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## **BOARD OF FORESTRY AND FIRE PROTECTION**

**Sacramento, CA**  
**December 9, 2015**

### **BOARD OF FORESTRY MEMBERS PRESENT:**

J. Keith Gillless, Chair  
Rich Wade  
Mike Miles  
Stuart Farber  
Mary Rickert  
Susan Husari  
Mark Andre  
Kim Rodrigues

### **BOARD OF FORESTRY MEMBERS ABSENT:**

### **BOARD STAFF:**

Matthew Dias, Acting Executive Officer  
Thembi Borrás, Regulations Coordinator  
Edith Hannigan, Analyst  
Linda Cano, Executive Assistant  
Ali Karaouni, Board Counsel  
Teri Ashby, Board Counsel

### **DEPARTMENTAL STAFF:**

Janet Barentson, Chief Deputy Director  
Janet Upton, Deputy Director of Communications  
Duane Shintaku, Deputy Director, Resource Management  
Dennis Hall, Assistant Deputy Director, Forest Practice  
Helge Eng, Deputy Director, Resource Management  
Bill Solinsky, Forester III, THP Administration  
Pete Cafferata, Forest Hydrologist  
Matthew Reischman, Staff Chief, Forest Practice  
Stacy Stanish, Senior Environmental Scientist, Forest Practice Biologist  
Dave Loveless, State Forests Program Manager

## **REGULAR SESSION**

### **Recovene**

#### **Report of Actions Taken in Executive Session**

Board Counsel provided a report which indicated that the Board was updated upon the following:

- a. Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3rd District), Case No. C076957
- b. Rancho Guejito Corp. v. Board of Forestry and Fire Protection, San Diego County Superior Court, Case No. 27-2014-00027683
- c. White v. Pimlott, et al., Court of Appeals (3rd District), Case No. A141475
- d. White v. Walters, et al., Court of Appeals (3rd District), Case No. A142886
- e. EPIC/CAG v. Board of Forestry, Alameda Superior Court, Case No. RG15793090
- f. Discussion of permanent replacement of Executive Officer

No action was taken.

#### **Approval of Minutes**

**12-09-01      Member Rickert moved to approve October 2015 Minutes. Member Andre seconded the motion.**

##### **Roll Call**

<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**The motion passed unanimously**

#### **MONTHLY BOARD REPORTS**

##### **Report of the Chairman.**

a) Update Regarding Procedures and Process for Permanent Replacement of Board's Executive Officer.

Chair Gilless reported that interviews are ongoing. The committee appointed to address the permanent replacement will be participating in the interview process.

##### **Report of the Director/Department. Janet Barentson**

It was reported that Director Pimlott was unable to attend the Board meeting due to his participation in the National Association of State Foresters (NASF) Executive Committee meeting in Washington DC.

Departmental Succession:

- Scott Upton appointed to Northern Region Chief.
- Greg McFadden appointed to Northern Assistant Region Chief.
- Helge Eng appointed to Deputy Director for Resource Management.

- Mike Kaslin has voluntarily rescinded his retirement.
- Rob Lewin (SLU), Darrin Feldman (BDU), Paul Marquez (TUU).
- It is anticipated that the Assistant Deputy Director of Fire Protection will be announced by the end of the month.
- The Assistant Deputy Director, Resource Management position will be advertised.

#### Fire Activity:

- Still seeing new starts, although less, there were 44 fires last week.
- It is anticipated the year will end with fire activity 40% higher than the 5 year average, and acreage at 61% higher than 5 year average on state DPA.
- Both Regions are beginning to down staff, concurrent with improving weather and fuels conditions.
- Department has lifted restrictions on open pile burning within its jurisdictions. The five southern contract counties continue to impose burning restrictions.

#### Tree Mortality:

- Governor issued a state of emergency proclamation on tree mortality on October 30, 2015. Which directed the Department, and CAL OES to convene a task force.
- Significant interest, at the last task force meeting, which had 70 different organizations attending.
- Various state entities are identifying resources they can provide to combat the problem.
- Proclamation provides \$5 million to CAL FIRE for various pieces of equipment to be used in addressing the expansive mortality.
- The next meeting is planned for December 14, 2015. Subcommittees will be identified to address the various target issues, including regulations, funding, and biomass opportunities and the initial areas where anticipated work should begin. Member Wade will be representing the Board.
- Director attended White House meeting on climate
  - Director Pimlott was one of a number of Fire Chiefs from California and around the nation.
  - Discussed changing conditions throughout the west.
  - This is an item the federal administration will be addressing during the end of the current presidential term.

#### Greenhouse Gases Reduction Funds (GGRF)

- Continues to work with the ARB on the metrics related to fuels treatment work.
- Anticipate that the Administration will be proposing additional GGRF related to Forest Health and Urban Forestry in the 2016 budget.
- We will have more information on this and other budget items for the January Board meeting.

#### Forest Climate Action Team (FCAT)

- Next Meeting, Monday, December 14, 2015.
- Anticipate workshop and or public meetings on draft outline and introduction in late January, early February.
- Will be closely monitoring the AB32 Investment Plan to ensure Forest Carbon Plan is consistent with requirements of the Investment Plan, and other efforts currently underway.

**Report of the Regulations Coordinator.** The Board's Regulations Coordinator reported on ongoing regulatory matters.

Thembi Borrás, Regulations Coordinator discussed the Emergency Drought Mortality Exemption 2015-0701-02E. It was indicated that the Board may consider 1) extending the existing Emergency Regulations through re-adoption including updating the findings 2) Develop new regulatory standards for Emergency Rulemaking, and/or consider permanent rule making. Discussion of Prioritization of Board authorized actions also occurred.

**12-15-02** Member Andre moved to authorize readoption of the “Drought Mortality Amendments, 2015” findings, with revisions, as contained in the Draft Notice with the addition of relevant excerpts from the 12/07/15 CAL FIRE letters and the Forest Health Protection Aerial Detection Survey updated on 10/22/15 for the Southern Sierra Nevada Range and to readopt the revised rule text. Member Rickert seconded the motion.

Agency Comment:

**Matthew Reischman, Staff Chief, Forest Practice**, noted a letter of support submitted to the Board for extending the emergency regulation. The Department offered to provide assistance in drafting the permanent rule plead. He also provided a report on the exemption and its use.

Public Comment:

**Cedric Twight, Sierra Pacific Industries**, expressed support for extension of emergency regulations and development of permanent regulations to address the drought mortality.

**Roll Call**

<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**Motion passed unanimously**

**12-15-03** Member Miles moved to further develop the “Drought Mortality Amendments, 2015” regulation, in the Forest Practice Committee, for regular rulemaking. Member Farber seconded the motion.

Agency Comment:

**Dennis Hall, Assistant Deputy Director**, supports moving forward with a 45-Day Notice providing that during the comment period there be consideration of the issues that are brought forth.

**Roll Call**

<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**Motion passed unanimously**

**Report of Acting Executive Officer, Matt Dias**, The Board’s Acting Executive Officer reported on ongoing administrative and policy matters including:

- a) Public Records Act Requests;
- b) Tree Mortality Task Force. Member Wade attended a meeting regarding the Emergency Proclamation on November 16, 2015. Member Wade gave an update on items discussed and the progress of the proclamation;

- c) Biomass/Bioenergy Policy;
- d) DRAFT NOAA Multispecies Recovery Plan.

**Report of the Standing Committees.**

Committee Chairpersons reported upon the actionable items from Committee meetings.

**Forest Practice, Mike Miles, Chair**

- 1. RPF/LTO Responsibilities.

**Public Comment**

**Eric Carlson, Associated California Loggers (ACL)**, hoping that a regulatory approach can be included alongside a non-regulatory approach. ACL has put in a request for the Department's manuals/policies with regard to inspections, with a focus on the enforcement element in regard to RPF and LTO responsibilities.

**Clayton Code, California Licensed Foresters Association**, noted a workshop in March is being structured specifically with a focus on professional development and responsibilities of RPFs, not only legal requirements but professional and ethical requirements as well.

- 2. Oak Woodland Management.
- 3. Cumulative Impacts Analysis Technical Rule Addendum #2.

**Resource Protection, Sue Husari, Chair**

- 1. PRC 4290 Certification Requests
  - a) San Bernardino County
  - b) San Diego County
  - c) Humboldt County
  - d) Orange County
  - e) Santa Barbara County

**12-15-06      Member Husari moved to certify Humboldt County Safety Element compliance with PRC 4290. Chair Gilless seconded the motion.**

**Roll Call**

<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>

**Motion passed unanimously**

- 2. Discussion of strategy to potentially update the Fire Plan and address discussion of prescribed fire.
- 3. Update on Cal Poly research focused upon on § 1273.09 Dead End Road.

**Management Committee, Stuart Farber, Chair**

1. Update on State Forest Management Plans
  - a. Boggs Mountain Demonstration State Forest Initial Study
  - b. Jackson Demonstration State Forest Initial Study

**12-15-07**      **Member Rickert moved, pursuant to Board policy 0351.10, that the Department shall prepare a new Draft Initial Study and New Draft Management Plan for the Boggs Mountain Demonstration State Forest for submittal to the Board by March 1, 2017 for review. In addition, to continue the management of Boggs Demonstration State Forest under the existing Management Plan in the interim. Member Andre seconded the motion.**

**Roll Call**

<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>

**The Motion passed unanimously.**

2. Issues Related to Timberland Conversion
  - a. Review of the Definition of Conversion provided in 14 CCR § 1100.
  - b. Boles Fire, Emergency Procedures Handbook.

**12-15-08**      **Member Rickert moved to approve Boles Fire, Emergency Procedures Handbook. Member Andre seconded the motion.**

**Roll Call**

<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>

**The Motion passed unanimously.**

**Report of Board's Advisory Committees.**

Forest Pest Council - Katie Harrell.  
Effectiveness Monitoring Committee- Stuart Farber.  
Range Management Advisory Committee – Edith Hannigan.

**12-15-04**      **Member Rickert moved to approve the re-appointment of Lesa Osterholm and Bill Burrows to RMAC. Member Rodrigues seconded the motion.**

**Roll Call**  
**Wade**                    **Aye**  
**Husari**                   **Aye**  
**Miles**                   **Aye**  
**Rickert**                   **Aye**  
**Rodrigues**               **Aye**  
**Farber**                   **Aye**

**Motion passed unanimously with two members absent.**

**12-15-05**               **Member Rickert moved to approve the appointment of Andree Soares to RMAC. Member Rodrigues seconded the motion.**

**Roll Call**  
**Wade**                    **Aye**  
**Husari**                   **Aye**  
**Miles**                   **Aye**  
**Rickert**                   **Aye**  
**Rodrigues**               **Aye**  
**Farber**                   **Aye**

**Motion passed unanimously with two members absent.**

Professional Foresters Examining Committee – Matt Dias, Acting Executive Officer.

No report provided.

### **SPECIAL BOARD HEARINGS/REPORTS**

**Draft Vegetation Treatment Program EIR Scoping Summary.** Discussion of Scoping Workshop..

Chairman Gillies provided an update of the occurrences at the VTPEIR Workshop. An additional workshop will be scheduled at the January 2016 meeting.

Public Comment:

**Bill Condon, Department of Fish and Wildlife**, commented on VTPEIR scoping.

**California Forestry Challenge Presentation:** Diane Dealey-Neill and student team from Bella Vista High School

**Hazardous Fuel Reduction Project Overview:** Edith Hannigan, Board staff

**CAL FIRE Annual Report on Review of Board Regulations and Priorities:** Bill Solinsky, Forester III THP Administration and Matt Dias, Acting Executive Officer

Public Comment:

**Bill Condon, California Department of Fish and Wildlife**, suggested certain edits to 1104.1.

**Mike Doyich, Board of Equalization, Timber Tax, Sr. Forest Property Appraiser**, requested the Board stipulate requirement of acres on Notice of Timber Operation.

**Eric Carlson, Associated California Loggers**, gave a brief update on the progress of RPF/LTO renewals, shared concerns with regard to Road Rules in regard to hydrologic disconnection.

**Jason Poburko, RPF**, Rule 916.4 (a)(2) change request pertaining to mapping requirement and data collection.

**Richard Gienger**, commented on existing Forest Practice Rule 916.4, the pending pilot projects, how harvest plans have been prepared, and hopes that findings and recommendations through Pilot Projects will be developed over time.

Matt Dias, Acting Executive Officer, commented upon the regulatory review effort and presented comment letters submitted by Chuck Ciancio and Fruit Growers Supply Company.

**CONCLUSION**

**Public Forum.**

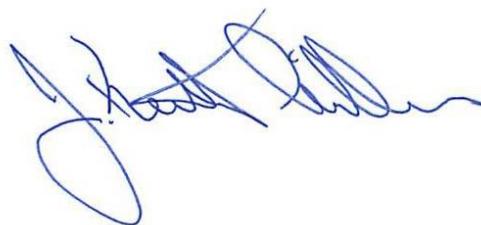
No public comment offered.

**New and Unfinished Business.**

**Adjournment.**

Respectfully submitted,

ATTEST:

A handwritten signature in blue ink, appearing to read "Matt Dias", with a stylized flourish at the end.A handwritten signature in blue ink, appearing to read "Keith Gilles", with a large, circular flourish at the end.

Matthew Dias  
Acting Executive Officer

Keith Gilles  
Chair

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