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

**Sacramento, CA**  
**January 27, 2016**

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

Mark Andre, Vice Chair  
Rich Wade  
Mike Miles  
Stuart Farber  
Mary Rickert  
Susan Husari  
Kim Rodrigues  
Marc Los Huertos

### **BOARD OF FORESTRY MEMBERS ABSENT:** J. Keith Gilles, Chair

### **BOARD STAFF:**

Matthew Dias, Acting Executive Officer  
Thembi Borrás, Regulations Coordinator  
Edith Hannigan, Associate Government Program Analyst  
Laura Alarcon-Stalians, Associate Government Program Analyst  
Linda Cano, Executive Assistant  
Ali Karaouni, Board Counsel

### **DEPARTMENTAL STAFF:**

Ken Pimlott, Director  
Janet Baretson, Chief Deputy Director  
Janet Upton, Deputy Director of Communications  
Russ Henly, Assistant Secretary of Forest Resources Management  
Dennis Hall, Assistant Deputy Director, Forest Practice  
Helge Eng, Deputy Director, Resource Management  
Bill Solinsky, Forester III, THP Administration  
Pete Cafferata, Forest Hydrologist  
Matthew Reischman, Staff Chief, Forest Practice  
Gabe Shultz, Staff Chief, Regional Resource Manager  
Joel Vela, Deputy Chief, SRA Fee Program  
Dan Craig, Forester II, Forest Practice  
Dave Shew, SRA Fee Program Manager  
Tom Smith, Sr. Plant Pathologist

## REGULAR SESSION

### Recovene

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

- 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. EPIC/CAG v. Board of Forestry, Alameda Superior Court, Case No. RG15793090
- f. Discussion of Civil Penalty 14-06 against Respondent
- g. Discussion of permanent replacement of Executive Officer

The Acting Executive Officer reported out that the Board took action in deciding to order the transcripts and hearing records on CP 14-06 from the Office of Administrative Hearings.

#### Approval of Minutes from June and December 2015 Meetings

**01-16-01 Member Miles moved to approve the revised Minutes for June 2015 and approve December 2015 Minutes. Member Husari seconded.**

#### Roll Call

<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>Los Huertos</b>	<b>Abstained</b>
<b>Andre</b>	<b>Aye</b>

**The motion passed with one member absent and one abstention.**

## MONTHLY BOARD REPORTS

### Report of the Chairman.

No report

### Report of the Director/Department.

- Departmental Succession and recent appointments:
  - Matt Reischman – Assistant Deputy Director Resource Management
  - Joe Tyler – Assistant Deputy Director, Fire Protection
  - Marc Hafner – Unit Chief Tulare
- Year to Date Fire Stats
  - The Valley and Butte Fires have become the 5<sup>th</sup> and 7<sup>th</sup> most damaging fires in the state's history. The year 2015 concluded with over 6,300 fires on State Responsibility lands, that is 1,800 fires more than the 5 year average with 307,600 acres burned. Even with the increased workload the Department maintained a 95% initial attack success rate at 10 acres or less.

- Total Department budget within the State's Draft Budget is \$2.1 billion which includes:
  - \$17 million in permanent increases for Emergency Command Center staffing across the state.
  - The Department is funded for Automatic Vehicle Locating system, this system will allow for real time two way interactivity between Cal Fire resources and command control framework.
  - An update was provided on proposed Information Technology staffing per draft budget.
  - \$180 million is proposed for Green House Gas reduction.
  - Professional Standards unit has been funded within the draft budget. This internal unit wouldwork to initiate a program to support progressive discipline, adverse actions and prevention with personnel procedures policy training to address disciplinary issues.
  - Replacement of helicopter airframes.
- Tree Mortality Task Force has identified of eight sub working groups to address the Emergency Proclamation.
- Prescribed Fire MOU will be released during a press conference on February 2, 2016.
- An update on State Responsibility Area Grant Approvals was provided.
- An updated on Green House Gas Reduction Project Status was provided.
- Forest Climate Action Team (FCAT) update.
  - Policy group working on a modified outline for Forest Carbon Plan concept paper.
  - The concept pater will be used to provide input into the Updated Scoping Plan process.
- Emergency Watershed Assessment
  - All projects identified, primarily focused at controlling surface erosion, for the Valley Fire, and most all on the Butte Fire have been completed.
  - Assessment Teams have shut down and turned projects over to the Unit.

**Report of the Regulations Coordinator.** The Board's Regulations Coordinator, Thembi Borrás, reported on ongoing regulatory matters.

The Board considered rescinding the Working Forest Management Plan (WFMP) Regulations adopted in June 2015.

Public Comment:

Rob DiPerna, Environmental Protection Information Center, encouraged the Board to rescind the adoption of the Working Forest Management Plan Regulation.

**01-16-02 Member Andre moved to rescind the June 2015 adoption of the Working Forest Management Plan regulations and authorized staff to submit a Notice of Decision Not to Proceed to the Office of Administration Law. Additionally, the next rule making effort focused upon the Working Forest Management Plan will review and adopt the Final Statement of Reasons prior to adopting the regulations. Member Farber seconded.**

**Roll Call**

<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>

**Los Huertos**            **Aye**  
**Andre**                    **Aye**

**The Motion passed with one member absent**

- Discussion of Prioritization of Rulemaking also occurred.

**Agency Comment:**

Russ Henly, Resources Agency, Assistant Secretary of Forest Resources Management, requested that the Board consider adding a rule making action to the 2016 priorities that addresses electronic submission of harvesting documents. This rule would authorize electronic submission of harvesting documents. This electronic submission system regulatory process will have the ability to track the process from submission to approval.

**Report of Executive Officer.** The Board's Acting Executive Officer reported on ongoing administrative matters, proposed state or federal legislation or programs.

- Update Regarding Public Records Act Requests
- Discussion of Board Staffing
- Discussion of Timing for the Board's Annual Report
- Discussion of Tree Mortality Task Force
- Discussion of Board Priorities

**Report of the Standing Committees.** Committee Chairpersons reported on the items discussed in each Standing Committee meeting.

- Forest Practice, Mike Miles, Chair

- RPF/LTO Responsibilities, Mike Miles with the assistance of Matt Dias, Acting Executive Officer will prepare a letter to the department regarding RPF/LTO Responsibilities
- Drought Mortality

**01-16-03**                    **Member Wade moved to authorize release, for 45-Day Notice, the regulation entitled, "Drought Mortality Amendments, 2015" (as provided by Board Staff on 01/27/16). Member Miles seconded.**

**Roll Call**

**Wade**                    **Aye**  
**Husari**                 **Aye**  
**Miles**                 **Aye**  
**Farber**                **Aye**  
**Rickert**               **Aye**  
**Los Huertos**         **Aye**  
**Rodrigues**           **Aye**  
**Andre**                 **Aye**

**The motion passed with one member absent**

- Oak Woodland Management

- Resource Protection, Sue Husari, Chair

PRC 4290 Certification Requests

- Santa Barbara County

Discussion of SRA Guidelines Regulatory Proposal

**01-16-04 Member Husari moved to authorize release of 45-Day Notice for the amended draft regulation entitled SRA Grant Fund Program Guidelines. Member Miles seconded.**

**No roll call occurred. After Board discussion the motion was rescinded.**

Public Comment:

Frank Stewart, Fire Safe Council, presented the Board with a handout, *Fire Safe Councils are Part of the Solution*.

- Management Committee, Stuart Farber, Chair

- Discussed Working Forest Management Plan (WFMP) Draft Regulation Development.

**Report of Board's Advisory Committees.**

- Forest Pest Council - Katie Harrell.
- Effectiveness Monitoring Committee- Stuart Farber.
- Range Management Advisory Committee – Edith Hannigan.
- Professional Foresters Examining Committee – Matt Dias.

The Executive Officer for Professional Foresters Registration Matt Dias reported on ongoing PFEC matters.

**01-16-05 Member Miles moved to offer withdrawn license status to RPF Wilkinson and CRM Bowie. Member Rickert seconded.**

**Linton Bowie  
Lyle Wilkinson**

**CRM 35  
RPF 1389**

**Roll Call**

<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>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>

**01-16-06 Member Wade moved to revoke the RPF licenses for non-payment of renewal fees pursuant to 14 CCR 1607(c) as recommended by the Acting Executive Officer. Member Rodrigues seconded.**

**Daniel Averill  
Sherill Eades  
Ralph Warbington  
Michael Warren  
Jesse Jones**

**RPF 1377  
RPF 1751  
RPF 2025  
RPF 2373  
RPF 2545**

**Roll Call**

<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>Rodriques</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>

**The motion passed with one member absent.**

**01-16-07**      **Member Rickert moved to accept applicants who were successful in passing the RPF exam with a cumulative score of 75% or better. Member Farber seconded.**

<b>Travis Salvestro</b>	<b>RPF 3011</b>
<b>Christopher Dow</b>	<b>RPF 3012</b>
<b>Andrew Bray</b>	<b>RPF 3013</b>
<b>Jason Wells</b>	<b>RPF 3014</b>
<b>Chad Freeman</b>	<b>RPF 3015</b>
<b>Ariel Thomson</b>	<b>RPF 3016</b>
<b>Thomas Mason</b>	<b>RPF 3017</b>
<b>Joshua Kegerreis</b>	<b>RPF 3018</b>
<b>Wesley Whited</b>	<b>RPF 3019</b>
<b>Alex Yiu</b>	<b>RPF 3020</b>
<b>Daniel Ziebron</b>	<b>RPF 3021</b>
<b>Alex Stone</b>	<b>RPF 3022</b>

**Roll Call**

<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>Rodriques</b>	<b>Aye</b>
<b>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>

**The motion passed with one member absent.**

**SPECIAL BOARD HEARINGS/REPORTS**

Draft Vegetation Treatment Program EIR Scoping Summary. Discussion of Scoping Workshop.

The Board discussed the potential to authorize a public comment period for the Preliminary DRAFT EIR. No action was taken.

Presentation: Bagley-Keene Open Meeting Act. Ed Prim, Supervising Deputy Attorney General

Presentation: Annual USFS Region V Update. Jeanne Wade-Evans, Deputy Regional Forester

Presentation: Department Requested for Expansion of Zone of Infestation for the Golden Spotted Oak Borer. Department Presentation

**01-16-08 Member Miles moved to approve the request for Expansion of Zone of Infestation for the Golden Spotted Oak Borer. Member Rickert seconded.**

**Roll Call**

<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>Los Huertos</b>	<b>Aye</b>
<b>Andre</b>	<b>Aye</b>

**The motion passed with two members absent.**

**CONCLUSION**

**Public Forum.**

Mandy Culpepper, Environmental Scientist, CDFW, reported on a NSO meeting that was held in Yreka, January 21 with Cal Fire, California Fish and Wildlife and U.S. Fish and Wildlife Service. Discussed issues regarding technical assistance, what happens if NSO is listed under California Endangered Species Act and post fire habitat use. A working group will be created with the various agencies to deal with these issues. Gave a brief update on the NSO status review.

Richard Gienger, commented on the recent amount of rain and how it's positively affecting watersheds and fish movement. Sediment in the Mattole River is comparatively low to other places. Shared his concerns with Pilot Projects.

**Adjournment.**

Respectfully submitted,

ATTEST:

Matthew Dias  
Acting Executive Officer

Keith Gillless  
Chair

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