

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

Sacramento, CA
May 10, 2017

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gilles, Chair
Mark Andre
Rich Wade
Susan Husari
Mike Miles
Marc Los Huertos
Katie Delbar

BOARD OF FORESTRY MEMBERS ABSENT:

Darcy Wheelles

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Assistant Executive Officer, Forester's
Licensing
Themi Borrás, Forester III, Regulations
Edith Hannigan, SRA Analyst
Laura Alarcon-Stalians, Board Analyst
Connor Pompa, Forestry Assistant II
Ali Karaouni, Board Counsel

DEPARTMENTAL STAFF:

Helge Eng, Deputy Director, Resource Management
Chris Rowney, Assistant Deputy Director, Safety, EMS
and Research & Development
Dennis Hall, Assistant Deputy Director, Forest Practice
Matthew Reischman, Assistant Deputy Director, Resource
Protection & Improvement
Eric Huff, Staff Chief, Forest Practice
Dave Shew, Staff Chief, Planning and Risk Analysis
Gabe Schultz, Staff Chief, Northern Region, Resource
Management
Bill Solinsky, Forester III, THP Administration
Pete Cafferata, Forester III, Forest Practice & Hydrology
Kevin Conway, Forester II, Tree Mortality Task Force
Manager
Kristen Merrill, Tree Mortality Task Force Logistics Section
Chief

Announcement of Actions Taken in Executive Session.

Ali Karaouni, Board Counsel, reported that matters on the agenda for Executive Session were discussed with no actions taken.

Approval of March and April 2017 Board Meeting Minutes.

March 2017 Board Meeting Minutes

05-17-01 **Member Wade moved to approve the March 2017 Board Meeting Minutes. Member Husari seconded the motion.**

Roll Call

| | |
|--------------------|----------------|
| Miles | Aye |
| Delbar | Aye |
| Andre | Aye |
| Los Huertos | Abstain |
| Wade | Aye |
| Husari | Aye |
| Gilless | Aye |

The motion passed, with one abstention and one absent.

April 2017 Board Meeting Minutes

05-17-02 **Member Wade moved to approve the April 2017 Board Meeting Minutes. Member Andre seconded the motion.**

Roll Call

| | |
|--------------------|----------------|
| Miles | Aye |
| Delbar | Aye |
| Andre | Aye |
| Los Huertos | Abstain |
| Wade | Aye |
| Husari | Abstain |
| Gilless | Aye |

The motion passed, with two abstentions and one absent.

MONTHLY BOARD REPORTS

Report of the Chairman

Chair J. Keith Gilless reported that it has been truly remarkable to see the dramatic changes in these environments from the record rainfall recorded especially following several years of extreme drought conditions.

Report of the Director/Department. Deputy Director Eng on behalf of Director Pimlott.

- **Wildfire Awareness Week:**

Yesterday, Governor Brown declared May 7-13 "Wildfire Awareness Week" to encourage homeowners to prepare now for the dry, flammable season ahead. The Director is covering events throughout the state this week. CAL FIRE urges residents to remove excess vegetation around homes and maintain 100 feet of defensible space to increase the odds that structures will survive a wildfire.

- **Fire Season Outlook:**

There is concern that California may be in for another challenging wildfire year. In just the first four months of 2017, there have already been over 500 wildfires across California that have burned over 8,000 acres.

The Department has been hiring and training additional seasonal firefighters. Several rehire firefighter academies are currently taking place. The extra personnel, fire engines and other resources have been utilized to increase the amount of fire prevention and vegetation treatment activities across the state. CAL FIRE has already used prescribed fire and other tools to reduce the wildfire hazard on over 10,000 acres in high fire danger areas since January 1, 2017. There have been defensible space 94,000 inspections this year. The Department's goal this year is 250,000 inspections.

Northern California:

Much of the Northern Region area has received greater than 150 percent of normal precipitation. The snowpack in the high country is 185 percent of normal for late April. A robust crop of fine fuels is still growing across much of the lower elevations of the area, and is expected soon in the high desert as well. Considering the ground moisture and anticipated snow runoff fine fuels are not expected to be fully cured until late July or August.

Abundant precipitation will lead to a slower start to fire activity in June in the far east side of the state. Snow pack is delaying fire starts in upper elevations across the state.

Southern California:

Significant wildland fire potential is expected in most areas of southern California through August, except in the Sierra Foothills where above normal significant wildland fire potential is expected to develop in June.

The heavy seasonal grass crop has mostly cured across most of Southern California. The fire potential across the Sierra Foothills will likely be exacerbated by the high amount of dead or dying trees due to the 5-year drought and bark beetle infestation.

- **Ready for Wildfire App:**

Last month, CAL FIRE launched a new "Ready for Wildfire" app. This tool puts a library of step-by-step, ready-for-wildfire checklists on wireless devices. The checklists provides information on maintaining defensible space, harden homes with ignition-resistant building materials, creation of a family evacuation plan and emergency supply kit, and plans for evacuation. The app also provides guidance on maintaining healthy trees and shrubs. The app features customizable alerts that will send a text or push notification to electronic devices when CAL FIRE responds to a wildfire of 10 acres or more in the vicinity.

- **Timber Operator Licensing Class:**

The May 2017 Timber Operator Licensing Class at Sierra College filled up early and 21 people were on a waiting list. The Department worked with the college to add a second class which filled up in less than 10 days. Three more classes will be offered for the remainder of 2017 as previously scheduled.

- **State Forests:**

Boggs Mountain Demonstration State Forest remains closed to the public following the 2015 Valley Fire. About 300,000 trees were planted this year and the Department is aiming for another 300,000 trees planted next year.

Soquel Demonstration State Forest remains closed to the public due to winter storm and landslide damage. Emergency contract work is currently underway.

- **Lewis A. Moran Reforestation Center (LAMRC):**

The L.A. Moran Reforestation Center (LAMRC) is pursuing collection of cones from Baja Norte for Ponderosa and Sugar Pine. A pilot project at this point, the collection of cones from Mexico could eventually serve as a means for acquiring native conifer seed from south of our existing seed zone map which ends at the border. Also help adapt seed stock to changing climate.

- **FRAP/AB 1504:**

FRAP has entered into an agreement with USFS-PNW to develop FIA- based inventory tables for the report. Staff are working towards implementing a second agreement to develop accounting methods for harvest wood products, energy use in mills, and log utilization.

- **FRAP Tree Mortality Task Force (TMTF):**

FRAP staff are cooperating on a research effort spearheaded by UC Berkeley, John Battles, and Jodi Axelson, to conduct a summer field survey this field season to better understand the forest stand characteristics in areas with tree mortality. Data on dead and dying trees is fairly ephemeral, so time is of the essence in capturing this information. FRAP staff are working with the USFS and FRAP to fund a second aerial survey for mortality in the southern Sierra Nevada Counties worst hit by the bark beetle/drought mortality event.

- **Green House Gas Reduction Fund:**

Urban Forestry Grants: 122 concept proposals were received with requests of \$59.6 million overall. 62 proposals were invited to submit project applications. Project application prioritization will be complete by mid-May. Awards will occur shortly thereafter.

Landscape Scale Forest Health Grants: The Forest Health Guidelines are now advertised. Concept proposals were due by April 7. Concept proposal scoring is completed, project application invitations were sent out yesterday. Awards will occur in mid-July.

- **Reforestation workshops:**

Restoration workshops for forest land owners and consulting RPF's have been held in Mariposa, Tuolumne, and Madera counties. The workshops have shared lessons learned from other mortality events, reforestation basics, and reforestation cost share opportunities. The next workshop is scheduled for May 31st in Amador County. UC Extension, NRCS, CAL FIRE, and SAF are all participating in the workshops.

- **Emergency and Exemption Monitoring and Reporting:**

CAL FIRE Resource Management staff are devising monitoring strategies for exemptions and emergencies per AB 1958 and AB 2029. This monitoring is tentatively planned to begin in the Fall.

- **Automatic Vehicle Location (AVL)/Mobile Data Terminal (MDT):**

The AVL/MDT project continues to progress with implementation beginning soon in both the Butte and Fresno Kings Units.

- **CAL FIRE's next generation helicopter procurement:**

The Department of General Services is taking the lead on procurement. The deadline for vendor bids to DGS was Friday, April 28, 2017.

- **Tactical Air Operations:**

The Department's close working relationship with the federal Forest Service continues. CAL FIRE, in cooperation with the USFS, is conducting an Air Attack Management and Coordination course in Redding the week of May 1, 2017.

- **Incident Management Teams:**

The annual IMT Workshop was held at the Ontario Convention Center the week of April 24, 2017. Over 375 personnel attended over a four-day period to discuss motivation, leadership, expectations, and Incident Command System functional collaboration.

- **Conservation Camp Program:**

The current population numbers look promising for staffing all of the male fire crews by June 1, 2017.

The statewide Conservation Camps population counts as of Wednesday, April 26, 2017:

- The current statewide shortage of fire crew members assigned to fire crews is 868 (a decrease of 95 from 963 as of March 29, 2017).
- The inmate population stands at 81% (no change) of capacity while crew capacity stands at 72% (+1%).

- **Defensible Space Program:**

A memo from Director Pimlott has been distributed to the field, providing program guidance and procedures on the new electronic data collection program.

A new LE-100a Form has been created, incorporating education information. Form is going through final Green Sheet review before being distributed.

Training was conducted in Riverside, Fresno, Lone, Redding and Santa Rosa, and an additional Webinar was presented and recorded for online training. As of the end of April, approximately 70 tablets have been distributed to five Units for Schedule B Engines to perform inspections.

- **Damage Inspection Program (DINS):**

The new DINS curriculum and task books continue to be developed by FIRESCOPE. This new format will standardize the DINS process throughout California. Overview presentation was made by Chief Steven Hawks to the Planning Sections for the Incident Management Teams at the April Team Workshop.

- **Unit Fire Plans:**

Updated Unit Fire Plans for 2016 are due for submittal and review to Region Headquarters on May 5, 2017. Region review will be completed and all Unit Fire Plans submitted to Sacramento no later than June 16, 2017.

The 2018 Strategic Fire Plan rewrite committee is continuing work on the new Plan. Proposed changes to Goals will be presented to the Board for review at the June meeting.

Report of the Regulations Coordinator

- a) Forester Ill Thambi Borrás gave an update on the Board's Rulemaking Calendar as of May 2017.
- b) Proposed notice of the "RPF and LTO Responsibilities Amendments, 2017" draft rulemaking effort.
 - Executive Officer Matt Dias gave an update of the changes to this rulemaking effort, and opened discussion to the Board Members on this draft Initial Statement of Reasons and 45-Day Notice.

Agency Comment

Assistant Deputy Director Dennis Hall commented on the proposed noticing on behalf of the Department. He stated that amendments to 14 CCR §1035.1 (Registered Professional Forester Responsibility) and §1035.2 (Interaction Between RPF and LTO) were supported by the Department, as they facilitate more discussion between the RPF and LTO. The Department does not support 14 CCR §1035.3 (Licensed Timber Operator Responsibility), because it specifically exempts LTOs from being issued notice of violations when fault is found under the responsibility of the RPF. The LTO should be verifying that they are being correctly directed to perform timber harvesting activities, and question the RPF on any action that they may find to be incorrect or unnecessarily damaging. The LTO needs to be responsible for their actions, and exercise judgement as licensed professionals when they may be directed by the RPF to perform actions that may result in violations of the FPRs.

Public Comment

Hardie Tatum, President of the Associated California Loggers (ACL), and Eric Carlson, ACL Vice President, commented in favor of the rulemaking effort as written, although they both questioned the economic cost of \$5.3 million of these amendments over 7 years, indicated they believed the cost to be high. Finally, they inquired to the Board and the Department on whether it would be possible to include the numbers of notice of violations given to LTOs in the near past, and have it included in the Initial Statement of Reasons (ISOR), to show how much of a problem this really is.

Gary Rynearson, Green Diamond Resource Management Company, requested that a change be made to the draft rule text. He states that 14 CCR §1035.2, line 19 of the draft rule text, should be changed to "...the responsible RPF or Supervised Designee shall meet with either the LTO or their representative responsible for timber harvesting." This is requested because oftentimes the LTO has representatives that are more familiar with the specific plan area and its intricacies than the LTO, and would increase the efficiency of communication with the RPF in these situations.

Agency Comment

Deputy Director Helge Eng stated that though he understands the request of Mr. Tatum and Mr. Carlson from ACL on including violation numbers within the ISOR, he finds that it will not give an accurate picture of the problem. Violations are recorded by the Department of both RPFs and LTOs, but it does not include when the Department uses discretion not to issue a violation to the LTO, nor when a violation is contested by the LTO. Therefore, numerical data will not give a more precise description of the problem.

Approval of the "RPF and LTO Responsibilities Amendments, 2017" Draft Initial Statement of Reasons (ISOR)

05-17-03 **Member Los Huertos** moved to approve the ISOR as presented. **Member Miles** seconded the motion. **Member Miles** proposed adding statistical data from the Department on the Notice of Violations given in the near past to both LTOs and RPFs to give scale to the problem, and add a description to the economic analysis regarding the

\$5.3 million figure stating that these costs may not represent an accurate figure, because plans aren't always operated on every year in a 7 year time frame. Member Los Huertos accepted the two requested changes as friendly amendments.

Roll Call

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|--------------------|------------|
| Miles | Aye |
| Delbar | Aye |
| Andre | Aye |
| Los Huertos | Aye |
| Wade | Aye |
| Husari | Aye |
| Gilless | Aye |

The motion passed unanimously, with one absent.

Approval of the “RPF and LTO Responsibilities Amendments, 2017” Draft Rule Text

05-17-04 Chair Gilless moved to approve the rule text as presented. Member Delbar seconded the motion. Member Miles proposed friendly amendments to the rule text, including amendments to 14 CCR §1035.2 (regarding allowing a substitution of an LTO’s supervised designee into a meeting with the RPF and LTO) and 14 CCR §1035.3 (regarding that an LTO shall be not held responsible for violations of the FPRs when determined to be the RPFs fault when determined by the Director). Chair Gilless accepted the friendly amendments.

Roll Call

| | |
|--------------------|----------------|
| Miles | Aye |
| Delbar | Aye |
| Andre | Aye |
| Los Huertos | Aye |
| Wade | Aye |
| Husari | Aye |
| Gilless | Abstain |

The motion passed with one abstention and one absent.

Approval of the “RPF and LTO Responsibilities Amendments, 2017” Draft Rule Text

05-17-05 Chair Gilless moved to authorize noticing the “RPF and LTO Responsibilities Amendments, 2017” rulemaking effort. Member Delbar seconded the motion.

Roll Call

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|--------------------|------------|
| Miles | Aye |
| Delbar | Aye |
| Andre | Aye |
| Los Huertos | Aye |
| Wade | Aye |
| Husari | Aye |
| Gilless | Aye |

The motion passed unanimously with one absent.

Report of Executive Officer

- Executive Officer Matt Dias provided an update on the following items.

- Discussion the various new or upcoming legislative actions. EO Dias met with CAL FIRE Executive Staff to discuss these issues in the past month.
- EO Dias, and Mr. Bill Condon, CDFW Timberland Conservation Program Manager, met with private timber landowners on the North Coast Region to get a firsthand perspective on how the perspective action by the USFWS on providing technical assistance may affect forest management.
- A Notice of Preparation (NOP) has been published by the California Department of Food and Agriculture (CDFA) in regard to proposed regulations regarding cultivation and tracking of cannabis. EO Dias asked that two members of the Board work with himself in preparation of comment letters to CDFA. Members Miles and Andres work with EO.

Public Comment:

Gary Rynearson, Green Diamond Resource Company, mentioned that he is very concerned with these new proposed regulations relating to the production and sale of cannabis. He is troubled with possible effects on the land, specifically in regards to water rights. He expressed concern that marijuana cultivation will ultimately negatively affect agriculture and timber management industries.

Report of the Standing Committees

Forest Practice Committee & Management Committee Joint Meeting, Co-Chair Mike Miles, provided updates on the following topics:

- Monitoring program for FPRs exemptions (14 CCR §1038 et seq.), as required by AB 1958 and AB 2020. There are concerns cited by both the Department and the FPC as to how to correctly capture effectiveness data on exemptions, as it is an extremely dynamic data set.
- Discussed the Technical Rule Addendum #2 (TRA #2) and Cumulative Impacts Assessment Checklist (14 CCR § 912.9). Discussions will be taking place between the Board and OAL on how to efficiently create the effort to be both a guideline and regulations, without it being considered an underground regulation.

Agency Comment

- Eric Huff, CAL FIRE Staff Chief, gave an update on how the Department plans to assess and assimilate FPR exemption and emergency data and publish it within the time frame mandated by AB 1958 and AB 2020.

Resource Protection, Chair Sue Husari, provided an update on the following topics:

- No actionable updates from the May 2017 meeting.
- The RPC has a good estimate of county ordinances that will be submitted to the Board for SRA Fire Safe Development Certification (PRC § 4290 certification) in the near future.
- The Committee heard updates on the work of the Fire Safe Development Workgroup and progress on the State Hazard Mitigation Plan.
- Past two RMAC meetings have been canceled due to lack of quorum.
- The Committee reviewed their 2017 priorities and directed staff on particular items to provide updates and/or schedule presentations to discuss.

Report of Board's Advisory Committees

Forest Pest Council - Katie Harrell

Effectiveness Monitoring Committee (EMC) – Executive Officer Matt Dias

- The EMC met on April 20th in Redding and worked through research proposals, including ranking and approving funding for project EMC-2017-001 (Nutrient Cycling) and EMC-2017-002 (Avian Richness). brought forth by CAL FIRE Timberland Biologist Stacy Stanish. A study

submitted for funding to the EMC by UC Merced titled “Critical Baseline Monitoring of Water Quality for the Hemlock Forest Restoration Project,” was considered for funding but was ultimately rejected, as it did not meet the criteria provided in the Strategic Plan.

- There is a vacancy issue of note for the EMC, involving positions reserved for persons involved in academia. Two members of academia on the committee have decided to not continue on the EMC after their current terms expire in July. These two future vacancies, in addition to the one current academic vacancy, leaves a total of three academic vacancies on the EMC. Board staff is currently performing outreach to universities throughout California to help fill these seats.

Range Management Advisory Committee – Edith Hannigan

- There is no report on RMAC, as the committee has not met the last two scheduled meetings for lack of quorum.

Professional Foresters Examining Committee – Dan Stapleton

- Mr. Stapleton introduced himself to the Board, after his recent appointment to Assistant Executive Officer and Executive Officer of Forester’s Licensing. Mr. Stapleton has varied experience in timber management, most recently with CAL FIRE and the State Board of Equalization, and is a California Registered Professional Forester (RPF).
- Reviewed Vital Statistics of RPFs and CRMs

01-17-03 Chair Gillless moved to approve the withdrawal request of RPF license #2680 held by Mr. Mark Pawlicki due to retirement. Member Miles seconded the motion.

Roll Call

| | |
|--------------------|------------|
| Miles | Aye |
| Delbar | Aye |
| Andre | Aye |
| Los Huertos | Aye |
| Wade | Aye |
| Husari | Aye |
| Gillless | Aye |

The motion passed unanimously, with one member absent.

- Announced that the next PFEC meeting will be June 8th, in the Resources Building in Sacramento, CA.
- April 2017 RPF exams are currently being graded, with the successful applicants to be announced at the July 2017 Board Meeting.

SPECIAL BOARD HEARINGS/REPORTS

- **Presentation:** Central Valley Regional Water Quality Control Board Timber Permitting Update, CVRWQCB Senior Engineering Geologist Ben Letton, Forest Activities Program.
- **Presentation:** Tree Mortality Task Force (TMTF)—Hazard Reduction Through Cooperation and Collaboration, Gabe Schultz, Northern Region Staff Chief of Resource Management; Kevin Conway, TMTF Forester II; Kristen Merrill, TMTF Logistics Section Chief.

Public Forum

Barbara Highley, Member of the Public, requested removal of the subdivision she resides in out of the SRA. The Board deferred her question to Staff Chief Dave Shew, as the Board does not decide on individual cases of contested SRA Fire Prevention Fee payments.

Eric Carlson, Associated California Loggers (ACL), The Tree Mortality Task Force presentation to the Board CAL FIRE Forester II Conway stated that many property owners are having a difficult time finding loggers and logging companies to remove dead and dying trees. Mr. Carlson stated that many of his members are very interested in bidding on these projects, but LTOs are not properly licensed to do such work in certain counties. Tree removal outside the scope of the FPRs is regulated by the Contractor's State License Board anytime tree value is over \$500.00 or 15 feet in height. Since LTOs are licensed by CAL FIRE and under the purview of the FPRs, they are not allowed to complete this work unless they attain a tree removal license from the Contractor's State License Board.

Helge Eng, Deputy Director, CAL FIRE, stated that the Department and the Contractor's State License Board have proposed to Governor Brown to allow LTOs to operate as tree removal contractors for the purposes of the unprecedented tree mortality within the state. Specifically, this would give LTOs an exemption from being licensed by the Contractor's State License Board. Both CAL FIRE and the Board are in full support of this measure. It is currently under consideration by Governor Brown for approval.

CONCLUSION

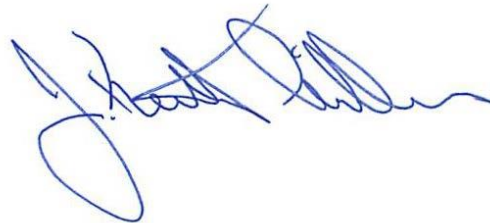
Adjournment

Respectfully submitted,



Matthew Dias
Executive Officer

ATTEST:



Keith Gillless
Chair