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MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA

July 8-9, 2008

BOARD OF FORESTRY MEMBERS:

Present:

Pam Giacomini, Vice Chair (Acting Chair)
David Nawi
Jim Ostrowski
Bruce Saito
Lloyd Bradshaw
Doug Piirto
Tom Walz

Absent:

Stan Dixon, Chair
Gary Nakamura

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Anita Ruud, Acting Board Counsel
Chris Zimny, Regulations Coordinator

DEPARTMENT STAFF:

Ruben Grijalva, Director
Crawford Tuttle, Chief Deputy Director
Bill Snyder, Deputy Director, Resource Management
Del Walters, North Operations Chief
Russ Henly, Asst. Deputy Director, Resource Management
Dennis Hall, Staff Chief, Forest Practice

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

1. **Call to Order**

Acting Chair Giacomini called the Board to order at 1710, and moved to adjourn to Executive Session.

2. **Adjourn to Executive Session**

3. **Reconvene Regular Session 0802**

Acting Chair Giacomini called the Board to order at 0802.

4. **Announcement of Actions taken in Executive Session**

No actions taken or reported. Acting Chair Giacomini acknowledged the attendance of Deputy AG Anita Ruud.

5. **Approval of Minutes from June, 2008.**

07-08-01: Member Ostrowski moved to approve the minutes. Member Nawi seconded the motion. All Members were in favor and the motion passed unanimously.

6. **Report of the Chairman.**

Acting and Vice-Chair Giacomini noted that the Chairman was absent due to a health issue.

7. **Report of the Director/Department.**

Director Grijalva and North Ops Chief Del Walters provided a briefing on the status of fire suppression efforts statewide. Some of the statistics included: approximately 1700 fires resulted from the weather events of the last few week, three hundred are currently uncontained, and all are staffed now. They commented that these are some of the most extreme weather conditions they have witnessed, and is unprecedented. Many of the fires had to be "triaged" due to insufficient personnel and equipment. In response to Member Nawi, the Director estimated that 6 million a day was being spent on the efforts. The Director also noted that on Federal ground, 56% of the fires are contained, some unstaffed. The Federal government has almost 20,000 personnel in California. Member Piirto asked if the department was being equally aggressive in its rehabilitation work. Chief Deputy Director Tuttle stated that they were, and were already assessing the situation. Member Walz commented that more hand crews are needed for the steep terrain. He also asked about prioritizing assets as risk. Chief Walters said it was based on factors such as life, property, and likelihood of success. The Chief indicated that operations utilizes a chart to assist the prioritization. Member Bradshaw requested that the Department utilize all resources, including those of the private sector. Member Ostrowski asked what options were available to assist in normal operations, including THP review. The Director said they were looking at all options, including possibly annuitants.

RG- briefing by teleconference for EO via Titus.

8. **Report of the United States Forest Service. Jim Pena, Deputy Regional Forester for State and Private Forestry, Region 5**

Deferred to the August Meeting.

9. **Address by California Air Resources Board Chair, Mary Nichols (Invited, unable to attend)**

Executive Officer Gentry provided a briefing on the meeting between Board Chairs' Nichols and Dixon. During the meeting, Chair Nichols asked the Board for direct assistance on the forestry sector aspect of the AB 32 Scoping Plan.

10. **Department Report to the Board on an Initial Draft of a Plan to Reduce Greenhouse Gas Emissions in California (AB 32 Scoping Plan).**

Richard Bode of the ARB began with background on the overall goals of AB 32 and the draft Scoping Plan. He characterized them as bold targets, with recommendation on how to achieve them in 2020. The current draft scoping plan includes a mix of actions. The final plan must be ready in October. The Board of Forestry and Fire Protection is to be the lead in achieving those goals and implementation. ARB is concerned that the forestry sector's current carbon sink will have a gradual decrease due to fire and conversion. The BOF has the appropriate authorities to move the strategies forward. It can also encourage biomass, which is accounted for in the energy sector. The Board should develop a plan for which strategies will be used, and is not constrained by the existing strategies. The ARB will provide assistance. Member Bradshaw asked if public lands were to be included. Mr. Bode replied yes.

Tony Brunello, Resources Agency, emphasized the important role of forests in carbon sequestration. He welcomed the Board's leadership in this subject area. He said that the numbers were contingent on improving inventory quality. Member Walz asked if economic feasibility was to be considered. Mr. Brunello replied that these were the decision the Board had to make.

Chief Deputy Director Tuttle opened the PowerPoint presentation, noting the forestry sector goal of reducing emissions by 5 million metric tons by 2020. He also noted that the timelines for this initial work will have compressed timelines.

Deputy Director Snyder carried forward with the presentation. He began with an overview of the regulatory, policy, and program framework required to achieve the emission reduction goal by 2020. He continued with slides and discussion of necessary "assurances," including improvement of statewide forest inventories for the purpose of sequestration estimates in the short and long term. Mr. Snyder noted the goal of improving inventory information by 2016. Mr. Snyder discussed the need to recognize and support "cross-sector" benefits such as biomass, utilization of wood products, and reduction of fire/land use conversion emissions. He continued with a slide and synopsis of ongoing activities: development of further protocols, further clarification on the role of RPFs in quantifying and reporting sequestered carbon, and identifying the roles of the Department and Board.

Mr. Tuttle then moved on with the presentation, rapidly running through the slides and summarizing their content. Upon conclusion, he solicited questions of the Board.

Member Giacomini discussed the timeline for the workshops. Member Piirto asked about the inventory and the need for resources. Mr. Snyder replied that funding sources are implied in the draft scoping plan.

Acting Chair Giacomini then asked Mark Nechodom with the USFS to come forward and address the Board on the subject.

Mr. Nechodom discussed the USFS Forest Inventory and Analysis (FIA) Program and the adaptation of that FIA Program to also quantify sequestered carbon on federal lands. He reported on and provided copies of USFS Chief Kimball's "Vision on Climate Change." He highlighted the Chief's high priority actions and noted that a number of them have been moved forward to date. He noted that the inventory numbers are questionable, as focus has been on the traditional (lumber), not carbon. 2016 is target for a new inventory. PNW is already mobilized in this effort. He emphasized threat reduction, the insurance function of federal lands, energy and infrastructure needs. Member Walz asked about limitations from policy, preventing rehabilitation, and if that will change? Mr. Nechodom said that was uncertain. Member Piirto asked about funding. Mr. Nechodom replied that he was hopeful as more investment was needed.

Acting Chair Giacomini then noted that she had asked Member Nawi to continue in service as Board liaison to CARB. The Board unanimously endorsed this appointment on Member Piirto's motion and Member Saito's second.

Address by Senator Aanestad on the subject of the wildfires

The Senator stated that the Board has the ability and responsibility to do something about this problem. He noted the findings of the Tahoe Commission and their call for a fuel hazard exemption that reduces regulatory burden to the landowner. He asked the Board to implement the Tahoe Commission's recommendation for an exemption that would apply statewide. We should be in a preventative mode. Reforestation is reactive. Forget social license. These are unusual circumstances, but we should see this coming. Member Giacomini thanked the Senator and asked if he would consider carrying legislation for the Board. He responded affirmatively.

Public Comment on Topic 10

Bill Stewart (UCB) presented a letter on the AB 32 Scoping Plan. He noted that there are a number of other climate benefits produced by forestry beyond 'setting aside' forested lands and hoping that they don't burn up. 'Most of the policy people' have been talking about simple storage rather than including all of the benefits of forested lands: energy substitution, biomass utilization, etc.

Former Member, Gary Ryneerson offered comment relative to the meetings of the CCAR committee on forestry protocol development. Richard Bode joined Gary at the podium to speak on the upcoming workshop and notify the Members of the meeting webcast.

11. Update on the Dept. of Fish and Game's report on the Petition to list the Pacific Fisher (*Martes pennanti*) as a Threatened or Endangered Species.

Item moved to the Executive Officer's Report.

12. Report of Board's Advisory Committees

California Forest Pest Council- Bob Ryneerson

Bob Ryneerson introduced himself as the new Chair of the CFPC and presented the CFPC's 2007 Pest Conditions Report with copies to the Membership. He noted that the Annual Vegetation Management Conference will be held at the Hedrick Ag Center in Woodland on November 18-19. The CFPC will be providing student grants to allow for their attendance of the Conference. The Weed Committee Tour will be held this year in Arcata to focus on the redwood forest type. The Insect and Disease Committee will likewise be meeting.

Mr. Ryneerson then introduced Tom Smith and Mark Stanley.

Member Bradshaw offered his appreciation for Bob's willingness to serve as Chair as well as the efforts of the CFPC.

Tom Smith (CAL FIRE Pathologist) presented the CFPC 2007 Pest Conditions Report (PowerPoint & hard copy) compiled with the great assistance of Mike Bohne (USFS). (Tom noted that Mr. Bohne may not be returning from his "temporary assignment" in New Hampshire.) Mr. Smith indicated that drought conditions indicate significant bark beetle activity and oak die off. The Light Brown Apple Moth (LBAM) has high potential to be problem for forests.

California Oak Mortality Task Force (COMTF) - Mark Stanley

Mark Stanley provided a report on COMTF activities and updates on the known occurrence range of the pathogen. Mr. Stanley noted that the high degree of mortality from SOD in Big Sur was no doubt contributing to the wildfire problem there, as it has resulted in large fuel loads and aerial fuels. Mr. Stanley also indicated he was investigating a new protocol for firefighters to deal with SOD infested areas, particularly as it applies to water drafting. He is also investigating protection measures tied to seasonal requirements. .

Monitoring Study Group

Report is in the binder. Member Ostrowski attended, and commented that it was a good meeting.

Professional Foresters Examining Committee

Executive Officer Huff presented a list of RPF's requesting Withdrawal status pursuant to 14 CCR §1608(a):

Mr. Ralph R. Alworth, Jr	RPF No. 1934	Mr. Tim McCammon	RPF No. 1756
Mr. Daniel A. Young	RPF No. 868	Mr. Raymond F. Brainard	RPF No. 2256
Mr. Mike Johnson	RPF No. 2196	Mr. Kenton P. Clark	RPF No. 748
Mr. Glen H. Duysen	RPF No. 1476	Mr. Mark Parson	CRM No. 46
Mr. John H. Burns	RPF No. 1938	Mr. Ross Johnson	RPF No. 826
Mr. Richard Perderson	RPF No. 2132	Mr. Michael Wilkinson	RPF No. 2024
Mr. Gary Harlow	RPF No. 928	Mr. Michael G. Garcia	RPF No. 1859
Mr. William Sandeen	RPF No. 1788	Mrs. Ellen Waverly	RPF No. 2654
Mr. Matthew Waverly	RPF No. 2828	Mr. Warren Carleton	RPF No. 1236
Mr. Robert Eckart	RPF No. 2428	Mr. Joseph Tanski	RPF No. 1440
Mr. Dale L. Swanson	RPF No. 1610	Mr. Clifford D. Curry	RPF No. 1484

07-08-02: Member Nawi moved to approve the list of Withdrawal candidates. Member Bradshaw seconded the motion. All Members were in favor and the motion passed unanimously.

Executive Officer Huff commented on the large number of RPFs who have yet to pay their renewal fees, and that are in danger of having their licenses revoked for non-payment. He is making every effort to find these individuals, and prevent an unnecessary loss of their license.

Executive Officer Huff then presented the successful candidates in the examination for Registered Professional Forester:

Mr. Jesse A. McNames	RPF No. 2864	Mr. Patrick E. Maloney	RPF No. 2865
Mr. Chet A. Behling	RPF No. 2866	Mr. Clayton E. Code	RPF No. 2867
Ms. Theresa R. Johnson	RPF No. 2868	Mr. Dewey N. Robbins	RPF No. 2869
Mr. Lucas D. Titus	RPF No. 2870	Mr. Zachariah D. Mohrmann	RPF No. 2871
Mr. Jason M. Meyer	RPF No. 2872	Mr. Eric B. Burke	RPF No. 2873
Ms. Susan D. Kocher	RPF No. 2874	Mr. Ron R. Johnstone	RPF No. 2875
Ms. Meghan M. Reeves	RPF No. 2876	Mr. Christopher Ashley Dicus	RPF No. 2877
Mr. Stewart P. McMorrow	RPF No. 2878	Mr. Robert P. Galliano	RPF No. 2879
Mr. Bryce D. Record	RPF No. 2880	Mr. Jed T. Washburn	RPF No. 2881
Mr. Laurence R. Swan	RPF No. 2882		

07-08-03: Member Piirto moved to approve the list of new RPFs. Member Ostrowski seconded the motion. All Members were in favor and the motion passed unanimously.

Executive Officer Huff reported that the next PFEC meeting will be August 21st, in Sacramento.

13. **Action item: The Board will consider the adoption of responses to comments, a final statement of reasons, and the final adoption of a regulation to the Forest Practice Rules (FPRs) to amend sections related to “Protection and Restoration in Watersheds with Threatened or Impaired Values”, generally termed Threatened or Impaired rules (T/I rules). The hearing for this regulatory package was conducted at the regularly scheduled June meeting of the Board. The proposed regulatory amendments entirely and solely involve changing the expiration date of the regulations to December 31, 2009.**

Mr. Zimny introduced the topic and identified the necessary Board action at this time. There was a brief discussion of proper procedure and a minor edit (delete the word validate from FSOR) by Member Nawi,

07-08-04: Member Ostrowski moved to adopt the findings with Member Nawi’s edits as well as the Response to Comments and Proposed Regulation. Member Nawi seconded the motion. All Members were in favor and the motion passed unanimously.

14. **Hearing (Possible Action Item): Amend 14 CCR § 1038(i) Exemption. The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to clarify fire hazard reduction treatment standards and eliminate redundant language for this section. Changes are generally non-substantial revisions. The Forest Fire Prevention Exemption exempts persons who conduct timber operations from preparing and submitting Timber Harvest Plans, completion reports, and stocking reports when harvesting trees and other commercial forest products for the purpose of reducing the rate of fire spread, fire duration and intensity, fuel ignitability, and ignition of tree crowns.**

Mr. Zimny introduced the topic. He stated that CAL FIRE had suggested several non-substantive edits, with which he concurred... Member Walz questioned use of the term “whichever is taller.” Following brief discussion of this term, Member Bradshaw requested further clarification of the necessary action. Mr. Zimny responded with a clear explanation of the process for adoption. Member Bradshaw then mentioned Senator Aanestad’s testimony and questioned if the Board shouldn’t hold off on action in the interest of attempting to address the Senator’s concerns in this regulation. Executive Officer Gentry reminded Member Bradshaw of the other options available to the Board beyond the adoption of the two noticed regulations. Emergency regulations can be adopted by the Board at any time, should the Board determine that an emergency exists and irrespective of the proposed regulations before the Board today. Member Nawi thought further investigation was required. Members Piirto and Giacomini concurred. Acting Chair Giacomini opened the public hearing. No members of the public offered testimony.

7-08-05: Member Nawi moved to close the public hearing. Member Piirto seconded the motion. All Members were in favor and the motion passed unanimously.

07-08-06: Member Nawi moved to incorporate the department’s edits, and tentatively adopt the regulation pending Board approval of response to comments and the FSOR. Member Piirto seconded the motion. Member Walz offered his disagreement with certain provisions of the proposed regulation. Member Ostrowski responded to Member Walz’s questions. Member Nawi noted that perhaps CAL FIRE could look at the issues with the definition of “ladder fuels” pursuant to Member Walz’s concerns. All Members were in favor and the motion passed unanimously.

15. **Hearing (Possible Action Item): Amend 14 CCR § 1052.4 Emergency Notice for Fuel Hazard Reduction, 2008. The California State Board of Forestry and Fire Protection (Board) proposes amendments to regulations for timber harvest practices that reduce wildfire threat and hazardous fuel conditions in the State's private timberlands. The amendments proposed clarify fire hazard reduction treatment standards and eliminate redundant language for this section. Changes are generally non-substantive revisions.**

Mr. Zimny introduced the topic. He stated that CAL FIRE had suggested several non-substantive edits, with which he concurred. Acting Chair Giacomini opened the public hearing. No members of the public offered testimony.

07-08-07: Member Ostrowski moved to close the public hearing. Member Nawi seconded the motion. All Members were in favor and the motion passed unanimously.

Members suggested several non-substantive, grammatical revisions to the proposed regulation. and discussed the issue of ladder fuels.

07-08-08: Member Ostrowski moved to incorporate the department's edits, and tentatively adopt the regulation pending Board approval of response to comments and the FSOR. Member Piirto seconded the motion. All Members were in favor and the motion passed unanimously.

16. **Review of the Department's Draft Initial Study/CEQA Checklist for the Draft Boggs Mountain Demonstration State Forest Management Plan Update. Possible Action Item: The Board may approve the Initial Study and CEQA Checklist, and provide additional direction to the Department.**

Management Committee Chair Piirto introduced the topic and summarized the findings of the Committee. He noted that the Committee had several suggested revisions to the draft Initial Study/CEQA Checklist. The Committee therefore directed CAL FIRE to come back to the Committee and full Board in August with a revised version for possible Board action.

17. **Discussion of the Board's and Fish and Game Commission's Joint Policy for Anadromous Salmonids. Possible Action Item: Board may vote to adopt the Joint Policy.**

Executive Officer Gentry introduced the topic and summarized his presentation to the Fish and Game Commission in Ontario. The Commission did not have a quorum for this meeting and could not therefore take action to adopt the Joint Policy. Since then, the Department of Fish and Game has provided further comment on the document.

Member Piirto expressed concern about the continued delay in action on the Joint Policy. Executive Officer Gentry concurred with Member Piirto's concerns and noted that he is working on a joint meeting with the Commission such that adoption of the Joint Policy could occur by joint action of the two bodies.

Public Comment:

Richard Gienger offered his comments on the draft policy and continued desire to see more specificity in terms of actions for the benefit of the salmonids.

Michelle Dias requested clarification of the process by which public comment would be incorporated into the draft joint policy. Executive Officer Gentry responded to Ms. Dias' question with a detailed explanation of the public comment process on this matter. She also suggested that a joint meeting be held with the Commission in Truckee in September, as the Pacific fisher will also be on the Commission's agenda.

18. **Discussion on the 1996 California Fire Plan Review and Fire Plan Steering Committee Charter.**
Possible Action Item: Board may vote to adopt the Review and Charter.

Acting Chair Giacomini introduced the topic. She described the process and the role of the steering committee. The committee is to be formulated by Member Giacomini and the Executive Officer, and will function similarly to the current Riparian TAC. There were several questions by Member Piirto as to SFM involvement in the process and long term rehabilitation.

07-08-09: Member Saito moved adoption of the Review and Charter. Member Piirto seconded the motion. All Members were in favor and the motion passed unanimously.

19. **Report of Forest Practice, Policy, Management, and Resource Protection Committees.**

Forest Practice: Chair Nawi identified one action item for Board approval: a request for further legal opinion of the Board's authority to require restoration of habitat as a component of regulation. Counsel Ashby has already opined on the subject, but that opinion is privileged and has not been made public. Chair Nawi requested Counsel Anita Ruud's legal opinion on the matter for public dissemination in advance of the August Board Meeting. Member Nawi also requested that any additional input from Board members be given to the Executive Officer without delay.

07-08-10: Member Nawi moved to request a non-confidential legal opinion on the question of the Board's authority to require restoration. Member Ostrowski seconded the motion. All Members were in favor and the motion passed unanimously.

Policy Committee: Chair Ostrowski provided an explanation of the NSO regulation discussion, noting that Executive Officer Gentry had prepared the draft ISOR and regulatory pleadings language.

07-08-11: Member Ostrowski moved to send out the regulation for 45-day notice. Member Nawi seconded the motion with his thanks to Member Ostrowski for his leadership on the topic. All Members were in favor and the motion passed unanimously.

Management Committee:

7-08-12: Member Piirto moved to authorize EO Gentry to file a Notice of Determination on the La Tour Demonstration State Forest Draft Mitigated Negative Declaration. This action is contingent upon there being no further public comment received by the State Clearinghouse and would allow possible Board action to adopt the La Tour MND at its August Meeting. Member Nawi seconded the motion and it carried unanimously.

Resource Protection Committee: Chair Giacomini provided an update.

20. **Report of the Regulations Coordinator**

Mr. Zimny reviewed the regulations calendar.

21. **Report of Executive Officer.**

Executive Officer Gentry provided an update on the Fish and Game Commission's review of the petition to list the Pacific fisher. He also discussed his participation along with Mr. Zimny in a meeting with the State

Insurance Commissioner on the subject of the insurance implications of catastrophic fire in the rural/urban interface.

22. Public Forum

Richard Gienger told the Board that they might want to consider cumulative impacts assessment revisions as suggested by representatives of the State and Regional Water Quality Control Boards.

Bill Keye summarized CLFA's recent correspondence to the Board in support of the adoption of the La Tour Demonstration State Forest Mitigated Negative Declaration. He further highlighted the key points in CLFA's recent correspondence with the Governor on the subject of the Tahoe Fire Commission. He then concluded with his optimistic remarks on the Board's increased role in climate change.

Eric Carlson with ACL thanked Member Bradshaw for his endorsement of the role of California Loggers in contract firefighting efforts. He further noted his optimism with regard to the AB 32 deliberations, but also noted that CARB's diesel truck emissions regulations could result in a significant impact to ACL's membership. Following comments and questions by Members Bradshaw and Walz, Mr. Carlson concluded his remarks.

Arne Hultgren of Roseburg Resources noted the significant drawdown in CAL FIRE personnel and shared his experience with CAL FIRE's priorities in fire suppression. He was very complimentary of CAL FIRE's efforts. He then spoke on the status of the EIR for Roseburg's proposed biomass powerplant for electricity generation in Redding. He noted that Roseburg is looking at a three-year delay in getting the powerplant operational as a result of CEQA process. He suggested that biomass powerplant development ought to be something that is exempted from full CEQA process.

23. New and Unfinished business

Member Nawi suggested that the Board send a response to Senator Aanestad and thank him for his comments. Members Ostrowski and Piirto concurred. Acting Chair Giacomini likewise concurred while noting that the Senator shares responsibility for making the legislative changes necessary to facilitate meaningful hazard reduction. Staff was directed to draft a letter and Acting Chair Giacomini volunteered to assist the Executive Officer in editing the draft letter to the Senator.

24. Adjournment

Chairman Dixon adjourned the July 2008 meeting of the Board of Forestry and Fire Protection.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

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