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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
September 11, 2013

BOARD OF FORESTRY MEMBERS PRESENT:

Mark Andre (Vice Chair)
Stan Dixon
Bruce Saito
Susan Britting
Mike Miles
Richard Wade
Stuart Farber
Mary Rickert

BOARD OF FORESTRY MEMBERS ABSENT:

Chair J. Keith Gillless

BOARD STAFF:

George Gentry, Executive Officer
Matthew Dias, Executive Officer, Forester's Licensing
Eric Huff, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Janet Upton, Deputy Director of Communications
Bill Snyder, Deputy Director, Resource Management
Duane Shintaku, Asst. Deputy Director, 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.

Call to Order

Acting Chair Andre called the September, 2013 meeting of the Board of Forestry and Fire Protection to order.

Announcement of Actions Taken in Executive Session

The Board took the following actions:

In the matter of CP-12-15, Jack Taylor, the respondent did not answer the accusation, and the penalty is hereby adopted and imposed by the Board in the full amount of \$11,000 dollars for failure to comply with the Act and the Rules.

In the matter of CP-12-16, Glenn Christ, the Board reviewed the proposed decision of the Administrative Law Judge, and adopted the findings and legal conclusions. The penalty of \$12,000 for failure to comply with the Act and the Rules is hereby imposed.

In the matter of CP-11-06, Daniel Krueger, the Board ordered the Executive Officer to obtain the transcripts in the matter for additional review.

Approval of Minutes

**09-13-01 Member Britting moved to approve the July and August 2013 minutes.
Member Saito seconded the motion. The motion passed unanimously.**

MONTHLY BOARD REPORTS

Report of the Chairman, Vice Chair Andre

Member Andre paid homage to the September 11, 2001 tragedy.

Report of the Director/Department-Ken Pimlott - Full Report available on the Board's website.

- Fire Activity, averaging approximately 200-300 fires a week on SRA, most are contained on the initial attack.
To date there have been 5,300 fires with 123,000 acres burned, that is up by 4,000 from last year.
Rim fire was 80% contained at the date of the Board meeting, it is the 3rd largest fire in history. The Morgan fire on Mt Diablo was at 3,100 acres and 70% contained. Crews were successful protecting homes, historic structures and radio repeaters.
Line fire was at 305 acres, 80% contained.
Clover fire was at 7,000 acres, 40% contained.
The department has opened a reload base at McClellan, they've reloaded well over a million gallons of retardant from the base as of August 6.
- Fire Statistics 2012 Red Book was released.
- Redding Pilot Project has worked its way through the Natural Resources Agency and Cal EPA. Secretaries Laird and Rodriguez have approved it, the document is now public.
- Succession Planning is underway to fill executive and management staff positions left vacant through retirement. Deputy Director, Fire Protection Andy McMurry will retire in February 2014. Deputy Chief Bill Snyder will retire in December. The position is being advertised
- Cal Fire submitted seven budget change proposals to the Department of Finance for consideration.
- Thanked the Board for their consideration of rule changes to the Eucalyptus as a Group B species. It is important to the East Bay on critical fuels treatment projects.

- Fire Severity Treatment Education Prevention and Planning: With the Administration's support the department is putting approximately \$12 million towards fuels treatment, land use planning, defensible space education to augment existing programs that have struggled over the years through budget reductions.
- Janet Barentson provided an update on the Fire STEP Program and SRA Fee, she noted that the Fire STEP and Lumber Assessment provided for additional positions to the department's Resource Management Program. The program prioritized the hiring of sixty five Resource Management positions. The hiring may be staggered throughout the year. The department is looking at requirements that are in legislation in hopes of setting a framework that will be presented to the coordinator position within the Resources Agency who will oversee the implementation of Lumber Assessment legislation. The department is engaging the Information Technology program to look at ways to record federal grant time.
- SRA Activities, billing for Plumas, Placer and Riverside went out the second week of September. So far \$12 million has been collected during this cycle. 313,000 bills went out and number of calls received at the service center week ending September 6, was 3,200. Calls are down from the first billing cycle but the number of petitions being filed is up.

Report of the Regulations Coordinator-Eric Huff

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| • §1299 AB
Defensible Space | Effective October1, 2013 |
| • §1299 "Wood Piles"
Amendment, 2013 | 45-day Notice pending |
| • Road Rules, 2013 | Initial Hearing October 9, 2013 |
| • Class II-L Identification
Method Amendments, 2013 | Initial Hearing October 9, 2013 |
| • AB 1492-Lumber Products
Assessment Emergency | Final Readoption Approved |
| • §895.1 Commercial Species
Amendments 2013 | Initial Hearing October 9, 2013 |
| • CRM Program
Guidelines, 2013 | Section 100 Pending |

Report of Executive Officer.

Forest Practice, Mark Andre, Chair

No Action Items

- Discussed Northern Spotted Owl and commercial timberland management.
- Discussed hardwood policy and restoration planning.
- Discussed items for Next Month's Agenda, Review of 2013 Priorities.

Resource Protection, Bruce Saito

No Action Items

- Had a presentation of the California Fire Safe Council. CFSC Chair will provide an overview of the statewide fire safe council organization, mission, outreach and Grants Clearinghouse services.
- Vegetation Treatment Program EIR Update. George Gentry and Doug Wickizer.
- Update on Wildland Prevention Engineering. Mike Wilson, Assistant Chief, Wildland Fire Prevention.
- Review of Fire Safe Regulation Update. George Gentry and Jana Luis.
- Safety Element Process Update. George Gentry and Edith Hannigan.

Management, Stan Dixon

No Action Items

- Discussed Management Plan Review for LaTour Demonstration State Forest.
- Discussed options for small landowner timberland management.
- Update on Stewardship Lands for Acquisition by the Department. Review of the Conservation Easement for the North Fork Mokelumne.

Report of Board’s Advisory Committees

- **Forest Pest Council-**
 - **California Oak Mortality Task Force (COMTF)**
 -

Report of Board’s Advisory Committees

Monitoring Study Group- Pete Cafferata (Full report can be found on the BOF website)

I. MSG Meetings

The MSG has not met since the last Board meeting. Our last meeting was held in June. The next MSG meeting had been planned for September, but is currently on short-term hold. We expect to have presentations by Randy Klein and Jack Lewis on their studies looking at logging in coastal watersheds and turbidity levels. Currently, the data for Elk River are being reevaluated by Randy, Jack, and Dr. Lee MacDonald, CSU (retired), in a cooperative effort. We will attempt to schedule the meeting for October.

II. Effectiveness Monitoring Committee Update

MSG Chair Gentry, Director Pimlott, and Assistant Deputy Director Shintaku met with SWRCB Chair Felicia Marcus on September 4th to gain wider support for the EMC and its Board approved Charter.

III. MSG Cooperative Instream Watershed Monitoring Projects Update

Caspar Creek—USFS PSW and CAL FIRE staff are investigating how to hire a post-doctoral researcher to design and implement a study plan for the third experiment in the Caspar Creek watershed (i.e., second South Fork Caspar Creek Experiment). Options include hiring through UC or directly with the PSW.

Judd Creek—Dr. Cajun James, SPI, reports that she has nearly finished collecting a second year of hillslope erosion/sediment fence data, with results generally similar to those measured for water year 2011/12. Dr. James and Dr. Lee MacDonald hope to have a draft paper written by the end of 2013.

Little Creek—Drew Loganbill’s final version of his Master of Science Thesis from Cal Poly San Luis Obispo titled “Post-Fire Response of Little Creek Watershed: Evaluation of Change in Sediment Production and Suspended Sediment Transport” has been received and posted on the MSG Supported Reports webpage:
http://www.bof.fire.ca.gov/board_committees/monitoring_study_group/msg_supported_reports/.

IV. FORPRIEM Update

Clay Brandow, heading up the Forest Practice Rule Implementation and Effectiveness Monitoring program, has conducted quality assurance/quality control (QA/QC) on 5 THPs previously randomly sampled and monitored. Results of the random re-visits have been consistent with data previously collected. To date, monitoring data have been collected on 121 THPs and 22 NTMP-NTOs, all randomly sampled

I. MSG Presentations

Pete Cafferata will provide a Monitoring Study Group Overview for the California Water Quality Monitoring Council webinar series on September 19th. For more information, see: http://www.mywaterquality.ca.gov/monitoring_council/collaboration_network/index.shtml.

- **Research and Science Committee- George Gentry**
Committee on Criminal Trespass- George Gentry
Mr. Gentry has approached the Forest Service and the Bureau of Land Management to request possible presenters. The Institute at Humboldt State will be participating. The symposium will be held on October 8, 2013 at 1:00 p.m.
- **Range Management Advisory Committee- George Gentry**
No report
- **Professional Foresters Examining Committee – Matt Dias**

The Office of Professional Foresters Registration notes the RECENT PASSING of the following Registered Professional Forester: Harold Frey – RPF 1341

The following Registered Professional Forester indicated a desire to VOLUNTARILY RELINQUISH his/her license to practice forestry due to retirement: Joseph Dillard – RPF 453

Seven Registered Professional Foresters requested license WITHDRAWAL pursuant to 14 CCR §1608(a):

Timothy Cain –	RPF 91
Robert Willour –	RPF 807
James Johnson –	RPF 1791
Daniel Scatena –	RPF 1909
Randy Schuchardt –	RPF 2327
Donald Fullmer –	RPF 2403
Gary Roller –	RPF 2899

There are 1223 valid RPF's and 77 valid CRM's

09-13-02 Member Britting moved to approve withdrawals. Member Dixon seconded the motion. The motion passed unanimously.

SPECIAL BOARD HEARINGS/REPORTS

Presentation of the Francis H. Raymond Award. Recipient: Michael De Lasaux. The award was named after Francis H. Raymond who was the Director of the California Department of Forestry and Fire Protection from 1953 to 1970, and was one of the primary advocates for the passage of the Professional Foresters Law in 1973. Since 1987 it has been awarded to a group or individual who has achieved excellence in forestry in California.

Consideration of adoption of a Resolution. Resolution authorizing acceptance of transfer of grant responsibility (in substantially the form as presented to the Board) from the Wildlife Conservation Board for the acquisition of a conservation easement, on the real property known as the Usal Redwood Forest.

09-13-03 Member Miles moved to adopt . Member Saito seconded the motion. The motion passed unanimously

Review of the LaTour Demonstration State Forest Mitigated Negative Declaration (including the Mitigation, Monitoring and Reporting Program) and the Updated Management Plan. **Possible Action**

Item: The Board may certify the Mitigated Negative Declaration, Approve the Updated Management Plan, and provide additional direction to the Department.

09-13-04 Member Farber moved to certify the Mitigated Negative Declaration, and approve the Updated Management Plan. Member Dixon seconded the motion. The motion passed unanimously.

Report on the 2012 Wildfire Activity Statistics (Red Book) and California All Incident Reporting System (CAIRS).

HEARING: Lumber Products Assessment, 2013. Adopt: § 1667.1. Authority, § 1667.2. Timber Regulation and Forest Restoration Fund, § 1667.3. Definitions, § 1667.4. Assessed Lumber Products, § 1667.5. Requests for Review, § 1667.6. Annual Update of Regulation. These regulations pertain to the retail sale assessment of 1% of the sales price for lumber products sold in California. The revenue generated from the assessment is placed in the newly authorized “Timber Regulation and Forest Restoration Fund” created in the State Treasury. This regulation would make the short-term emergency regulations in effect since September 2013 the standard for implementation on a long-term basis.

CAL FIRE Regulations Coordinator, Eric Huff introduced the topic and provided an overview of the proposed rulemaking. Mr. Huff noted the emergency regulations were adopted and subsequently re-adopted one time pursuant to the enacting statutes. These regulations have been in effect continuously since September 2012 and are proposed for regular rulemaking adoption without modification of their emergency form.

09-13-05 Member Britting moved to close the public hearing. Member Saito seconded the motion. There was no discussion of the motion.

The motion passed unanimously with Member Gilliss absent.

09-13-06 Member Britting moved to adopt the 45-day Notice rule text as written. Member Saito seconded the motion.

The motion passed unanimously with one Member absent.

Member Britting questioned if there would be an opportunity for the Board to offer recommendations to the State Legislature as to the direction of grant funds from lumber assessment revenues. The Board’s Executive Officer, George Gentry suggested the Board’s annual report to the Legislature could be one such opportunity.

Public Comment

Richard Gienger, Mr. Gienger noted that the revenues generated by the assessment could be used not just for existing state forestry assistance programs, but may also be used for other meaningful remedial and restorative efforts on private lands.

HEARING: Modified Timber Harvest Plan Amendments, 2013. Amend Title 14 § § 1051(a) Modified THP [Includes revisions to § 1051(a)(1), § 1051(a)(2), § 1051(a)(4), § 1051(a)(5), § 1051(a)(6), § 1051(a)(7), § 1051(a)(8), § 1051(a)(9), § 1051(a)(10), § 1051(a)(12), § 1051(a)(13), § 1051(a)(14)] § 1051.1 Contents of Modified THP– This proposed regulation would elevate the size of ownerships allowed to use a conventional MTHP to a maximum of 160 acres. In addition, the regulations modify the existing prescribed conditions and mitigations found in Sections 1051(a)(4) – 1051(a)(9), and 1051(a)(12). Specifically, revisions are proposed to existing provisions for heavy equipment

operations, construction of new skid trails, construction and reconstruction of new logging roads, operations on slides and unstable areas, and heavy equipment operations in archaeological sites. These revisions are partly proposed to conform to the proposed maximum acreage increase.

CAL FIRE Regulations Coordinator, Eric Huff introduced the topic and provided an overview of the proposed rulemaking.

Public Comment

Stacy Stanish, California Department of Fish and Wildlife (CDFW).

The Department has provided a written comment letter raising three concerns. Specifically, skid trail construction on steep slopes, road construction, and listed species.

As indicated in our comment letter, CDFW proposes to add language to Section 1051(a)(5) requiring narrative plan description, mapping, and flagging (prior to the Pre-harvest inspection) for proposed skid trails on slopes over 40%. CDFW also opposes the rule text amendments to Section 1051(a)(8) as they are currently written. Modification of these amendments to scale road construction and reconstruction to actual MTHP project size would be preferable.

Lastly, CDFW proposes a slight revision to the amended rule text of Section 1051(a)(10) to require consultation with CDFW for all listed species, rather than just those species that are listed by the State.

With the addition of the three proposed rule text revisions, CDFW would support adoption of the rulemaking proposal.

Richard Gienger

I want to focus on the amendments to the archaeological requirements of Section 1051(a)(12). The Board might want to consider whether or not these amendments go beyond current allowances under the conventional Timber Harvesting Plan process.

Rob DiPerna, Environmental Protection Information Center (EPIC).

I apologize for not getting written comments into the Board prior to the close of the written comment period, but have provided staff with a comment letter today.

EPIC remains opposed to adoption of the rulemaking proposal because the Board has not established that a problem exists or that the proposed rule text amendments would solve whatever problem might exist. EPIC disagrees that the amendments to the operational portions of the MTHP regulations would not result in significant adverse environmental effects.

Mike Tadlock, California Licensed Foresters Association (CLFA).

CLFA is in support of the Board's adoption of the rulemaking proposal and believes it could in fact be helpful to small forest landowners.

CLFA continues to support a greater increase in the maximum allowable acreage for MTHPs, but understands why the Board has chosen the 160 acre or quarter Section project size maximum.

09-13-07 **Member Britting moved to close public hearing. Member Dixon seconded the motion. The motion passed unanimously with Member Gilles absent.**

09-13-08 **Member Miles moved to modify section 8 to read no construction on skid trails over 40% and less than 50% will not exceed 100 in linear distance shall clearly flagged and mapped on the THP map. Member Wade**

seconded the motion. Member Miles added a friendly amendment. Member Wade accepted the amendment. The motion passed unanimously with Member Gilless absent.

09-13-09 Member Miles moved to revise Item 8, to read new logging road construction is confined to 600 feet and a 1600 foot limit total of logging road construction and reconstruction combined for MTHP's 100 acres or less and 960 feet and a 1600 foot limit total on logging road construction and reconstruction combined for MTHP's 101 to 160 acres. Member Rickert seconded the motion. The motion passed unanimously with Member Gilless absent.

09-13-10 Member Wade moved to adopt as amended. Member Farber seconded the motion. The motion passed unanimously with Member Gilless absent.

CONCLUSION

Public Forum

Richard Gienger, attended a successful Coho Confab in August, Steven Swells, head of the Coho recovery team attended. It provided for good discussions on various issues involving Coho. Kevin O'Meara, CDF Firefighters, a new website was launched at cdffirefighters.org, a Facebook page was created. The CDF magazine is being retooled. They have also created a PR department called Flashpoint Media. CDF Firefighters Benevolent Foundation will hold their 1st annual golf tournament, October 3, at Cache Creek Country Club. More information can be found on the website. The union will accompany four families of firefighters who have died from cancer in the last year to the IAMF, International Association of Fire Fighters in Colorado Springs. California Memorial will be held on October 5, Cal Fire will be placing eight names on the wall.

Rick Swan

Rob DiPerna reported on the Fish and Game Commission, the Commission voted to initiate candidacy period for Northern Spotted Owls of California and to conduct a status review for the species.

Mike Tadlock, CLFA will hold a Fall workshop, Water is the Eye of the Landscape on September 27. Science , techniques for foresters and other resources professionals to understand how best to manage around watercourses.

New and Unfinished business

None

Adjourn

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Keith Gilless
Chairman

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