

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
March 7, 2018

BOARD OF FORESTRY MEMBERS PRESENT:

Mark Andre, Vice Chair
Rich Wade
Mike Miles
Darcy Wheelles
Susan Husari
Marc Los Huertos
Katie Delbar

BOARD MEMBERS ABSENT:

J. Keith Gilles, Chair
Chris Chase

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Licensing Officer
Edith Hannigan, Land Use Planning Program Manager
Eric Hedge, Regulations Coordinator
Linda Cano, Executive Assistant
Laura Alarcon-Stalians, Associate Government Program Analyst
Eliana Camargo, Environmental Scientist
Ali Karaouni, Board Counsel
Jeff Slaton, Board Counsel

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Helge Eng, Deputy Director, Resource Management
Dennis Hall, Assistant Deputy Director
Mike Mohler, Deputy Director, Communications
Bill Solinsky, Forester III, THP Administration
Eric Huff, Staff Chief, Forest Practice Program
Thom Porter, Southern Region Chief
Heather Williams, Information Officer

Natural Resources Agency:

Russ Henly, Assistant Secretary of Forest Resources Management

Announcement of Actions Taken in Executive Session

- The Board discussed the items on the agenda; and
- Adopted the proposed decision on Civil Penalty, CP-17-16B (Nottnagel).

Approval of March 2017 Board Meeting Minutes

03-18-01 **Member Andre moved to approve the January 24, 2018 Meeting Minutes. Member Miles seconded the motion.**

Roll Call Vote:

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

The motion carried unanimously with two members absent.

MONTHLY BOARD REPORTS

Report of the Chairman Mark Andre, Vice Chair

Vice Chair Andre commented on the passing of Glenn Franklin, who lived in Mariposa County, worked for the Resource Conservation District in the area and served on the California Forestry Steward Council for many years. Vice Chair Andre also welcomed Jeff Slaton, Attorney IV to the Board.

Report of the Director/Department Ken Pimlott:

Director Pimlott presented on the following matters:

- **CAL FIRE Succession**
 - Michael Mohler was appointed as Deputy Director of Communications by Governor Brown in February, replacing Janet Upton;
 - Chief Legal Counsel Stephanie Shimazu has accepted a position with the Department of Justice. Bruce Crane will be the Acting Chief Legal Counsel until an appointment is made by the Governor's Office; and
 - CAL FIRE appointed Glenn Patterson to Assistant Deputy Director, Fire Protection.
- **Vegetation Treatment for Fire Prevention**
 - CAL FIRE fuels treatment project implementation are currently missing targets for treated acres, primarily due to levels of fall fire activity across the state. The Department will strive to meet those targets during the spring burn window.

- **California Climate Investment Funded Grant Programs**

- Forest Health grants
 - The concept proposal deadline has passed and CAL FIRE is currently evaluating the submitted concept proposals to determine which applicants will be asked for a full grant proposal. It is anticipated that grants will be awarded by June 1, 2018.
- Urban Interface grants
 - CAL FIRE is working with the Air Resources Board to finalize the process for applicants to utilize to demonstrate a carbon benefit of projects. It is anticipated that a full proposal solicitation will be published by the end of the month and grants will be awarded by June 1, 2018.
- Urban Forestry grants
 - The concept proposal deadline has passed and CAL FIRE is currently evaluating the submitted concept proposals to determine which applicants will be asked for a full grant proposal. It is anticipated that grants will be awarded by June 1, 2018.

- **Forest Management Task Force**

- This Task Force was established by Governor Brown in his State of the State address. It is likely that this Task Force will engage in a broader discussion of issues that are facing forest management within the State. The Task Force is under development. CAL FIRE is supportive of the Forest Management Task Force, but is hopeful that the successes of the Tree Mortality Task Force are not overshadowed by the broader discussion of forest management.

- **Legislative Hearings**

- This legislative season has been very active in response to the devastating wildland fire activity of 2017. In response, CAL FIRE has been actively participating in many Legislative Committee Hearings, and will be further engaged in several future Legislative Hearings. Over the last month, CAL FIRE has presented at the following Legislative Hearings:
 - Senate Budget Committee Informational Hearing-2017 Wildfires and Moving Forward, Joint Legislative Committee on Emergency Management, Joint Budget Subcommittee 3 - 2017 Wildfires, and Legislative Recognition-Northern California Fire Heroes Day.
- Upcoming Legislative Hearings include:
 - Joint Informational Hearing-Emergency Communications Networks in the Face of New Public Safety Threats, Assembly Hearing on Ventura Training Center, and April-Regular Budget Hearings.

- **CAL FIRE Strategic Plan Update**

- CAL FIRE will soon begin a review of the Department's Strategic Plan. It is anticipated that the plan update will be completed during the summer of 2018.
- CAL FIRE continues to work with Board staff on the 2018 Strategic Fire Plan.

- **Other Items of Interest**

- Wildfire Awareness Week will be first full week in May. CAL FIRE leadership is working with Executive Officer Dias on coordinating with the Board during the May Board Meeting in recognition of wildfire awareness.

- LA Moran Nursery in Davis, CA is being bolstered and will soon be fully operational. The nursery will grow and provide seedlings for small forest landowners.
- CAL FIRE Supervision 5-Executive Leadership begins on March 12/13 for orientation, and March 19-23 for the full class. The class will take participants through the budget process.

Report of the Executive Officer, Matt Dias:

Executive Officer Dias reported on the following matters:

- Provided an update on current program staffing and expressed his appreciation to Jeff Slaton for accepting the Attorney IV position with the Board. He also thanked Stephanie Shimazu, CAL FIRE and Chris Calfee, Resources Agency for assisting with the hiring process.
- Provided a Legislative update to the Board on current bills that may affect the Board's Program. Dias stated that he had been asked to work in the capacity as a consultant on pending legislation on exemptions.
- Thembi Borrás, Regulations Program Manager, provided an update on County Appointment of Authorized Designees for Review of <3 Acre Conversion Exemptions. Many counties have moved through the exercise of appointing an Authorized Designee subsequent to the Board informing counties of this option. Board staff will be posting the contact information for each county on the Board's website and disseminating the information to Registered Professional Foresters.
- Dias introduced a current DRAFT 2017 Annual Report. The Board reviewed the DRAFT and determined that some minor edits could be incorporated and deferred action until the April 2018 meeting.
- Member Wade provided an update on the Tree Mortality Task Force.

Report of the Standing Committees:

Forest Practice Committee, Mike Miles, Chair

- Provided an update on Reporting to Legislature on Exemptions and Emergency Notices;
- Provided an update on Stocking Standards Revisions and the William Main Project Report;
- Reviewed staff revisions to 14 CCR §1038 – Exemption; and
- Introduced the regulatory proposal addressing Class II-Large ASP Rules Extension for consideration of the Board.

**03-18-02 Member Miles moved to approve Class II-Large ASP Rules Extension.
Member Wade seconded the motion.**

Roll Call Vote:

Miles	Aye
Wade	Aye
Husary	Aye
Delbar	Aye
Wheeles	Aye
Los Huertos	Aye
Andre	Aye
Chase	Absent

Gilless Absent

The motion carried unanimously with two members absent.

Management Committee, Mark Andre, Chair

- Provided an update on the Mountain Home Demonstration State Forest Management Plan.

03-18-04 Member Andre moved to authorize himself and Member Chase to work with the Executive Officer to draft a letter to CAL FIRE regarding an extension to 2020 for the Mountain Home Management Plan Update. Member Wade seconded the motion.

Roll Call Vote:

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

The Motion passed unanimously with two members absent

- Gave an update on the DRAFT Boggs Mountain Demonstration State Forest Management Plan; and
- Discussed the Program Timberland Environmental Impact Report (PTEIR) for Carbon Sequestration and Fuel Reduction Program.

03-18-05 Member Wheeles moved to authorize Chair Gilless and Vice Chair Andre to work with Board staff to draft a letter to the Assembly Natural Resource Committee that offers recommendation on potential legislative action to address challenges with the PTEIR as identified by the Management Committee. Delbar seconded the motion.

Roll Call Vote:

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

The motion carried unanimously with two members absent

- Chair Andre also updated the Board on pending revisions to 14 CCR §1104.1- Conversion Exemptions.

Resource Protection, Susan Husari, Chair

- Chair Husari introduced the Fire Safe Regulations Certification for the County of Orange.

03-18-03 Member Husari moved to approve Orange County Fire Code ordinance 16-022 as certified under §1270-03 of the Fire Safe Regulations. Member Los Huertos seconded the motion.

Roll Call Vote:

Miles	Aye
Wade	Aye
Husary	Aye
Delbar	Aye
Wheeles	Aye
Los Huertos	Aye
Andre	Aye
Chase	Absent
Gilless	Absent

The motion carried unanimously with two members absent.

- Chair Husari also introduced the Safety Element Review for the City of Walnut, which needs further review;
- Gave an update on Non-Substantive Regulatory Revisions to 14 CCR §§ 1038, 1299, 1666;
- Discussed the Fire Safe Development Workgroup Progress Report; and
- Discussed the committee review of Existing Board Land Use Related Policies.

Report of Board’s Advisory Committees

Forest Pest Council, Katie Harrell

Ms. Harrell provided an update from the Forest Pest Council.

Range Management Advisory Committee - Edith Hannigan

- 1) Board Consideration of Appointment of Don Watson and Russel Chamberlin to terms of 4 years to the Range Management Advisory Committee

03-18-06 Member Delbar moved to approve the appointments of Don Watson and Russel Chamberlin to terms of 4 years. Member Miles seconded the motion.

Roll Call Vote:

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

The motion carried unanimously with two members absent.

Effectiveness Monitoring Committee, Co-Chair Russ Henly

- Co-Chair Henly provided an update on EMC recommendation of Funding of Projects Proposals for Fiscal Year 17

Professional Foresters Examining Committee, Dan Stapleton, Licensing Officer

- Board considered the Reappointment of Dr. Kimberly Rodrigues to the Professional Foresters Examining Committee

03-18-08 Member Andre moved to approve the reappointment of Dr. Kimberly Rodriques to the Professional Foresters Examining Committee.

Roll Call Vote:

Miles	Aye
Wade	Aye
Husary	Aye
Delbar	Aye
Wheeles	Aye
Los Huertos	Absent for this vote
Andre	Aye
Chase	Absent
Gilless	Absent

The motion carried unanimously with three members absent.

03-18-07 Member Andre moved to approve the revocation of RPF 95 John Sweeley and RPF 1787, Larry Fogerson for failure to renew licenses. Member Husari seconded the motion.

Roll Call Vote:

Miles	Aye
Wade	Aye
Husary	Aye
Delbar	Aye
Wheeles	Aye
Los Huertos	Absent for this vote
Andre	Aye
Chase	Absent
Gilless	Absent

The motion carried unanimously with three members absent.

SPECIAL BOARD HEARINGS/REPORTS

Vegetation Treatment Program Programmatic Environmental Impact Report – Edith Hannigan, Program Manager, Land Use Planning, Board of Forestry and Fire Protection

- Edith Hannigan, Land Use Planning Program Manager, introduced and discussed the public comments received during 60-Day Recirculation public comment period

Presentation: Ecological Benefits of Managed Grazing- Tim Koopman, Rancher and Watershed Resource Specialist for the San Francisco Public Utilities Commission provided a presentation to the Board on his professional and personal experiences with managed grazing within the Bay Area.

Initial Hearing: Cumulative Impacts Assessment Checklist, Technical Rule Addendum No. 2 and Appendix Amendments. The purpose of the proposed action is to further align the Forest Practice Rules with recent amendments to CEQA and the CEQA Guidelines and to update Technical Rule Addendum through proposed revision of 14 CCR § 895, 895.1, 912.9 [932.9, 952.9], Technical Rule Addendum No. 2 and Appendix.

Public Comment:

Rob Diperna, Environmental Protection Information Center, shared concerns that the Cumulative Impacts Assessment Checklist is not a regulation. It is EPIC's opinion that Technical Rule Addendum No. 2 is a guidance and should not be a regulatory proposal.

Cedric Twight, Sierra Pacific Industries, encouraged the Board to move forward with the 45-Day Notice Rule package. He also discussed a letter submitted by Jack Lewis that addressed cumulative impacts within the Battle Creek Watershed.

Eric Huff, Forest Practice Program, CAL FIRE, CAL FIRE supports the rulemaking proposal as written, but also introduced some potential language revisions by CAL FIRE that would likely be non-substantive edits to the proposed rule text.

Dave Fowler, North Coast Regional Water Quality Control Board, commented that both sentences within the proposed rule text as they pertain to "Impacts on Beneficial Uses" and "Water Quality Control Plans" (pg 14, lines 271 – 274 of the proposed rule text) are relevant and should be retained.

03-18-09 **Member Miles moved to authorized a 15-Day Notice of the proposed rule text, with Board accepted minor modifications offered by CAL FIRE, for the proposed rulemaking entitled Cumulative Impacts Assessment Checklist, Technical Rule Addendum No. 2 and Appendix Amendments. Member Wade seconded the motion.**

Roll Call Vote:

Miles	Aye
Wade	Aye
Husari	Abstained
Delbar	Aye
Wheeles	Abstained
Los Huertos	Absent for this vote
Andre	Aye
Chase	Absent
Gilless	Absent

Executive Officer Dias announced that the motion did not carry, with four affirmative votes, two abstentions, and three members absent.

The Board discussed the options of process on this rulemaking effort. Board staff indicated that the minor language offered by CAL FIRE, and accepted by the Board, would be included within the proposed rule text and brought before the Full Board in April for additional consideration.

CONCLUSION

Public Forum

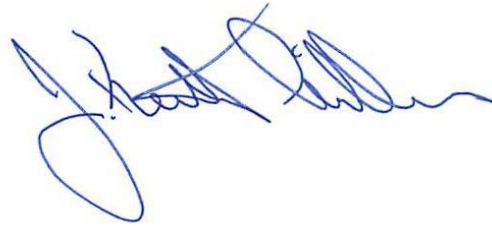
Adjournment

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Matt Dias", with a stylized flourish at the end.

Matthew Dias
Executive Officer

ATTEST:

A handwritten signature in blue ink, appearing to read "Keith Gilles", with a large loop at the beginning and a flourish at the end.

Keith Gilles
Chair