

BOARD OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246
SACRAMENTO, CA 94244-2460
Website: <http://www.bof.fire.ca.gov/>
(916) 653-8007

**MANAGEMENT COMMITTEE MEETING REPORT**

-Meeting Held March 3, 2009-

MEETING ATTENDANCE

Committee Members Doug Piirto (Chair), Pam Giacomini, Tom Walz; Bill Snyder, Helge Eng, Russ Henly (*CAL FIRE*); Rhianna Lee (CA Department of Fish & Game); Addie Jacobson, Susan Robinson (Ebbetts Pass Forest Watch); Richard Gienger (Humboldt Watershed Council); Jay Francis (Collins Pine); Bob Rynearson (Wm. Beaty & Associates); Stacy Heaton (Regional Council of Rural Counties); Doug Ferrier (Forest Slopes Management); Bill Keye (CLFA).

Note: agenda items appear below in the order in which they were discussed by the assembly.

AGENDA ITEM 1: CONTINUING REVIEW OF DRAFT REGULATORY PROPOSAL FOR RENEWAL OF SUSTAINED YIELD PLANS (SYPS).

Staff introduced the topic and summarized changes to the proposal resulting from a conference call on February 23, 2009. The changes were discussed by the Committee and several other minor edits were incorporated in the process. There was general consensus amongst the assembly that the document was ready at this time for the Board's review and possible 45-day Notice of Rulemaking.

Member Walz made a motion to present the revised SYP Renewal regulatory proposal to the Board the following day along with the recommendation for a 45 Day Notice of Rulemaking. Member Giacomini seconded the motion and it carried unanimously.

BOARD ACTION ITEM #1

Board consideration of the publication of a 45 Day Notice of Rulemaking for the "SYP Renewal, 2009" Regulatory Proposal.

Staff was also directed to continue working toward more comprehensive changes to the SYP regulations through continued conference calls between meetings. Once these prospective comprehensive changes have been identified, staff will prepare an ISOR and rule pleading for consideration by the Committee.

AGENDA ITEM 2: CONTINUING DISCUSSION OF A MODIFIED TIMBER HARVESTING PLAN (MTHP) REGULATORY PROPOSAL FOR STREAMLINED PERMITTING OF FUEL HAZARD REDUCTION PROJECTS.

Staff introduced the topic and summarized the changes to the ISOR and rule pleading documents to date. Deputy Director Snyder reported on the Department's ongoing work on suggested changes to the proposal. He expects to be able to present the Department's revisions at the April Committee Meeting. Addie Jacobson presented a number of questions concerning elements of the proposed rule language for the Committee's consideration. The assembly discussed the implications of the "fair argument" standard and reduced requirement for written cumulative effects assessment. Staff was directed to make several changes to the ISOR and rule pleading for discussion in April along with the Department's suggested revisions.

AGENDA ITEM 3: PTEIR GUIDANCE DOCUMENT REVIEW.

This item was deferred to April.

AGENDA ITEM 4: REVIEW OF DRAFT LETTER TO LEGISLATIVE ANALYSTS OFFICE (LAO) ON PROPOSAL FOR CONSIDERATION OF DIVESTITURE OF STATE FOREST LANDS.

Staff introduced the topic before deferring to State Forest Program Manager, Dr. Helge Eng for his presentation of the Department's response to the LAO request for information.

Dr. Eng reviewed the LAO's questions and Department responses. He noted among other key points that the short term revenue generation potential associated with fee title sale or leasing of the state forest lands was far exceeded by that which could be realized through long term sustainable timber management. The Committee reviewed the draft Board letter to the LAO expressing support for the Department's responses and opposition to any further consideration of divestiture. Several revisions were made to the draft letter for incorporation and presentation to the Board the following day.

Member Giacomini made a motion to present the draft letter for the Board's consideration the following day along with the Committee's recommendation that the letter be posted to the LAO. The motion was seconded by Member Walz and it carried unanimously.

BOARD ACTION ITEM #2

Board review and possible concurrence with the Committee's draft letter to the LAO expressing opposition to the divestiture of state forest lands for short term revenue generation.

AGENDA ITEM 6: NEW AND UNFINISHED BUSINESS.

Assistant Deputy Director, Dr. Russ Henly briefed the Committee on the availability of \$250 million dollars in federal economic stimulus package funding for nationwide fuels management, forest health, and ecosystem improvement activities on state and private forest lands. As an aside, he also noted that \$210 million dollars had been reserved for new fire station construction, but that this stimulus element was being overseen by the Department of Homeland Security. Dr. Henly explained that Region 5 of the United States Forest Service had asked *CAL FIRE* to compile a list of potential projects that could be funded by the federal stimulus money. The Department subsequently identified and forwarded a list of over 500 potential projects totaling \$170 million dollars for prospective funding.

A key issue for *CAL FIRE* involves the federal requirement that funds provided for state and private forest projects cannot be subject to any sort of cost sharing arrangement. This is problematic because existing California statute and regulations require a cost share by the landowner. For this reason, *CAL FIRE* is expeditiously examining potential statutory and regulatory changes to remove prospective funding impediments and additionally clean-up existing language problems not associated with cost share provisions. Dr. Henly indicated that *CAL FIRE* could present its recommended regulatory changes to the Committee in April. Staff was then directed to agendize this item for further discussion and possible action at the April Committee meeting.

AGENDA ITEM 5: REVIEW OF COMMITTEE PRIORITIES FOR 2009.

Staff briefly introduced the topic and noted that one of the Committee's high priorities was to examine the 120 day lifespan of Emergency Notices. The idea of possibly extending the lifespan through regulation had been raised a couple of times in the past as a result of the Board's annual rule effectiveness review, but no formal Committee discussion has occurred to date. Following discussion of the possible time extensions that could be made, staff was directed to draft an ISOR and pleading document for further discussion at the April Committee meeting.

POTENTIAL AGENDA ITEMS FOR APRIL 2009 COMMITTEE MEETING:

- 1. Status Report on “Sustained Yield Plan Renewal, 2009” Regulatory Proposal.**
- 2. Continuing Discussion of a Modified Timber Harvest Plan (MTHP) Regulatory Proposal for Streamlined Permitting of Fuel Hazard Reduction Projects.**
- 3. PTEIR Guidance Document Review.**
- 4. Review and Consideration of a Regulatory Proposal to Lengthen the Effective Period of an Emergency Notice.**
- 5. Department Presentation of Possible Board Regulatory Changes to Remove Impediments to Federal Stimulus Funding for Fuels Management, Forest Health, and Ecosystem Improvement on State and Private Lands.**
- 6. New and Unfinished**

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