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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
August 24, 2016

BOARD OF FORESTRY MEMBERS PRESENT:

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

BOARD OF FORESTRY MEMBERS ABSENT:

BOARD STAFF:

Matthew Dias, Executive Officer
Edith Hannigan, Associate Government Program Analyst
Linda Cano, Executive Assistant
Connor Pompa, Forestry Assistant II
Ali Karaouni, Board Counsel

DEPARTMENTAL STAFF:

Janet Barentson, Chief Deputy Director
Bill Solinsky, Forester III, THP Administration
Dennis Hall, Forest Practice

NATURAL RESOURCES AGENCY:

Russ Henly, Assistant Secretary of Forestry Resources
Management

Executive Session

Discussed items listed

- a. Discussed Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3rd District), Case No. C076957
- b. Discussed permanent replacement of Executive Officer and Executive Officer, Foresters Licensing

Announcement of Actions Taken in Executive Session.

The Board unanimously approved the appointment of Matt Dias as Executive Officer to the Board of Forestry and Fire Protection.

Approval of July 2016 Meeting Minutes.

Deferred until the September meeting.

MONTHLY BOARD REPORTS

Report of the Chairman.

- Congratulated Mr. Dias on his appointment to Executive Officer of the Board of Forestry and Fire Protection.
- Welcomed Darcy Wheelles as a member of the Board.
- Provided an update on Forest Carbon Action Team (FCAT).

Report of the Director/Department. Chief Deputy Director Janet Barentson

Director Pimlott is visiting a number of the large fires that are burning throughout the state, in particular the Cedar Fire, with members of congress and the U.S. Forest Service (USFS).

Fire Statistics

To date there have been a significant number of fires, 4,000 fires with 150,000 acres burned. It is a 21% increase in wildfires from the previous year. There has been an uptick in wildfires consistent with the drought and fuel moisture. CAL FIRE is anticipating that fire activity is going to continue to increase. They continue to have the Governor's support with drought staffing that allows catching most fires before they go into an extended attack. Notably the fires are burning faster; the ignition rate is as high as 97% for spotting embers. CAL FIRE is looking at suppression tactics; they have not been fighting wildfires in the same manner as has been done in the past. Their suppression goal remains with 90% at 10 acres or less and they are analyzing where to safely place firefighters and where to make the initial attack stand.

CAL FIRE is focusing upon the Ready Set Go campaign as a result of firefighters spending significant amounts of time during initial attack on assisting evacuees. The Communications staff continues to work on public service announcements and social media outreach with the goal of informing the public on being ready to evacuating early during a wildfire.

CAL FIRE announced the arrest of the arsonist who caused the Clayton fire, at least 16 other fires are also attributed to him; also announced the cause of the Valley Fire, the cause was faulty wiring of a spa that arced onto grass. The decision to prosecute has not been determined.

Budget

The Senate announced their Cap and Trade plan, \$30 million for Urban Forestry and \$20 million for Forest Health. The Cap and Trade auction took place the day before the Board meeting, the Senate had until the end of the week to come up with a plan.

SRA and Tree Mortality Grants

Grant guidelines have been developed; the application period opened August 23rd and will close in September. Anticipated awards to be made sometime in the fall or early winter.

California Forest Carbon Plan

The Draft Plan has been routed for FCAT member's input. Public input meetings are planned for late September, early October. The Draft Plan is on track for a final in December. They are going over public comment and are addressing those comments in the plan.

USFS Budget

The Director continues to weigh in on behalf of the state on the USFS fire borrowing and fire budget issue. He is working with members of congress and CAL FIRE's congressional liaison in Washington DC, however congress is out of session until the end of September and it is not likely they will make a change in the USFS budget this session. It is anticipated there will be a continuing resolution to move the federal budget forward and CAL FIRE looks forward to addressing this issue again in spring.

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

- a) Reviewed the Rulemaking Calendar .
- b) Consideration and potential adoption of "Listed Anadromous Salmonid Amendments, 2016" Final Statement of Reasons and Draft Regulatory Text.

08-16-01 Member Farber moved to approve the "Listed Anadromous Salmonid Amendments, 2016" Final Statement of Reasons. Member Los Huertos seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Los Huertos	Aye
Andre	Aye
Wheeles	Abstain
Gilless	Aye

The motion passed unanimously with one abstention.

08-16-02 Member Wade moved to adopt the Regulatory Rule Text for "Listed Anadromous Salmonid Amendments, 2016." Member Andre seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Los Huertos	Aye
Andre	Aye
Wheeles	Abstain
Gilless	Aye

The motion passed unanimously with one abstention.

Report of Executive Officer. The Board's Executive Officer will reported on ongoing administrative matters and proposed state legislation.

- a) Gave an update of the Legislative Report
- b) Staffing Update
- c) Update on 2018 Update to the Fire Plan

Presentation of the Francis H. Raymond Award: 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 the field of forestry in California.

The Francis H. Raymond Award was presented to Dr. Douglas D. Piirto, RPF #2179, and the California Society of American Foresters (SAF). Julie Lydick accepted the award on behalf of SAF.

Report of the Standing Committees. Committee Chairpersons will report on the items discussed from Committee meetings. **Possible Action Items:** The Board may act in response to Committee recommendations. (See Committee Agendas which are incorporated as though fully set forth herein.)

Forest Practice & Management Committee Joint Meeting – Stu Farber and Mile Miles, Chairs

- 1) Discussed Small Landowners Strategy, the committee plans to host a workshop late 2016 or early 2017.
- 2) Discussed the Board's Research Plan Pursuant to PRC 4789.6
- 3) Discussed Technical Rule Addendum #2 and Cumulative Impacts Assessment Checklist (14 CCR 912.9). Discussed the Board's regulatory checklist so that it is consistent with the CEQA guidelines.

Public Comment:

Richard Gienger, Forests Forever, commented that cumulative effects analysis, per 14 CCR 912.9 and TRA #2m in a planning watershed should be cataloged in one place either electronically or in hardcopy so they can be compiled.

Russ Henly, Natural Resources Agency, The department is developing an online THP permit system that will need legislative action or board action that will enable the department to put that system in place. The determination was the way the language is currently expressed in the Forest Practice Rules provides for online filing and permitting that can be put into place without any additional regulatory or statutory action needed

Resource Protection, Sue Husari, Chair

- 1) Safety Element Review Assessment, Draft Initial Statement of Reasons, Draft Rule Text, Draft 45 Day Notice, Edith Hannigan gave an overview. Will continue to use the current Safety Element Assessment guideline checklist until the new assessment goes through the Office of Administrative Law process and is given an effective date.

08-16-03 **Member Husari moved to approve the Safety Element Review Assessment and Draft Initial Statement of Reasons for 45 day notice. Chair Gilles seconded the motion. Member Andre offered a friendly amendment, Member Husari and Chair Gilles accepted.**

Roll Call
Wade

Aye

Husari **Aye**
Miles **Aye**
Farber **Aye**
Los Huertos **Aye**
Andre **Aye**
Wheeles **Abstain**
Gilless **Aye**

The motion passed unanimously with one abstention.

- 2) Safety Element Review
 - a. Amador County
 - b. Kings County
 - c. Monterey

Member Husari commented there will be letters sent to Chair Gilless with recommended adjustments to the Safety Elements.

- 3) 4290 Certification Status
 - a. Napa County PRC § 4290 Certification Request, Napa County will resubmit a Certification Request with the recommended changes suggested by Edith Hannigan.
- 4) Bob Bartholomew gave a presentation on beetle kill in Mariposa County and struggles local organizations have with the disbursement of SRA grant monies.
- 5) Discussed State Responsibility Area Annual Report/Annual Report
- 6) Cal Poly Dead-End Road Study Closeout

Report of Board's Advisory Committees.

Forest Pest Council - Katie Harrell

- Effectiveness Monitoring Committee- Stuart Farber, Co-Chair

a. Discussed the release of the Request for Project Proposals

- Professional Foresters Examining Committee – Matt Dias

The Executive Officer for Professional Foresters Registration will reported on ongoing PFEC matters.

**08-16-04 Member Gilless moved to approve the withdrawals for RPF's listed.
 Member Andre seconded the motion.**

RPF 18 - Lloyd Stahl	RPF 2118 – Fredric Arnold
RPF 545 – Arnold Albrecht	RPF 2238 – Scott Holmen
RPF 546 – Richard Roseberry	RPF 2256 – Raymond Brainard
RPF 868 – Daniel Young	RPF 2440 - Bruce Hagen
RPF 1114 – Bruce Coombs	RPF 2458 – Scott Gray
RPF 1134 – Ronald Cecchi	RPF 2472 – Jonathan Jue
RPF 1532 – Douglas Jager	RPF 2948 – Christopher Eades
RPF 2014 – Jeffrey Wagner	CRM 32 - Dick McClerry

Roll Call

Wade **Aye**
Husari **Aye**
Miles **Aye**
Farber **Aye**
Los Huertos **Aye**

Andre **Aye**
Wheeles **Abstain**
Gilless **Aye**

The motion passed unanimously with one abstention.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: 63 million and Counting: Implications of a Massive Tree Mortality Event on Carbon Maintenance and Forest Management – Chris Fettig, Research Entomologist, Pacific Southwest Research Station.

Public Comment:

Eric Carelson, Associated California Loggers, spoke to the need for landowner assistance the readiness of the LTO community to assist in solving the problem faced by the state in regards to the rampant drought mortality.

Hearing (Initial): Utility Notice of Overhead Operations Amendments, 2016. The effect of this proposed action will prescribe additional conditions requiring disclosure upon a Notice of Intent pursuant to 14 CCR §1032.7, specifically, whenever any overhead powerlines lie inside or within 200 feet of a new or amended plan boundary.

No action was taken. The Board directed staff to prepare the Final Statement of Reasons for consideration at the September Meeting.

Hearing (Initial): Working Forest Management Plan: Assembly Bill 904 created the Working Forest Management Plan (WFMP) program. The WFMP is a long-term forest management plan available to nonindustrial landowners (with less than 15,000 acres of timberland) if they commit to uneven aged management and sustained yield.

Executive Officer Dias gave an overview of the Working Forest Management Plan and written comment received during the 45-Day public notice period.

Public Comment:

Alan Levine, Coast Action Group, commented the group would approve and support an idea of a long term plan document or mechanism that would provide certain results, however, the current language does meet that level. The wording in the WFMP needs to be consistent with the intent of AB 904 and all other California codes and regulations. Coast Action Group is asking the Board not approve and to reconsider the language as proposed and is willing to meet to discuss ways to resolve the issues.

Rob DiPerna, EPIC, submitted handout with bullet points of the issues they feel need to be addressed. Referred to a letter that was submitted to Professional Forester's Licensing by Chris Moranto regarding PRC 752(b).

Richard Gienger, Forests Forever, commented that an effort has not been made to make a professional document that would outline performance standards that would be transferrable from generation to generation or from year to year. There's a need for an adequate format for describing conditions, restoration and management of the lands in an understandable manner, now and in the future. He is skeptical of the implementation of 14 CCR § 916.4, there's a standard format that is to be adhered to for a consistent description of the conditions, impacts and restoration opportunities in watercourses. If there is a plan in place in perpetuity there has to be a commitment to it, it needs to be spelled out. He gave an example of the difficulty of passing it to the next forester or LTO and it be easily understood.

Larry Camp, Forest Landowners of California, explained his involvement with developing the language for the plan and commented he doesn't recall a discussion regarding being limited to a single landowner. It was his impression that it would apply in a similar way to the NTMP that multiple landowners could band together to put together a management plan with a light touch on the landscape.

No action was taken. The Board directed staff to prepare the Final Statement of Reasons for consideration at the September Meeting.

Hearing (Initial): Less than 3 Acre Conversion Amendments, 2016. The purpose of the proposed action is to enable landowners to proceed with a Conversion Exemption where significant archeological site(s) exist. Currently regulations (14 CCR § 1104.1(a)(2)(I)) strictly prohibits the use of a Conversion Exemption where timber operations take place on a significant archeological site as defined in 14 CCR § 895.1.

Public Comment:

Penny Rassmussen, member of the public, expressed her frustration on the timeline that the Board has taken to address this issue and the seemingly inequitable treatment of her project by CAL FIRE in regards to others in her neighborhood. She urged the Board to move expediently to have an effective date of the regulation by January 1, 2017.

Public Comment:

Bill Solinsky, Forest Practice, commented that once it's converted it's just the trees that are removed, there are trees left standing or when regeneration comes in that still becomes timberland and requires an additional conversion.

Richard Gienger, Forests Forever, commented that a conversion exemption should not have been required in this situation. He asked if the conversion could be rescinded and capped to move forward so that the issue could be resolved and subsequently deal with the greater issues and procedures.

No action was taken. The Board directed staff to prepare the Final Statement of Reasons for consideration at the September Meeting.

CONCLUSION

Public Forum

Eric Carleson, Associated California Loggers, gave an update on RPF, LTO responsibilities. Also shared his concerns regarding the FPC and RPC meetings scheduled at the same time, he requested that if possible that future meetings should be scheduled separately so they can be attended without any conflict. Chair Gilles explained for the purpose of the workshop the committee meetings had to be scheduled in that way.

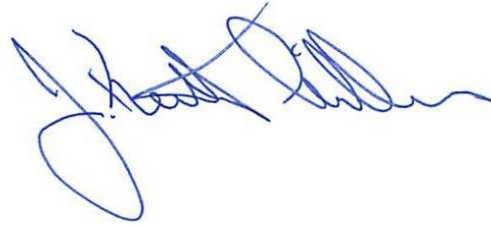
Richard Gienger, Forests Forever, Menlo Dam taken out of the South Fork Eel. 19th Annual Coho Confab, August 26 - 28, 2016. Sanctuary Forests public hike, Big Red: Ancient Redwood September 10. Lost Coast Forest recently purchased 700 acres on the South Fork Eel River. They are pursuing educational opportunities. Electronic Harvest Plan submission, he commented it would be nice to start off right with cumulative effects being included in the electronic plan process. He is pleased to see progress of interviewing individuals for teams for the first pilot project in the Campbell Creek Watershed Project.

Dave Fowler, North Coast Regional Water Quality Control Board, spoke in response to a Board question to display his agency's support of the WFMP draft regulations, the Board's process to get to the regulatory proposal and recognition of the fact that the North Coast Regional Water Quality Control Board comments were not consistent with the legislative mandate of PRC 4597 *et seq.*

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 beginning.

Matthew Dias
Executive Officer

Keith Gilles
Chair

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