

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
Website: www.bof.fire.ca.gov



BOARD OF FORESTRY AND FIRE PROTECTION

Eureka, California
September 29, 2016

BOARD OF FORESTRY MEMBERS PRESENT:

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

BOARD OF FORESTRY MEMBERS ABSENT:

Mike Miles

BOARD STAFF:

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

DEPARTMENTAL STAFF:

Helge Eng, Deputy Director, Resource Management
Bill Solinsky, Forester III, THP Administration
Dave Shew, Staff Chief - Planning and Risk Analysis Division
Matthew Reischman, Assistant Deputy Director, Resource Protection and Improvement
Hugh Scanlon, Humboldt-Del Norte Unit Chief

Executive Session

Executive Officer Dias announced that the items on the agenda were discussed, which included:

- a. Consideration of Decision and Final Order in Licensing Case 329 - Steven Daus, RPF #2524
- b. Discussion of permanent replacement of Executive Officer, Foresters Licensing

Furthermore, the Board unanimously, with one abstention, adopted the Decision and Final Order in Licensing Case 329 - Steven Daus, RPF #2524. The Decision and Final Order included the following terms of the Final Disciplinary Order. The RPF license was revoked with revocation stayed. License placed on 3 years probation. A nine (9) month suspension of RPF license to occur starting December 1, 2016. Lifetime practice monitoring of all notices or plans prepared under the Forest Practice Act to be performed by a reviewing RPF in good standing and approved at the sole discretion of the Board. The reviewing RPF will take responsibility for any professional failures as they relate to respondent's field work and written products. Final probation reports will be required during the 3 year period. Full public notice of disciplinary action will occur pursuant to California Code Regulation 14 CCR §1612.2. A cost recovery provision has been included to the sum of \$5,000.00 to be paid to the Office of Professional Foresters Registration. License reinstatement is fully subject to approval by the Board at the end of the probationary period.

Approval of July and August 2016 Meeting Minutes.

09-16-01 Member Andre moved to approve August and July 2016 Meeting Minutes. Member Wade seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Farber	Aye
Los Huertos	Aye
Andre	Aye (Abstained for approval of July Minutes)
Wheeles	Aye (Abstained for approval of July Minutes)
Gilless	Aye

The motion passed unanimously with one member absent and two abstentions on the question for the July Meeting Minutes.

MONTHLY BOARD REPORTS

Report of the Chairman.

Chair Gilless expressed the gratitude of the Board in the level of participation of the <3 Acre Conversion and Marijuana Cultivation Workshop held on September 28, 2016. He stated that the information brought forth by the agencies, as well as members of the public, was enlightening in allowing the Board to better understand the issues at hand regarding marijuana cultivation on California timberlands.

Report of the Director/Department. Helge Eng, Deputy Director, Resource Management

Succession

- a. Daniel Berlant has been appointed to the Assistant Deputy Director, Chief of Planning & Risk Analysis, Fire Engineering, and Investigations. This position in the Office of the State Fire Marshal is responsible for the policy and program leadership for Fire Plan,

SRA Fire Prevention Fee, Defensible Space, CAIRS, Land Use Planning, Fire Engineering (both structural and wildland), Investigations, Arson & Bomb, Fireworks and Pyrotechnics.

- b. Monte Manson has been appointed to the Chief of the Professional Standards Program effective September 19, 2016.

Fuels Treatment Memorandum

- a. Sets targets for prescribed fire and fuels treatment acres, as well as defensible space inspections for the current fiscal year.
- b. Data from this fiscal year will be used to set new targets for fiscal year 2017-18.

FCAT

- a. Draft report is being reviewed
- b. Public workshops are anticipated at the end of October or the beginning of November.

GHG funding approved by the Legislature

- a. 25 million for Urban Forestry.
- b. 15 million for forest health.
 - i. Interested in large landscape projects including partnerships and a suite of forest health objectives.
- c. Assisting High Speed Rail with tree planting.

Biomass Legislation – 125 MW over the next 5 years with fuels from tree mortality areas.

Fire Stats - YTD 2016 (CAL FIRE) – 4,981 fires for 205,879 acres, a 24% increase in wildfires.

Coast Redwood Symposium – brought practicing and research foresters together. UC did an excellent job planning and delivering the conference.

Boggs Mountain Demonstration State Forest

- a. Concluding salvage logging and moving to site preparation and reforestation.
- b. Post-fire runoff and erosion study—plot-scale sediment fences are being installed in logged areas.
- c. Demonstration and education.

LA Moran Nursery is restarting. Seed Bank: Master agreements with both the USFS Region 5 and the California Tahoe Conservancy are in development to ensure long-term coordinated cone collections occur on public lands.

Tree Mortality Task Force

- a. Update of high hazard zone (HHZ) Tier 1 areas using new data from the 2016 partial aerial survey of California provided by the USFS. HHZ Tier 2 updates are expected to be completed by mid-September.
- b. Contracted with the Beck Group in Portland, OR to help define opportunities to expand existing wood product businesses and/or develop new businesses using the feedstock from the tree mortality event.

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

- a) Revised Rulemaking Calendar
- b) Considered potential adoption of "Less Than 3 Acre Conversion Amendments, 2016" Final Statement of Reasons and Draft Regulatory Text

09-29-02 Chairman Gilless moved to approve the “Less Than 3 Acre Conversion Amendments, 2016”, formerly known as “Rasmussen Conversion, 2015,” Final Statement of Reasons (FSOR). Member Husari seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

09-29-03 Chairman Gilless moved to adopt the “Less Than 3 Acre Conversion Amendments, 2016,” formerly known as “Rasmussen Conversion, 2015,” regulatory text. Member Andre seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

c) Consideration and potential adoption of “Utility Notice of Overhead Operations Amendments, 2016” Final Statement of Reasons and Draft Regulatory Text

09-29-04 Chairman Gilless moved to approve the “Utility Notice of Overhead Operations Amendments, 2016”, formerly known as “Active Notice for Overhead Powerlines, 2015,” Final Statement of Reasons (FSOR) with direction to include descriptions of discussed non-substantial changes by the Board to the regulatory text. Member Farber seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

09-29-05 Chairman Gillless moved to adopt the “Utility Notice of Overhead Operations Amendments, 2016”, formerly known as “Active Notice for Overhead Powerlines, 2015,” regulatory text with direction to include non-substantial changes by the Board to the regulatory text. Member Farber seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Farber	Aye
Los Huertos	Aye
Andre	Aye
Wheeles	Aye
Gillless	Aye

Motion passed unanimously with one member absent.

d) Considered potential adoption of “Working Forest Management Plan” Final Statement of Reasons and Draft Regulatory Text. **No Action Taken**

Public Comment

Richard Gienger, Forests Forever, commented there has been resistance to set adequate standards commensurate with managing up to 15,000 acres in perpetuity. More application of standards that the public and landowners can live with would be advantageous. He hopes that a planning document can be developed that will stand the test of generations.

Chuck Ciancio, Registered Professional Forester, expressed his frustration with the issues small and large timberowners face.

e) Consideration of Re-authorizing Safety Element Review Assessment Draft Initial Statement of Reasons (ISOR) and Draft Rule Text.

09-29-06 Chair Gillless moved to rescind the previously approved Initial Statement of Reasons and approve the revised Initial Statement of Reasons that was distributed for the Board’s review. Member Los Huertos seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Farber	Aye
Los Huertos	Aye
Andre	Aye
Wheeles	Aye
Gillless	Aye

Motion passed unanimously with one member absent.

09-29-07 Chair Gillless moved to rescind the previously adopted Draft Rule Text and adopt the revised Draft Rule Text distributed to the Board for review. Member Los Huertos seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

09-29-08 Chair Gilless moved to adopt the revised Safety Element Review Assessment. Member Los Huertos seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

Report of Executive Officer

Matt Dias, Executive Officer, stated that the California Department of Food and Agriculture (CDFA) is working on a programmatic EIR for regulations as it pertains to marijuana cultivation. Through a Notice of Preparation, CDFA requested a letter with information pertaining to the authority of each board, commission, or agency that may be affected by these regulations. This topic was discussed and it was concluded that the Board should be involved with the process. It was proposed that a draft letter be written in response to the request, with a review by two Board members prior to submission. It was determined that Chair Gilless and Vice-Chair Andre would review the letter prior to it being sent to CDFA.

- a) Gave an update on the Legislative Report. AB 1958 and AB 2029 were approved by the Governor and have been chaptered.
- b) Reviewed the DRAFT 2015 SRA Annual Report. There were minor grammatical edits made, as well as clarifying language. A chart was received from CAL FIRE with revised data on expenditures.

09-29-09 Chair Gilless moved to approve the 2015 SRA Annual Report with edits as discussed. Member Wade seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Farber	Aye
Los Huertos	Aye
Andre	Aye
Wheeles	Aye

Gilless

Aye

Motion passed unanimously with one member absent.

b) Tree Mortality Task Force Update

Matthew Reischman, Assistant Deputy Director, Resource Protection and Improvement, gave a brief report on the Tree Mortality Task Force.

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

Forest Practice Committee & Management Committee Joint Meeting, Mike Miles and Stuart Farber, Co-Chairs

1) Update on RPF/LTO Responsibilities

There was an update provided by Bob McMullen with Associated California Loggers (ACL) on RPF/LTO issues. Ongoing discussions with CAL FIRE are still occurring; ACL and CAL FIRE will provide further updates at the November Meeting.

2) Jackson Demonstration State Forest Option A implementation

A brief update on discussions regarding JDSF Management Plan update, which focused on the implementation of the Option A, was provided. An update on the DRAFT Recreation Plan will be brought before the FPC/MGMG Committee for potential action at the November meeting.

3) Discussed Public Resources Code and Existing Regulation regarding "Timberland", "Timber Operations", "Compatible Use" and "Conversion" of timberlands.

It was stated that this discussion occurred in committee in preparation for the "< 3 acre conversion and marijuana cultivation workshop" to provide committee members a background on some of the issues that were discussed in relation to marijuana cultivation and timberland.

Resource Protection Committee, Sue Husari, Chair

1) Safety Elements reviewed

- a. Merced County
- b. Sacramento County

2) 4290 Certification Status

- a. Del Norte County PRC § 4290 Certification Request

09-16-10 Member Husari moved to certify Del Norte County's Title 19 Ordinance under 14 CCR § 1270.03. Chair Gilless seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

3) Discussed California Forest Improvement Program (CFIP) Cap Rates

Matthew Reischman, Assistant Deputy Director, Resource Protection and Improvement gave an overview on revised CFIP Cap Rates for landowner self-labor.

09-16-11 Member Husari moved to adopt the revised California Forest Improvement Program (CFIP) Cap Rates Adjusted for Self-Labor. Member Andre seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

Report of Board's Advisory Committees.

1. Forest Pest Council - Katie Harrell
Ms. Harrell offered an update on the spread of Sudden Oak Death (SOD) in coastal California counties. Questions were posed about the use of exemptions for harvest activities and how landowners become aware of compliance standards to limit the spread of SOD.
2. Range Management Advisory Committee – Edith Hannigan
 - a. Board consideration of re-appointment of Dr. Marc Horny to the Range Management Advisory Committee and as committee Co-Chair.

09-16-12 Chair Gilless moved to approve the re-appointment of Dr. Marc Horny to the Range Management Advisory Committee and as committee Co-Chair. Member Los Huertos seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

Effectiveness Monitoring Committee- Stuart Farber

- a. The Board considered the appointment of Dr. Matthew O'Conner to the Effectiveness Monitoring Committee

09-16-13 Member Farber moved to approve the appointment of Matthew O'Conner to the Effectiveness Monitoring Committee. Chair Gilless seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Farber	Abstained
Los Huertos	Aye
Andre	Aye
Wheeles	Aye
Gilless	Aye

Motion passed with one abstention and one member absent

Public Comment

Mike Baca, Retired Forest Practice Manager, Northern Region

Submitted an online comment that addressed the previously posed question regarding the spread of SOD and exemptions. He stated that both Santa Rosa and Redding CAL FIRE Review Team offices send out a cover letter with an exemption or emergency that indicates that the project is within a zone of infestation. The letter provides information on the mitigations that one needs to comply with, in terms of restrictions on removal or transport of material within the zone of infestation.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: Informative Presentation on a Request for Immediate Rezone in Del Norte County – Mark Lancaster, Trinity County Resource Conservation District. Gave an overview of property owners pursuing an Immediate Timberland Production Zone (TPZ) Rezone for their property. This issue will be brought before the Board for possible action at the November Board meeting.

Agency Comment

Bill Solinsky, CAL FIRE, stated that he received a Timberland Conversion Permit from the Lancasters. He made a query with the State Clearing House at the Office of Planning and Research and found that the Notice of Determination associated with the Negative Declaration had not been filed. Since timber operations are not proposed, a Negative Declaration is not necessary. Once the County of Del Norte files a Notice of Determination on a Negative Declaration, the Timberland Conversion Permit could possibly be approved.

Bill Condon, California Department of Fish and Wildlife, stated that he is familiar with the property and the history with the Smith River Alliance and its good conservation efforts. He feels in this case it is appropriate from the standpoint of public trust values to proceed with their request for the rezone as presented.

CONCLUSION

Public Forum

Charl Stoneman, Stoneman Forestry Services, commented that Keith Argow, President and CEO with the National Woodland Owners Association, asked him to distribute the National Woodlands magazine to those who might have an interest. He mentioned an article by John Helms, UC Berkeley and a subsequent article regarding the California Forest Practice Act.

Chuck Ciancio, Registered Professional Forester, expressed his frustration with regulatory agencies and what he feels is their poor management of California timberlands.

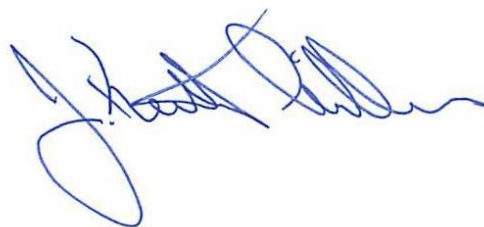
Rob DiPerna, Environmental Protection Information Center, commented on carbon levels and the seriousness of the effects it has on the environment.

Richard Gienger, Forests Forever, stated that he attended the recent Coast Redwood Science Symposium and gave a brief overview; he shared his thoughts on some of the topics covered at the symposium.

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, prominent loop at the beginning.

Matthew Dias
Executive Officer

Keith Gilles
Chair