

BOARD OF FORESTRY AND FIRE PROTECTION

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**BOARD OF FORESTRY AND FIRE PROTECTION
MEETING
December 9, 2009
SACRAMENTO**

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Pam Giacomini
Jim Ostrowski
Gary Nakamura
Tom Walz
Doug Piirto

BOARD OF FORESTRY MEMBERS ABSENT:

Lloyd Bradshaw
Bruce Saito

BOARD STAFF:

Gentry, Executive Officer
Chris Zimny, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Del Walters, Director, Forestry and Fire Protection

CALL TO ORDER

Chairman Dixon called the December 9, 2009 meeting of the Board of Forestry and Fire Protection to order.

APPROVAL OF MINUTES

Chairman Dixon asked for Board approval of the November minutes.

12-09-01 Member Piirto moved to approve the November minutes. Member Nakamura seconded the motion. All were in favor, and the motion carried unanimously.

6. REPORT OF THE CHAIRMAN

No report

7. REPORT OF THE DIRECTOR

Director Del Walters

- As of Monday, December 7, 2009 Southern California joined Northern California in winter preparedness mode.
- For the past two years the E-Fund has been about a half of a billion dollars, as of last week the estimate is slightly over one hundred sixty million.
- The department is still struggling with the 3 million dollar cut to Resource Management. There are salary savings by not filling positions, a Significant Issue Report has been filed.
- Emergency Response Initiative is still under consideration in the governor's budget.
- Executive team meeting was held the previous week, discussed were the accomplishments of last year and accomplishments the department would like to do next year. Incorporate Fire Plan and a fresh look at the Blue Book
- American Recovery Reinvestment Act Fund resulted in 1.4 million dollars, the contract has been signed.
- Pursuing 25 million dollars in stimulus funding that might include fire stations.
- For the last two years the department has been doing a standardized plan for stations and camps. Things that have been affecting it are changes that have to be made because of staffing issues. Station cost is approximately 10 million.
- Announced Retirements: Candice Gregory, Region Chief Southern Operations; Larry Menth, Labor Relations, Sacramento; Region Chiefs George Haines, San Benito/Monterey Unit; Mike Chuchel of Shasta Trinity Unit and Henry Brachais, of the Butte Unit.
- Cal Fire has been exempted from furloughs through the end of March.
- Cooperative Fire review and meetings with partners underway
- Conservation Camp Impacts due to possible early release program
- State Fire Marshall: Adoption of interior residential sprinklers and Fire Code in 2010.

Chair Dixon asked if the DC 10 was used this season, and about its effectiveness. Director Walters replied that it was, but that they had not finished with their evaluation for operational or cost effectiveness. They did observe an improvement in overall operational performance, due to increased experience. The Chair also asked about night operations, and the Director responded that current equipment and operational constraints did not allow for safe operations. The question is still under evaluation.

Member Giacomini thanked the Director for Department support on the Fire Plan effort.

Member Ostrowski asked if the Department had been able to do any evaluation on fuels in light of climate change. The Director said he was expecting a briefing on the issue soon.

Member Walz asked if there was a replacement for Chief Chuchel. The Director said that would happen shortly.

Member Piirto asked about the Nursery program and the cuts to that program. The Director said he did not want to close Magalia, but given the current situation, there was not viable alternative.

8. REPORT OF THE ADVISORY COMMITTEES

California Oak Mortality Task Force (COMTF)

Mark Stanley gave the Oak Mortality Report. A copy of the report is maintained in the Board binder.

- New finds in UK: Japanese Larch, Birch, and Western Hemlock. The last of these is significant as it is a bole host, not foliage. Possible ramifications for the industry in Oregon and Washington.
- Training programs are under development
- Redwood has had a high seed production year, especially in Mendocino County. The County is an area of infestation, so processing these seeds will be troublesome.

Gary Nakamura asked if any headway is being made in regard Gold-spotted Oak Borer (GSOB) in the transporting of firewood in or out of San Diego or the state. Mr. Stanley replied not that he's aware of. Because it's not a regulated pest CDFA and AFIS don't consider it to be an invasive pest. A possible solution is to monitor transporting of firewood; Mr. Stanley suggests the Board consider doing a zone of infestation in the San Diego area, to prevent the spread. Educational efforts would help. Bob Rynearson stated CDFA has not regulated the transport of firewood into the state, but are inspecting loads at agricultural stations.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Eric Huff reported that during the November meeting, RMAC adopted new operating procedures. They are continuing to work on a synthesis of the results of their survey of constituents. The reason for the survey is to get an idea of where their priorities ought to be for the coming year and further out. Ken Zimmerman will most likely give a report on the results of the survey at the January meeting. RMAC is continuing to provide written comments to the Board as to the Board's strategic policy programs and priorities for 2010.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Eric Huff reported that the PFEC will meet December 30, the primary reason for the meeting is to review the results of the November 20 RPF exam. There were 12 applicants that took the RPF exam, and 2 applicants that took the Certified Rangeland Manager exam. The exams have been sent to the graders, the results should be received by the December meeting. A list of RPF's and CRM's will be presented to the Board for action at the January Board meeting. The meeting will include on going discussion regarding a regulatory proposal brought forward by the department that would create new civil penalties authorization for the department. The discussion is still in preliminary form. There will be a recurring discussion regarding a continuing education requirement. George Gentry and Eric Huff met with the California Licensed Forester's Association (CLFA) executive staff. One of the topics brought up by CLFA was the idea that the licensing program be a self certifying program and more focused on continuing education rather than discipline, licensing news and exams.

PFEC will have nominations for three open positions: two public members and one industry member in January, and will be presented to the Board for action.

RPF Riggs Johnston, RPF 133 and David Frickman, RPF 2133 have passed away. Mr. Johnston was remembered by Mr. Gentry as his former Scout leader, and a positive influence on many people in Humboldt County.

MONITORING STUDY GROUP (MSG)

Pete Cafferata gave a brief summary of the November 12 meeting held at the Mendocino National Forest headquarters, with 19 attendees. He noted that the MSG had a presentation on the Lockheed Fire in Santa Cruz, and that Swanton Pacific Ranch lost 24,000 dollars in monitoring equipment. The Ranch will now begin a post fire study on the effects related to fire severity. Mr. Cafferata said that in the afternoon Mr. Gentry lead a discussion on forming a Effectiveness Monitoring Committee, to help with adaptive management approaches. The MSG reviewed the examples in Washington, and revised its strawman.

Gary Nakamura asked if fire severity meant the effect on soil or plant mortality. Mr. Cafferata said it is the effect on the soil. Member Nakamura asked, in the riparian zones in what's the extent of tree mortality and loss of canopy cover? Mr. Cafferata said the redwood trees are sprouting back nicely, but the Douglas fir there is experiencing higher mortality.

9. Hearing: Coho Salmon Incidental Take Assistance Repeal, 2009

Chris Zimny gave an overview. Member Walz asked why not all sections of the rule were covered here. Mr. Gentry said this action was in response to the court order, and those sections contained therein. Mr. Gentry also said no final order had been issued.

Dennis Hall, Cal Fire, a letter was submitted by the department, and it is understood that the Board is required to do this. He thinks that the department and Board should look closely at the changes. He is not convinced that they can do a Section 100 on the definitions, and is willing to work with the Board to best handle the issue. Also need to review 916.11.1 monitoring for adaptive management and the definition of watersheds with coho salmon. Mr. Hall suggests that before the Board moves forward, there should be some discussions on how to best handle the changes.

Glenda Marsh, Fish and Game, in the ASP rules there is definition of a hydrologic disconnection, which is in the the watersheds for coho salmon and not she would not want to lose those definitions.

Pete Ribar expressed concerns of having multiple definitions of the same item, thought it would be best to repeal those definitions.

Member Giacomini, asked the Executive Officer what he envisions for section 100 and what the process would be. Mr. Gentry responded the cleanest solution would be if we had a final order from the court to rescind the sections that are affected, that would allow us to remove those sections, plus the sections that are tied to them, directly.

Member Giacomini asked if we could do a 15 day notice, add those definitions that are in conflict and revisit this, and take action at that time? Mr. Gentry responded that the Board should take comment received today, have staff do additional work and exploration of the regulations, see if there are other things tied to this particular regulation, and make a recommendation to the Board.

Doug Piirto recommended delaying action, until the nuances are worked out in reference to the rescinded definitions.

Mr. Gentry recommended closing public hearing.

12-09-02 Member Ostrowski moved to close the public hearing. Member Piirto seconded the motion. Motion carried unanimously.

12-09-02 Member Ostrowski moved to remand the issue to Forest Practice Committee for review, particularly the issues with definitions and sections of the rule that may be affected by the definitions, the committee to return with their recommendations with a possible 15 day notice. Member Nakamura seconded the motion. Motion carried unanimously.

10. Hearing: Utility Clearing Exemption Extension, 2009

Chris Zimny gave a brief overview of the regulation.

Alan Carlson, CAL FIRE Deputy Chief Fire Prevention, Northern Region, stated that the department is not taking a position on the regulation extension at this time, however they would like to express some concerns for the Board's consideration. Over the past 15 years a dramatic decrease in the number of power line caused fires; a

large portion of that is the regulations section and compliance by the utility companies. They are seeing a significant amount of fires, caused by tree limb contact with power lines, which are outside of the regulation zone.

Member Giacomini stated when the regulation was originally passed in 2006, one of the things that were asked for was a regular monitoring program by CAL FIRE and the utility companies for feed back to see if adjustments or changes needed to be made, and that has not occurred. She asked to see that monitoring and commitment by Cal Fire in conjunction with the utility companies in the future. Mr. Carlson indicated the Department would commit to that.

Member Ostrowski asked where is the department on the concept of testing existing regulations to see what's effective? Or is the department's position that the farther away the better?

Mr. Carlson said the further away from energized power lines that we get from vegetation the better. The PG&E pamphlet *The Right Tree in the Right Place* suggests to the public what types of trees and vegetation should be planted and maintained near power lines and in their own representation they show a very clear zone.

Member Ostrowski asked as a Board member trying to decide this, is the department committed to providing the Board with an informed answer to whether this is good policy during this period?

Mr. Carlson responded that the department has taken a position that it doesn't know, at this time. They are committed to monitoring in the next two years

Member Nakamura asked are these are minimum clearances if the utility company or inspectors feels is outside the minimum do you get farther back? Mr. Carlson referred the question to the utility companies.

Neil Fischer, PG&E, vegetation management, went over the main points of the letter that was submitted to the board. There are two types of clearance requirements, one is California Public Utilities Commission, it is statewide, it is a clearance requirement of 18 inches and is in effect all year. The other clearance requirement falls under 4293 it is during fire season in SRA, it is 4 ft, so there are two overlapping clearance requirements that we comply with. What we are asking for with regulation is an exemption to the requirement for 4293, and that exemption would be to allow large firm stems to continue to exist between the distance of 6 in and 4 ft on SRA lands.

Member Giacomini, can the utilities companies put together the data it has and make a firm commitment to reach out to Cal Fire and work with them as we look at monitoring for the next two years to remove the sunset or something that is consistent with when PFC gets their regulatory process completed, and phase two that we are not doing the sunset again and captures this problem, long term?

Mr. Fischer, PG&E feels its relationship with Cal Fire is very important, especially on the local level and part of our commitment to that local relationship will be visiting woody stem locations to do verification of the data we collect. To make certain we have longevity to the rule making instead of every two years, and make sure it is consistent with the ORA process we will be working with Cal Fire to make that happen.

Member Ostrowski, on the question of new power lines that are established, do you still clear those up to the 4 foot or is this exempt? Mr. Fischer said PG&E's policy; he believes is to clear 15 ft, either side, of where we think the center would be. Mr. Ostrowski said, so generally you're trying to get a 4 ft clearance on new lines. Mr. Fischer said that's correct. Member Ostrowski said the 13,000 existing trees left in place before the 4 ft rule was established, over the years you haven't had to maintain the 4 ft clearance? Mr. Fischer, were the trees there or have they been there for a long time and have our lines been there adjacent to them for a long time, the answer is yes.

Member Piirto noted there are two Fire Safe Council letters in the packet expressing that they are quite concerned about the exemption. How is the company going to respond to the Fire Safe Councils in relationship to their concerns? Mr. Fischer stated that they have the same concerns as the Fire Safe Councils; however, we monitor the trees that are causing outages. When we have an outage that is vegetation caused, we go out and take a look at what happened. The data that we have in our database now, predominately, is the outages are not caused by major woody stems. Number two we are not seeing fires associated with MWS, of either of virtue of failure or

virtue of tree. Member Piirto asked if the exemption impairs you in any way from removing those trees that you determine to be hazardous. Mr. Fischer, if we determine that they don't quite fall under the exemption, we abate them. Member Piirto asked does PG&E regularly trim trees to help mitigate the branches that may come into contact with lines due to wind and weather? Mr. Fischer replied, if there is evidence of past arching on a limb, we abate it.

Counsel Teri Ashby expressed concerns about legal judgment calls that may have to be determined.

Mark Frizzel, SMUD Utility Forester, stated we are very professional in the way we evaluate trees. We inspect our trees every 18 months except for the CDF and SRA areas we inspect every year. As a Utility forester the option is what's important. Member Walz asked if distribution lines 22, 500 kv or larger and do you have stems within six inches of those lines? Mr. Frizzel said no. Member Walz replied so everything you manage is four meter or more away from distribution lines. Mr. Frizzel said you should not allow trees to grow into that exemption or construct new lines within the exemption. Mr. Frizzel said if I worked someplace where lines had been constructed in 1920's, 40's or 50's in those clearances I would like the option I owned there or worked there to able to say this risk can be managed. I would draw a distinction between a hazard and a risk.

12-09-03 Member Giacomini moved to close the public hearing. Member Ostrowski seconded the motion. Motion carried unanimously.

12-09-04 Member Walz moved to have the exemption period expire January 1, 2012. Member Giacomini seconded the motion, and added that the monitoring information was a key component.

Discussion: Member Ostrowski expressed concern over professional judgment issues raised by Counsel Ashby, would like that aspect monitored as well. Member Piirto expressed concern over approving the exemption.

Roll Call:

Giacomini	Aye
Ostrowski	Aye
Nakamura	Aye
Piirto	No
Walz	Aye
Dixon	Aye

Motion carried 5 to 1.

11. Presentation by the winning team of the 2009 Forestry Challenge, Sacramento New Technology High School.

Team gave a Power Point presentation.

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

Forest Practice

No actionable items to report.

- Continuing to discuss the Aspen regulations and Fire tools, they will update Fire Tools in February 2010.
- Developing structure for Road Rules review.

Policy

No actionable items to report.

- Executive Officer prepared an annual report on committee priorities

Management

No actionable items to report.

- Continuing discussion on the Modified Timber Harvest Plan.
- Renewal of existing SYP's.
- Initial study has been prepared for Mountain Home State Forest, and it is available. The committee is not prepared to make a decision at this time, they expect to make the decision in the January meeting. Revised management plan is available for review and is available on the website.
- The committee heard a report from John Helms on the Jackson State Forest; a synopsis and notes are available for Board members.
- Reminder, that CAL FIRE is revising the THP form.

Resource Protection Committee

One actionable item

12-09-05 Member Giacomini moved to recertify San Diego's Fire Safe regulations as meeting or exceeding our current Fire Safe regulations. Member Nakamura seconded the motion. Motion carried unanimously.

13. REPORT OF THE REGULATIONS COORDINATOR

The 2009 regulatory calendar has been closed. The final adopted regulations will be posted on the Board's website.

14. REPORT OF THE EXECUTIVE OFFICER

- Stan Dixon and George Gentry met with Gary Nakamura and Jim Ostrowski to discuss and formulate ideas on how to move forward with IFWG.
- The EO has prepared a rough draft of priorities for the upcoming year. RPC has made their revisions and have been submitted.

PUBLIC FORUM:

Richard Gienger: Discussions on getting a Washington State type process together where all the major stake holders are represented in an effective and creative process. An important part of that is getting public representatives involved that represent different interest groups.

Bob Mion, Communications Director, California Forestry Association, presented the Board with a copies of a book, *Role of Forest Management and Wood Products Climate Solutions*.

NEW AND UNFINISHED BUSINESS

Member Walz asked do we know what tasks we will be taking on in 2010?

Mr. Gentry hopes to get enough feedback from Board members to organize a document to allocate time and assign staff.

ADJOURNMENT

The Chairman adjourned the January 6, 2010 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

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