

## **BOARD OF FORESTRY AND FIRE PROTECTION PROFESSIONAL FORESTERS REGISTRATION**

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### **Professional Foresters Examining Committee**

#### **OPEN SESSION MEETING MINUTES**

**Held: February 17, 2015**

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

**Members Present:** Doug Ferrier, Chairman  
Tom Osipowich  
Kim Rodrigues  
Dan Sendek  
Jerry Jensen

**Staff Participating:** Matt Dias, Executive Officer - Foresters Licensing

**Members of Public:** Lennart Lindstrand

**Associated California Loggers:** Myles Anderson  
Eric Carlson  
Bob MacMullin  
Hardie Tatum

**CAL FIRE staff:** Dennis Hall  
Matthew Reischman  
Dan Craig

### **1. Reports from the Chairman and Executive Officer.**

Chairman Ferrier announced that the discussion points as outlined on the agenda would be modified based upon the audience in attendance. The PFEC will be discussing RPF/LTO Responsibilities prior to other items on the agenda to allow those that travel long distances to return home in a timely fashion.

EO Dias stated that the new legal counsel for the PFEC, Kent Harris, was unable to attend this PFEC meeting and that he would be in attendance at the June meeting for official introduction to the committee.

## **2. RPF/LTO Responsibilities with participation including, but not limited to, Associated California Loggers, CAL FIRE and California Licensed Foresters Association.**

Chairman Ferrier stated that the PFEC may try to come to some conclusion on the issue during the discussion and develop a recommendation for the Forest Practice Committee. Executive Officer Dias introduced the issue and provided an outline of the material that were brought forward to aid in addressing the issue.

Member Rodrigues stated that the development of an appeal process for LTOs may be appropriate to address this issue. She stated that she believed that Member Gustafson would likely be in support of an appeal process as well.

Member Osipowich stated that the system that is used by the Department should treat both RPF and LTO equitably when violations are issued and the Department discretion is an important factor in the enforcement of the rules and regulations.

Member Sendek disagrees that a appeal process should be developed and agreed with Member Osipowich's view that was previously stated.

Dennis Hall stated that in previous rule making efforts that the RPF community exhibited hesitance in taking on the responsibility of supervision over LTO during project implementation. Cal Fire is in support of moving forward with increasing the level of interest of all stakeholders in the training and education of Forest Practice inspectors. He stated that Cal Fire will not be supportive of any changes to the current regulatory structure as it applies to LTO or RPF responsibility.

Chairman Ferrier stated that he believes that a problem exists and that something should be accomplished to address the problem. He stated that the best course of action may be to move forward with a succinct rulemaking package that alleviates LTO responsibility in instances where RPF should be responsible along with some level of guidance from the Board to the Department to incorporate elevated levels of education on this issue during training of Forest Practice inspectors.

Member Rodrigues agreed that a combination of minor rule revision along with outreach and education would be an appropriate course of action.

LTO Bob MacMullian provided an introduction of his 6 points of potential action which include:

- 1) ACL could update and encourage the use of the THP Checklist to their membership;
- 2) Cal Fire discretion (when no environmental damage is observed and no intent determined) could lead to a Letter of Warning in lieu of a violation;
- 3) An appeal process to a Forester III, Unit Forester, or Staff Chief could be initiated to help review violations that are viewed as inequitable. This appeal process could also be extended to disagreements that occurring during PHIs.
- 4) Initiate a more cooperative effort in training between Cal Fire/CLFA and ACL.
- 5) Make some modest regulatory changes that would indicate that the RPF would take responsibility and liability for flagging, paint, marking, etc. if incorrectly completed.
- 6) Revisit RPF and LTO responsibilities in FPR (relates to option 5 above).

Charles Greenlaw mentioned that the RPF and LTO licenses should be interlinked, but that the delegation of authority between the two should be clear in regulation. He also stated that the term

“violation” is accusatory and speculated if there is a better way to address noncompliance, rather than with direct written action by Cal Fire, then that should be further investigated.

Len Lindstrand asked if there is a Notice of Correction that exists within Cal Fire Policy.

Dennis Hall responded that a Notice of Correction does exist within Cal Fire Policy.

Len Lindstrand stated that he believes that a combination of points 1, 2, and 4, as presented by LTO MacMullian, seems like the best approach to addressing the problem.

Tom Osipowich asked that if the checklist, as referenced in Point 1 by LTO MacMullian, was included in the Plan files would Cal Fire then utilize the information during investigations on pending violations.

Dan Craig stated that the Department would rely upon any and all information included within Plan files during background investigations on pending violations.

Dan Craig asked if it would be difficult for RPFs and LTO to document what information was covered during pre-operation meetings on a meeting checklist.

EO Dias stated that based upon his experience that he does not feel that it would not be difficult and that some larger industrial firms already implement the practice.

Dennis Hall questioned the Board's authority to develop an appeal process.

Dan Sendek stated that if an appeal process is developed that to have the appeal process terminate at the Unit level would not be appropriate and could result in an inconsistent application of the process.

Chairman Ferrier instructed EO Dias to delve deeper into researching if it was possible to use the education and outreach to address the issues and to identify any pitfalls that this would potentially result in. He also instructed EO Dias to bring forward any recommended regulatory revisions for PFEC consideration.

### **3. Approval of Open Session Minutes of December 12, 2014 Meeting.**

The PFEC reviewed the minutes from the December 12, 2014 Meeting.

**02-15-01 Member Jensen moved to approve the draft open session December 12, 2014 minutes. Member Osipowich seconded. The motion carried unanimously.**

### **4. Discussion of Contract for Expert Grader.**

EO Dias reported that the new Expert Grader has been awarded a contract for a two year period. Jim Ostrowski, a consulting forester from Northern California and past member of the Board of Forestry and Fire Protection, is the newest Exam Grader. EO Dias stated that RPF Ostrowski is an excellent individual to fulfill the role as an expert grader given his past experience within the industry and most recent experience as an forestry instructor at Shasta College.

EO Dias also indicated that the current Expert Grader, Bob Heald, and he had had discussions of synthesizing exam data for the short answer questions. This would include additional research on applicant success over and question utilization over the last decade. EO Dias disclosed that there would be an additional expense of \$800.00 for the services due to the fact that this proposed scope of work was

outside the scope of work within the current Expert Examiner contract. EO Dias recommended to the PFEC to allocate the funds for the project and that the data would be very useful during exam development into the future.

**02-15-02 Member Jensen moved to allocate \$800.00 for Expert Examiner Heald to gather and synthesize information on the use and success of applicants for the short answer question of the RPF examination over the last decade. Member Osipowich seconded. The motion carried unanimously.**

## **5. Discussion of the Current Condition of the Professional Foresters Fund**

EO Dias brought forward a fund condition statement for the fiscal year (FY) 14/15 through fiscal month (FM) 06. The fund balance is reported at \$367,376.16. As with the past four PFEC meetings, this report is simply put forth as informational, but could be relied upon in the future for comparing and contrasting end of year fund balances for the purpose of identifying if the program sustainability. It will be much easier for the EO and PFEC to review and better understand the fund condition given that it has now been approximately a year that the accounting department has been providing new types of reporting on the fund condition. EO Dias stated that he planned on meeting with the accounting department very soon to initiate a formal review the sustainability of the Professional Foresters Registration Fund (PFRF) for a determination of short and long termed sustainability.

## **6. New and unfinished business.**

No new and unfinished business was reported and open session was adjourned by Chairman Ferrier.