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BOARD OF FORESTRY AND FIRE PROTECTION
Meeting Minutes

Fresno, CA
October 1, 2015

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gillless, Chair
Rich Wade
Mike Miles
Stuart Farber
Mary Rickert
Susan Husari
Mark Andre
Kim Rodrigues

BOARD OF FORESTRY MEMBERS ABSENT:

BOARD STAFF:

Matthew Dias, Acting Executive Officer
Thembi Borrás, Regulations Coordinator
Edith Hannigan, Analyst
Kevin Conway, Forester I
Linda Cano, Executive Assistant
Laura Alarcon-Stalians, Staff Services Analyst
Stephen Lerner, Esq., Board Counsel

DEPARTMENTAL STAFF:

Ken Pimlott, Director Cal Fire
Janet Barentson, Chief Deputy Director,
Janet Upton, Deputy Director, Communications
Duane Shintaku, Deputy Director, Resource Management
Dennis Hall, Assistant Deputy Director, Forest Practice
Matthew Reischman, Staff Chief Forest Practice
Bill Solinsky, Forester III THP Administration
Dave Loveless, State Forests Program Manager
John Ramaley, Cascade, Sierra & Southern Regions Forest
Practice Manager
Dan Craig, Forester II Forest Practice Project Review Coordinator
Nick Kent, LNU Forester II
Kevin Kiniery, Forester I

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

Executive Session: (Closed to the Public) Discussion of Matters Related to Foresters Licensing such as Certifications; Voluntary Relinquishments; and/or Revocations of RPF Licenses/CRM Certifications Under Section 11126 (c)(1), (c)(2), (c)(3) of the Government Code; Employee Evaluation Under 11126 (a)(1); also Discussion of Pending and Potential Litigation Under Section 11126 (e) of the Government Code. (The Executive Session may be reconvened if determined necessary.) The Board will review:

- a. Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3rd District), Case No. C076957
- b. Rancho Guejito Corp. v. Board of Forestry and Fire Protection, San Diego County Superior Court, Case No. 27-2014-00027683
- c. White v. Pimlott, et al., Court of Appeals (3rd District), Case No. A141475
- d. White v. Walters, et al., Court of Appeals (3rd District), Case No. A142886

Approval of Minutes from August 2015 Meeting

**10-15-01 Member Andre moved to approve August minutes with minor edits.
Member Farber seconded the motion.**

Roll Call

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

The motion passed unanimously.

MONTHLY BOARD REPORTS

Report of the Chairman.

a) Update Regarding Procedures and Process for Permanent Replacement of Board's Executive Officer

Chair Gilless and Vice Chair Andre will represent the Board on the search committee for replacement of the BOF Executive Officer position. Others persons for the search committee will be brought forward in the near future.

Report of the Director/Department, Ken Pimlott

- Thanked the Board, Board staff, Cal Fire Region and Unit staff for Fresno field tour held on September 30 looking at drought mortality. He will be presenting some of the issues that were learned and discussed during the tour to the Administration in the near future.
- Fire Activity: 5,496 fires on State Responsibility Area, which is 1,600 fires above the 5 year average with 305,000 acres burned compared to 106,000 acres over a 5 year average.
- To date the Butte Fire is 96% contained, 70,868 acres burned, 921 structures lost, with 2 fatalities. It is the 7th most damaging fire in California's history.
- Valley Fire is 97% contained, 76,067 acres burned, 1,958 structures lost with 4 fatalities. It is the 3rd most damaging fire in California's history.
- Reported on the fire devastation in the Cobb and Middletown communities.

- California hosted the National Association of State Foresters annual meeting in Squaw Valley. They discussed forest policy fire issues with their state and federal partners across the country.
- Duane Shintaku will be retiring at the end of 2015.
- Keith Larkin, Northern Region Chief will be retiring at the end of 2015.

Nick Kent, Sonoma-Lake-Napa Unit, Provided a PowerPoint presentation and slide show on Boggs Mountain Demonstration State Forest. The slide show focused upon the impacts of the Valley Fire on Boggs Mountain Demonstration State Forest., while the presentation focused upon the development of a reforestation and rehabilitation plan for the State Forest.

Public Comment:

Bill Condon, Department of Fish and Wildlife - commented on an inter-joint policy with Cal Fire on Pre, During and Post Fire Activities. DFW will reach out to Cal Fire on the proper roles and responsibilities identified in the inter-joint policy. Regional managers, Scott Wilson, Region 3, Yountville and Tina Bartlett, Region 2, Rancho Cordova, will be assigning staff members to help with the post fire assessments, specifically watercourse assessment, assessment of listed species, code section 1600 permitting related to streambed alteration, and to help develop broad recommendations to be implemented in restoration efforts.

Report of the Regulations Coordinator. The Board’s Regulations Coordinator reported on ongoing regulatory matters including the following:

- a) Reviewed and discussed Public Comment received in response to 15-Day Notice for the Supplemental Statement of Reasons for the Working Forest Management Plan. **No action taken.**

Public Comment:

Alan Levine, Coast Action Group, commented that he does not feel the rule package is ready to move forward.

- b) Discussed the Final Statement of Reasons for the Working Forest Management Plan.

10-15-04 Member Andre moved to appoint Member Farber to review Final Statement of Reasons for the Working Forest Management Plan.

Roll Call

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

The motion passed with one abstention and one Board member absent from vote.

Report of Executive Officer. The Board’s Executive Officer reported on ongoing administrative matters, proposed state or federal legislation or programs, or new items coming before the Board.

- Discussed participation in Humboldt State University field tour with incoming University President and Dean of Natural Resources to relay the message of the importance of the Forestry Department.
- Discussed the Public Records Act requests that Board staff and counsel are addressing.

- Discussed potential plans to revisit Boggs Mountain Demonstration State Forest in spring/summer of 2016.

Report of Standing Committees: Committee Chairpersons reported upon actionable items or discussion that occurred in each of the Committee meetings.

Forest Practice Committee, Mike Miles, Chair

Cumulative Impacts Analysis Technical Rule Addendum #2

- a. Presentation on AB 1504 process, Mark Rosenberg, GIS Analyst, FRAP

Resource Protection, Sue Husari, Committee Member

San Bernardino 4290 Certification Request

Safety Element Reviews

- a. Mono County
- b. Stanislaus County

SRA Grant Regulation

Management Committee, Mark Andre, Committee member

Issues Related to Timberland Conversion

- a. CAL FIRE Report on small non-TPZ subdivision parcels
- b. Boles Fire, Emergency Procedures

Report of Board's Advisory Committees

- Forest Pest Council- No report offered
- Monitoring Study Group- Report deferred until October meeting
- Effectiveness Monitoring Committee- Stuart Farber
 - a) Introduction and Review of Strategic Plan

10-15-06 Member Rodrigues moved to postpone action to continue discussion. Member Miles seconded the motion.

Roll Call

Wade	No
Husari	No
Miles	No
Farber	Abstain
Rodrigues	Aye
Andre	Aye

The Motion failed 3 to 2 with one abstention and two Board members absent.

10-15-07 Member Farber moved to approve Strategic Plan with an update in one year. Member Wade seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Miles	No
Farber	Abstain
Rodrigues	No
Andre	Aye

The motion passed 3 to 2 with one abstention and two Board members absent from the vote.

Public Comment:

Bill Condon, Department of Fish and Wildlife, commented the process is consensus driven, that the Strategic Plan is a living document and if someone were to put together a sound proposal, completed a good literature review with appropriate context, the committee would support such a concept.

Scope of the EMC, a good study design could help define the group.

Richard Geinger, member of the public, concerned that committee actions will be predetermined, and that relative effectiveness and rules changes will be considered before they reach the Board. Also concerned with how cumulative effects issues are handled and how the opportunity for public to be engaged to addressing issues.

- Range Management Advisory Committee- Kevin Conway
- Professional Foresters Examining Committee –Matt Dias

10-15-08 Member Farber moved to approve Otto VanEmerik as Chair and Kim Rodrigues as Vice Chair of the Professional Foresters Examining Committee. Member Husari seconded the motion.

Roll Call

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

The motion passed with two members absent.

SPECIAL BOARD HEARINGS/REPORTS

Draft Vegetation Treatment Program EIR Workshop/Consultation Summary. Discussion, led by Kristin Peer, Deputy Attorney General, of the Workshop/Consultation and consideration of publishing a Notice of Preparation and scheduling a future scoping meeting occurred.

10-15-02 Member Gilless moved to approve revised Notice of Preparation, deleting paragraph four. Member Husari seconded.

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	No
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Gilless	Aye

The motion passed 7 to 1.

10-15-03 **Member Gilless moved to re-open public scoping with a 30 day Notice of Preparation. Member Andre seconded the motion.**

Roll Call

Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	No
Rickert	Aye
Rodrigues	Aye
Gilless	Aye

The motion passed 7 to 1.

Update on AB1492 Timber Regulation and Forest Restoration Program. Russ Henly, Assistant Secretary of Forest Resources Management, California Natural Resources Agency.

This presentation was deferred to the October 2015 Meeting.

Presentation: Fuel Hazard Reduction Permitting Options and Preliminary Monitoring -Matthew Reischman, Staff Chief, Forest Practice, CAL FIRE and Gary Rynearson, California Forestry Association.

Presentation: Biomass – Challenges, Markets, Supply, Infrastructure and Policy – Larry Swan, Wood Utilization and Biomass Specialist, Region V, USFS.

Initial Hearing: “Rule Alignment, 2015”. As new language is amended into, outdated language is repealed from, or language is updated in the Board’s comprehensive assemblage of forest practice regulations, inconsistencies, errors, and omissions are sometimes introduced. Additionally, updating rules to be consistent with statute sometimes falls behind. The purpose of the proposed action is attaining consistency and clarity of Board regulations.

Amend: 14 CCR, Division 1.5, Chapter 4, Subchapter 1, Article 1, Subchapter 4, Article 6, 7, 14; Subchapter 5, Article 7, 12; Subchapter 6, Article 7, 14; Subchapter 7, Article 2, 6.8, 7 §§ 895.1, 916.9, 917.2, 937.2, 957.2, 937.3, 957.3, 929.1, 949.1, 969.1, 1038, 1039.1, 1041, 1052.1, 1092.01, 1092.26, 1092.28, and 1109.4.

10-15-05 **Member Miles moved to adopt the rule text as noticed in the 45-Day Notice for the regulation entitled, “Rule Alignment, 2015”. Member Rickert seconded the motion.**

Roll Call

Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Andre	Aye

The motion passed with one member absent from the vote.

CONCLUSION

Public Forum

Richard Gienger, member of the public, reported on field trip to Stanley Creek dealing with sediment and erosion control. The highlights of the trip including: tens of thousands of cubic yards piled behind a crossing on a tributary that Department of Fish and Wildlife recognize as a restorable steelhead habitat, it's a restorable stream per forest practice rules. Could it be dealt with in a harvest plan? Timber Regulation and Forest Restoration Program could try to cover situations where there are buried streams that are restorable but the cost is high. He suggested getting some kind of provision or at least putting them out to bid. There are a lot of legacy impacts that are like that.

New and Unfinished Business.

Adjournment.

Respectfully submitted,

ATTEST:



Matthew Dias
Acting Executive Officer



Keith Gilles
Chair

Copies of the attendance sheets can be obtained from the Board Office.