

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916)653-0989 FAX
Website: www.bof.fire.ca.gov



**MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
MEETING
July 8, 9 and 10, 2003
Aptos, California**

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Susan Britting
Robert Heald
David Nawi
Tharon O'Dell
Gary Rynearson

MEMBER(s) ABSENT:

Mark Bosetti

BOARD STAFF PRESENT:

George Gentry, Acting Executive Officer
and Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant
Mark Hite, Acting Regulations Coordinator

DEPARTMENTAL STAFF PRESENT:

Andrea Tuttle, Director
Bill Snyder, Deputy Director
Resource Management

CALL TO ORDER

Chairman Dixon called the July 2003 Board of Forestry and Fire Protection to order.

REPORT OF EXECUTIVE SESSION

Chairman Dixon commented that there were no actions taken in Executive Session; the Board had recessed from Executive Session rather than adjourn. Executive Session will be reconvened at the end of the day, if necessary, to receive any possible news regarding the EPIC lawsuit.

APPROVAL OF MINUTES

Chairman Dixon announced that the minutes for the June meeting would be available for approval at the August meeting. He noted that the "Consent Calendar" was a new item on the agenda and that routine matters will be addressed in one action. Board Members as well as members of the public can request that an item be pulled for discussion.

Mr. George Gentry, Acting Executive Officer, commented that the current consent calendar items include routine actions regarding Registered Professional Foresters, such as: withdrawals, reinstatements, voluntary relinquishments, or other actions.

Mr. Nawi expressed concern regarding adequate noticing of Consent Calendar items.

Mr. Bruce Reeves, Deputy Attorney General and Board's Counsel, believed that it would be adequate notice provided the items were listed on the Board's agenda when it is noticed.

Mr. Gentry asked if such items could be an addendum attached to the Board's agenda.

Mr. Reeves replied that such an attachment would provide adequate notice.

REPORT OF THE CHAIRMAN

Chairman Dixon thanked CDF for providing the Board with an excellent tour and field trip, and for the opportunity to get in the field.

REPORT OF THE DIRECTOR

Ms. Andrea Tuttle, Director of the California Forestry and Fire Protection (CDF), announced that Ray Snodgrass was the new Deputy Director for Forestry and Fire Protection.

Director Tuttle reported on the State deficit situation and its implications for CDF. She commented that with the loss of approximately 300 CDF positions, the Board would also be asked to share in budget reductions.

Director Tuttle commented that she and the USDAFS Regional Forester spent a day looking at the Lake Arrowhead situation and provided the Board with an update.

Director Tuttle expressed her appreciation to the CDF staff for their efforts in putting together the Board's field trip. She commented that the Department was up and running on fire season in spite of the budget situation. The Director noted the passing of Tom Larson (CDF).

REPORT OF THE OAK MORTALITY TASK FORCE (COMTF)

Mr. Mark Stanley, Chairman of the COMTF, referred to the COMTF report in the Board's binder. The report is available at <http://www.suddenoakdeath.org>. He reviewed that report for the Board.

REPORT OF FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE AND US ENVIRONMENTAL PROTECTION AGENCY

Mr. Mike Chapel, USDA Forest Service (USFS), reported that the Bush Administration has proposed a \$250 million dollar supplement to the Forest Service's fire severity fund and California can expect to receive a share of that funding. The USDAFS Regional Forester recently met with six National Forest Supervisors, the former Chief of the Forest Service, and the Forest Service's Chief Scientist in Redding to discuss the Northwest Forest Plan. He will keep the Board informed as events develop.

Mr. Joe Blum, National Marine Fisheries Service (NMFS), commented on reports regarding recreational fishing. Most of the salmon caught were chinook. Through June 2003 approximately 10,000 Coho were caught and released, and most of these were Oregon, Washington, and Columbia River hatchery fish.

PRESENTATION BY NAPA COUNTY REGARDING ITS PROPOSAL FOR COUNTY FOREST PRACTICE RULES

Ms. Diane Dillon, Napa County Board of Supervisors, introduced her staff to the Board; Patrick Lowe, Assistant Planning Director; and Brian Bordona, Planner. They provided handouts and Power Point presentations indicating the reasons for the request by Napa County for establishing County forest practice rules.

There was some discussion following the presentations.

Chairman Dixon asked Board's Counsel to review the process for the Members.

Mr. Bruce Reeves, Deputy Attorney General and Board's Counsel, commented that the Board has 180 days from receipt of the County's rule package to make findings that: 1) the package is consistent with the intent and purposes of the chapter of the statutes covering the Board's authority and 2) that the package is necessary. The process of deciding whether to adopt the package must be consistent with the APA. At that point it would be like any other rule package and would need to go out to a 45-Day Notice. The adoption needs to be granted within the 180 days. The Board could send the package to committee for the development of findings that would determine if the package is consistent with the intent and purpose of this chapter and is necessary.

Mr. Rynearson commented that the Board would need to take a positive or negative action within the 180-days.

Mr. Heald noted that the Board is not required to make a finding if it determines the proposal is not consistent.

Mr. Reeves replied that the Board could decline to make a finding.

There was some further discussion.

Mr. Heald believed that the probability of the package getting through the process by January 1, 2004, to be remote.

Ms. Dillon commented that the County was aware that it would be remote, however, it would be willing to help in the process any way it could.

Chairman Dixon indicated that the vacancy of the Board's regulations coordinator position and the fact that there are several other packages being considered makes implementation by January 2004 seem unlikely.

There was some further discussion.

Mr. Warren Alford, Sierra Club, encouraged the Board to make the additional effort to expedite this package.

Chairman Dixon indicated that the Board would do what it could in the processing of the petition.

PRESENTATION AND REVIEW OF THE REVISED SOQUEL DEMONSTRATION STATE FOREST MANAGEMENT PLAN, INCLUDING RECOMMENDED MODIFICATIONS

Mr. Chris Rowney, read his written comments into the record. The Board approved the current Soquel Demonstration State Forest Management Plan in March of 1998. The field trip was the initial step in the Board's formal review of the Soquel Demonstration State Forest Management Plan. The purpose today is to seek general guidance from the Board as to the direction to take with the Soquel Management plan. He reviewed the options as provided in the Board's Policy for the Members. CDF believes that the Management Plan for Soquel Demonstration State Forest provides appropriate direction for management, allows sufficient flexibility to meet resource management challenges and goals, and meets or exceeds protection measures provided in the Forest Practice Rules. He indicated that the Forest Manager for the Soquel was present and would make every effort to answer any questions the Board might have regarding the Soquel Demonstration State Forest.

There was some discussion.

Mr. Bill Keye, California Licensed Foresters Association (CLFA), spoke in support of the Plan.

Ms. Katie Anderson, Save the Redwoods League, spoke in support of the Plan.

Mr. Jerry Wagner commented on the cooperative efforts between State Parks and Soquel Forest.

03-07-1 Mr. Heald moved that the Board reaffirm the Soquel Demonstration State Forest Management Plan as it is. Mr. Ryneason seconded the motion, and all were in favor.

BOARD DISCUSSION OF ISSUES RELATED TO OLD GROWTH MANGEMENT

Mr. O'Dell, as Chair of the Policy and Management Committee, provided an overview and introduced the topic.

Mr. Bill Stewart, Chief of CDF's FRAP Unit, introduced the panelists for today's presentations. He provided the Board with a hard copy of his Power Point presentation and reviewed it for the Members.

Mr. Jay Francis, Forest Manager for Collins Pine Company, provided background on the Collins Pines Forest for the Board. He reviewed their management practices, and the amount and quantity of large diameter timber the company has in current inventory. He requested that the Board provide some kind of regulation that would provide a "safe harbor" for those engaged in growing large diameter timber.

Mr. Bob Ryneason, W.M. Beaty and Associates, commented that Beaty and Associates manage large trees on private forestlands in Northeastern California. He reviewed some maps for the Board that reflected mill closures and expressed his concern over the lack of consistent infrastructure for processing larger timber.

Mr. Dennis Hall, CDF, highlighted the regulations pertaining to the management of late successional forest stands. He commented that CDF believes that old growth can be managed for under the current forest practice rules.

Ms. Lori Wayburn, Co-Founder of Pacific Forest Trust, provided a Power Point presentation on preserving and protecting old growth on the private forest landscape via the use of easements. She focused on barriers to old growth protection and restoration.

Mr. Kate Anderton, Executive Director of the Save the Redwoods League, provided handouts and reviewed the background of the League for the Board. She commented that the League believes that remaining old growth needs to be protected and that restoration is key.

Chairman Dixon commented that the presentations from all the panelists were excellent.

Mr. O'Dell expressed his appreciation to all the panelists for very informative presentations. He requested a hard copy of all presentations.

There was some further discussion.

Mr. Stewart indicated that he would provide a written summary of the presentations by next meeting.

Chairman Dixon thanked members of the PMC and others for putting these presentations together.

Public comment

Mr. Richard Gienger summarized a letter from Julia Butterfly Hill for the Board. He provided a hard copy for the record. He provided written comments regarding the old growth workshop and reviewed them for the

Board. Also, his written comments contained a petition proposing rule language (Heritage Tree) for the Board's consideration.

Mr. Kent Stromsmoe expressed his concern over the mixing of terms "late seral" and "old growth".

Mr. Joey Racano, representing Folks for Oaks, commented on the Heritage bill and urged the Board to support it.

Mr. Mark Rentz, California Forestry Association (CFA), provided several handouts for the Board to review. Among the handouts was a copy of a letter from Larry Mailliard of the Mailliard Ranch to the Assembly Natural Resource Committee requesting that it take a position of opposition to SB 754, the Heritage Tree Preservation Act.

Mr. Bob Berlage, Big Creek Lumber, read his written comments into the record.

Mr. Kevin Collins spoke to science vs. old growth. He believes that a lot of terrain has been clearcut.

Ms. Jodie Frediani expressed her appreciation for the presentations; however, was concerned that none of the presenters spoke to the scientific point of view.

Ms. Linda Piera-Avila believes that the remaining old growth should be preserved. She read her prepared statement into the record.

Ms. Traci Thiele, Humboldt Watershed Council, read her written comments into the record.

Mr. Bill Keye, California Licensed Forestry Association (CLFA), expressed his appreciation for the presentations. He commented that California has incredible forests of high value that should be protected.

Director Tuttle wanted to correct a misquote for the record. She indicated that she had not said that California was growing new old growth for future purposes on industrial lands. She explained and then commented that it was important to understand that there are different types of forestland ownerships in California.

Mr. Thurbie Markoe read his written comments into the record.

Mr. Warren Alford, Sierra Club, commented that the presentations were useful. He believes that it is important to protection the Jackson Demonstration State Forest lands.

Ms. Addie Jacobson expressed her appreciation for the presentations and commented that they encouraged her.

There was some Board discussion.

STANDING COMMITTEES OF THE BOARD

FOREST PRACTICE COMMITTEE (FPC)

Mr. Heald, Chairman of the FPC, reported that the FPC had revisited the Latour Management Plan and the Department provided some addendums on how it would approach changing the management, how they would approach developing research demonstration programs and key linkages between the previous document and the new addendums.

03-07-2 Mr. Heald move to adopt the Latour Demonstration State Management Plan as amended. Mr. Ryneanson seconded the motion, and all were in favor.

Mr. Heald comment that the Committee discussed the Mountain Home Demonstration State Forest and recommends that the Board review the Plan and schedule it for Committee discussion at its next meeting.

Mr. Heald commented that the Committee had been working through several drafts on Variable Retention. He provided draft language to the Board and noted several items within the document. The Committee recommends putting this package in the proper format for a 45-Day Notice.

Chairman Dixon wanted some discussion regarding timeframe that the Board faces and the workload of the staff.

Mr. George Gentry, Acting Executive Officer for the Board, commented that any package that comes out would need to go to the Office of Administrative Law (OAL) on Tuesday, July 15, 2003, to be heard in September. This would allow time for a 15-Day Notice if necessary.

Chairman Dixon expressed concern about staff being able to get the packages out by Tuesday. He indicated that he spoke with the Department regarding getting help for the Acting Executive Officer to work on these packages. He cautioned that some of the packages may not make it to OAL in time.

There was some Board discussion.

03-07-3 Mr. Heald moved that the Board send the Variable Retention Silvicultural Method out to 45-Day Notice. Ms. Britting seconded the motion, and all were in favor.

Mr. Heald indicated that the discussion, regarding the Forest Reptile and Amphibian Working Group would take place next month. The Committee has had several discussions regarding Class II water crossing classifications, which was brought to the Committee by Fish and Game and Water Quality. He believes that this issue will require further discussion and recommended that the Board request that those agencies find a way to review the protection measures and resources at risk. He commented that the Committee discussed a proposal to modify the transition silviculture method; this item would be addressed at the next Committee meeting. The Committee received an update from the Stewardship of Non-industrial Timber Management Plan Working Group (SNTMP). The Group will provide the Committee with an update on the methodologies of SNTMP and possibly a proposal.

Mr. Heald commented that the Committee discussed the issue of modifying requirements relative to deciduous hardwoods. The Committee was split on the decision, however; with a two to one vote recommends that the Board put the package out to a 45-Day Notice. The package authorizes the Department to retain, where appropriate, up to 35 square feet of basal per acre of deciduous hardwoods.

Mr. Rynearson commented that the process has not had the chance to work and the Department of Fish and Game believes that there are opportunities for education. He noted that there had not been any non-concurrences revolving around oak retention issues. He expressed concern that this package is a disincentive for landowners to grow oaks.

There was some further discussion.

03-07-4 Mr. Heald moved to send the package to a 45-Day Notice. Ms. Britting seconded the motion, and the motion passed with a five to two vote, Members O'Dell and Rynearson voting against noticing the package. Member Bosetti was not present.

Chairman Dixon commented on the priority for noticing in the event that not all the regulatory packages could be ready within the timeline. He noted that Member Heald had indicated that the priority would be Variable Retention, Roads Management, and the Oaks package.

There was some discussion regarding moving the date of the September meeting to make it possible to notice all three notices. There was also discussion of an additional meeting and staff would work on that possibility.

AD HOC ROADS AND WATERSHED COMMITTEE

Mr. Ryneerson, Chairman of the *Ad Hoc* Committee, reported that the Committee discussed the Roads Management Plan and recommends that the package be sent out for a 45-Day Notice.

The Committee also discussed the Inter-agency Roads package, which was discussed in Redding, and it was decided to take that package back to Committee for further discussion.

03-07-5 Mr. Ryneerson moved to send the Roads Management Plan to 45-Day Notice. Mr. Marckwald seconded the motion, and all were in favor.

POLICY AND MANAGEMENT COMMITTEE (PMC)

Mr. O'Dell, Chairman of the PMC, provided an overview on the meeting with the Water Quality Control Board, Member Marckwald, and Chairman Dixon regarding the Management Agency Agreement.

Mr. O'Dell indicated that the Committee will discuss how to agendaize its calendar during the next few meetings in an effort to avoid deadlines. The PMC discussed the oak issue. He noted that the president of the Oak Foundation was present. The Committee requested that the Department set up a matrix for next meeting.

There was some discussion.

RESOURCE PROTECTION COMMITTEE (RPC)

Chairman Dixon commented that the RPC had a short meeting and others had already covered most of the topics earlier in the day.

CONTINUED DISCUSSION OF THE "STATE OF THE FOREST PRODUCT INDUSTRY IN CALIFORNIA"

Chairman Dixon asked that Member Ryneerson provide an overview on this item.

Mr. Ryneerson reported that he and Chairman Dixon met with industry members and members of the public in Redding on June 26, 2003, and provided an overview of that meeting. It was suggested that Board staff work with FRAP.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Mr. Scott Johnson, Chair of the CFPC, reported that the Weed Committee would meet in Auburn on July 23 and 24, 2003. The CFPC will meet again on August 8, 2003, to prepare for its fall meeting. He reviewed his report for the Board. A copy of his report is available online at: <http://www.caforestpestcouncil.org>.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Chairman Dixon announced that RMAC met on June 11 and 12, 2003, in Sacramento. No further meetings are being scheduled at this time. On August 26, 2003, there would be a teleconference meeting. AB 2993 created a Working Group to examine methodologies for reducing fuel hazards on State Responsibility Areas. He noted that J.R. McCollister had been appointed to that working group. He commented that a white paper was being developed on issues regarding rangeland.

MONITORING STUDY GROUP (MSG)

Mr. O'Dell, Chair of the MSG, reported that the Committee met in Redding on June 17, 2003. There was a Power Point presentation by the National Marine Fisheries Service on culvert failures. A representative from the Colorado State University provided a Power Point presentation titled, "Measuring and Modeling Cumulative Watershed Effects in the Central Sierra Nevada." The next meeting of the MSG is scheduled for August 14, 2003. The location is yet to be determined. A copy of the MSG report is available at the Board Office.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. George Gentry, Executive Officer for Licensing, announced the successful applicants from the April 11, 2003, Registered Professional Foresters Examination. He asked for acceptance of the following as Registered Professional Foresters: Gabriel Schultz, RPF 2749; Season Schultz, RPF 2750; Sean Griffis, RPF 2751; Andrew Mieske, RPF 2752; Chantz Joyce, RPF 2753; Dawn Pedersen, RPF 2754; William Forsberg, RPF 2755; Steven DeBonis, RPF 2756; Shawn Zimmermaker, RPF 2757; Nathan Root, RPF 2758; Adam Deem, RPF 2759; Ed Fredrickson, RPF 2760; Peter Jackson, RPF 2761; Robert Hurst, RPF 2762; Casey Keller, RPF 2763; Douglas Madsen, RPF 2764; Dennis Garrison, RPF 2765; Dennis O'Neil, RPF 2766; Paul Savona, RPF 2767; Timothy Collins, RPF 2768; Jason Poburko, RPF 2769; Michael Duffy, RPF 2770; and Kathleen Edwards, RPF 2771.

03-07-6 Mr. Rynearson moved to accept the successful applicants, as presented. Mr. Nawi seconded the motion, and all were in favor.

Mr. Gentry commented on the CLFA seminar, "Preparation for the RPF Exam", and noted that attendees have a high success rate in the exam.

PUBLIC FORUM

Ms. Linda Piera-Avila expressed her frustration over the Board's webpage. She would like it to be more user friendly.

Mr. Mark Rentz, California Forestry Association (CFA), commented on the Crane Mills letter regarding the IWMA.

Mr. David Van Lunnepe, Redwood Empire Forest Products, provided handouts and summarized his written comments for the Board.

Ms. Traci Thiele, Humboldt Watershed Council, requested that the Board schedule a in tour Humboldt County. She provided her written comments and reviewed them for the Board.

Mr. Richard Gienger urged the Board to, in conjunction with the MSG, focus on watershed crossings.

REPORT OF THE EXECUTIVE OFFICER

Mr. George Gentry, Acting Executive Officer for the Board, reviewed current Legislation for the Board. He commented that the Heritage bill was a two-year bill.

NEW AND UNFINISHED BUSINESS

Director Tuttle commented on the timing issue and the possibility of an additional meeting in September to deal with the three proposed rule packages.

Following some discussion, the Board agreed to hold a "hearings meeting" on September 16 or 17 and that staff would look for the location and establish the date.

Chairman Dixon reiterated the order of priority of the packages.

CONTINUED REPORT OF EXECUTIVE SESSION

Chairman Dixon noted that the Board had reconvened the Executive Session, however, there was nothing to report.

ADJOURNMENT

Chairman Dixon adjourned the July 2003 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry
Acting Executive Officer

Stan Dixon
Chairman

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