

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 21, 2008
Resources Building, 1416 9th Street, 15th floor, LARGE CONFERENCE ROOM, 1506-12
Sacramento, California

Members Participating: Doug Ferrier, Chair
Bill Frost
Tom Osipowich
Gerald Jensen
Ray Flynn

Members Absent: Kim Rodrigues
Otto van Emmerik
Michael Stroud

Staff Participating: Eric Huff, Executive Officer
Kirsten Vann, Executive Assistant

Public/Agencies Participating: Jim Kral, *CAL FIRE*, CLFA
Bill Snyder, *CAL FIRE*

Item #1: Approval of Open Session minutes of June 19, 2008 Meeting.

Action on this item was deferred until after discussion of Agenda Item #4.

08-08-01 Member Frost moved to approve the minutes and Member Flynn seconded the motion. The motion carried unanimously. Member Osipowich abstained due to his absence from the meeting.

Item #2: Status Report on Draft Policy #12 for the Certified Rangeland Manager Program and Related Topics

Discussion on this item was initially deferred to allow for Member Frost's participation.

EO Huff introduced the item with a summary of the documents included in the binder. He and Member Frost then summarized the meeting held July 25, 2008 with California-Pacific Society for Range Management Certification Panel (Cal-Pac SRM) and PFEC representatives. The meeting included participation of Bill Frost (Cal-Pac SRM/PFEC) Mike Connor (Cal-Pac SRM/RMAC), Larry Ford (Cal-Pac SRM Certification Panel Chair), Deputy Attorney General, Shana Bagley, and EO Huff. The purpose of the meeting was to discuss the lawful application of the CRM Program such that all of the meeting participants would have a common understanding.

Member Frost noted that Ms. Bagley had provided a written analysis of two fundamental questions: when is a CRM required, and does the Board have the authority to enforce that requirement? Ms. Bagley's analysis concluded that a CRM can be required in the context of the "forested landscape" definition and that the Board does have authority to enforce that requirement. Based upon Ms. Bagley's analysis, minor revisions were made to the Cal-Pac SRM Panel's version of *Draft Policy 12: Guidance on the Certified Rangeland Manager Program*. Member Frost also reported that a letter had been drafted by the Cal-Pac SRM Panel to the Range Management Advisory Committee (RMAC) requesting review of the revised draft *Policy 12* and the legal analysis by counsel.

EO Huff presented a memorandum addressed to RMAC Chair, Ken Zimmerman on the history and application of the CRM Program. EO Huff requested comments on the draft document and noted that it would be circulated to interested parties.

Item #3: Discussion of the "Forested Landscapes" Definition, Professional Foresters Law, Public Resources Code Section 754.

Deputy Director, Bill Snyder opened the discussion with a summary of the California-Nevada Tahoe Basin Fire Commission's reported findings and recommendations. Mr. Snyder specifically identified "Finding 36" from the Commission's Report and its assertion that the requirement for RPF involvement in the context of defensible space recommendations for undeveloped, forested lots adjacent to developed lots is a problem. Mr. Snyder suggested that perhaps the PFEC could more clearly define where the line lies between "urban" and "forested landscapes" in the interest of relieving small, undeveloped lot owners of the requirement for RPF involvement. Mr. Snyder responded to a question about average lot size in the Tahoe Basin by stating that undeveloped lot sizes tended to be smaller, as in ¼ to ½ acre in size. Chairman Ferrier noted that individual, undeveloped lots may be smaller, but that some ownerships include several undeveloped lots aggregated together to form larger, contiguously forested parcels. The inconsistency of parcel sizes and arrangement makes it difficult to agree upon a unilateral definition of the urban/forested landscape boundary.

Mr. Snyder identified more specifically the Department's concern that the Professional Foresters Law could preclude the application of defensible space clearance consistent with Public Resources Code §4291 across property boundaries. The §4291 defensible space requirement is 100' surrounding the structure or to the property line whichever is shortest. Mr. Snyder explained that there are instances in which a structure is crowding the property line shared with an undeveloped, forested lot. It would be desirable in those instances to create defensible space in the 100' perimeter around the structure irrespective of the property line. However, as it stands, the Professional Foresters Law would require that the owner of the undeveloped, forested lot either consult with an RPF or personally perform in that capacity to determine how best to create the required space. The Department would like to see the RPF requirement in some manner waived or an exemption created for those instances in the interest of promoting defensible space. By doing so, local and state fire personnel could then provide specific recommendations for defensible space clearance to the owners of undeveloped, forested lots in the process of conducting defensible space inspections.

Mr. Jim Kral, representing the California Licensed Foresters Association (CLFA), observed that there is already a state exemption that allows defensible space clearance to a perimeter of 150' around a structure without RPF involvement.

This demonstrates the Board's recognition that RPF involvement is not a prerequisite for the creation of defensible space even where commercialization of the products generated is occurring.

The Committee generally concurred that RPF involvement is not necessary in the context of creating defensible space around structures regardless of property boundaries.

Mr. Snyder suggested that this elimination of the requirement for an RPF could perhaps be achieved by the PFEC defining the distinction between urban and forested landscapes. In so doing, rural residential development could then be precluded from the application of the Foresters Law allowing defensible space clearance to proceed unfettered. Regardless of what the PFEC chooses to do with this issue, Mr. Snyder asserted that it was important that the PFEC have a part in the ongoing discussion and decision-making on this issue.

EO Huff noted that the meeting materials included several sources with definitions of "urban" for the purpose of guiding the PFEC's consideration of further attempts to define where the Foresters Law applies.

Chairman Ferrier suggested that rather than attempt to refine the interpretation of the "forested landscapes" definition, the PFEC might consider working with Mr. Snyder to draft a document explaining the PFEC's perspective on the subject. The PFEC unanimously concurred with this suggestion and EO Huff was directed to work with Mr. Snyder on a draft document for the PFEC's consideration. Mr. Snyder suggested that *CAL FIRE* foresters, Mary Huggins and Glenn Barley also participate in the drafting and the PFEC likewise concurred with this suggestion.

Item #4: Discussion of Harvesting Plan Filing Issues, Status of Revised Timber Harvesting Plan Form, and Agency Consultation Issues Related to the State's Forest Practice Program.

Discussion of this item was deferred to allow for more time to review the documents provided by and allow for the participation of Deputy Chief, Chris Browder.

Item #5: Report on Status of Registration Renewals, Withdrawals, Relinquishments, and Revocations.

EO Huff reviewed the status of the program budget, renewals, and possible revocations for non-renewal. Huff also reviewed the legal expenses associated with Cases 217 (Feller) and 308 (Orre) to date.

Item # 6 New and Unfinished Business

EO Huff noted that the Gaines Bill (2859) had moved through the legislature and is now on the Governors desk. Deputy Director Snyder discussed the status of the bill and the process by which it came to be amended.

EO Huff noted that Executive Assistant, Kirsten Vann had arranged for the publishing and personally posted the "Fuel Hazard Reduction Permit Options Table" pamphlet and accompanying cover letter to all RPF's. He also reported that we have received some comments on the publication that will be incorporated into future versions.

EO Huff reported that Ms. Vann would be revising the “Career in Forestry: The Registered Professional Forester” pamphlet. The PFEC was provided a copy of the text from the previous publication for their review and editorial revision.

Adjournment

08-08-02 Member Flynn moved to adjourn the Open Session and Member Jensen seconded the motion. The motion passed unanimously.