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

**Cobb, CA**  
**July 23, 2015**

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

J. Keith Gillless, Chair  
Bruce Saito  
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  
Laura Alarcon-Stalians, Analyst  
Edith Hannigan, Analyst  
Kevin Conway, Forester I  
Linda Cano, Executive Assistant  
Stephen Lerner, Esq., Board Counsel

### **DEPARTMENTAL STAFF:**

Duane Shintaku, Deputy Director, Resource Management  
Dennis Hall, Assistant Deputy Director, Forest Practice  
Matthew Reischman, Staff Chief Forest Practice  
Bill Solinsky, Forester III THP Administration

#### *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.*

## **EXECUTIVE SESSION**

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

Board Counsel gave report of actions. Board discussed Employee Evaluations, and was updated on the following:

- a. Brown, et al. v. State of California, San Diego County Superior Court (Small Claims Division), Case No. 37-2014-00310580
- b. Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3<sup>rd</sup> District), Case No. C076957
- c. Rancho Guejito Corp. v. Board of Forestry and Fire Protection, San Diego County Superior Court, Case No. 27-2014-00027683
- d. White v. Pimlott, et al., Court of Appeals (3<sup>rd</sup> District), Case No. A141475
- e. White v. Walters, et al., Court of Appeals (3<sup>rd</sup> District), Case No. A142886
- f. Procedures and Process for Permanent Replacement of Board's Executive Officer

## **REGULAR SESSION**

Approval of Minutes from June 17, 2015 Meeting: Deferred

## **MONTHLY BOARD REPORTS**

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

#### **Report of the Director/Department.** Duane Shintaku.

- Reported on current fire activity and stats.
- The Drought Task Force has been meeting regularly. The task force has placed 10 emergency water tanks in Tulare County with plans to place 30 more in the Central Valley. Weekly updates can be viewed on the OES website.
- On September 14-17, the National Association of State Foresters will have their annual meeting themed "Adapting to Change" at Squaw Creek Resort, Lake Tahoe.
- The Cal Fire Communications "One Less Spark" campaign and PSA's are having a successful campaign in getting the fire awareness message to the public. They are also working with Cal Fire Resources Management with the Bark Beetle Risk campaign.
- Spoke on the issues Cal Fire is having with drones flying in restricted airspace during fires.
- Camp Smokey exhibit at the State Fair has been a success for 2015.
- Air Resources Board, wildfire emissions and effects on GHGs.
- Cal Fire received five Limited Term Forester positions, to help deliver CFIP Grants. The Board of Forestry received one Forester I position.
- The National Disaster Resilient Competition has earmarked a billion dollars nationally for states where a presidential declaration of emergency was proclaimed for years 2011, 2012 and 2013. Helge Eng, CAL FIRE Assistant Deputy Director, is working with the Resources Agency and EPA to put together a grant proposal for a Community and Watershed Resilience Program associated with the 2013 Rim Fire; this proposal passed the initial screening.
- The VTPEIR is ready for the Board's review and deliberation. There will be a presentation at the August Board meeting.
- Discussion occurred between Member Farber and Deputy Director Shintaku in regards to biomass markets and infrastructure. The Board is interested in developing a workshop/presentations on the state of biomass in California.

### **Report of the Regulations Coordinator.** Thembu Borrás.

The Board's Regulations Coordinator reported on ongoing regulatory matters. The Board acted in response to requests of the Regulations Coordinator on an item presented in the report.

- A summary of public comment received in response to Drought Mortality Amendments, 2015 was provided.
- The Drought Mortality Amendments, 2015 Informative Letter was introduced and action was requested to approve the message contained in it before it is publically distributed.

**07-15-01 Member Husari moved to adopt the paragraph (with the link to the Information Letter), the Drought Mortality, 2015 Information Letter with the suggested revisions and that the paragraph be included in the 1038(k) Notice of Acceptance letters. Member Andre seconded the motion.**

**Roll Call**

**Miles Aye  
Farber Aye  
Rickert Aye  
Rodrigues Aye  
Saito Aye  
Andre Aye  
Wade Aye  
Husari Aye  
Gilles Aye**

**Motion passed unanimously.**

**Report of Executive Officer. Matt Dias, Acting Executive Officer.**

- Summary of Annual Report
- Budget Highlights (including approval of Board of Forestry and Fire Protection Forester I position)
- News Release re Drought Mortality Exemption (1038(k))
- Broadcast of Meetings
- Menu of Pending Board Actions

**Report of the Standing Committees.**

**Forest Practice, Mike Miles, Chair**

- Reported on Discussion of Rule Alignment, Cumulative Impacts Analysis Technical Rule Addendum #2, and Emergency Water Drafting Regulations, but did not get to Oak Woodland Conservation

**Rule Alignment, 201507-15-02 Member Miles moved to authorize release, for 45-Day Notice, the regulation entitled, Rule Alignment, 2015 (as provided in the July 2015 Board Binder as FPC 3.0). Member Wade seconded the motion.**

**Roll Call**

**Miles Aye  
Farber Aye  
Rickert Aye  
Rodrigues Aye  
Saito Aye  
Andre Aye  
Wade Aye  
Husari Aye**

**Gilless        Aye**  
**Motion passed unanimously.**

**Water Drafting Emergency Regulations, 2015**  
**Agency**

**Agency Commenters**

Matthew Reischman, Staff Chief Forest Practice, CAL FIRE  
Duane Shintaku, Deputy Director, Resource Management, CAL FIRE  
Bill Condon, Environmental Program Manager, California Department of Fish and Wildlife (CDFW)  
Dennis Hall, Assistant Deputy Director, CAL FIRE  
Dave Fowler, Engineering Geologist, North Coast Regional Water Quality Control Board

**Public Comment**

Gary Rynearson, California Forestry Association (CFA)

**07-15-03        Member Wade moved to amend the express terms to constitute only 14 CCR § 916.2(d)(3) the self-monitoring provision from the express terms provided by CAL FIRE. Member Miles seconded the motion.**

**Roll Call**

**Miles            Aye**  
**Farber           No**  
**Rickert          No**  
**Rodrigues       Aye**  
**Saito            No**  
**Andre            Aye**  
**Wade            Aye**  
**Husari           No**  
**Gilless           No**  
**Motion failed 5 to 4.**

**07-15-04        Member Andre moved to adopt the express terms and emergency findings from 2014, with updates including the worsening drought conditions and the economic impact on the regulated public. Member Farber seconded the motion.**

**Roll Call**

**Miles            No**  
**Farber           Aye**  
**Rickert          Aye**  
**Rodrigues       Aye**  
**Saito            Aye**  
**Andre            Aye**  
**Wade            No**  
**Husari           Aye**  
**Gilless           Aye**  
**Motion passed 7 to 2.**

**07-15-05** Chairman Gilles moved to rescind motion 07-15-04 due the lack of clarity of the motion. Member Rickert seconded the motion.

**Roll Call**

Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

**Motion passed unanimously.**

**07-15-06** Member Andre moved to adopt the findings of emergency for the 2014 Water Drafting Regulations with updates including the worse drought conditions and the economic impact on the regulated public. Member Husari seconded the motion.

**Roll Call**

Miles	No
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Saito	Aye
Andre	Aye
Wade	No
Husari	Aye
Gilless	Aye

**Motion passed 7 to 2.**

**07-15-07** Member Andre moved to adopt the identical expressed terms found in the 2014 Water Drafting Regulations. Member Farber seconded the motion.

**Roll Call**

Miles	No
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Saito	Aye
Andre	Aye
Wade	No
Husari	Aye
Gilless	Aye

**Motion passed 7 to 2.**

**Resource Protection, Bruce Saito, Chair**

- Provided an update on the Board’s Draft SRA Grant regulatory proposal, land use planning, a draft Board letter to counties on changes to PRC 4290, draft monitoring requirements for Forest Fire Prevention Pilot Project Exemption, and the OPR CEQA checklist. Chair Saito also provided a detailed description of the “Active Notice” relating to harvest activities near utility lines.

**“Active Notice” for Overhead Power Lines, 2015**

**Public Comment**

Russ Greenlaw

**07-15-08 Member Saito moved to authorize a 45 day Notice relating to Active Notice of timber harvest activities near utility lines. Member Husari seconded the motion. Member Rickert offered language, which struck the proposed revisions to 14 CCR § 1032.7(d)(8), which was accepted as a friendly amendment by Members Saito and Husari.**

**Roll Call**

Miles           Aye  
Farber           Aye  
Rickert          Aye  
Rodrigues       Aye  
Saito            Aye  
Andre            Aye  
Wade            Aye  
Husari           Aye  
Gilles           Aye

**Motion passed unanimously.**

**Management Committee, Stuart Farber, Chair**

- An update was provided on Rasumssen Conversion draft regulatory proposal, the Emergency Procedures Handbook which is in development as a result of the Boles Fire and the small landowner THP. The timelines of the Boggs Mountain Demonstration State Forest Management Plan was also discussed.

**Report of Board’s Advisory Committees**

- Forest Pest Council- Katie Harrell – No Report
- Effectiveness Monitoring Committee- Stuart Farber
  - It was reported that the EMC is still working upon a Draft Strategic Plan for Board review and that it may be ready for review at the August Meeting.
- Range Management Advisory Committee- Kevin Conway
  - Staff member Conway provided an update on item of discussion from the July 14, 2015 RMAC meeting.
- Professional Foresters Examining Committee –Matt Dias.
  - Acting Executive Officer Dias provided a discussion of the grading results of the April 2015 RPF Examination.

**07-15-09 Chairman Gilles moved to accept the results of April 2015 RPF exam. Member Saito seconded the motion.**



Wade           Aye  
Husari        Aye  
Gilles         Aye  
Motion passed unanimously.

**CONCLUSION**

**Public Forum**

Testimony provided by Russ Greenlaw.

**New and Unfinished business.**

Board discussion occurred on prioritizing the four regulatory actions that the Board authorized during the meeting. The goal of this prioritization is to indicate to staff which regulatory items should be worked upon first in order to meet the timelines of Office of Administrative Law in regards to a regulatory effective date of January 1, 2016 for regulations promulgated under the Forest Practices Act. The priorities were established as follows:

- Priority 1 – Adoption of Emergency Regulations for Water Drafting
- Priority 2 – Authorization of a 45 day Notice for Rule Alignment 2015
- Priority 3 – Authorization of a 45 day Notice for timber operation near utility lines.
- Priority 4 – Authorization of a 45 day Notice for 10(j) Experimental Populations

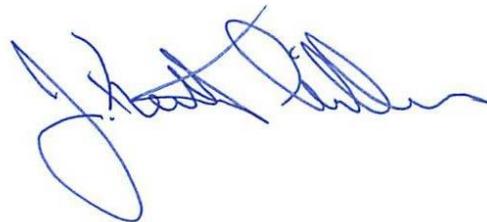
**Adjournment.**

Respectfully submitted,

ATTEST:



Matthew Dias  
Acting Executive Officer



Keith Gilles  
Chair

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