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## **BOARD OF FORESTRY AND FIRE PROTECTION**

**Sacramento, CA**  
**October 28, 2015**

### **BOARD OF FORESTRY MEMBERS PRESENT:**

J. Keith Gillless, Chair  
Rich Wade  
Mike Miles  
Stuart Farber  
Mary Rickert  
Susan Husari  
Mark Andre  
Kim Rodrigues

### **BOARD OF FORESTRY MEMBERS ABSENT:**

### **BOARD STAFF:**

Matthew Dias, Acting Executive Officer  
Thembi Borrás, Regulations Coordinator  
Edith Hannigan, Analyst  
Kevin Conway, Forester I  
Linda Cano, Executive Assistant  
Stephen Lerner, Esq., Board Counsel  
Ali Karaouni, Esq., Board Counsel

### **DEPARTMENTAL STAFF:**

Ken Pimlott, Director Cal Fire  
Janet Baretson, Chief Deputy Director  
Caroline Godkin, Deputy Director Legislation  
Janet Upton, Deputy Director of Communications  
Duane Shintaku, Deputy Director, Resource Management  
Dennis Hall, Assistant Deputy Director, Forest Practice  
Helge Eng, Assistant Deputy Director  
Dave Shew, CAL FIRE/OSFM, Planning and Risk  
Analysis Manager  
Chris Browder, Deputy Chief, Environmental Protection  
Bill Solinsky, Forester III, THP Administration  
Pete Cafferata, Forest Hydrologist  
Joel Vela, SRA Fire Prevention Fee Program  
Robert Little, Forester II Law Enforcement

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## **REGULAR SESSION**

### **Reconvene**

### **Report of Actions Taken in Executive Session**

Board Counsel gave report of actions and was updated on the following:

- a. Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3rd District), Case No. C076957
- b. Rancho Guejito Corp. v. Board of Forestry and Fire Protection, San Diego County Superior Court, Case No. 27-2014-00027683
- c. White v. Pimlott, et al., Court of Appeals (3rd District), Case No. A141475
- d. White v. Walters, et al., Court of Appeals (3rd District), Case No. A142886
- e. Discussion of Civil Penalty 14-05 against Respondent pursuant to PRC § 4601.2(d)
- f. Discussion Board legal representation Steve Lerner announced Ali Karaouni as the new Board Counsel.

No action was taken.

### **Approval of Minutes**

**10-28-01**      **Member Andre moved to approve the September 2015 Minutes. Member Rickert seconded the motion.**

#### **Roll Call**

<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**The motion passed unanimously.**

**10-28-02**      **Member Farber moved to approve amendments to the April 2015 Minutes with minor edits. Member Miles seconded the motion.**

#### **Roll Call**

<b>Andre</b>	<b>Abstained</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

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The motion passed with one abstention.

## **MONTHLY BOARD REPORTS**

### **Report of the Chairman.**

a) Update Regarding Procedures and Process for Permanent Replacement of Board's Executive Officer

**10-28-03**      **Member Gilless moved to appoint Chair J. Keith Gilless, Member Mark Andre, Patty Kouyoumdjian, Sandra Morey, and Russ Henly to the Search Committee for Permanent Replacement of Board's Executive Officer position. Vice Chair Andre seconded the motion.**

### **Roll Call**

<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

The motion passed unanimously.

### **Report of the Director/Department**

- Fire Statistics: Fire activity in the Northern part of the state has lessened. There is a potential for Santa Ana winds in the Southern half of the state. The State is still well above average fire stats, with approximately 6,000 fires YTD compared to 4,183 last year.
- Burning Restrictions were lifted beginning with Siskiyou.
- The Department is currently down staffing resources in a conservative manner, retaining significant resources until there is a significant change in weather patterns and precipitation. There will be a reduction in staffing and resources in the Northern part of the state. Working with the Administration on plans for winter, spring and summer months. Without any predicted changes, the plan is to continue to retain staffing patterns at the fire season levels if possible.
- Phase two of the Post Fire Watershed Analysis has been completed for the Butte and Valley fires. Phase two includes bringing in other agencies to look at the proposals for the protection of archaeological sites and where to focus efforts. The Department, under the leadership of Matthew Reischman, is working closely with the Office of Emergency Services and other sister agencies to prioritize resources which that can be delegated to various agencies to complete the emergency response efforts. Significant work has already been completed through utilization of available hand crews, Conservation Corps and Natural Resources Conservation Service. FEMA is working with public assistance under the presidential declaration.
- Boggs Mountain: The Department is engaged in putting together salvage logging work on the forests. There are several companies interested in bidding on the logs and some sales have occurred. Contracts are also being sought for road work.

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- Prescribed Fire MOU: This DRAFT MOU is in keeping with the spirit of where the Administration and the Department want to be with migrating towards the more historic use of prescribed fire within the State. The goal is to reach out more effectively and to coordinate with stakeholders in the prescribed fire arena. They are in the process of gathering signatures and will bring it before the Board once it is completed. This DRAFT MOU will be released to the public in the near future after it has been fully executed by all stakeholders, including the USFS, environmental advocacy groups and the Department.
- Drought Mortality: The Director's office is working with the Administration, Resources Agency and stakeholders on the impact of significant tree mortality throughout the state. The Department continues working with local governments discussing their concerns on what the state can do and how to coordinate efforts. The Governor's office is paying close attention and looking at ways to coordinate efforts across agencies at all levels.
- It was announced that AEU Unit Chief Kaslin is retiring.

**Report of the Regulations Coordinator.**

Thembi Borrás, Regulations Coordinator, reported on the progress of the current regulatory actions.

**Report of Executive Officer.** The Board's Executive Officer reported on ongoing administrative matters including:

- Public Records Act Requests updates.
- Board of Forestry and Fire Protection staff personnel updates.
- DRAFT Multi Species Recovery Plan by NOAA Fisheries. Acting Executive Officer Dias recommended that the Board work cooperatively with the Department on joint comment letter, which would be due on December 5<sup>th</sup>, 2015. The Board accepted the recommendation and assigned Members Andre and Farber to represent the Board in the drafting of the comment letter.

Public Comment:

**Susan Robinson, Ebbetts Pass Forest Watch (Webinar comment)**, What opportunity will there be for the public to comment on the NOAA fisheries letter and will DFW be also involved in addition to Cal Fire in the letter?

**10-28-04**      **Chair Gilless moved to appoint two members to draft a joint comment letter on the DRAFT Multispecies Recovery Plan in collaboration with Cal Fire for submission during public comment period. Member Farber seconded the motion. Member Miles offered a friendly amendment selecting Member Farber, Member Andre offered a second friendly amendment selecting Member Andre. Chair Gilless accepted the friendly amendments.**

**Roll Call**

<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

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**The motion passed unanimously.**

- Discussion of Bio-Energy: Acting Executive Officer Dias commented there is an opportunity for the Board to contemplate the development of a policy statement in regards to bio-mass/bio energy and the unitization of non-merchantable materials. This opportunity comes on the heels of the acute awareness of drought mortality. Acting Executive Officer Dias requested feedback on this proposal and the Board supported the idea. Acting Executive Officer Dias will work on development of a draft policy statement as time permits.

**Report of the Standing Committees.** Committee Chairpersons reported on topics of discussion and actionable items from committee meetings.

**Forest Practice, Mike Miles, Chair**

1. Cumulative Impacts Analysis Technical Rule Addendum #2
2. Oak Woodland Management
  - a. Presentation by UC Extension, Yana Valachovic, Oak Woodland Inventory Data. Her data will assist the Board is identifying appropriate stocking levels for oak woodland stands post management.

**Resource Protection, Sue Husari, Chair**

1. San Bernardino 4290 Certification Request – Additional review will be necessary during the December meeting.
2. Safety Element Reviews
  - a. City of Yucaipa
3. Draft SRA Grant Regulation- Member Husari explained that the RPC has been working on this issue for quite some time, and that this Draft Regulation, along with the Procedural Guide, could be considered for 45-day notice by the Board.

**10-28-05      Member Husari moved to authorize a 45-day notice for the regulation entitled 14 CCR § 1665.8 State Responsibility Area Fire Prevention Fund Grant Program, including the State Responsibility Area Fire Prevention Grant Program Procedural Guide which is incorporated by reference therein, as identified as FULL 10.2 in the Board’s binder material.**

**Roll Call**

<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**The motion passed unanimously.**

**Management Committee, Stuart Farber, Chair**

1. Issues Related to Timberland Conversion

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a. Reviewed the Definition of Conversion in 14 CCR § 1100 – Additional work by staff and Board Counsel will be completed to determine the Board’s authority in revising the definition of “conversion” and other options of potential definitions revisions will be considered at coming meeting.

b. Continued discussion of CAL FIRE Report on small non-TPZ subdivision parcels – Chief Reischmann provided a Memo and brief recap on the information that he was able to generate on this topic.

c. Boles Fire, Emergency Procedures – This effort in nearing completion and will go through a final review by Board Counsel. It is likely that this will be a potential actionable item at the December Meeting.

## **Report of Board’s Advisory Committees**

- Forest Pest Council - Katie Harrell
- Monitoring Study Group - Pete Cafferata
- Effectiveness Monitoring Committee- Stuart Farber
- Range Management Advisory Committee - Kevin Conway

Kevin Conway requested Board action to consider the nominations of Rich Ross and Billie Roney.

**10-28-06 Member Rickert moved to appoint Rich Ross and Billie Roney to each serve a 4 year term on RMAC. Member Miles seconded the motion.**

## **Roll Call**

<b>Andre</b>	<b>Aye</b>
<b>Wade</b>	<b>Aye</b>
<b>Husari</b>	<b>Aye</b>
<b>Miles</b>	<b>Aye</b>
<b>Farber</b>	<b>Aye</b>
<b>Rickert</b>	<b>Aye</b>
<b>Rodrigues</b>	<b>Aye</b>
<b>Gilless</b>	<b>Aye</b>

**The motion passed unanimously.**

- Professional Foresters Examining Committee – Matt Dias, Acting Executive Officer

It was reported that the Professional Foresters Fund is healthy, with a fund balance increase of approximately \$20,000 this fiscal year. RPF exam was successfully held with approximately 12 applicants. The Office of Foresters Licensing has been conducting outreach over the last month to both Reedley College and Humboldt State University. Acting Executive Officer Dias requested Board action on the withdrawals of the following RPFs and CRM:

- James Nicklos, RPF 181
- David Lemay, RPF 1953
- Rodney Tripp, CRM 29

**10-28-07 Member Gilless moved to accept RPF Withdrawals. Member Rodrigues seconded the motion.**

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## Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Gilless	Aye

The motion passed unanimously.

## SPECIAL BOARD HEARINGS/REPORTS

### **Preliminary Draft Vegetation Treatment Program EIR Scoping Summary.**

Chair Gilless reported the Board will continue its review of the DRAFT VTPEIR document, they have reviewed approximately 50% of the comments made by Board members. The Board will continue discussion in the format of a workshop in December.

Public Comment:

**Bill Condon, DFW** extended an offer on behalf of DFW to arrange to have a presentation on the National Vegetation Classification System at a future Board meeting.

**Update on AB1492 Timber Regulation and Forest Restoration Program.** Russ Henly, Assistant Secretary of Forest Resources Management, California Natural Resources Agency

Public Comment:

**Susan Robinson, Ebbetts Pass Forest Watch (webinar comment)**, AB 1492 work on effectiveness and efficiency - from a public perspective those terms also apply to ensuring work by Cal Fire review of THPs is efficient and effective in protecting public trust resources, not just efficiency in THP processing.

**PG&E Report on 2015 Vegetation Management Drought Emergency Grant Program:**  
Presentation by Niel Fischer

**Fire Plan Annual Update:** Presentation Staff Chief Dave Shew, CAL FIRE/OSFM, Planning and Risk Analysis Manager

Public Comment:

**Kevin O'Meara, Local 2081 Firefighters**, Support the update of the Fire Plan and would like to participate in the review and update process. Also recommends that the Board review the Blue Book per authority set forth by PRC 4114 as part of the Fire Plan review. There has not been an update to the Blue Book since 2009.

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**CONCLUSION**

**Public Forum.**

No public testimony offered.

**New and Unfinished Business.**

No new and unfinished business discussed.

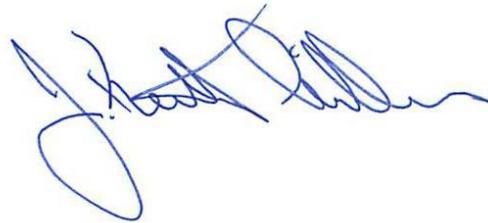
**Adjournment.**

Respectfully submitted,

ATTEST:



Matthew Dias  
Acting Executive Officer



Keith Gilles  
Chair

Copies of the attendance sheets can be obtained from the Board Office.

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