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BOARD OF FORESTRY AND FIRE PROTECTION

Arcadia, CA
July 20, 2017

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gilles, Chair
Mark Andre
Rich Wade
Mike Miles
Katie Delbar
Marc Los Huertos
Susan Husari

BOARD OF FORESTRY MEMBERS ABSENT: Darcy Wheelles

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Forester's Licensing
Thembi Borrás, Forester III
Edith Hannigan, Associate Government Program Analyst
Laura Alarcon-Stalians, Associate Government Program Analyst
Ali Karaouni, Board Counsel

DEPARTMENTAL STAFF:

Helge Eng, Deputy Director, Resource Management
Bill Solinsky, Forester III, THP Administration
Dennis Hall, Assistant Deputy Director, Forest Practice
Eric Huff, Staff Chief, Forest Practice Program

Chairman Gilles called Open Session to order and convened to Executive Session.

Open Session is re-convened.

Announcement of Actions Taken in Executive Session.

No reportable actions taken.

Approval of May and June 2017 Meeting Minutes.

07-17-01 Member Andre moved to approve the May 2017 minutes. Member Los Huertos seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

07-17-02 Member Los Huertos moved to strike the sentence “Members Los Huertos and Husari commented that they would like to see...” or to have the sentence refer to “prescribed fire” in lieu of “fire prevention” regarding discussion of the 2018 Draft Fire Plan Goals from the Executive Officer’s Report in the June 2017 minutes. Member Husari seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Abstain
Gilless	Aye

The motion passed unanimously with one abstention; one seat vacant and one member absent.

07-17-03 Member Miles moved to approve the June 2017 minutes. Member Wade seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Abstain

Gilless Aye

The motion passed unanimously with one abstention; one seat vacant and one member absent.

MONTHLY BOARD REPORTS

Report of the Chairman. J. Keith Gilless

The chairman thanked the Board's field tour hosts, Los Angeles County Fire and the Angeles National Forest US Forest Service staff, for an informative day sure to inform future policy and regulatory efforts by the Board. He noted the recent fire activity in Mariposa and expressed the Board's sympathies for those displaced and who lost homes. The Chairman noted the recent passage of the Governor's cap and trade legislation.

Report of the Director/Department. Helge Eng, Deputy Director, Resource Management

- Director Ken Pimlott is at the Whittier Fire then will be traveling to the Detwiler Fire. The Detwiler Fire has currently exceeded 70,000 acres.
- Deputy Director Eng expressed condolences to the US Forest Service on behalf of the Director and the Department on the recent loss of a USFS firefighter.
- Year to date the Department has responded to 500 fires over average and three times the average acreage has burned.
- Fuel Reduction Targets for FY 16/17, the Department was successful in achieving 70% of the target of 20,000 acres for prescribed fire and 80% of the goal of 250,000 defensible fire space inspections.
- SRA fee, cap and trade, AB 398 was recently chaptered by the Administration to extend the Cap and Trade program for the state. As a result the SRA fee was suspended until 2031. The CAL FIRE Prevention program will be funded through cap and trade funding source, but the details of the funding structure is still being worked upon by the Administration.
- CAL FIRE Senior Aviation Officer, Bill Payne retired.
- GHG reduction grants applications for fiscal year 16/17 are currently under review. The Department expects the grant funding will be awarded within the next week.
- There has been a marked increase in the level of research being conducted on the State Forests. Jackson Demonstration is currently implementing two new studies, with one being on the effectiveness of Class II WLPZ protections and one focusing upon maintenance of wildlife habitat.
- LA Moran Nursery is still ramping up. Last year the nursery generated \$78,000 in revenue from the sale of seed. CAL FIRE forestry staff have been deployed to collect cones to support the coming propagation of seedlings at the nursery.
- FRAP is continuing its work on the updated Forest and Rangeland Assessment. The Department expects a draft assessment to be made available in late August.
- The Tree Mortality Task Force (TMTF) continues to meet regularly, although the level of work is scaling down. The TMTF continues to address issues such as insurance and support to counties as the effects from drought mortality are being addressed.

Report of the Regulations Coordinator. Matt Dias, Executive Officer

a) Reviewed Rulemaking Matrix

Report of Executive Officer. Matt Dias

Executive Officer Dias provided an update on the following subject matters:

- Provided an update on relevant legislation;
- Provided an update on the US Fish and Wildlife Service Northern Spotted Owl technical assistance program;
- Addressed the submitted comment letters prepared by the Board on the California Department of Food and Agriculture’s Draft Program EIR for Cannabis Cultivation Regulations;

Public Comment:

George “YG” Gentry, California Forestry Association – There are other state agencies working on regulations regarding cannabis. The State Water Board is working on a statewide waiver and policy the public comment deadlines approaching. This statewide waiver will supplant Regional Water Board waiver processes.

- Appointments to the Jackson Advisory Group;

07-17-04 Chairman Gillless moved to accept the nomination of Dr. Kimberly Rodrigues to the Jackson Advisory Group. Member Husari seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gillless	Aye

The motion passed unanimously; one seat vacant and one member absent.

07-17-05 Chairman Gillless moved to accept the nomination of Mr. Charlie Schneider to the Jackson Advisory Group. Member Andre seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gillless	Aye

The motion passed unanimously; one seat vacant and one member absent.

- Thembi Borrás, Forester III, presented the Board with information regarding the State Responsibility Area Fee Adjustment (14 CCR § 1665.6). The Board took no action on this item.

Report of the Standing Committees

Forest Practice Committee & Management Committee Joint Meeting

- Member Miles provided an update on Legislative Reporting for Exemptions and Emergency Notices
- Member Miles discussed the draft rule text to revise the disapproved Working Forest Management Plan provision (1094.16(d)(6)) and prepared Supplemental Statement of Reasons.

07-17-06 Member Andre moved to approve the Supplemental Statement of Reasons and authorize a 15-Day Notice for the regulation entitled Working Forest Management Plan (1094.16(d)(6)). Member Wade seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

- Member Miles discussed AB 1958 and AB 2029 and provided an overview of the draft regulatory text for the Oak Woodland Management Exemption, 2017.

07-17-07 Member Andre moved to approve the Initial Statement of Reasons and authorize a 45-Day Notice for the regulation entitled Oak Woodland Management Exemption, 2017. Member Wade seconded the motion.

Member Andre moved to withdraw his motion. Member Wade seconded.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

07-17-13 Member Miles moved to approve the Initial Statement of Reasons and authorize a 45-Day Notice of the rule text with revisions as offered by the Board for the regulation entitled Oak Woodland Management Exemption, 2017. Member Andre seconded.

Member Andre made a friendly amendment to replace “and” with “or” on page 14, line 4 of the revised rule text. Members Miles accepted the friendly amendment.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

- Member Miles provided an overview of the DRAFT letter to County Board of Supervisors to appoint an authorized designee for review of Less Than 3 Acre Conversion Exemptions. It was noted that CAL FIRE and Board staff will work to combine a CAL FIRE letter on similar subject matter with the Draft Board letter for review at the August committee meeting.
- Member Miles provided a report on the joint committee review of each committee priorities for the remainder of 2017.

Resource Protection Committee

- Member Los Huertos discuss the Fire Safe Development Regulations Certification for the County of San Bernardino.

07-17-08 Member Los Huertos moved to certify San Bernardino County's Ordinance No. FPD 17-01 as meeting or exceeding the Title 14 Fire Safe Development Regulations. Chairman Gilless seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

- Member Los Huertos announced that Board staff had notified the Resource Protection Committee that the Board adopted regulations for safety element assessment are effective as of July 1, 2017.
- Member Los Huertos discussion the Mariposa County's response to Safety Element Recommendations from the Board.

Report of Board's Advisory Committees

Effectiveness Monitoring Committee (EMC) – Matt Dias, Executive Officer

a) Board Consideration of Re-appointments of Matt House, Green Diamond Resource Company

07-17-09 Chairman Gilless moved to re-appoint Matt House to the Effectiveness Monitoring Committee. Member Wade seconded the motion.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

Forest Pest Council – Katie Harrell

Range Management Advisory Committee – Edith Hannigan

- a) Recognition of passing of Bill Burrows

Professional Foresters Examining Committee (PFEC) – Dan Stapleton

Assistant Executive Officer Stapleton introduced the Licensing Vital Statistics.

071-17-10 Chairman Gilless moved to approve the nine requested license withdrawals. Member Andre seconded the motion.

RPF 235 – Frank Stewart
RPF 1017 – Gary Howard
RPF 1519 – Robert Schultz
RPF 1673 – Peter Chase
RPF 1819 – Lawrence Gonzales
RPF 1857 – Randy Scott
RPF 2299 – Mark Anderson
RPF 2477 – Thomas Wyma
RPF 2889 – Brian Bishop

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gilless	Aye

The motion passed unanimously; one seat vacant and one member absent.

- a) The update on Licensing Case 329 was deferred to the August Meeting.

SPECIAL BOARD HEARINGS/REPORTS

Hearing: “RPF and LTO Responsibilities Amendments, 2017” – The Board proposes to amend 14 CCR §§ 1035.1-1035.3 to address issues where LTOs are being issued violations resulting from incomplete or inaccurate field work that was performed by an RPF.

Public Comment:

Eric Carlson – Associated California Loggers – Offered general support for the draft regulatory text and offered several comments in response to questions of the Board.

07-17-14 Chairman Gillless moved to authorize a 15-Day Notice of the revised for the regulation entitled RPF/LTO Responsibilities Amendments, 2017. Member Husari seconded.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye
Gillless	Aye

The motion passed unanimously; one seat vacant and one member absent.

Hearing: “Professional Forester Examining Committee Appointment Amendments, 2017” – The Board proposes to amend 14 CCR § 1122 to address incongruities between Public Resources Code § 763 and existing Board regulations.

07-17-11 Chairman Gillless moved to approve the Final Statement of Reasons for the 45-Day Noticed regulation entitled “Professional Foresters Examining Committee Appointments Amendments, 2017”. Member Wade seconded.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Absent (for voting on this Board action)
Gillless	Aye

The motion passed unanimously; one seat vacant and two members absent.

07-17-12 Chairman Gillless moved to adopt 45-Day Noticed regulation entitled “Professional Foresters Examining Committee Appointments Amendments, 2017” with the non-substantive change to capitalize the “b” in “Board” on page 1, line 12, of the regulatory text. Member Wade seconded.

Roll Call Vote

Miles	Aye
Delbar	Aye
Wheeles	Absent

Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Absent (for voting on this Board action)
Gilless	Aye

The motion passed unanimously; one seat vacant and two members absent.

Presentation: Discussion of Working Draft of the Vegetation Treatment Program Programmatic Environmental Impact Report; Gabe Schultz, Northern Region Staff Chief Resource Management

The Board engaged in discussion and offered comments on the current working draft of the VTP PEIR. Chair Gilless indicated that Board staff and the VTP PEIR team will work directly with Members Husari and Los Huertos over the next month to address their concerns and potentially bring a revised working draft back to the Board in August.

Public Comment:

Dan Silver, EHL (written comments provided to the Board)

Helge Eng, CAL FIRE – Indicated that the Department is in need of a certified VTP PEIR to assist in meeting targets for fuel hazard reduction targets, but realizes that the Board needs to complete their work on the document prior to certification.

Presentation: Update on Interagency Northern Spotted Owl Working Group, Bill Condon, California Department of Fish and Wildlife

Bill Condon also provided his last testimony before the Board as a DFW representative and offered thanks to all professional colleges and peers.

CONCLUSION

Public Forum

No public comments.

Adjournment

Respectfully submitted,

ATTEST:



Matthew Dias
Executive Officer



Keith Gilless
Chair