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

**Sacramento, CA**  
**April 6, 2016**

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

J. Keith Gilles  
Mark Andre  
Mike Miles  
Stuart Farber  
Rich Wade  
Susan Husari  
Kim Rodrigues  
Marc Los Huertos

### **BOARD STAFF:**

Matthew Dias, Acting Executive Officer  
Edith Hannigan, Associate Government Program Analyst  
Laura Alarcon-Stalians, Associate Government Program Analyst  
Linda Cano, Executive Assistant  
Ali Karaouni, Board Counsel  
Conner Pompa, Forestry Assistant II

### **DEPARTMENTAL STAFF:**

Ken Pimlott, Director  
Janet Barentson, Chief Deputy Director  
Helge Eng, Deputy Director, Resource Management  
Bill Solinsky, Forester III, THP Administration  
Gabe Shultz, Staff Chief, Regional Resource Manager  
Shane Cunningham, Staff Chief LE and Civil Cost Recovery  
Dave Shew, FFPA – SRA Fee Program Manager  
Chris Browder, Deputy Chief, Environmental Protection  
Heather Brent, Forester II  
Thembi Borrás, Assistant Manager, LaTour DSF  
Dominik Schwab, Forester II – Timber Regulation and Forest Restoration Fund Forester  
William Forsberg, Forester II

### **RESOURCES AGENCY STAFF:**

Russ Henly, Assistant Secretary to Forest Resource Management

## **Executive Session**

Discussed items listed

- a. Rancho Guejito Corp. v. Board of Forestry and Fire Protection, San Diego County Superior Court, Case No. 27-2014-00027683
- b. EPIC/CAG v. Board of Forestry, Alameda Superior Court, Case No. RG15793090
- c. Discussion of Civil Penalty 15-02 against Respondent
- d. Discussion of Civil Penalty 14-06 against Respondent
- e. Discussion of permanent replacement of Executive Officer

Acting Executive Officer Dias reported that the Board discussed the items on the agenda and took action on CP 15-02 by adopting the Department's final complaint and order. The Board also took action on CP 14-06 and authorized staff to issue a written determination consistent with the Departments final complaint and order.

## **Approval of March 2016 Meeting Minutes.**

**04-16-01      Member Andre moved to approve the March 2016 Meeting Minutes.  
Member Husari seconded.**

### **Roll Call**

<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Abstained</b>
<b>Husari</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**The Motion passed with one abstention.**

## **MONTHLY BOARD REPORTS**

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

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

#### **Succession**

Scott Jalbert appointed to Unit Chief, San Luis Obispo Unit

Mike Duggin appointed to Chief Technical Services

Lily Cervantes appointed to Chief of Labor Relations

#### **Tree Mortality**

The department has been working on organizing the Tree Mortality Task Force. They have been engaged with the partners in working on six priority counties from Kern to Tuolumne. Director Pimlott had the chance to tour Fresno, Mariposa and Madera to witness firsthand the devastating effects of the drought and forest pests leading to dead and dying trees in those counties.

Equipment that was authorized by the Governor's Emergency Declaration is being received, and put into service.

There has been a significant amount of tree removal occurring between PG&E, CalTrans, local governments and the Department. They are working on solutions of how to deal with the material whether it's saw log, biomass or smaller woody material that is left after tree removal.

There is continued conversation with PUC regarding biomass opportunities. Adoption of a two-tiered high hazard designation process. They are in the process of identifying and prioritizing high hazard areas across the state.

#### SRA Grants

The remainder of the SRA grant funds have been awarded and the submitters have been notified. There have been nineteen SRA fee funded grants approved in high hazard areas and an additional forty four grants have been approved across the state.

#### Early Seasonal Hires in Preparation for Fire Season

Hired approximately 400 seasonal firefighters early in March. After rehire training, their focus has been on fuels treatment efforts. Beginning annual rehiring for fire season.

#### Budget

Budget Hearings continue. They have gone through the first series of hearings with Senate and Assembly and working on May revision while preparing for the second set of hearings the first and second week in May. Key topics are forest health and how to apply Cap and Trade funds identified in the budget for forest health, fuels reduction, and forest management activities.

#### Wildfire Awareness Week

Preparing for Wildfire Awareness Week which will run May 1-7. The Department will host press events in Sacramento, Sunol, Fresno, Bakersfield, Monterey, San Diego and the Inland Empire. Chair Gillies has been invited to attend these events.

#### Inmate Crews

Preparedness exercises occurring focusing on fire suppression, fuels treatment and addressing tree mortality. Inmate crew count is of concern, the department is working with CDCR in identifying eligible inmate population, they are also looking at other sources that meet the criteria.

#### Butte Fire Center (CCC)

Cal Fire's partnership with California Conservation Corp (CCC) continues to grow, working closely with CCC Director Saito and staff on potential future opportunities to partner with CCC.

Butte Fire Center will start staffing in May and will be fully operational in July.

CCC will provide 4 fire crews to augment resources.

Cal Fire continues to work with CCC on other opportunities for additional centers.

#### Forest Carbon Action Team

California Natural Resources Agency Russ Henly gave an update on Stakeholder meetings.

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

- a) Review of Rulemaking Calendar

**Report of Executive Officer.** The Board's Executive Officer will report on ongoing administrative matters, proposed state or federal legislation or programs, or new items coming before the Board.

- a) Legislative Report

The Board requested that the Acting Executive Officer gather additional information on AB2162 and report back to the Board in May.

- b) Review of Board's Annual Report

Board members Husari and Miles indicated that an additional thorough review would be appropriate prior to adoption of the 2015 Annual Report. Staff will work with Board members to prepare a final draft of the 2015 Annual Report for consideration at the May meeting.

- c) Discussion of Tree Mortality Task Force

Member Wade offered a brief synopsis of his participation in the Tree Mortality Task Force.

- d) Lumber Assessment Review

Acting Executive Officer Dias indicated that under existing Board regulation, 14 CCR § 1667.6, that the Board is required to conduct an annual review of regulations as they pertain to the Lumber Assessment. The Acting Executive Officer indicated that the existing regulatory standards were sufficient and that no revision of the regulations is currently needed. The Board concurred.

**Report of the Standing Committees.** Committee Chairpersons will report on the items discussed from Committee meetings.

- Forest Practice, Mike Miles, Chair

- a) Review of White and Black Oak Woodland Management Special Prescription Regulatory Text and Draft Initial Statement of Reasons

Agency Comment:

Bill Condon, Department of Fish and Wildlife, commented whether or not there should be a statement of objectives to be achieved through the harvest entry of application of special prescription, similar to that within the Aspen Rules. He suggested that an RPF be required to provide a statement of objectives. He also suggested the Committee consider using a metric such as canopy cover to characterize relative dominance on Oregon White Oak or California Black Oak as in the Manual for California Vegetation.

**04-16-02 Member Miles moved to the White and Black Oak Woodland Management Special Prescription Regulatory Text and Draft Initial Statement of Reasons. Member Wade seconded.**

**Roll Call**

<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>

<b>Rodrigues</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**Motion passed unanimously.**

b) Electronic Submission of Plans, Exemptions and Notices Draft Regulation Development

Public Comment:

Gary Rynearson, California Forestry Association, commented E-filing would be a good idea but may become problematic in regards to keeping the integrity of the original document, shared concerns with keeping the confidentiality of shape files (GIS data). Also stated that some companies have varying forms for THP to support plan preparation under HCPs. Suggested a database with THP history and restoration efforts from all agencies involved should be developed.

Russ Henly, Resources Agency, commented that he will be working with Board staff to develop a problem statement to inform and support the rulemaking process.

Susan Robinson, public (via webinar) commented that THPs need to be digitized and “word searchable” documents and that the Department has intentionally not taken the effort to do make the posted THPs “word searchable” in the past.

- Resource Protection, Sue Husari, Chair

Chair Husari reported on discussions that occurred in committee. One actionable item was reported.

**04-16-03 Member Husari moved to certify Shasta County’s Ordinance 712 in lieu of the SRA Fire Safe Regulations in Shasta County SRA. Member Los Huertos seconded.**

**Roll Call**

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

**Motion passed unanimously.**

- Management Committee, Stuart Farber, Chair

Chair Farber indicated that the Management Committee worked wholly upon the draft WFMP regulatory text and is currently awaiting staff preparation of a draft ISOR for Board review.

## Report of Board's Advisory Committees.

- Forest Pest Council - Katie Harrell
- Effectiveness Monitoring Committee- Stuart Farber
- Range Management Advisory Committee – Edith Hannigan
  - Provided a report on the most recent RMAC meeting on Tuesday, March 8.
  - RMAC received updates from UC Davis regarding current research and upcoming publications and the USFS on the status of federal rangeland and grazing allotments.
  - Drafted a public comment letter in response to State Water Board emergency regulations implementing SB 88.
  - Approved revisions to Board and CAL FIRE policies regarding grazing on state demonstration forests for the Board's consideration.
- Professional Foresters Examining Committee – Matt Dias. No report.

## SPECIAL BOARD HEARINGS/REPORTS

**Public Hearing Requested Pursuant to 14 CCR § 1054.3** – THP 1-15-014 DEL; Plan Submitter: Mr. Mark Gautreaux

Identification of the record: Toby McCarrt, CAL FIRE Staff Attorney

Statements by the Plan Submitter: Mr. Mark Gautreaux

Statements by Members of the Public:

Troy Leopardo, Wildlife Biologist who wrote the Initial Study for the Heron Rookery addressed issues with the findings. One of the main tendons of CEQA is significance, significance is the red card that allows to take eminent domain. The Forest Practice rules are set up so that significance is that turn that allows you to add any type of protection measure that is required. He commented it is not the responsibility of the RPF or landowner to prove that the plan will not be significant it is the lead agency's responsibility to use substantial evidence to prove there could be significance.

Joe Croteau, DFW, commented on the loss of the only known rookery in Del Norte County was significant to DFW. He responded to the comment regarding rules, he commented that the department is not confined to the rules an argument with CEQA is made and they provide substantial evidence and provide recommendations, the Herons are listed as a sensitive species for a reason.

Eileen Conner, public (via webinar) commented that she is a neighbor the proposed THP and that the herons have been present for decades. She stated that herons are rare in the area and that there are very few in the Lake Earl area. Habitat is also sparse in the area.

**04-16-04 Member Gillless moved to close public hearing. Member Los Huertos seconded.**

### Roll Call

<b>Farber</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>

Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed with one member absent.

**04-16-05** Chair Gilless moved to sustain the decision to disapprove THP1-15-014 DEL. Member Husari seconded.

Roll Call

Farber	Aye
Rodrigues	Aye
Los Huertos	Abstained
Andre	Aye
Wade	No
Husari	Aye
Gilless	Aye

The motion passed with one abstention and one member absent.

**Update to 2010 Fire Plan.** Dave Shew, CAL FIRE SRA Program Manager

**04-16-06** Chair Gilless moved to add Prescribed Fire Memorandum of Understanding as appendix to the 2010 Strategic Fire Plan. Member Los Huertos seconded.

Roll Call

Farber	Aye
Rodrigues	Aye
Los Huertos	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed with one member absent.

**Presentation: Briefing on California Tree Farm.** Bill Snyder, Chairman

**Presentation: Consideration of Resolutions for Wildlife Conservation Board Allotment of Funds for Conservation Easements.** Jeff Calvert, CAL FIRE Forest Stewardship Program Manager

- a) Summer Camp Forest Legacy Project
- b) Garcia Creek Forest Legacy Project
- c) Foster Mountain Forest Legacy Project

**04-16-07** Chair Gilless moved to approve Consideration of Resolutions for Wildlife Conservation Board Allotment of Funds for Conservation Easements. Member Andre seconded.

**Roll Call**

<b>Farber</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**The motion passed with one member absent.**

**Hearing: Drought Mortality Amendments, 2015 (Permanent Rulemaking).** The effect of the proposed action is to provide a person engaging in the cutting or removal of dead or dying trees of any size an exemption, from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the Forest Practice Act. If adopted, these regulations would become permanent until December 31, 2018.

Agency Comment:

Bill Condon, Department of Fish and Wildlife (DFW), DFW is in support of the proposed rule package. Noted concerns on the prospect of the 1038(k) not providing volume caps. Stocking requirements, other concerns with reliance of landowners to correctly identify watercourses and areas of application and degree of compliance reported on by CAL FIRE. At the sunset date of 2018, what information will the Board rely on to extend the rules or suspend the rules at that time? What is the intent of the Board receiving a monitoring report on statewide use of the exemption including the number of harvest areas, area acres, application and degree of compliance?

**04-16-08 Member Los Huertos moved to close Public Hearing for the Drought Mortality Amendments (Permanent Rulemaking). Member Farber seconded.**

**Roll Call**

<b>Farber</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**Motion passed with one member absent.**

**CONCLUSION**

**Public Forum.**

No public comment was received.

**Adjournment.**



Respectfully submitted,

ATTEST:

Matthew Dias  
Acting Executive Officer

Keith Gilles  
Chair

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