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BOARD OF FORESTRY AND FIRE PROTECTION

San Diego, CA
May 12, 2016

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gilles
Mark Andre
Rich Wade
Susan Husari
Marc Los Huertos

BOARD OF FORESTRY MEMBERS ABSENT: Mike Miles

Kim Rodrigues
Stuart Farber

BOARD STAFF:

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

DEPARTMENTAL STAFF:

Janet Barentson, Chief Deputy Director
Helge Eng, Deputy Director, Resource Management
Bill Solinsky, Forester III, THP Administration
Dave Shew, FFPA – SRA Fee Program Manager
Dennis Hall, Forest Practice

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. Discussed permanent replacement of Executive Officer

Announcement of Actions Taken in Executive Session.

No actions were taken.

Approval of April 2016 Meeting Minutes.

05-16-01 Member Wade moved to approve the May 2016 Meeting Minutes with minor edits. Member Husari seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilless	Aye

The motion passed unanimously with three members absent.

MONTHLY BOARD REPORTS

Report of the Chairman.

Chairman Gilless thanked those who played an integral part in making the field tour a success.

Report of the Director/Department. Janet Barentson

Department Succession and Recent Appointments

- Don Gordon, Unit Chief Lassen Modoc Unit.
- Darren Read, Unit Chief, Butte Unit.
- John Melvin, Staff Chief, Resource Protection and Improvement Programs.
- Rick Carr, Southern Region Resource Management.

Tree Mortality

- Equipment authorized by the Governor's Emergency Declaration continues to be received, and put into service.
- There has been a significant amount of tree removal occurring between PG&E, CalTrans, local governments and the Department.
- To date, CalTrans has expended over \$50 million in tree removal efforts within road right of ways.
- Staff of afflicted counties has reported that cooperation among federal, state and local entities has been very good, with coordination occurring to ensure that resources do not overlap and are used in the most efficient manner.
- Continued conversation with PUC regarding biomass opportunities.
- CAL FIRE (FRAP) is working with additional counties (Placer, El Dorado, Nevada, and Calaveras) regarding their proposal to be designated as High Hazard Counties.
 - These counties have been working with the Tree Mortality Task Force for the last several months, and must meet requirements, such as having a local tree mortality task force in place.

- Chief Pimlott will be in Washington, DC next week, and will be discussing with the Department of the Interior the need for additional funding to Region 5, and looking for opportunities that would allow the removal of downed trees from federal lands.

Prescribed Fire MOU Working Group Status

- Resource Management Program has developed a draft charter for the Department's Prescribed Fire Working Group.
 - The Working Group will focus on compliance with the Governor's AB 2465 Veto Message; furthering the goals and objectives identified in the Prescribed Fire MOU.
- Increasing education and awareness, both internally and externally, in the support of the use of prescribed fire. This effort will include developing required Departmental training programs on the use of prescribed fire.
- The Working Group's first meeting is tentatively scheduled for June.

Fire Season Staffing Levels

- Early season hiring is well underway.
- Northern Region currently has 78 engines staffed, with plans to have one engine in every station by May 30.
- Increased precipitation has delayed staffing as compared to last fiscal year.
- Southern Region has 105 engines staffed as of the first of the month.
- All airbases were staffed as of Monday, May 9.
- Good news is the number of fires to date, and the acres to date are well below the 5 year average.

Budget

- Budget Hearings continue.
- Both houses of the Legislature have approved increases for automatic vehicle locators, mobile digital computing, Emergency Command Center staffing, and Information Technology staffing, and continued drought augmentation funding through December.
- CAL FIRE continues to work with Local 2881 and members of the Budget Committees regarding legislative approval of the Professional Standards Program. The Professional Standards Program will assist with the training of managers and supervisors and provide the resources and tools at becoming better supervisors and manage employee actions.
- The legislature continues to deliberate on an overall Cap and Trade expenditure plan for 2016-17, of which CAL FIRE has \$180 million currently scheduled for Urban Forestry and Forest Health.
- Continue to work with the Administration on replacement helicopter funding and tree mortality funding.
- Butte Fire Center has received their certificate of occupancy. California Conservation Corps and CAL FIRE staff have worked hard to refurbish a facility that can house 70 to 80 Corps members. It is currently staffed with one crew consisting of transfers from other centers. On May 22, they will receive another influx of crew members. The goal is to have two type I crews staffed by July 1 and a third crew by July 14. The center will host a grand opening on July 1. California Conservation Corps will be celebrating their 40th Anniversary the last week in June at the State Capitol.

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

- a) The Acting Executive Officer provided a review of Rulemaking Calendar.
- b) The Board discussed and reviewed Final Statement of Reasons and potential adoption of the draft regulatory proposal for Drought Mortality Amendments, 2015 permanent rulemaking.

05-16-02 Chairman Gilles moved to adopt the Final Statement of Reasons and the draft regulatory proposal for Drought Mortality Amendments, 2015 permanent rulemaking. Member Andre seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilles	Aye

The Motion passed with three members absent.

c) Discussion and review of Initial Statement of Reasons and updated rule text for Listed Anadromous Salmonid Amendments (formally known as 10(j) Experimental Populations).

Public/Agency Comment

Bill Condon, California Department of Fish and Wildlife (DFW) noted a comment letter from DFW in support of the revised rules.

05-16-03 Chairman Gilles moved rescind the July 23, 2015 Board authorization for 45-Day Notice of the draft rule text for 10(j) Experimental Populations and to adopt the Initial Statement of Reasons and authorize for 45-Day Notice the updated rule text for Listed Anadromous Salmonid Amendments (formally known as 10(j) Experimental Populations).

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilles	Aye

The Motion passed with three members absent.

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. The Acting Executive Officer provided a report upon the following:

- a) An overview of the Legislative Report.
- b) Discussed Board staffing and vacant positions.
- c) Reviewed Board's Annual Report.

05-16-04 Chairman Gilles moved to adopt the Annual Report as distributed with revised language in the last paragraph pertaining to SRA data being provided to the Board by CAL FIRE for review. Member Los Huertos seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilles	Aye

The Motion passed with three members absent.

05-16-05 Chairman Gilless offered a friendly amendment which indicated that the Board will present the provided CAL FIRE SRA data in the form of an Appendix or Amendment to the 2015 Annual Report subsequent to Board review. Member Husari seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilless	Aye

The Motion passed with three members absent.

05-16-06 Chairman Gilless moved to incorporate the provided table that displays wildfire data for fires greater than 300 acres. Member Andre seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilless	Aye

The Motion passed with three members absent.

d) Member Wade gave an update on activities within Tree Mortality Task Force.

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

- Forest Practice Committee & Management Committee Joint Meeting, Member Andre provided an update upon:

- 1) Electronic Submission of Plans, Exemptions and Notices Draft Regulation Development
 - a. Review Draft Letter to Resources Agency indicated Board support for electronic submission and the Board to continue to investigate the necessity of rulemaking.

05-16-07 Member Andre offered an amendment to 05-16-08, including minor revisions to the draft text of the letter and requesting a cc to Director Pimlott. Member Gilless seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilless	Aye

The Motion passed with three members absent.

05-16-08 Member Andre moved to authorize sending the draft letter to Russ Henly, Assistant Secretary, Resources Agency. Member Gilless seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilless	Aye

The Motion passed with three members absent.

2) Discussion and review of the Initial Statement of Reasons and Development of Working Forest Management Plan (WFMP) Draft Regulation

5-16-09 **Member Andre moved to adopt the draft Initial Statement of Reasons (ISOR) and to authorize a 45-Day Notice for the regulation entitled, “Working Forest Management Plan.” Chairman Gilless seconded the motion. Member Los Huertos requested two friendly amendments to the draft regulatory proposal, including: 1) In 1094.25(c)(1) remove the word “net”, and 2) In 1094.25(c)(2) remove the first mention of the word “area.” Member Andre accepted the friendly amendments.**

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Los Huertos	Aye
Gilless	Aye

The Motion passed with three members absent.

- Resource Protection, Sue Husari, Chair provided an update on:

- 1) Safety Element Assessment Revision Draft
- 2) FY 15/16 SRA Grants
- 3) Susanville Safety Element Response Letter
- 4) Cal Poly Study Follow Up

Report of Board’s Advisory Committees.

- Forest Pest Council - Katie Harrell
- Range Management Advisory Committee – Edith Hannigan

SPECIAL BOARD HEARINGS/REPORTS

Hearing: SRA Fire Prevention Fund Grant Program: The effect of the proposed action is to repeal 14 CCR § 1665.8 and to adopt 14 CCR §§1666.0 – 1666.16. The proposed adoption of regulatory standards will establish a grant program, including applicant requirements, eligible entities, and application evaluation criteria to distribute grants from the SRA Fire Prevention Fund.

Edith Hannigan, Board staff, provided an update on the written comment received and introduced a revision to the draft regulatory proposal for clarification of the definition of the term Fire Prevention Fund.

05-16-10 **Chairman Gilless moved to close Public Hearing. Member Andre seconded.**

Roll Call
Andre **Aye**
Wade **Aye**
Husari **Aye**
Los Huertos **Aye**
Gilless **Aye**

The Motion passed with three members absent.

The Board discussed options in moving forward with this rulemaking process.

05-16-11 Member Gilless moved to authorize 15 day Notice and draft Supplemental Statement of Reasons for the revision of the term “Fire Prevention Fund” in 14 CCR §1665.2. Member Los Huertos seconded.

Roll Call
Andre **Aye**
Wade **Aye**
Husari **Aye**
Los Huertos **Aye**
Gilless **Aye**

The Motion passed with three members absent.

Presentation: 2015 California Forest Pest Conditions Report, Tom Smith, CAL FIRE Pest Management Specialist.

CONCLUSION

Public Forum

No public testimony was offered.

Adjournment

Respectfully submitted,

ATTEST:

Matthew Dias
Acting Executive Officer

Keith Gilless
Chair

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