

Professional Foresters Examining Committee (PFEC)

DRAFT OPEN SESSION MEETING MINUTES

June 21st, 2012

Resources Building, 1416 9th Street
15th Floor Large Conference Room, No. 1506-12
Sacramento, California

Members Present: Doug Ferrier, Chairman
Otto van Emmerik, Vice Chairman
Ray Flynn
Jerry Jensen
Bill Frost (by phone)
Tom Osipowich (by phone)
Kim Rodrigues (by phone)

Staff Present: Matt Dias, Executive Officer Forester
Licensing
George "YG" Gentry, Executive Officer
Board of Forestry and Fire Protection

Members of Public: Len Linstrand, California Licensed
Foresters Association

1. Introduction of New Licensing Officer: Matt Dias

Newly appointed Executive Officer of Foresters Licensing, Matt Dias, provided a brief introduction to the Professional Forester Licensing Committee. This included a description of educational and professional endeavors. Mr. Dias reported that he graduated from Humboldt State University in 1999 and worked in the industry in both Humboldt and Santa Cruz Counties for the past 12 years.

2. Approval of Open Session Minutes of February 23, 2012 Meeting.

06-12-1 Member Flynn moved to approve the open session minutes and Member Jensen seconded the motion. The motion carried unanimously.

3. Reports of Chairman and Executive Officer.

Chairman Ferrier reported that he has traveled to Sacramento to meet with both the past and newly appointed Licensing Officers, Eric Huff and Matt Dias respectively. The goal of this meeting was to supply Mr. Dias with a background of the PFEC and the operating procedures of the committee. It was reported that

Mr. Dias was provided an update on current issues that the PFEC has been working on in the recent past.

Executive Officer, Matt Dias, reported on a letter that was recently sent by the Licensing Office to the North Coast Regional Water Quality Control Board (NCRWQCB). This letter addresses a recently posted employment opportunity by the NCRWQCB for a manager for the timber harvest review program and recommended that a Registered Professional Forester (RPF) be considered a minimum qualification for the position. The NCRWQCB did deliberate on the matter, but decided not to make a RPF license necessary to qualify for the position. Mr. Dias reported that current NCRWQCB board members recognize the importance of having RPFs on their staff, as well as on the Board, but that it is likely that state policy presents challenges to revising job qualifications for this position. Mr. Dias reported that he, along with the guidance from the PFEC, will continue to pursue this matter into the future.

4. Status Report and Discussion of Memorandums of Understanding (MOU) with Federal Agencies for Compliance with Professional Foresters Law.

Executive Officer Dias discussed the outreach via phone and email communication that had occurred between the Licensing Office and United States Forester Service Region V Representative (USFS), Christine Nota in regards to updating the existing MOU. Ms. Nota did finally respond to these requests with an abrupt and unequivocal response indicating that the USFS has no interest in engaging in these discussions. Additional efforts have been made by the Licensing Office to obtain more detail surrounding the policies of the USFS in regards to Federal foresters working on private and/or state lands and the policy of the USFS in regards to contracting or hiring other licensed professionals such as surveyors, attorneys and engineers. No response has been received in regards to these additional questions of clarification to date.

Additional research will be conducted on USFS Enterprise Teams. It is these teams that may be conducting professional forestry on private and state lands within California, which as per the existing MOU would require RPF licensure of federal foresters. Member Jensen stated that he will aid in conducting some research on this topic.

Executive Officer Dias also reported that he, along with Mr. Huff, will be meeting with Natural Resource Conservation Service (NRCS) State Forester, Steve Smith, to potentially develop a way in which to memorialize the compliance of the Professional Foresters Law by the federal agency. This could be accomplished through an MOU between the Board of Forestry and the NRCS MOU as well. Further information will be provided to the PFEC upon completion of this meeting. Chairman Ferrier stated that this effort could be lengthy in nature, but is a worthwhile endeavor for the Licensing Officer.

Member Rodrigues offered copies of the of the UC Extension Agricultural and Natural Resources policy for hiring individuals that will work in the disciplines of forestry and range management as supporting documentation for future discussions in regards to the above mentioned issues.

5. New and Unfinished Business.

Chairman Ferrier brought forth a topic of discussion of RPF involvement in contract inventory work. It was disclosed by Executive Officer, Dias, that he had received several calls and emails concerning if an RPF license was necessary to be able to bid on a contract to conduct forest inventory work. It was determined by the PFEC that ultimately a RPF must be participatory in the inventory to take on the role of responsibility for supervision of the work being conducted. If that RPF is employed by the landowner and is willing to adopt the responsibility of development of the inventory parameters, supervision of implementation and the validity of the data within the inventory, the contractor does not necessarily need to be a RPF. The concerns of the PFEC are met as long as an RPF is in the chain of command during the inventory development and supervision of implementation.

The level of supervision plays a significant role in the type of legal relationship that can be development by business entities. Various levels supervision defines contractors, employer and employees relationships. The interpretation of these business relationship lies outside the scope of the PFEC, but is part of the equation.

The PFEC directed the Executive Officer, Dias to draft an article under guidance of the PFEC for publishing in the Licensing News and/or other professional publications to explain the RPF community the current outlook on this issue.

02-12-02 Member van Emmerik moved to adjourn the open session and Member Flynn seconded the motion. The motion carried unanimously.

###