

BOARD OF FORESTRY AND FIRE PROTECTION



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**MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
JOINT MEETING WITH THE
FISH AND GAME COMMISSION
May 8, 2002
Fresno, California**

BOARD MEMBERS PRESENT :

Stan Dixon, Chairman
Mark Bosetti
Robert Heald
Kirk Marckwald, Vice Chair
Tharon O'Dell
Gary Rynearson

BOARD STAFF PRESENT :

Daniel R. Sendek, Executive Officer
George Gentry
Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant

CDF DEPARTMENTAL STAFF PRESENT :

Dean Lucke, Assistant Deputy Director
Jerry Ahlstrom, Forest Practice

COMMISSION MEMBERS PRESENT :

Michael Flores, President

COMMISSION STAFF PRESENT :

Robert Treanor, Executive Director
John M. Duffy, Assistant Executive Director
Sandy Daniel, Executive Assistant

FISH AND GAME DEPARTMENTAL STAFF PRESENT :

Marty Berbach, Forestry Coordinator
Kevin Shaffer, Native Anadromous Fish
and Water Branch

CALL TO ORDER

Chairman Dixon called the Joint meeting of the Board of Forestry and Fire Protection and the Fish and Game Commission to order.

CHAIRMAN'S REPORT

Chairman Dixon thanked Chief Sunderland and Captain Chrisman for their efforts in putting together an excellent tour. He also extended the Board's thanks to the Region Chief, Tim Turner for his cooperation and participation.

FISH & GAME COMMISSION DIRECTOR'S REPORT

Mr. Robert Treanor, Executive Director to the Fish and Game Commission (F&GC), expressed his thanks to CDF for a great field trip and to the Board for meeting jointly with the F&GC. He noted that Commissioner Chrisman had to return to Sacramento and Commissioner Schuchat, who is also the Deputy Director for the Coastal Conservancy, had to return to Sacramento for budget hearings. Representing Director Robert Hight would be Deputy Director Sonke Mastrup.

Mr. Sonke Mastrup, Deputy Director of the Department of Fish and Game's Wildlife and Fisheries Division, said that Director Hight was sorry he could not attend the joint meeting. He expressed his thanks for the tour. It was very encouraging, especially the Edison Company project and the focus on wildlife issues. He was impressed with the ability to manage the forest both with timber production and wildlife values; it was very interesting to see first hand. He commented that the Director had nothing specific to report for this meeting.

REPORT OF THE DIRECTOR OF THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Mr. Dean Lucke, Deputy Director of Forest Practice reported that Director Tuttle sent her apologies for not being present for this Joint meeting of the Commission and the Board. He referred to the Director's report in the Binder and reviewed the section on Archaeology for the Board. CDF recognized the need to revise the Forest Practice Archaeology Rules and has developed a proposal for the Board's consideration. The Department requests that this rule proposal be placed on the Interim Committee agenda for June and for the Board to take action on the package. He believes it is a clean-up package identifying the problems of the past.

Mr. Richard Gienger said that the proposal would require vicinity mapping for noticing to Native Americans. The package would provide prior notification if there is a site on a harvest plan.

Mr. Heald indicated that it would be appropriate to refer the Archaeology package to the Interim Committee for discussion.

REPORT BY DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON HARDWOODS

Dr. Bill Stewart, Department of Forestry and Fire Protection (FRAP) Chief, reported that the Department is continuing to work with the Integrated Hardwood and Range Management Program (IHRMP), on the assessments and that status of hardwood resources. He provided an update for the Board and the Commission. FRAP has been re-mapping all vegetation types in California. That process has been completed based on California wildlife habitat relationships from Oregon to the Mexican Border. FRAP now has the maps and county acreage, which has always been an issue trying to track. The maps are available on the CDF web site and will be going to each county in California.

Dr. Stewart reported that AB 242, regarding the Oak Woodlands Conservation Act, was the Legislature's latest approach in dealing with oak woodlands in California, and it has created a fund with five million dollars from Proposition 12 and five million dollars from Proposition 40 to purchase easements and to support local counties in developing oak planning guidelines. Monies would not be available to counties unless they have oak guidelines and policies in place. The Wildlife Conservation Board is heading this project and there is an MOU with CDF as to how this can be accomplished. There will be a meeting with all stakeholders on May 20, 2002, to discuss implementation of this program.

Mr. Rynearson asked about the timeframe on change detections.

Dr. Stewart said that there is a five-year schedule to move around the state to review the areas. He indicated that he would provide the Board with a copy of the report.

Mr. Heald wanted to know the type of monitoring being done and how effective FRAP believes it is at looking at the distribution of deciduous hardwoods in a mixed conifer forest region.

Dr. Stewart said that they were not detecting the distribution because the few hardwoods within a mixed conifer could not be discerned through imaging.

Mr. Heald asked what the Department's methodology was for looking at the distribution of hardwoods in sustainable age classes in the mixed conifer hardwood zone.

Dr. Stewart said that would have to be done from a sampling of actually looking at the trees.

Mr. Sam Blankenship, Department of Fish and Game (DFG), thanked the Board and the Commission for the opportunity to provide an update on some activities that the DFG has been involved in regarding hardwood conservation. DFG has worked cooperatively with the U.S. Forest Service, in the Tahoe and El Dorado National Forests, in studying wildlife in black oak dominated habitat and the results of that study were presented during the Fifth Symposium on Oak Woodlands. This project represents eight years of data collection that should be completed later this year. DFG is initiating a project within its Species and Natural Communities Monitoring and Assessment Program in an effort to re-evaluate a series of vegetation type mapping points in the Central Sierra. DFG's Timberland Conservation Planning Program personnel continue to review THPs and other forestland management plans. The goal is to review approximately 25 percent of the plans on the North Coast and approximately 20 percent of all THPs received in the state.

Mr. Blankenship noted that AB 242 enacted the Oak Woodlands Conservation Act in September 2001. DFG is working with the Wildlife Conservation Board and CDF to establish a viable program, as outlined in the legislation, which will provide a solid framework for oak conservation throughout California. An interdisciplinary team meeting has been scheduled for May 20, 2002, to develop the program goals and objectives. As a member of the California Oak Mortality Task Force's Management Committee he provides quarterly updates to the Commission regarding Sudden Oak Death. He is also the DFG representative at the IHRMP unit meetings. He provided some background on the IHRMP program for the Board and the Commission.

Mr. Blankenship reported that DFG staff attended the California Association of Wine Grape Growers (CAWG) workshop and that he is on the CAWG steering committee. CAWG is working with agency biologist and specialist, also, industry representatives and non-governmental organizations to facilitate the preparation of proactive vineyard development guidelines. These guidelines will help to provide a framework for a conservation friendly approach to vineyard development and management within oak woodland landscapes. He

said that land acquisitions and restoration projects have provided long-term conservation of valuable hardwood resources. He provided a list of projects containing some oak woodlands for the Board's review.

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, reviewed the OMTF report in the Board's binder. Since the last OMTF meeting, a new species susceptible to Sudden Oak Death (SOD), *Viburnum tinus*, has been found in England. They were nursery plants and they have been destroyed. This species has not been found in the United States. He reported that there was a second training for sampling and surveying on April 10, 2002. There were 135 people, 50 of these were RPFs. There was a concern that only RPFs or government employees could be official samplers. The California Department of Food and Agriculture (CDFA) says that if you are an arborist and have attended a training meeting, you could be a sampler. Others can take samples and submit to a CDFA lab for confirmation only, they would not be used for regulatory purposes. There is another training session scheduled for June 6, 2002, in collaboration with the UC Cooperative Extension in San Rafael, Marin County. The class will target the arborist community. Following the course, arborists will be considered "certified" by CDFA. This class is already full. UCCE, Humboldt conducted an SOD awareness training session on May 1, 2002. It was in two sessions of approximately 170 at each session. It was a good meeting and now they want additional training sessions in that area. There will be a field trip May 14 and 15, 2002, in Santa Rosa.

Mr. Stanley reported that the letter for the Commodity Credit Corporation continues to be denied, so there is no additional funding coming in from there. AB 2251, which would appropriate 7.3 million in state funds for Sudden Oak Death, passed out of committee without money.

Mr. Stanley announced that the Pitch Canker Task Force and OMTF were planning a fundraiser for September 27, 2002. He invited the Members of the Board to attend the event hosted by the Pebble Beach Company at their Del Monte Golf Course in Monterey. He noted that all proceeds would be split between the Task Forces.

Mr. Stanley said that the California Integrated Waste Management Board (CIWMB) has been granted a \$50,000 for research to evaluate composting. CIWMB has proposed the project and the research will be carried out at UC Berkeley.

Mr. Stanley reported that Senator Boxer's Bill requesting approximately \$70 million dollars was attached to the Farm Bill and it failed when the forestry issues were removed. It is not certain if Senator Boxer will carry SOD as a separate bill.

Mr. Stanley said that there was a meeting to discuss how the grants of over \$1 million dollars for SOD research would be used. The USDA, Pacific Southwest Research Station, and CDF were represented at that meeting. He thanked Member Heald for his representation on behalf of the University.

Mr. Stanley reported that in quarantine regulations, the federal and state are not parallel. The state has said that it will not change to make them parallel until the federal government decides on its final regulations. The federal government has announced that it will do a risk assessment before it comes out with final rules.

Mr. Stanley noted changes within the Task Force.

Mr. O'Dell asked about current funding.

Mr. Stanley said that current levels were good with state, federal, and private funds, but there is no money for future research. People are willing to continue to work on the OMTF out of their existing budgets, but most do not have funding for research. The federal government has developed federal regulations, but has no money to implement them. There is an agreement between the federal government, USDAFS, and CDFA. CDFA is the enforcement arm at the state level. There is another agreement between CDFA and the Agricultural Commission, but there is no state or federal money coming in. It is a very difficult situation for the Agricultural Commission.

Chairman Dixon wanted to know the kinds of discussion the Task Force has had with the Agricultural Commission regarding the likelihood that funding would not be available for enforcement.

Mr. Stanley said that the Agricultural Commission says there are only so many bodies and so many hours in the day so they attend to the priorities and some of the compliance agreements will have to be done over the phone. Every agency is suffering with the budget situation.

Mr. Marckwald asked if the OMTF has enlisted the California Delegation in Congress on the OMB effort.

Mr. Stanley indicated that it had and that the California Delegation has been very active. Texas has been lobbying against it; Director Tuttle has been work with her contacts in the Texas Forestry Department. There is emergency money, but the definition of what constitutes an emergency is part of the issue.

Mr. Marckwald asked about the author's strategy of taking the money out of the legislation.

Mr. Stanley said that it was left for Appropriations to put it back in at some level.

Mr. Mark Rentz, California Forestry Association (CFA), remarked that the CFA members have been involved in the workshop. There is talk about money to impose regulations and enforce regulation and that is part of the strategy. He expressed concern that there is no money for the sampling lab. One of the strategic approaches is to train RPFs and others to go out and gather samplers for SOD-Free Zones through sampling and lab work. Without a lab, all the training would have been for nothing.

Mr. Marckwald asked if CFA has checked with the authors of legislation about support for funding.

Mr. Rentz indicated that he would have to check with CFA's legislation office, but CFA realizes the importance of this issue. CFA is very concerned with the federal government going in one direction and the state going in another. Hopefully that will be resolved over time.

REPORT ON STATUS OF THE JOINT POLICY RELATING TO ANADROMOUS SALMONIDS

Dr. Marty Berbach, Department of Fish and Game (DFG), noted that the Joint Policy on Anadromous Salmonids was adopted by the Board on August 9, 2001, and the Commission on August 23, 2001. He referred to Director Hight's May 2002 letter and provided an overview of the Fisheries Restoration Grants Program (FRGP) for the Board and the Commission. In May

of last year, DFG received 280 proposals for 36.3 million dollars. In January there were 75 additional requests for a total of 17.6 million dollars. In March, 123 proposals were approved for 21.6 million dollars, which included a 5 million dollar reduction from the Governor's budget. Currently a new request for proposals is out and can be found on the DFG website. Those proposals for the next fiscal year are due by May 24, 2002.

Mr. Berbach announced that due to a hiring freeze and position redirection, the DFG Academy is on hold. However, the FRGP has funded a watershed academy in Napa County. That county will be putting on four watershed academies under a contract that was issued.

Mr. Berbach reported that DFG's Timber Harvest Review mandates that the Department review 25 percent of all THPs on the North Coast with a desk review of 100 percent of the plans. DFG conducted a full review of 30 percent of the THPs and desk review on 78 percent. The reason for the short fall of desk review was due to staff being redirected during the Coho status review period. It is also a goal of the program to conduct post harvest monitoring. It is a fairly new program and about 12 plans have been monitored. The preliminary findings on post harvest inspections evaluate watercourse classifications, water drafting, road crossings, and exposed soils above watercourses. The most consistent problem with THPs is the misclassification of Class II watercourses as Class III watercourses.

There was some discussion.

Mr. Richard Gienger noted that the DFG was forced to get funds from Proposition 40 for this work. He wanted for the Board and the Commission to be aware that watercourse crossings are an area of the Joint Policy that needs to be addressed in an effort to upgrade the compliance that DFG is finding lacking in the completion reports.

Mr. Dean Lucke, Assistant Deputy Director for Forest Practice, said that watercourse classification is an issue that CDF has been addressing with joint training sessions with DFG. One concern has been that the direction CDF gives its foresters has been changed with regards to stream classification guidelines. The Department believes that the issue is boundaries between Class II and Class III transition, not a misclassification. There is a 50 to 100 foot difference in classifications in the areas CDF looked at with DFG. CDF believes that guidelines are being properly implemented by the Department and DFG. CDF works under more stringent time constraints than DFG so there will be discrepancies.

Mr. Lucke referred to item B in the Joint Policy and said that CDF does support DFG in its watershed academies and will offer to support Napa County if they want the Department's participation in a watershed academy. Regarding Item C, the evaluation of desirability of preparing supportable listing packages, CDF has not worked in this regard. The Department is relying on DFG to come forward with its proposals and CDF will review them. The Department believes this to be an area of DFG's expertise and it should take the lead. Also, the same holds true for item D, the Department is looking to DFG for leadership in preparing and proposed rule packages consistent with multi-species recovery strategies for protection of Pacific salmon and anadromous trout populations and habitat during timber operations. He wanted to be certain that the F&GC and the Board understood that the Department was not taking a lead role in either C or D on page four of the Joint Policy. On item E, CDF does handle those issues under the THP Review Team process with input from DFG. CDF tries to address any of the DFG concerns through the THP approval process. Under item F, CDF has not done any pilot watershed projects in the Klamath Province. The NCWAP data will be coming out with reports in October. Item G has not been an issue as yet. Item H; annually CDF reports to the Board regarding implementation of this policy and of the Pacific salmon and anadromous trout resources.

Mr. Eric Huff, Big Creek Lumber, provided a handout outlining Big Creek Lumber's response to the Joint Policy Relating To Anadromous Salmonids approved by the Board on August 9, 2001. He reviewed those concerns for the Board and Commission. He believes that the policy is an unnecessary intrusion on human activity in any area perceived to be salmonid habitat. He believes that the policy ignores historic and scientific facts.

Mr. Kevin Collins believes that the responsibility and authority for classification decisions are with the Department of Fish and Game.

Mr. Mark Rentz, California Forestry Association (CFA), encouraged the Board and the Commission to reflect upon what constitutes a "population." There is a need to establish protocol for population dynamics.

Mr. Richard Gienger suggested that a task force for watercourse crossings be developed.

Mr. Michael Flores, President of the Fish and Game Commission, arriving late indicated that he was glad to be at this joint meeting of the Commission and the Board.

Mr. Keith Greenwood believes that Class II and III transition points are important. He said that the rules and discussions are clear and not difficult to agree upon if considering the evidence.

REPORT BY DEPARTMENT OF FISH AND GAME (DFG) AND THE NATIONAL MARINE FISHERIES SERVICE (NMFS) REGARDING CURRENT METHODOLOGIES USED and the STATISTICAL BASES for SALMONID POPULATION MEASUREMENTS

Mr. Miles Croom, National Marine Fisheries Service (NMFS), and Bob Coey, Department of Fish and Game (DFG), provided a Power Point presentation for the Board and the Commission.

Chairman Dixon wanted to know how the 160 thousand acre feet of Eel River water goes into the Russian River during the year affects imprinting, how the imprints on the fish are calculated, and how the flow proposals that are before the Energy Commission fit into the equation.

Mr. Coey noted that past releases from Warm Springs have been made to the Russian River. Those fish then traveled down through the summer dams to the estuary, which have also been highly modified, mainly for flood control, then presumably out to the ocean. The difference with this program is, in addition to those releases, that these fish will not be raised to one pound on well water or water out of Dry Creek. They will be released at a very small size to these native tributaries, which are off stream, and they should be able to find their way back. He noted that there would be an evaluation program by the recovery-working group.

Chairman Dixon noted that the DFG had been highly supportive of the highest flow recommendation that came out of a 10-year study conducted by PG&E. He asked if DFG has changed its support of the flow recommendation?

Mr. Coey commented that he could not answer that at this point.

Chairman Dixon suggested that NMFS present this presentation to the Eel River Commission.

Mr. Marckwald wanted to know what time of the year the breaching on the sand bars occurred.

Mr. Coey replied that it happened all summer long.

Mr. O'Dell wanted to know what it was like to rear coho in fresh water to adulthood. He said that he thought that there had to be some exposure to saltwater in order to make the transformation from smolt to adult.

Mr. Coey commented that was correct. The positive side of rearing the salmon in freshwater is that with the transition to seawater, bacterial kidney disease which is everywhere, is expressed during the transition phase. It is either expressed by the transition or stress. By rearing them in freshwater to adults, they may have to do some manipulation at the adult phase, and as a result they may not come into maturity as soon as they do for seawater, so there may be a delay for one year.

Mr. Rynearson wanted to know what kind of cooperative efforts have been made with landowners throughout the different types of land uses in the Russian River area.

M. Coey said that it has been very encouraging. The landowners have been contacted ahead of time and notified that the program was focused toward restoration, not regulation. They meet with the landowners on their lands and enjoy about a 95 percent access rate in the Russian area. Since the listing of coho, that percentage has gone down to approximately 60 percent. There has been a lot of outreach with local communities, Russian River Watershed Council, Friends of the Russian River, Trout Unlimited, Local Resource Conservation Districts, Farm Bureau, and others. With little exception, there was strong support. There is a need to continue communicating to the public about the efforts being made.

Mr. Croom reviewed the outreach efforts that have been made to education stakeholders.

Public Comment

Mr. Mark Rentz, California Forestry Association (CFA), commented that it was an excellent presentation and was encouraged by the cooperative efforts of the state and federal agencies. He noted technical papers by independent biologists regarding the underestimation of commercial fish harvesting and the effects on the various Salmonids. He expressed his confusion because he did not believe that the presentation addressed the item on the agenda. There has not been any discussion regarding current methodologies used and the statistical bases for salmonid population measurements. He asked that the presenters explain to the Board and to the Commission the process used for determining current fish populations and evaluating current fish population trends.

Chairman Dixon asked CFA to put its request in writing and indicated that staff would share it with the two agencies.

Mr. Rentz indicated that CFA would put in writing its request that the Current Methodologies Used and the Statistical Bases for Salmonid Population Measurements be placed on the Board's agenda for a future meeting.

Mr. Sonke Mastrup, Deputy Director of the Department of Fish and Game's Wildlife and Fisheries Division, said that there was not enough time to get people and materials together. He believes that a better place for this issue would be in a subcommittee of the Board.

Chairman Dixon said that he believes that would be a good place due to the ability for more give and take. He asked if DFG knew when that would be possible.

Mr. Mastrup indicated that he would need to consult NMFS.

Mr. Joe Blum, National Marine Fisheries Service (NMFS), suggested that NMFS report back at the next meeting as to what would be a logical time to formalize the request.

Chairman Dixon directed Board staff to get together with NMFS staff to decide when this issue could go to Committee.

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

Mr. Joe Blum, National Marine Fisheries Service (NMFS), indicated that NMFS lacked funding for monitoring, salmon recovery, and population estimates. He believes that within the current budget, California is allocated less than three percent, perhaps even less than one percent, of the monies for monitoring purposes. There is concern that the fund may get used for management activities instead of restoration work on the ground. He suggested that the Board deal with its legislation and advisory committees, and state and federal agencies be sure that money is used wisely. He noted that the lawsuit NMFS was involved in over separating the hatchery fish from the rest of the spawning population, the judge ruled that an ESU could not be split. As part of the agreement with the courts, NMFS is undertaking another review of 25 of the ESUs and redoing the status reviews over the 40 to 45-day comment period. NMFS would welcome any information from agencies or the private sector, specifically on relationships between resident and anadromous fish.

Mr. Rynearson said that he supports the monitoring efforts. Redwood Creek is a good example of the cooperative efforts between private landowners and DFG.

PRESENTATION BY THE EXECUTIVE OFFICER OF THE NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD REGARDING THE RENEWAL OF WASTE DISCHARGE WAIVERS FOR FORESTRY ACTIVITIES AS MANDATED BY SB 390

Ms. Susan Warner, Executive Officer for the North Coast Water Quality Control Board (NCWQCB), provided the Board with some legislative history. The issue of waste discharge waivers requirements is very broad. She noted that SB 390 changes the way regional boards will be doing business in the future and sets some deadlines for the various boards to address the new changes. In seven of the eight regions, the bulk of the THPs are waived when they comply with an approved THP and Basin Plan. In 1987, the Board adopted a series of waivers that affirmed the Waiver Waste Discharge requirements for THPs when in compliance with a Basin Plan. However, because of SB 390, they all expire in January 2003, and now the regional water boards have to review most of the Discharge Waivers that are issued and renew waivers every five years. This has not been done in the past. Now all regional boards are attempting to develop a plan to address the expiring waivers. In the North Coast Region, the efforts will be to expedite the THP consideration. How to address these new issues is problematic. The NCWQCB is drafting proposals for the regional boards consideration in terms of concept; June in Eureka will be the earliest opportunity. There is also a statewide meeting being scheduled for July to discuss this issue. In the North Coast Region, there is a need to begin the process now. The Region intends to move ahead as fast as possible and consider all options, hopefully by July but no later than August. There has been an Assembly Bill introduced that would extend the expiration date for waivers until 2007. However, that Bill is in conflict with the original Bill. The NCWQCB is going to move ahead with the consideration of a renewable waiver category for THPs. When a new waiver policy is adopted, the Water Board would have to comply with CEQA just as this Board does in its rule-making process. Adopting a Basin Plan amendment would correct the existing waiver and make it conform to the new Legislation. That process requires more CEQA review through documentation than a typical

waiver would. It also requires State Water Board's approval before it goes into effect, then approval by OAL and the EPA.

Mr. O'Dell commented on the complexity of the process. He questioned the timeframe.

Ms. Warner indicated that the goal would be year-end implementation, but believes that to be optimistic. It would likely be in December. If the Board continues the matter, then a second hearing could occur. Throughout this process it would be necessary to have outreach and public information workshops.

Mr. Heald wanted to know if other regions' efforts parallel with those of the North Coast, or do they need to wait for the North Coast.

Ms. Warner said that because this is a priority effort, it might put the North Coast Board in the forefront. The other regions can act independently. The Water Board is trying to share the information and have discussions with the sister regions as the process proceeds.

Mr. Rynearson wanted to know the Water Board's concern with the NTMP process within the Basin Plan.

Ms. Warner commented that it is more of a renewal issue. With the current waiver the Water Board uses Waiver Waste Discharge requirements on THPs and has not renewed those waivers. Every five years the Water Board will need to take a proactive step regarding NTMPs. It is possible that the Water Board may have to consider a blanket waiver for all the THPs that have been approved through the Review Team process.

Mr. Rynearson asked about the exemption process.

Ms. Warner said that exemptions are problematic, but that they would be covered by waivers.

Mr. Marckwald wanted to know if each Regional Board would deal with this issue as it chose.

Ms. Warner noted that by law, the California Water Code, each Regional Board could promulgate a waiver, so it could provide some guidance that would not be rulemaking.

Mr. Rynearson encouraged the Water Board to work with Board on this issue.

Ms. Warner replied that she would work with the Board's Executive Officer and provide copies of the reports for the Board.

Mr. Richard Gienger suggested that the Water Board communicate with the Governor. He believes that to go through this process will take the issue until next year. The Water Board should try for a one-year extension.

Mr. Warren Alford, Sierra Club, indicated that he did not think a one-year extension was the answer. It is distressing that this process has not gone further.

Mr. Heald asked about SB 390.

Ms. Warner noted that the Legislation would expire on January 1, 2003.

Mr. Traci Thiele, Humboldt Watershed Council (HWC), commented that the waivers have not worked. The Basin Plans are being violated. She questioned the intelligence of providing waivers.

REPORTS BY DEPARTMENTS REGARDING IMPLEMENTATION OF JOINT POLICY ON PRE-, DURING AND POST FIRE ACTIVITIES AND WILDLIFE HABITAT

Mr. Tim Turner, Southern Region Chief, reported that the Joint Policy on Pre-During and post Fire was working and to-date there have been no problems.

Mr. Kevin Shaffer, DFG, referred to a letter from the Director of Fish and Game on the Policy. Joint training on fire safety, fire ecology and the policy has occurred and has been very successful. He expressed his appreciation for CDF and its staff for the cooperation from both the Southern and Northern Regions. With the during-fire component of the policy, DFG will be in a good position to cooperatively work with CDF and federal agencies. Regarding the pre-fire portion of the policy, he met with the Regional leadership on the priorities for fire and fuels for the DFG. The focus of the DFG is the pre-fire component of the policy. He referred to AB 1983, which deals with fuels reduction and proposes a California Fuels Reduction Act. He suggested that CDF put a group together to look at comprehensive fuels and fire management. DFG believes that this is the future of fuels and fire management. In December 2002, DFG is resuming the annual conferences on Fire Ecology and Fire Management; the theme is how to manage fuels and fire in the remaining open spaces and wildlands of the Southwest. He encouraged the Board and CDF to participate in that conference.

Mr. Rynearson asked Mr. Schaffer to provide information on that conference to the Board's Executive Officer.

Mr. Schaffer indicated that he would, also, the information for that conference is available on the Website of the Association of Fire Ecology and the Western Section of the Wildlife Society.

Chairman Dixon thanked DFG for its comments.

REPORT OF EXECUTIVE OFFICER AND EXECUTIVE DIRECTOR, INCLUDING PROPOSED STATE AND FEDERAL LEGISLATION

Mr. Robert Treanor, Executive Director of the Fish and Game Commission (F&GC), expressed the F&GC's appreciation for the opportunity to meet jointly with the Board.

Mr. Daniel Sendek, Executive Officer for the Board, thanked F&GC staff for working with him during the Executive Director's absences. He provided an update on AB 2384 for the Board and the Commission.

PUBLIC FORUM

Ms. Traci Thiele provided the Board with a copy of an article from the San Francisco Chronicle called, "Insight." The article was called, "What is Nature Worth?." She expressed her displeasure with the Board. She believes that the Board is not working to protection the public health, trust, and resources.

Mr. Eric Huff, Big Creek Lumber, presented the Board and the Commission with a binder on fish in California over the past 100 years.

Mr. Dan Weldon, Forest Landowners of California (FLOC), provided an update of their last meeting and a copy of the FLOC newsletter.

Mr. Richard Gienger provided a copy of the transcript the NCRWQCB's decision and findings on Watersheds in Freshwater Creek on the North Coast. The public was not happy with the decision. He reviewed the draft transcript on monitoring of watercourse crossings for the Board. He then reviewed AB 2806 for the Board. Mr. Gienger indicated that he was pleased with the archeology protection measures being proposed by CDF.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Mr. Bernie Bush provided the CFPC report. Most of the Council's work is done in committees. Those efforts are underway and as soon as those agendas are set they will be forwarded to the Board.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell, Chair, reported that the MSG met on April 23, 2002. The meeting was well represented by agencies, public members, and the industry. A representative from Campbell Timberland Management presented preliminary suspended sediment and turbidity monitoring results from the 2001/2002-winter season in the South Fork Ten Mile River watershed. He noted that the goal is to improve knowledge of sediment transport in the basin. He reviewed the progress to date. Another representative from Campbell Timberlands Management provided a conceptual approach for THP-level effectiveness monitoring for the Hawthorne Timberlands ownership in Mendocino County. The goal is to design a suspended sediment monitoring program-sampling strategy. Campbell Timberlands Management offered the MSG the opportunity to help design a statistically valid monitoring program and develop a THP to fit the monitoring program requirements. It was suggested that an MSG workgroup could provide technical comments and that the MSG, along with the Board and CDF, consider funding for such an endeavor. This discussion will continue during the next MSG meeting.

Mr. O'Dell noted that there was a presentation of the fisheries monitoring program for Mill Creek, a tributary of the Smith River in Del Norte County. The Save The Redwoods League is negotiating the purchase of the Mill Creek block of Stimpson Lumber Company. Anticipating this change in ownership, the Mill Creek fisheries program is seeking funding to continue with the long-term monitoring program.

Mr. O'Dell reported that CDF provided a presentation on monitoring that has been required for THPs. There are eight THPs that have been approved with mandatory monitoring and an additional three with voluntary monitoring requirements. Monitoring requirements have been evaluated using the test of reasonableness and practicality. CDF has not requested sediment-monitoring techniques requiring one to two winters of pre-treatment data collection. It was suggested that crossing monitoring approaches related to THPs be discussed further at a future MSG meeting.

Mr. O'Dell announced that the next meeting of the MSG is scheduled for June 11, 2002, at Howard Forest and that the agenda items not covered during the April meeting will be discussed in June.

ADJOURNMENT OF THE JOINT MEETING

BOARD OF FORESTRY AND FIRE PROTECTION MEETING

CALL TO ORDER

Chairman Dixon called the Board of Forestry and Fire Protection meeting to order.

REPORT OF EXECUTIVE SESSION

Chairman Dixon reported that no action was taken during the Executive Session.

MINUTES

Chairman Dixon asked for approval of the March and April 2002 minutes.

02-5-1 Mr. O'Dell moved to approve the March and April 2002 minutes as amended. Mr. Marckwald seconded the motion, and all were in favor.

REPORT OF THE CHAIRMAN

Chairman Dixon thanked the Unit and Region Chiefs and their staffs for the excellent provided for the Board and the Fish and Game Commission.

REPORT OF STANDING COMMITTEES

INTERIM COMMITTEE

Mr. Heald, Chair of the Interim Committee, reported that the Committee met jointly with the *Ad Hoc* Watershed Committee. There was some discussion on stocking credit for large trees and snags, but no progress made during that discussion. Also, the sensitive species issue was briefly discussed.

AD HOC WATERSHED COMMITTEE

Mr. Rynearson, Chair of the *Ad Hoc* Committee, reported that there was discussion on the proposed changes to the Road Rules. That package was briefly discussed and it was decided that he would work with staff to consolidate it and identify where the different sections should reside if that package should move forward.

Chairman Dixon asked the Committee Chairs to be thinking about the potential timeframe for moving packages forward and report in June.

CONTINUED REPORT OF THE ADVISORY COMMITTEES

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

There was no RMAC report.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. George Gentry, Executive Officer for Licensing, reported that the PFEC last met on May 2, 2002. The Committee is discussing a reciprocity agreement with the State of Maine and will move forward with that issue. There was continuing discussion on minimum qualification for the RPF exam as it pertains to qualifying experience. The Committee believes that the description of requirements is adequate.

Mr. Heald noted that the PFEC discussed an issue for Board consideration during its open session. The PFEC only acts on issues of concern regarding Registered Professional Foresters when those are in the form of a written complaint to begin proceedings. However, there are occasionally cases of great public notoriety. In the past, the PFEC has had the Executive Officer of Licensing (EO) begin to gather information on these issues. The Counsel for Licensing confirmed that this has been the procedure in the past. The Professional Forester's Law contains a section that grants the authority directly to the Board to conduct an investigation. The PFEC wanted to bring this to the Board in open session to be sure that the Members are still in concurrence that the Executive Officer of Licensing should pursue these matters in the rare cases of great notoriety as in the past.

Mr. O'Dell wanted clarification that it would not be gathering information that could be interpreted as being tried by the press.

Mr. Heald commented that cases receiving wide press coverage often involve legal action undertaken by a District Attorney. In anticipation of possible future cases that may arise in these instances, the EO has in the past gathered relevant information.

Mr. Rynearson asked if the suggestion was that a case file be opened and that a formal investigation occur.

Mr. Heald indicated that it should be at the discretion of the EO. If nothing is there, then the EO would go before the PFEC and explain that he gathered information but does not find anything to warrant further action, or the Board on its own motion should begin proceedings.

Mr. Matthew Campbell, Attorney General and Board's Counsel, suggested that this issue be put on the Board's agenda for the next Board meeting.

Mr. Rynearson suggested having the discussion after additional research could be done.

Mr. O'Dell said that he believes it to be an informational item and not requiring a formal discussion.

Mr. Bosetti agreed with Member O'Dell's comment.

Chairman Dixon also agreed that this was an informational item for the Board. He suggested that the Board's Executive Officer and the Licensing Office review the past practice just to be certain everyone is comfortable with the current procedure.

Mr. Gentry asked for Board action regarding the request for withdrawal by Vern Neil, RPF 1064.

02-05-2 Mr. Rynearson moved to approve the request of withdrawal for Vern Neil, RPF 1064. Mr. Heald seconded the motion, and all were in favor.

Mr. Gentry then asked for Board action on a request for reinstatement by Charles Brown, RPF 2137.

02-05-3 Mr. Ryneerson moved to approve the request for reinstatement by Charles Brown, RPF 2137. Mr. O'Dell seconded the motion, and all were in favor.

Mr. Gentry asked for Board action on the request for reinstatement by William Conway, RPF1730.

02-05-4 Mr. Ryneerson moved to approve the request for reinstatement by William Conway, RPF 1730. Mr. Marckwald seconded the motion, and all were in favor.

HEARING: TO CONSIDER AMENDMENTS TO REGULATIONS AFFECTING THREATENED AND IMPARIED WATERSHEDS

Chairman Dixon introduced the topic.

Mr. Jim Mote, Regulations Coordinator, provided an overview of the package. The package was noticed on March 22, 2002. He noted that the only change was the expiration date from 2002 to 2003.

Mr. Dennis Hall, CDF Forest Management, said that the Department supported the extension of these rules for another year.

Dr. Marty Berbach, Department of Fish and Game (DFG), referred the April 30, 2002, letter from the Director of DFG supporting the extension for an additional year.

Mr. Gaylon Lee, State Water Resources Control Board (SWRCB), said that the SWRCB also supports the extension.

Mr. Will Harris, California Geological Survey (CGS), said that CSG was in support of the extension for another year.

Public Comment

Rob DiPerna, EPIC, said that EPIC supports the extension, but would like another opportunity to make some revisions through the committee process.

Mr. Richard Gienger spoke in support of the extension, but expressed the need to review the no cut zone and monitoring sections.

Mr. Kent Stromsmoe spoke in support of the extending the package for another year, but expressed concerns about companies that have HCP incidental take permits.

Mr. Warren Alford, Sierra Club, said that the Sierra Club supports the extension, but expressed a desire for stronger regulations for coho. After the one-year extension, the Sierra Club believes that the rule should be permanent and stronger.

02-05-5 Mr. Ryneerson moved to close the public hearing. Mr. Bosetti seconded the motion, and all were in favor.

02-05-6 Mr. Marckwald moved to adopt the noticed package. Mr. Heald seconded the motion, and a roll call vote was taken.

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| Bosetti | Aye |
| Heald | Aye |
| Marckwald | Aye |
| Rynearson | Aye |
| O'Dell | Aye |
| Dixon | Aye |

The motion passed by unanimous vote.

Chairman Dixon noted that the Board Members have had the opportunity to review the Findings for the Threatened and Impaired Rules package and asked for Board discussion.

T & I Findings:

Mr. Heald noted a grammatical change in the middle of the last page of the Findings for the Watershed Extension; it should read one year, not six months.

02-05-7 Mr. Marckwald moved to adopt the findings as amended. Mr. O'Dell noted the same change in (f) of the package, so the correction from six months to one year would be the same in both places. Mr. O'Dell seconded the motion.

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| Heald | Aye |
| Marckwald | Aye |
| Rynearson | Aye |
| O'Dell | Aye |
| Bosetti | Aye |
| Dixon | Aye |

The motion passed by unanimous vote.

HEARING: TO CONSIDER THE ADDITION OF TEMPORARY REGULATIONS CREATING THE INTERIM WATERSHED MITIGATION AMENDMENT (IWMA)

Chairman Dixon introduced the topic.

Mr. Jim Mote, Regulations Coordinator, said that package was sent out for a 15-Day Noticed on April 17, 2002. He then reviewed the changes for the Board.

Mr. Dennis Hall, CDF Forest Management, referred to the Director's letter of support for the package. The Department supports option A. The IWMA would replace an approved NTMP. He noted a grammatical change on page eight line 18, "assesses" should be changed to "assess."

Dr. Marty Berbach, Department of Fish and Game (DFG), referred to the DFG Director's letter of support for the package that will sunset in 2003. DFG does not have a position on options A or B.

Mr. Gaylon Lee, State Water Resources Control Board (SWRCB), said that SWRCB had no comments on this package.

Mr. Will Harris, California Geological Survey (CGS), expressed concerns regarding staffing and timing, but indicated that CGS supports the package.

Mr. Joe Blum, National Marine Fisheries Service (NMFS), indicated that NMFS supports the package with option B. However, he commented that it was the hope of NMFS that this package would not be extended year after year and that in the near future there would be a serious effort for a final package.

Public Comment

Mr. Kevin Collins, Lompico Watershed Conservancy, referred to page five of the package and believes that the intent is to allow landowner to find another way to cut trees. There is a need to take seriously the protection to Salmonids. He expressed his opposition to the adoption of the package.

Mr. Richard Gienger commented that the pilot project was not ready to be in rules. He believes that the IWMA package is inadequate.

Mr. Bernie Bush, Simpson Timber Company, noted that this package was passed unanimously last year. It was brought forward as a first step toward watershed analysis. He spoke in support of option A.

Mr. Mark Rentz, California Forestry Association (CFA), indicated that CFA was in support of the adoption of this package with option A. He provided CFA's written comments to the Board.

Mr. Peter Ribar, Campbell Timberland, spoke in support of the package noting that it provides flexibility.

Mr. Dan Weldon, Forest Landowners of California (FLOC), believes that the IWMA provides landowners flexibility within the T & I rules for small landowners.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), spoke in opposition to the package. She referred to Legislative hearings on THP fees. This package would create a burden on taxpayers and believes that it would take existing staff away from the THP review process.

Mr. Jim Ostrowski, Timber Products, spoke in support of the package. This package provides the tools to do deal with site-specific needs. He expressed his hope that the Board will monitor this package.

Mr. Robert DiPerna, EPIC, commented that EPIC does not see much change in this package and believes that the concerns of EPIC have been ignored. He provided written comments for the Board.

Mr. Warren Alford, Sierra Club, said that the Sierra Club believes that information and expertise is lacking in the pilot project. The public comment period should be built in and there should be equal protection. The Sierra Club does not believe that all applicable laws are fairly addressed.

Mr. Keith Greenwood, California Licensed Foresters Association, (CLFA), indicated that CLFA supports resolving watershed issues on a site-specific basis. He commented that statewide rules do not always address site-specific differences.

Mr. Kent Stromsmoe spoke in opposition to the package. He expressed his concerns regarding option A. He indicated that if the Board takes action of this package, he would support option B.

02-05-8 Mr. Heald moved to close the public hearing. Mr. Ryneason seconded the motion, and all were in favor.

Mr. Heald indicated that his preference for an initial watershed analysis package would be to have more structure and would allow information to be developed in a consistent pattern that would then follow into future analysis. He suggested a need for public involvement and working on improvements through the Committee process. There were improvements made to this package through the Committee review process. Both options A & B prescribe limits to the opportunities for the “in place of” rules, which are appropriate. He noted that both options allow alternatives only to the extent that they are consistent with the goals of watershed-specific rules to be developed in place of operational rules. He said that he prefers option B and suggested voting on the options before the vote on the entire package.

02-05-9 Mr. Heald moved to adopt option B. Mr. Marckwald seconded the motion, and a roll call vote was taken:

Mr. Ryneerson wanted to know if the Board was voting on only options A or B at this time, or the entire package.

Mr. Heald indicated that his motion was to vote on the options independently.

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| Ryneerson | Nay |
| O'Dell | Nay |
| Bosetti | Nay |
| Heald | Aye |
| Marckwald | Aye |
| Dixon | Nay |

The motion failed by a 4-2 vote.

02-05-10 Mr. Ryneerson moved to adopt the package with option A. Mr. O'Dell seconded the motion.

Chairman Dixon called for discussion.

Mr. Marckwald said that he would support this package today, but it must move forward with a final protection package.

Mr. O'Dell agreed with member Marckwald and said that there is a need to let those that use this process work make it work. Public input also needs to be considered.

Mr. Ryneerson said that the reason he believes that there is no real difference between options A & B is that the Director still needs to approve whatever happens under this documents. It is time the Board to trust the agencies and the specialists involved. This is not a watershed assessment, but it is a step in the right direction.

Mr. Heald commented that he is prepared to move forward with a vote on the entire package.

Mr. Marckwald asked that Mr. Ryneerson's motion be revised to require that the Director report back to the Board every three months on the number of IWMA consultations and the number of IWMA submitted with a THP and what the disposition would be.

Mr. Matthew Campbell, Deputy Attorney General and Board's Counsel, said that it would be cleaner as a separate motion and to make sure that it is a suggestion and does not constitute regulatory action.

Mr. Marckwald said that would be fine.

Mr. O'Dell said that he looked favorably on Member Marckwald's comments. This is a major step forward, but believes that there will not be many participants willing to take the risk to go through this watershed assessment process. He urged someone to take this opportunity and try this process.

A roll call vote was taken:

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| O'Dell | Aye |
| Bosetti | Aye |
| Heald | Aye |
| Marckwald | Aye |
| Rynearson | Aye |
| Dixon | Aye |

The motion carried 6-0.

IWMA Findings:

Vice Chair Marckwald provided a copy of some changes he would suggest for the draft Findings and itemized them for the Board.

Mr. O'Dell suggested that in the next to the last line where it says, "the performance objective," the word "objective" was unnecessary in that sentence. He thought that it would read more clearly if it read "performanced-based regulations."

Mr. Marckwald indicated that he would support that change.

Mr. O'Dell noted that the Federal Register, lists "steelhead" not "steelhead trout." He suggested that "trout" be eliminated from the Findings and asked for guidance from DFG and NMFS on that issue.

Both agencies agreed to have the word "trout" removed.

Mr. O'Dell then referred to the second bullet where it talks about anadromous salmonids within the evaluation--that next word should be "area". And it should read "before" and delete the word "to," so that it would read the evaluation before the development and review.

Mr. Rynearson noted that "coho salmon" and "chinook" should be in lower case.

Mr. Heald noted that on page one, in the bottom paragraph toward the middle, there is a sentence that refers to performance-based rules. He said that a performance-based rule is one that specifies a result. He believes that "performanced-based" regulation or rules should be replaced with "watershed specific" rules.

Mr. O'Dell said that he could support that change.

Mr. Rynearson suggested adding "watershed or site-specific."

Mr. Marckwald commented that he would like to strike "performance-based" and insert "watershed or site-specific rules. Also the strike the "performance-based regulations" and insert as above.

02-05-11 Mr. O'Dell moved to adopt the Findings as amended. Mr. Bosetti seconded the motion, and a roll call vote was taken:

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| Bosetti | Aye |
| Heald | Aye |
| Marckwald | Aye |
| Rynearson | Aye |
| O'Dell | Aye |

The motion passed by unanimous vote. Chairman Dixon was not available for this vote.

Mr. Campbell announced that he would no longer be Counsel for the Board. He believes this a unique process addressing important issues for the State of California and thanked the Board for the opportunity to serve.

The Board expressed its appreciation for his service.

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

Mr. Daniel Sendek, Executive Officer for the Board, noted that there were no materials for this topic in the binder. This item will be on the agenda over the next few months. It is important that when a Plan is submitted from individual counties, the Plan be acted upon at the earliest possible time. This agenda item is just a placeholder for the benefit of the counties.

Mr. Bosetti said that the comments of the Executive Officer were consistent with those discussed in Committee.

DISCUSSION OF THE BOARD'S MARCH AND APRIL 2002 TIMBER HARVEST PLAN SUBMISSION AND REVIEW WORKSHOPS

Vice Chair Marckwald introduced the topic. He noted that this was a time for the Board and the public to give insight about the workshops.

Mr. Heald said that he was impressed with the preparation and the presenters and believes that there is a need for more public comments. He believes that this item should be put on the agenda for full discussion of specific resolution steps.

Mr. Rynearson believes that the Board should identify action items for the next agenda.

Mr. Jere Melo commented that the Board is working in the right direction. He expressed his appreciation for the response that has come from these workshops. He suggested that the Board adopt some form of Bill of Rights as a policy statement. It is important to consider the costs to agencies and landowners.

Mr. Mark Rentz, California Forestry Association (CFA), referred to the working group's April 17 letter in response to the Bill of Rights proposal. CFA believes that the working group will be very helpful. He believes that the Board should realize the seriousness of the issue and move to the forefront of the discussions.

Mr. Bernie Bush, Simpson Timber Company, expressed his appreciation for the Board's efforts. He believes that communication is still the main issue.

Mr. Jim Ostrowski, Timber Products, referred to his written comments. He believes that the Board needs to take more of a leadership role.

Mr. Richard Gienger said that the workshops were great and everyone should be commended. He believes that synthesis of the main points should be considered.

Mr. Dan Weldon, Forest Landowners of California (FLOC), commented that the recent actions on the IWMA are encouraging and the members of FLOC are appreciative.

Mr. Peter Ribar, Campbell Timberland, said that he appreciated the different viewpoints and comments made during the workshops. He believes that communication and agendas are the main issues.

Mr. Robert DiPerna, EPIC, thanked the Board for the workshops, but indicated that they were just the first step and that there is a long way to go. He believes that policy and interagency actions need work. He provided examples for the Board.

Mr. Ribar indicated that there was a difference of opinion as to what the proper venue should be.

Mr. Dean Lucke, CDF Assistant Deputy Director of Forest Practice, noted that the workshops covered very broad issues. CDF believes that more interaction between regulatory boards would be helpful.

Dr. Marty Berbach, Department of Fish and Game (DFG), commented that DFG appreciated the opportunity to participate and air its concerns. He wanted to know what was next, what was going to come out of these discussions. DFG would support across the board training and more workshops.

Mr. Gaylon Lee, State Water Control Board (SWCB), said that there is a need for a different venue to address policy issues.

Mr. Joe Blum, National Marine Fisheries Service (NMFS), commented that NMFS was very appreciative of the Board and its staffs' efforts and for being asked to be a participant in the proceedings. The process is not working, but the workshops have lead to similar conclusions as to the problems and NMFS is willing to work with all parties.

Mr. Will Harris, California Geology Survey (CGS), expressed the CGS's appreciation for the workshops.

Mr. Bosetti suggested that the Board review the list of issues and be prepared next month to discuss them.

Mr. Marckwald indicated that it was important that the Board identify the issues and focus on them. He believes that it would be appropriate for the Executive Officer and the Board's Chairman to work out the timing.

NEW AND UNFINISHED BUSINESS

Vice Chair Marckwald requested that the Department and its staff track the IWMA progress. He noted that he would not be available for the June meeting.

Mr. Richard Gienger provided five photographs for the Board to review.

ADJOURNMENT

Vice Chair Marckwald adjourned the May 2002 meeting of the Board of Forestry and Fire Protection.

Respectfully submitted,

ATTEST:

Daniel R. Sendek
Executive Officer

Stan Dixon
Chairman

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