

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
Website: www.bof.fire.ca.gov



BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
June 15, 2016

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gilles
Mark Andre
Rich Wade
Susan Husari
Mike Miles
Kim Rodrigues
Stuart Farber

BOARD OF FORESTRY MEMBERS ABSENT: Marc Los Huertos

BOARD STAFF:

Matthew Dias, Acting Executive Officer
Edith Hannigan, Associate Government Program Analyst
Connor Pompa, Forestry Assistant II
Ali Karaoui, Board Counsel

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Janet Upton, Deputy Director, Communications
Dr. Helge Eng, Deputy Director, Resource Management
Caroline Godkin, Deputy Director, Legislation
Scott Upton, Northern Region Chief
Dennis Hall, Asst. Deputy Director, Forest Practice
Matthew Reischman, Asst. Deputy Director, Resource
Protection & Improvement
Shane Cunningham, Staff Chief, Law Enforcement & Civil
Cost Recovery
Bill Solinsky, Forester III, THP Administration
Pete Cafferata, Forester III, Forest Practice/Hydrology
John Ramaley, Forester III, Forest Practice
Mark Rosenberg, GIS Analyst

Resource Agency Staff:

Dr. Russ Henly, Asst. Secretary of Forest Resource
Management

Executive Session

Discussed items listed

- a. Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3rd District), Case No. C076957
- b. Two interviews were conducted for the permanent replacement of the Board's Executive Officer.

Announcement of Actions Taken in Executive Session.

Ali Karaouni, Board Counsel, reported that no actions were taken.

Approval of May 2016 Meeting Minutes.

06-16-01 Member Andre moved to approve the May 2016 Meeting Minutes with minor revisions. Member Wade seconded.

Roll Call

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

The motion passed unanimously with three members abstaining and one absent.

MONTHLY BOARD REPORTS

Report of the Chairman.

Chairman Gilless thanked those who played an integral part in making the May Board Meeting field tour in San Diego a success. He added that it was very startling the vast amount of damage caused by the golden spotted oak borer and Kuroshio/polyphagous shot hole borers. He thanked outgoing Member Rodrigues for her valuable service to the Board, with all members agreeing and also showing thanks. He hopes to receive replacements soon for the current two vacant Board seats. Chair Gilless also discussed that interviews were finished for a permanent replacement of the Board's Executive Officer, with no action taken thus far.

Report of the Director/Department. Ken Pimlott.

Department Succession and Recent Appointments

- Curtis Brown, Staff Chief, Safety, EMS & Research and Development.
- Tonya Hoover, State Fire Marshal, will be retiring effective July 15, 2016. Mike Richwine, Asst. State Fire Marshal, will be helping to staff the role of Acting State Fire Marshal until a replacement is found.
- Chief Pimlott apologized for missing the San Diego Board Meeting, as he was in Oregon attending the Council of Western State Foresters meeting.

Current Conditions

- Fire season has officially begun. There have already been numerous fire incidents, with vegetation growth from higher than usual rainfall conditions providing more opportunities for brush fires.
- A fuel alert system has been created, that notifies fire crews when operating in areas where vegetative fuels are capable of producing dangerous situations.
- Cal Fire Resource Management staff has been focused on advertising to landowners the many types of exemptions that are available for them to feasibly and expediently remove the dead and dying trees from their properties.
- The SRA Fire Prevention Fee allocation report for 2015 will be released soon. The Director asked for Board feedback on the report before it is released to the public. He would also like to receive comment from the Board on setting timelines for future SRA report releases.
- With the Budget close to being signed by the Governor, the Department is pleased to potentially receive a new fire suppression helicopter. The various available airframes will receive extensive testing, before procurement.
- The Tree Mortality Task Force has been allocated \$11 million to address drought mortality in the current proposed budget.
- \$10 million is planned for distribution thorough SRA Grants.
- There seems to be general consensus of support within the legislature and administration for the CAL FIRE Professional Standards Program to date as it relates to the proposed budget.
- The Forest Carbon plan draft is out and a final copy will hopefully be completed by the end of this year.
- CAL FIRE is working with various fire protection districts, landowners, and utility companies to install effective fuel breaks and vegetation management areas in high hazard counties.
- Member Husari offered a question to the Director on how areas with low infrastructure and funding are benefitting from the SRA Funds, and how the funds are effectively distributed.
- Member Miles asked how the \$6 million will be broken up, and had proportionality concerns. He would like to see the project funding with counties match specific county fee payer revenues. Members Rodrigues and Husari agreed. Member Miles, additionally ask to make the counties aware that funds are available for prevention projects.
- Member Farber offered a question in regards to the status of the LA Moran Reforestation Center. Chief Pimlott stated that the Department is working on filling a void between the public and local nurseries for native conifer and hardwood seed, seedlings and saplings to restore lands devastated by pests and fires.
- Chair Gilless asked about the Continuous Forest Improvement Program (CFIP) cost share and and compensation rates set by the Department.

AB 1958 Presentation. Assemblyman Jim Wood explained the reasons for promulgating AB 1958 to amend PRC §§ 4584 and 4621 to provide landowner relief from conifer encroachment upon oak woodlands predominately comprised of *Q. garryana* and *Q. kelloggii*. At the conclusion of his presentation, Assemblyman Wood briefly expressed concern to the Board regarding the potential abuse of less than 3-acre conversion exemption within the 'Emerald Triangle' (Humboldt, Del Norte, and Trinity Counties) for Cannabis production. Both Chairman Gilless and Chief Dennis Hall acknowledged his plea, and stated that they are currently working to investigate the problem.

Report of the Regulations Coordinator. The Board's Regulations Coordinator reported on ongoing regulatory matters.-Matt Dias, Acting Executive Officer

- a) The Acting Executive Officer provided a review of Rulemaking Calendar.
- b) The Acting Executive Officer gave updates on Drought Mortality Amendments, 2015, the re-hearing of SRA Fire Prevention Fee Grant Program, Listed Anadromous Salmonid Amendments, 2016 and promulgation of the Utility Notice of Operations Amendments, 2016.
- c) Discussion and review of Initial Statement of Reasons and updated rule text for Listed Anadromous Salmonid Amendments (formally known as 10(j) Experimental Populations).

Report of Executive Officer. The Board's Acting Executive Officer reported on ongoing administrative matters, proposed state or federal legislation or programs, or new items coming before the Board. Matt Dias, Acting Executive Officer provided a report upon the following:

- An overview of the Legislative Report.
- Reviewed the issue of less than 3 acre conversion exemption moratorium in Trinity County. Both Chief Dennis Hall and Forest Practice Manager John Ramaley commented on behalf of the Department.
- Member Wade discussed the Tree Mortality Task Force projects.
- Provided an update on the Strategic Fire Plan revision process; currently in the process of determining steering committee members.
- Discussion of SRA data and an Appendix to the Board's Annual Report.

Report of the Standing Committees. Committee Chairpersons will report on the items discussed from Committee meetings.

-Forest Practice/ Management Joint Committee, Members Farber and Andre provided updates on:

- The Range Management Advisory Committee presentation on the draft policies revisions to the Board's and the Department's policies on grazing in the Demonstration State Forests.
- RPF/LTO responsibilities rulemaking language (14 CCR 1035), electronic submission of plans (Electronic Filing Amendments, 2016) with regulatory revisions, Cumulative Impact (TRA #2) revisions specifically focused on adding GHG emission sequestration while observing CEQA guidelines, and publishing of the Annual Forest Carbon Inventory report.

-Resource Protection Committee, Member Husari provided an update on:

- Tuolumne County's PRC § 4290 Certification Request, possible revisions in the future to fire safe regulations, FRAP update on fire safety element mapping, and revisions to the Safety Element Assessment template.

Report of Board's Advisory Committees.

- Forest Pest Council - Katie Harrell

- Follow up on the sudden oak death (SOD) *Washington Post* article correction,
- Posting of signs warning against transportation of infected firewood in the Oak Wood neighborhood of San Diego County, additional signs posted in Orange, Los Angeles, and San Bernardino Counties,
- Provided an update on the Golden Spotted Oak Borer (GSOB) fiberglass study, KSHB and GSOB infestation updates on native riparian vegetation in northern San Diego County, *Q. agrifolia* tree mortality of 50-70% in central and northern San Luis Obispo County; the California avocado commission is highly concerned about these tree boring pests affecting avocado orchards and yearly harvests

- Effectiveness Monitoring Committee – Member Farber

- Provided updates on the May 16th meeting in Redding.
- Research concept proposals are posted on the Board's website; at the next meeting (June 17th) in Ukiah there will be a ranking of best concepts to proceed with.
- There are three EMC Member expirations occurring on July 1. Request for replacement of one public has been sent out in a mass mailing.
- EMC has been budgeted \$425,000 for research projects.

- Discussion of re-appointment of Tom Engstrom to the EMC Committee

06-16-02 Chairman Gilless moved to reappoint Tom Engstrom to the Effectiveness Monitoring Committee. Member Wade seconded the motion.

Roll Call

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

The motion passed unanimously with one member abstaining and one member absent.

-Professional Foresters Examining Committee – Matt Dias

- Thanked Member Rodrigues for her service to the Board, stated that he was glad she will continue to serve on the PFEC Committee.
- Stated RPF’s who are requesting Board action on entering into withdrawal status of their licenses are as follows:

RPF 144 – Robert Muir	RPF 1758 – Craig Newman
RPF 514 – Norman Cook	RPF 1775 – Raymond Stine
RPF 590 – John Pricer	RPF 1852 – Ivars Steinblums
RPF 648 – Phillip Lowell	RPF 2424 – Jeffery Bryant
RPF 1162 – James Fleming	RPF 1644 – Terry Sheen
RPF 1742 – Herbert Bunt	

- Also stated that several RPFs have passed away within the last few months, and expressed condolences to their families and thanks to the deceased for their dedication to the study and practice of forestry.
- Reported upon the possible appointment of Mr. Larry Ferrero to the PFEC committee.

06-16-03 Chairman Gilless moved to accept the withdrawal of RPF licenses for those stated by Forester’s Licensing Officer Matt Dias. Member Farber seconded the motion.

Roll Call

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

Motion passed unanimously with one member absent.

06-16-04 **Chairman Gillless moved to appoint Mr. Larry Ferrero to the PFEC.
Member Miles seconded the motion.**

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rodrigues	Aye
Gillless	Aye

Motion passed unanimously with one member absent.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: Forest Inventory Analysis (FIA) System, Glenn Christensen, USFS Forester: Presented research and analysis based upon and embedded within the FIA Report provided publically of the USFS's website. Explanation on how greenhouse gas (GHG) emissions were calculated to be sequestered by plant/tree material. He also addresses how these data will be helpful in addressing the AB 1504 process.

Public Comment:

Gary Rynearson (California Forestry Association)

Dr. Bill Stewart (UC Berkeley) commented. Supported collaboration between the Board and FIA in address the AB 1504 process.

State Responsibility (SRA) Fire Prevention Fee adjustment. Acting Executive Officer, Matt Dias introduced a brief staff report that cited PRC § 4212, where the Board may adjust the Fire Prevention Fee commensurate with the percentage of change of the Implicit Price Deflator within specific fiscal quarters. Matt Dias stated that CAL FIRE is requesting no fee change at this time, as collections are exceeding expenditures resulting in a fund balance. Chairman Gillless agreed with Cal Fire and Mr. Dias that no change in the fee would be necessary at this time unless other members of the Board could identify an alternative necessity that had not been identified. No action was taken by the Board in this matter.

Hearing: White and Black Oak Management Special Prescription.

Acting Executive Officer Matt Dias presented the public comment received during the 45-Day Notice period. Mr. Dias asked that a motion to approve the FSOR be deferred to a later date as it has not been yet created. Board members were in support of the rulemaking package.

Public Comment:

Gary Rynearson (CFA) Spoke in support.

Rick Standiford (UC Extension) Spoke in support.

Bill Condon, California Department of Fish and Wildlife, was in support, but did provide some comments on tailoring the rulemaking package to meet environmental protection goals in the future.

Helge Eng, CAL FIRE Deputy Director, Resource Management, presented CAL FIRE's opinion of full support for the special prescription.

Board Discussion:

Member Husari stated the possible future need may exist to revise the basal area minimum due to oaks being notoriously difficult to accurately estimate basal area. No revisions were offered by the Board members to the Notice, Rule Text, or ISOR.

White and Black Oak Management Special Prescription Hearing.

06-16-05 Chairman Gillless moved to close the Public Hearing. Member Husari seconded the motion.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rodrigues	Aye
Gillless	Aye

Motion passed unanimously with one member absent.

Hearing (2nd, 15 Day Comment Period): SRA Fire Prevention Fund Grant Program. Edith Hannigan- The reference to 14 CCR § 1665.8 in § 1665.2 was deleted and replaced with a reference to §§ 1666.0-1666.16, inclusive, because § 1665.8 is being repealed with the modifications in the 45-day noticed rule text and replaced with §§ 1666.0-1666.16. Ms. Hannigan also presented the draft Final Statement of Reasons with corrections requested by the Board during the May 2016 Board meeting. Chair Gillless and Member Husari praised Ms. Hannigan for the excellent work she completed during the course of this rulemaking promulgation.

SRA Fire Prevention Fund Grant Program Hearing.

05-16-06 Chairman Gillless moved to close the Public Hearing. Member Andre Seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rodrigues	Aye
Gillless	Aye

The Motion passed unanimously with one member absent.

SRA Fire Prevention Fund Grant Program Final Statement of Reasons (FSOR).

05-16-06 Chairman Gillless moved to adopt the FSOR as presented. Member Farber seconded the motion.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye

Rodrigues Aye
Gilles Aye

The Motion passed unanimously with one member absent.

SRA Fire Prevention Fund Grant Program regulatory proposal.

05-16-06 Chairman Gilles moved to adopt the regulatory text presented in the 15 day and 45 day notices with no additional changes. Member Andre seconded the motion.

Roll Call
Andre Aye
Wade Aye
Husari Aye
Miles Aye
Farber Aye
Rodrigues Aye
Gilles Aye

The Motion passed unanimously with one member absent.

CONCLUSION

Public Forum

Richard Geinger presented oral testimony on his concerns that the 'Campbell Creek Watershed Monitoring Study' committee membership that was opened by Mr. Russ Henly of the CNRA had too short of an application period and that the timeline didn't fully make the membership available to public persons. Also he stated that he had concerns that public members of Department/Board working groups need to be paid a higher stipend to attend these meetings. He believes that paying public members better will allow better people to attend these working groups.

Adjournment

Respectfully submitted,

ATTEST:

Matthew Dias
Acting Executive Officer

Keith Gilles
Chair