

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

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**PROFESSIONAL FORESTERS EXAMINING COMMITTEE****OPEN SESSION MEETING MINUTES**

Meeting held Thursday, August 30, 2007

Resources Building, 1416 9th Street, 15th floor, LARGE CONFERENCE ROOM, 1506-12
Sacramento, California

Members Participating: Doug Ferrier, Chairman
Gerald Jensen
Ray Flynn
Otto van Emmerik
Kim Rodrigues

Members Absent: Michael Stroud
Tom Osipowich

Staff Participating: Eric Huff, Executive Officer

Public/Agencies Participating: Jim Kral, CLFA
Jerry Ahlstrom, *CAL FIRE*

Chairman Ferrier called the open session to order at 1102 hours and requested action on the first agenda item.

ITEM #1: APPROVAL OF OPEN SESSION MINUTES OF JUNE 21, 2007 MEETING.

08-04-07 Member Flynn moved to approve the minutes and Member Rodrigues seconded the motion. The motion carried unanimously.

ITEM #2: ELECTION OF COMMITTEE VICE-CHAIR.

Chairman Ferrier introduced the topic and solicited comment from the other Committee Members. Following a brief discussion of the subject, Member van Emmerik volunteered to serve as Vice-Chair.

08-05-07 Member Rodrigues moved to elect Member van Emmerik as Vice-Chair and Member Flynn seconded the motion. The motion carried unanimously.

ITEM #3: REVIEW OF DEPARTMENT PLAN RETURNS AND CURRENT FILING ISSUES.

Chairman Ferrier introduced the topic and noted that CAL FIRE representative, Chris Browder could not attend the meeting due to his participation in a lengthy bicycling event in France. The Chairman then asked Executive Officer Huff to update the Committee on the outcome of the letter sent to CAL FIRE Deputy Director, Bill Snyder concerning the differences in the format of return letters by region. Huff reported that he had spoken in person with Deputy Director Snyder about the content of the letter and that Snyder had pledged to look further into the items discussed in the letter. Huff sent a follow-up email to Snyder on August 24, 2007 requesting a status update to which Snyder replied that he would check with Assistant Deputy Director, Duane Shintaku. No further update was provided by CAL FIRE staff.

EO Huff expressed his opinion that among the many 2006 return letters provided for the Committee's review, there were examples of plans returned for reasons other than those related to accuracy, completeness and order of the information provided by the RPF. Huff went on to say that there are two options available for resolution of the matter: continue to support increased CAL FIRE training of plan review personnel, or draft a regulatory proposal that codifies specific plan content requirements to ensure filing.

Chairman Ferrier reminded the Committee that the third option is to await CAL FIRE's revision of the Timber Harvest Plan (THP) form and the subsequent potential revision of the "CLFA Checklist." The Board rules could also subsequently be modified to clearly state what must be included in a plan to ensure filing.

Member Jensen expressed his reluctance to create potentially more complexity in the plan review process by drafting additional regulatory language in an effort to more explicitly define the minimum contents of a plan.

ITEM #4: DISCUSSION OF POSSIBLE REGULATORY PROPOSAL FOR CREATION OF "RETIRED RPF" STATUS DESIGNATION.

EO Huff introduced the topic with an explanation as to the origin and purpose of this staff-generated regulatory proposal. Chairman Ferrier followed with his recollection of the outcome of the last time the PFEC considered such a proposal. At that time, the PFEC concluded that the Board did not have statutory authority to create a 'retired RPF' status.

EO Huff was directed to consult with legal counsel as to the question of statutory authority, but to continue with solicitation of RPF review and comment in the meantime.

General discussion on the concept continued with staff responses to specific questions from the Members and public about the proposed language.

ITEM #5: UPDATE ON SACRAMENTO TREE FOUNDATION'S "MASTER CITIZEN FORESTER" PROGRAM.

EO Huff provided a status update on this topic with the assistance of Member Rodrigues. At this time, the Sacramento Tree Foundation has agreed to alter their proposed program title and no further licensing related issue remains.

ITEM #6: DISCUSSION OF ADMINISTRATIVE CIVIL PENALTIES AGAINST RPFs AND DISCIPLINARY ACTIONS UNDER THE PROFESSIONAL FORESTERS LAW

EO Huff introduced the topic with an explanation of the situation that prompted this discussion topic. Huff went on to explain legal counsel's advice related to the Board's dual authority for civil penalty assessment and licensing action against professional foresters.

Mr. Jerry Ahlstrom, *CAL FIRE* Law Enforcement Coordinator, provided the Department's perspective on the topic. Mr. Ahlstrom went on to offer his advice as to how best to maintain the distinction between the punitive action of a civil penalty and the disciplinary action against an individual's license.

Discussion concluded with participants expressing their common understanding of the two distinct processes.

ITEM #7: NEW AND UNFINISHED BUSINESS

Mr. Jim Kral representing the California Licensed Foresters Association (CLFA) introduced the topic of RPF involvement in PRC §4291 defensible space perimeter tree marking in the Tahoe Basin. EO Huff then provided additional background on his correspondence to date on the subject and reiterated that an RPF cannot be required within the designated 100' defensible space perimeter.

Discussion amongst the participants concluded with shared observations on current activities within the Basin and specific issues related to the Angora Fire.

EO Huff provided an update on correspondence with former PFEC Member, Helen Libeu.

EO Huff reviewed his correspondence to a few RPFs concerning the question of whether or not RPFs can form Limited Liability Corporations.

EO Huff reviewed RMAC's correspondence to Ms. Barbara Allen-Diaz, former Chairperson of the California-Pacific Section of the Society for Range Management.

EO Huff reviewed correspondence related to the Board for Engineers and Licensed Surveyors contention that RPFs cannot design bridge crossings. This will be an ongoing discussion item pending further response from the Board for Engineers.

EO Huff presented the Members and public with copies of the Alabama Board of Foresters Licensing Annual Report.

The next meeting is scheduled for December 13, 2007

No further items were discussed.

ADJOURNMENT

08-06-07 Vice-Chair van Emmerik moved to adjourn the Open Session and Member Jensen seconded the motion. The motion carried unanimously.