

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

Bishop, CA
July 19, 2018

BOARD OF FORESTRY MEMBERS PRESENT:

Mark Andre, Vice Chair
Rich Wade
Susan Husari
Chris Chase
Katie Delbar
Mike Jani

BOARD MEMBERS ABSENT:

J. Keith Gillless, Chair
Mark Los Huertos
Darcy Wheelles

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Licensing Officer
Edith Hannigan, Land Use Planning Program Manager
Eric Hedge, Regulations Coordinator
Conner Pompa, Forestry Assistant II
Laura Alarcon-Stalians, AGPA
Linda Cano, Executive Assistant
Jeff Slaton, Board Counsel

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Tom Porter, Southern Region Chief
Helge Eng, Deputy Director, Resource Management
Dennis Hall, Assistant Deputy Director, Forest Practice
Bill Solinsky, Forester III, THP Administration
Glenn Barley, San Bernardino Unit Chief
Dan Johnson, Southern Region Assistant Chief
Eric Huff, Staff Chief, Forest Practice Program

Announcement of Actions Taken in Executive Session

- The Board discussed the items on the agenda; there were no reportable actions taken.

Approval of June 2018 Board Meeting Minutes

- Board consideration of the June Minutes was deferred until the July meeting.

MONTHLY BOARD REPORTS

Report of the Vice Chair, Mark Andre

Vice Chair Andre thanked the field trip hosts, San Bernardino Unit (BDU) Chief Glenn Barley; Rancher Mark Lacey; BDU Division Chief Paul Melendrez; Henry Herrera, BDU Unit Forester; Jon Becknell, Air Quality Specialist II Great Basin Unified Air Pollution Control District; Dave Martin Manager of Watershed Resources, John Hays and Ron Tucker, City of Los Angeles Department of Water and Power. He thanked Edith Hannigan for coordinating the field tour and Board staff for their efforts in coordinating the Board meeting. He offered condolences on behalf of the Board on the loss of Heavy Equipment Operator Braden Varney with the Madera-Mariposa-Merced Unit.

The Vice Chair invited Mr. Dell Schmitt to the podium. Mr. Schmitt is a local fire chief in the Bishop area. He described the successful prescribed burning program they have and the tools they utilize to manage these burns throughout the area.

Report by Dale Schmidt, Chief of Paradise Fire

Chief Schmidt was in attendance of the Board meeting and was asked to address the Board. He provided updates on the history of prescribed fire, as well as wildfires, in the Owens Valley area. He discussed past and current successes, current challenges, and the benefits of an active prescribed fire program. He spoke on the collaboration with CAL FIRE and local landowners on projects that he was responsible for overseeing over his career in fire service within the Owens Valley area.

Report of the Director/Department Ken Pimlott

The Director thanked Vice Chair Andre and the Board for their condolences on the loss of CAL FIRE Heavy Equipment Operator Braden Varney, who was killed in an accident while working on the Carr Fire. The Director stated that he is proud of the Unit and Chief Glenn Barley for hosting the Board's July meeting. It gives the department and Board a chance to see some of the unique issues and learn of the resource concerns they face in their area.

Fire Activity

- The department is at peak staffing statewide.
- Since January 1, 2018, over 250,000 acres and 3,200 fires have burned on State Responsible Areas.
- Demand is increasing for Call When Needed aircraft due to fire activity. As a result, CAL FIRE worked with the Department of Finance to enter into three Exclusive Use contracts for Large and Very Large Air Tankers for the remainder of the fire season.

CAL FIRE Succession

- Shawn Newman was appointed to Unit Chief, Riverside Unit. San Benito-Monterey Unit Chief, Brennan Blue, retired at the end of June with Mark Edria holding the Acting Unit Chief position until the position is filled permanently.

Budget

- Full funding for replacement of all 12 of CAL FIRE's helicopters with the S70i Sikorsky Blackhawk helicopter has been approved. The order was placed for the first airframe last fiscal year. Four more are in the process of being ordered for the 2018/2019 fiscal year, four more purchases are being processed for the 2019/2020 fiscal year and the last three will be ordered for the 2020/2021 fiscal year. Over the next four to five years the department will be folding the aircraft into the department, hiring additional pilots, and putting new operating procedures in place. The helicopters will be capable of night flying which will require additional pilots at designated facilities.

Cap and Trade

- With the July 1, 2018 budget, \$170 million has been appropriated to CAL FIRE for Cap and Trade/California Climate Investment (CCI) funds. Funding will go towards forest health, fire prevention and fuels treatment grants, and augmenting defensible space inspectors. Within this allocation there is a \$10 million expenditure specifically allocated towards fire prevention/defensible space inspections and public education.
- A portion of the CCI funding will support key elements in the Forest Carbon Plan, which includes achieving increased levels of prescribed fire and other vegetation treatment projects. This will be accomplished through the development of 6 department crews dedicated to year-round fuels reduction and prescribed fire work. Crews will not be assigned to individual Units, but will be strategically placed throughout the state in locations that will most effectively allow these crews to achieve vegetation management goals of the department.

Forest Management Task Force

- The Task Force is currently being led by Terry O'Brien, Senior Advisory to the Governor on Forest Management. Assistance in leadership of the task force will be provided by the department and the Sierra Nevada Conservancy.
- Next meeting will occur on August 13, 2018, with the focus on the meeting being on establishing the various working groups that will serve under the Task Force.

Fire Prevention Goals

- The Director participated in some fire prevention activities with partners to get a feel for how it's working and learn about what some of the challenges are. During the last fiscal year, the department has completed 19,000 acres of prescribed burns out of their 20,000-acre goal, which is well ahead of where they were last year. Other fuels reduction projects in terms of acres, and the number of defensible space inspections were fewer when compared to years past. The lack of personnel to conduct these inspections and other types of fuels reduction projects due to fall fire sieges was a significant challenge to overcome.

Legislation

- There are a number of bills moving through the legislature this year that may affect the department. SB 1260 (Jackson) is attempting addresses how the state handles prescribed fire liability. This is a difficult problem to address and department realizes that flexibility and relief of liability is important, but at the same time it is not appropriate for the state to wholly absorb all issues of liability for prescribed fire activities. Additionally, the department is advocating for coordination of prescribed burning on state and private lands through the Vegetation Management Program and development of a centralized online system of issuance of burn permits, rather than using the current paper system.

Strategic Plan

- The Department is in the process of updating the 5-year Strategic Plan. Chief Tom Porter has been leading the effort to reach out to stakeholders to build the plan.

Report of the Executive Officer, Matt Dias:

- Announced that the 2018 Strategic Fire Plan is still under review and will be brought to the Board in draft form at the August Board meeting.
- It was stated that the Boggs Mountain Demonstration State Forest Management Plan and the supporting Initial Study/Negative Declaration is currently out for public comment. All public comments received will be made available at the August Board meeting, at which time the Board will have the opportunity to consider those comments.
- The Board was updated on the recently allocated \$750,000 to create a Joint Institute for Innovative Wood Products and indicated that Board staff is in discussions with Chair Gilless on how to move forward with the contracting process in order to move this project forward. Embedded within the new funding allocation are resources for an Associate Governmental Program Analyst position with the Board. Board staff is currently moving forward on getting the position filled.
- The Board has a vacant Forester III position and will be in the process of getting it filled within the next few months.
- A legislative update was provided and it was indicated that Board staff continues to respond to requests for assistance on questions and board authority on land use planning and forest management.
- It was announced that Governor Brown has appointed Terry O'Brian as Senior Advisor for Forest Management.

Report of the Regulations Coordinator, Eric Hedge

- An overview of the Board's Rulemaking matrix was provided.

Report of the Standing Committees:

Forest Practice Committee

Committee Chair Wade reported on the following matters:

- Provided an update on the status of the required report to Legislature on Exemptions and Emergency Notices; and
- Discussed the committee progress on the development of a problem statement for the Northern Spotted Owl and the committee review of a No Take Guidelines offered by Ken Hoffman; and
- Provided a report on the committee review of the April 26, 2018 Department of Interior Memo discussion interpretations of "take" under the Federal Endangered Species Act; and
- Discussed the necessity of further revision of the Forest Practice Rules and Value of Board's Authorized 45 Day Rule Text for the definition of "Activity Center".

07-18-01 Member Wade moved to authorize a board sub-committee, consisting of Members Wade and Jani, to work with board staff to prepare a letter requesting clarification from the US Fish and Wildlife Service regarding how the interpretation of "take" as provided in the Department of Interior memo dated April 26, 2018 effects Northern Spotted Owl conservation through the THP or NTMP process. Member Delbar second the motion.

Roll Call Vote:

Wade	Aye
Husari	Aye
Jani	Aye

Delbar	Aye
Chase	Aye
Andre	Aye
Wheeles	Absent
Los Huertos	Absent
Gilless	Absent

The motion carried unanimously with 3 members absent.

07-18-02 **Member Wade moved to rescind the authorization of a 45-day notice for rule text entitled “Northern Spotted Owl Activity Centers, 2013.” Member Jani seconded the motion.**

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

Management Committee, Chris Chase, Committee Member

Committee Chair Andre reported on the following matters:

- Provided an update on the review Board Policy 0350 – 0350.10 as they pertain to the State Demonstration Forests; and
- Provided an update on the development staff recommended revisions to State Forest Regulations 14 CCR §§ 1400 – 1521; and
- Discussed potential updates to the Nonindustrial Timber Management Plan (NTMP pursuant to 14 CCR § 1090 et seq.)

Agency Comment:

Helge Eng, Deputy Director, Resource Management, commented that CAL FIRE is in support the direction the Board has decided to take on the policy direction for the Demonstration State Forests, but does support the utilization of Mean Annual Increment In lieu of Maximum Sustained Production in 0351.4 D. and supports the 10-year interim between management plan updates.

07-18-03 **Member Chase moved to adopt the revised Board Policies 0351-0351.10 regarding State Demonstration Forests. Member Andre seconded.**

Roll Call Vote:

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Chase	Aye
Andre	Aye

Wheeles Absent
Los Huertos Absent
Gilless Absent

The motion carried unanimously with 3 members absent.

Resource Protection, Susan Husari, Chair

Committee Chair Husari reported on the following matters:

- Provided updates on the 14 CCR § 1270 Fire Safe Regulations – Rule Text, 45 Day Notice, ISOR
- Due to low committee member attendance, the review of Board Policies on Fire Protection and Land Use planning, as well as discussion on pending legislation, did not occur.
- Edith Hannigan, Board staff, provided an update on the submitted Safety Elements for review by the Board.

Public Comment:

Kevin O’Meara, CAL FIRE Local 2881, states the proposed rule language cleans up the regulations and provides more clarity.

07-18-04 Member Husari moved to approve the Initial Statement of Reasons and authorize a 45-day for the regulations entitled “SRA Fire Safe Regulations, 2020.” Member Jani second the motion.

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

Report of Board’s Advisory Committees

Effectiveness Monitoring Committee (EMC) – Co-Chair, Susan Husari

A brief update on the latest EMC meeting, including discussion of pending revision of the EMC Strategic Plan was provided.

Range Management Advisory Committee – Edith Hannigan, Land Use Planning Program Manager

Professional Foresters Examining Committee (PFEC) – Dan Stapleton, Executive Officer, Forester Licensing

- The findings of the grading efforts of the April 2018 Registered Professional Forester and Certified Rangeland Manager exams were introduced. The Board considered issuance of RPF licenses and CRM certifications.
- Program vital statics, including requested withdrawals, and an update on the the current license renewal process was provided.

- The nominations of Frank Mulhair and James Hawkins as potential members to the PFEC were provided to the Board.

07-18-05 Member Wade moved to certify the grading of the April 2018 Registered Professional Forester exams and to issue licenses to the following individuals:

- Michael Hoe – RPF No. 3058
- Ryan Wimmer – RPF No. 3060
- Rober Aguero – RPF No. 3062
- Dennis Webb – RPF No. 3064
- Richard “Kyle” Keller – RPF No. 3066
- Christopher Henderson – RPF No 3068
- Elliot Vander Kolk – RPF No. 3059
- Rita Rustad – RPF No. 3061
- Connor Goldstein – RPF No. 3063
- James Woodside – RPF No. 3065
- Michael Esposito – RPF No. 3067

Member Chase second the motion.

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

07-18-06 Member Delbar moved to certify the April 2018 grading results of the Certified Rangeland Manager exams and issue certifications to the following individuals:

- Fadzayi Mashiri - CRM No. 118
- Todd Golder - CRM No. 119
- Kendra Moseley - CRM No. 120

Member Husari second the motion.

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

07-18-07 Member Wade moved to accept the license withdrawals requested. Member Jani second the motion.

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

07-18-08 **Member Husari moved to appoint Frank Mulhair and Jim Hawkins to the Professional Forester’s Examining Committee for terms of four years. Member Chase seconded the motion.**

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

SPECIAL BOARD HEARINGS/REPORTS

15 Day Hearing: Cumulative Impacts Assessment Checklist, Technical Rule Addendum No. 2 and Appendix Amendments.

- Eric Hedge, Regulations Coordinator, opened the Hearing and provided the Board an overview of written comment received during the 15-day comment period. Vice Chair Andre opened the floor to public comment.

Public Comment:

Cedric Twight, Sierra Pacific Industries, encouraged the Board to move forward with the proposed rule text.

No action was taken by the Board. The Board directed staff to prepare a Final Statement of Reasons for consideration of the Board at the August Board Meeting.

Initial Hearing: Exemption Amendments, 2018.

- Eric Hedge, Regulations Coordinator, opened the Hearing and provided the Board an overview of written comment received during the 45-day comment period. Vice Chair Andre opened the floor to public comment.

Agency Comment:

Eric Huff, Staff Chief, Forest Practice Program, CAL FIRE supports the adoption of the rule making with language revisions noted in the department's comment letter that was recently submitted to the Board.

07-18-09 **Member Husari moved to accept the language offered by CAL FIRE and publish a 15-day notice reflecting the changes to the proposed regulatory text in Exemption Amendments, 2018. Member Jani second the motion.**

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

Initial Hearing: Timberland Conversion Amendments, 2018.

- Eric Hedge, Regulations Coordinator, opened the Hearing and provided the Board an overview of written comment received during the 45-day comment period. The Regulations Coordinator also introduced a DRAFT Final Statement of Reasons for Board consideration. Vice Chair Andre opened the floor to public comment. No public comment was offered.

07-18-10 **Member Chase moved to approve the Final Statement of Reasons with additional clarification of language regarding use of the terms “Unpermitted Timberland Conversion” versus “Timberland Conversion”. Member Wade second the motion.**

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

07-18-11 **Member Jani moved to adopt the proposed rule text entitled “Timberland Conversion Amendments, 2018.” Member Delbar second the motion.**

Roll Call Vote:

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

The motion carried unanimously with 3 members absent.

CONCLUSION

Public Forum

No public comment was offered.

Adjournment

Respectfully submitted,

ATTEST:

Matthew Dias
Executive Officer

Keith Gilless
Chair