDING PROPOSED STATE AND FEDERAL LEGISLATION**

Mr. Daniel Sendek, Executive Officer for the Board, reviewed a letter from the Department asking that the Board consider visiting Boggs Mountain and Soquel Demonstration State Forests next year. He noted that the report from the Sensitive Species Task Group had been delayed, but staff will now try to schedule for July.

Mr. Sendek reported that on May 17, 2002, the Board received a request for an appeals hearing on the Department's denial on an NTMP amendment. The Executive Officer denied the request for hearing and suggested that the proponent attend the July meeting to express his concerns to the Board.

### **NEW AND UNFINISHED BUSINESS**

Mr. Richard Gienger wanted to know when the NTMP report would go out to public comment.

Director Tuttle commented that the NTMP was going through internal drafts at this time.

### **ADJOURNMENT**

Chairman Dixon adjourned the June 2002 meeting of the Board.

Respectfully submitted,

ATTEST:

Daniel R. Sendek  
Executive Officer

Stan Dixon  
Chairman

Copies of the attendance sheet can be obtained from the Board Office.