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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
August 22, 2018

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gilles, Chairman
Mark Andre, Vice Chair
Rich Wade
Susan Husari
Chris Chase
Katie Delbar
Mike Jani
Mark Los Huertos
Darcy Wheelles

BOARD MEMBERS ABSENT:

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Licensing Officer
Edith Hannigan, Land Use Planning Program Manager
Eric Hedge, Regulations Coordinator
Laura Alarcon-Stalians, AGPA
Linda Cano, Executive Assistant
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, Forest Practice
Bill Solinsky, Forester III, THP Administration
Eric Huff, Staff Chief, Forest Practice Program
Daniel Berlant, Assistant Deputy Director, Planning and Risk Analysis
Heather Williams, Information Officer
Stewart McMorrow, Deputy Chief Forestry Assistance Programs
Jamie Sammut, Staff Counsel, CAL FIRE

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-17-28A Vue, Deng “Chris” with modifications.

Approval of the June 2018 Board Meeting Minutes

08-18-01 **Chair Gilless moved to approve the June 2018 Board Meeting Minutes. Member Chase seconded the motion.**

Roll Call Vote:

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

The motion carried with two abstentions and one member absent.

MONTHLY BOARD REPORTS

Report of the Chair, Dr. Keith Gilless

The Chair spoke on the following matters:

The Chair expressed condolences on behalf of himself, and the Board, to the communities affected by the recent and ongoing wildland fires. He thanked the firefighters for their continued efforts and condolences on losses. He shared that the Board understands the challenges that are faced and hopes to be a part of finding solutions to the challenges being faced by the all. He expressed appreciation in the interest of the Legislature and the Administration in addressing concerns that have been expressed by stakeholders across the state.

Report of the Director, Ken Pimlott

The Director presented on the following matters:

The Director thanked Chair Gilless and Board for their thoughts and comments on the wildland fires that have occurred in recent months.

Fire Activity

- The department is seeing an increased number of larger fires and this year these conflagrations are occurring earlier in the season.
- The department attended a tour of the Carr Fire held by the Federal Interior, Agriculture, and Homeland Security Secretaries. It was a good opportunity to showcase how the department and their cooperators within California execute emergency response and discuss the challenges that are faced during wildland fire suppression efforts.

Succession

- Shawn Newman was appointed Unit Chief of the Riverside Unit.

- Dave Fulcher was appointed Unit Chief of the San Benito-Monterey Unit. His appointment will become effective September 1.

Conference Committee

- Governor's proposed legislation. Have testified several times providing information on fire prevention and fuels treatment and fire response.

Forest Health Task Force

- Under leadership of the Administration the Task Force is coordinating activities to investigate ways in which to leverage funding, policies and regulatory oversight of various state agencies in ways that will assist in achieving new levels of efficiencies in forest management activities within the state. Department staff, Kevin Conway, is providing assistance in managing the logistics of the Task Force.

Helicopter Procurement

- CAL FIRE staff visited Poland to discuss the logistics of helicopter procurement.
- One Blackhawk airframe is being manufactured in Poland and will be in transit soon. The expected deployment of this aircraft is planned for mid-2019. There are three additional helicopters in production and planned for delivery within the next several years.

C-130 Aircraft

- Through the Defense Authorization Act, 2019 and the advocacy of Senator Diane Feinstein the state will be acquiring seven C-130 aircraft. The aircraft will be retrofitted as airtankers and will be integrated into CAL FIRE's aviation program. This will be a time-consuming process, but the aircraft will significantly augment the departments aviation capacity in years to come.

Draft Strategic Plan

- Continued work on the departments Draft Strategic Plan is ongoing. The plan is in final review with the goal for completion within the coming months.

2018 Climate Grants

- Initiating the 2018 Climate Grants for both Fire Prevention and Forest Health, the goal is to get them out by the beginning of next year.

FRAP Forest and Range Assessment 2017

- The 2017 Forest and Range Assessment has been completed and has been published on the FRAP website.

Report of Executive Officer, Matt Dias:

Executive Officer Dias reported on the following matters:

- Provided a legislative update on current bills that may affect the Board's programs and reported out that Board staff continues to respond to requests by the administration and legislature on land use planning, prescribed fire, and forest management matters.
- It was reported that Brandi Goss was hired to fill the vacant Environmental Scientist position within Board staff. Her start date is August 31.
- Addressed future Board consideration of adoption of emergency regulations to facilitate post-fire recovery within the Counties of Mendocino, Lake, and Shasta. Board staff is in contact with the Shasta Unit to determine the best time to potentially implement the emergency regulations to support rebuilding efforts subsequent to the recent and extreme wildland fire activity.
- The Board reviewed the comment letter submitted by the Central Valley Regional Water Quality Control Board and discussed and considered the certification of the Initial Study/Negative

Declaration and the approval of the DRAFT Management Plan for Boggs Mountain Demonstration State Forest.

- It was reported that with the recent publication of the 2017 FRAP assessment that the Board will have to move forward on the adoption of a strategic policy statement based upon the findings of the FRAP assessment. This is a statutory requirement. It is likely that the Board's policy findings will be built upon the Indicators in the 2017 FRAP Assessment.
- The Executive Officer introduced the FINAL DRAFT of the 2018 Strategic Fire Plan. Upon introduction, it was recommended that the Board approve the DRAFT Plan. Member Husari supported the recommendation.
- Stewart McMorrow, CAL FIRE Deputy Chief of Forestry Assistance Programs, provided the Board an introduction on the DRAFT Board Resolution supporting Pacific Union College Conservation Easement.

Public Comment:

Neil Fisher, Pacific Gas and Electric, testified that PG & E generally supports the DRAFT Strategic Fire Plan, but did mention that there are a few provisions that the utility does not wholly agree with.

08-18-02 Member Andre moved to certify the Initial Study/Negative Declaration for the Boggs Mountain Demonstration State Forest Management Plan. Member Chase seconded the motion.

Roll Call Vote:

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

The motion carried unanimously.

08-18-03 Member Andre moved to approve the Management Plan for Boggs. Member Chase seconded the motion.

Roll Call Vote:

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

The motion carried unanimously.

08-18-04 Chair Gillless moved to approve the Board Resolution supporting Pacific Union College Conservation Easement. Member Andre seconded.

Roll Call Vote:

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Los Huertos	Aye
Chase	Aye
Gillless	Aye

The motion carried unanimously.

08-18 05 Chair Gillless moved to approve the DRAFT 2018 Strategic Fire Plan. Member Wheeles seconded the motion.

Roll Call Vote:

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Los Huertos	Aye
Chase	Aye
Gillless	Aye

The motion carried unanimously.

Report of the Regulations Coordinator:

Regulations Coordinator, Eric Hedge, reported on the following matters:

- Reviewed the Board Rulemaking Matrix.
- Provided an introduction of the DRAFT Final Statement of Reasons and Draft Regulatory text for Cumulative Impacts Assessment Checklist, Technical Rule Addendum No. 2 and Appendix Amendments was provided. It was clarified that all Hearings on this rulemaking had been completed and the recommendation was to approve the Final Statement of Reasons and to adopt the draft regulatory text. Member Wheeles indicated that there is still additional work to be completed on Technical Rule Addendum No. 2 and would like staff to report back when that work could be initiated.
- The matter of the DRAFT Initial Statement of Reasons and DRAFT regulatory text for State Forest Regulations, 2018 was deferred until the September 2018 Board Meeting.

08-18-06 **Member Andre moved to approve the Final Statement of Reasons for Cumulative Impacts Assessment Checklist Technical Rule Addendum No. 2 and Appendix Amendments. Member Wade seconded the motion.**

Roll Call Vote:

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

The motion carried unanimously.

08-18-07 **Member Andre moved to adopt the Regulatory Text for the Cumulative Impacts Assessment Checklist, Technical Rule Addendum No. 2 and Appendix Amendments. Member Wade seconded the motion.**

Roll Call Vote:

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

The motion carried unanimously.

Report of the Standing Committees:

Forest Practice Committee

Committee Chair Wade reported on the following matters:

- Reporting to Legislature on Exemptions and Emergency Notices as required in Public Resources Code § 4589
- Northern Spotted Owl
 - Discussed the Board correspondence to the USFWS requesting clarification in response to the interpretation of “take” as outlined in the Department of Interior memo dated April 26, 2018; and
 - Discussed past utilization by landowners of the existing Forest Practice Rules that apply to Northern Spotted Owl and the potential need for updating; and
 - Discussed the concept of Technical Rule Addendum Number 6 and the information provided by the department to assist in the potential update of a Technical Rule Addendum; and
- Discussed further Forest Practice Committee assignments based upon the 2018 Committee Priorities. It was reported that the committee will start to investigate the limitation of heavy equipment in Watercourse and Lake Protection Zones, and if the limitation is appropriately applied to feller bunchers.

Public Comment:

Sara Jones, California Licensed Foresters Association, Expressed appreciation that she is discussing the subject of allowing harvesting equipment within watercourse and lake protection zones. Allowing feller bunchers on a limited basis within these areas to remove fuels such as brush and small to mid-size trees would be an improvement to current regulations. These machines can enter watercourse zones at a perpendicular angle and cut and bundle fuels, swing 180 degrees and deposit the fuels on the outside of the watercourse for removal and treatment of an effective 500 square feet in one pass. Once cutting and removal is done the feller buncher can back out of the zone with minimal soil disturbance. She thanked the Board for the opportunity to address this issue and for their consideration in this operation and are willing to provide further feedback and fieldtrips.

Management Committee

Committee Chair Andre reported on the following matters:

- Discussed potential updates to the Nonindustrial Timber Management Plan, which may include updating of mapping standards for consistency with Working Forest Management regulations and potentially additional clarification of use of exemptions within the boundaries of an approved Nonindustrial Timber Management Plan; and
- The Chair indicated that Working Forest Management Plan regulations were reviewed considering the decision rendered by the County of Alameda Superior Court; and
- Updated the Board on the ongoing review and update of Board Policy 0353 – 0353.5 that guide the CAL FIRE Nursery Program.

Resource Protection

Committee Chair Husari reported on the following matters:

- Safety Element Review for the County of Santa Cruz; and
- Provided a Fire Protection Legislative update; and
- Reviewed Existing Board Fire Protection Policies; and
- Provided an SRA Fire Safe Regulations, 2020 Rulemaking update; and
- Provided an SRA Grant Guidelines Regulations update.

Report of Board's Advisory Committees**Effectiveness Monitoring Committee (EMC)**

Co-Chair Russ Henly reported on the following matters:

- It was stated that the EMC released a Call for Effectiveness Research and Monitoring Proposals on July 16, with a due date of September 7. The process of applying for funding of project has been streamlined to simplify workflow.
- EMC met on July 30, with the focus of the meeting on updating the Strategic Plan. The goal is to present the updated Strategic Plan to the Board at the September Board meeting.
- Next EMC meeting is September 18 at Blodgett Forest.
- The letters of interest and professional backgrounds of Dr. Emily Burns, Save the Redwoods League and Cliff Harvey, State Water Resources Board were introduced as pending appointments to the EMC.

08-18-08 **Chair Gillless moved to approve the appointments of Cliff Harvey, State Water Resources Control Board, and Dr. Emily Burns, PhD, Save the Redwoods League, to the Effectiveness Monitoring Committee. Member Jani seconded the motion.**

Roll Call Vote:

Wade	Aye
Husari	Aye
Jani	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Los Huertos	Aye
Chase	Aye
Gillless	Aye

The motion carried unanimously.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: Provided an update on the roll-out of CalTREES, the on-line timber harvest permitting system. Russ Henly, Assistant Secretary of Forest Resources Management, California Natural Resources Agency (CNRA); Regina Bell, Project Manager, CNRA; Dennis Hall, Assistant Deputy Director for Forest Practice, CAL FIRE; Dan Craig, Forest Practice Program Review Coordinator, CAL FIRE provided a presentation on the progress of CalTREE development and the timelines associated with CalTREES rollout for agency and public utilization.

Public Comment:

Richard Gienger, Forests Forever, online submission of comment stated that the CalTREES process should be integrated with the Watershed Pilot Projects moving forward. He also asked if there is going to be a GIS based portion that will collect data that will assist in cumulative impacts assessments? Also stated that integration of CalTREES should include the Effectiveness Monitoring Committee and other entities/programs to enable the reforms envisioned by AB 1492/Timber Regulation and Forest Restoration with public participation and transparency.

Susan Robinson, Ebbetts Pass Forest Watch, mentioned that she would like to see information/public education and outreach on how the system will be used and how it works.

Eric Carlson, Associated California Loggers, suggested there's an opportunity for introduction and training on the CalTREES system at several upcoming conferences before implementing the program in January.

Presentation: 2017 Pest Conditions Report and Update on the Forest Pest Council. Tom Smith, CAL FIRE Pest Management Specialist, and Bob Rynearson, Chair, Forest Pest Council

15-Day Hearing: Exemption Amendments, 2018.

- Eric Hedge, Regulations Coordinator, opened the Hearing and provided the Board an overview of written comment received during the 15-day comment period. The Regulations Coordinator also introduced a DRAFT Final Statement of Reasons for Board consideration. Chair Gillless opened the floor to public comment. No public comment was offered.

08-18-09 Chair Gilless moved to approve the Final Statement of Reasons for the Exemption Amendments, 2018. Member Husari seconded the motion.

Roll Call Vote:

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

The motion carried unanimously with one member absent.

08-18-10 Chair Gilless moved to adopt the Regulatory Text for the Exemption Amendments, 2018. Member Jani seconded the motion.

Roll Call Vote:

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

The motion carried unanimously with one member absent

CONCLUSION

Public Forum

Hank Rupp, Rancho Guejito, (this public comment was taken earlier in the meeting to accommodate the speaker) Hank Rupp testified to the experience that Rancho Guejito had with a Certified Rangeland Manager and how the experience affected the female employees and security officers of the ranch. He stated that Rancho Guejito has requested that good moral character standards be clarified in regulation. He stated that he was concerned that that actions of Board staff, the Board and the Professional Foresters Examining Committee not protecting the women of the state. The Board staff recommendations for revision to regulations deferred review of moral character standards to the Certified Rangeland Managers Panel, which is a corrupt organization. Requested that greater than the minimum requirements for good moral character be included in draft regulations.

Tiaga Takahashi, Latham & Watkins LLP, representing Rancho Guejito (this public comment was taken earlier in the meeting to accommodate the speaker) Requested Board leadership in folding in good moral character into the regulations for the certified specialties. Testimony was provided in a letter sent by the Board to Office of Administrative Law in response to the Hearing held as a result of a filed petition and that the letter was confusing in that he understood that rulemaking

was being considered by the PFEC. He stated that he feels that Rancho Gueijto concerns are being ignored.

Eric Carlson, Associated California Loggers, reported on a trip he made to Klamath region where prescribed burns and timber thinning was the topic being discussed. He spoke to the necessity of active forest management through mechanized means is important and that prescribed fire cannot be utilized in all locations. He also attended a steep slope equipment demonstration at Ice House.

Richard Gienger, Forests Forever, online submission, standards and incentives must be applied for truly healthy forests for future generations. Thinning and prescribed fire will treat symptoms. More is needed to ensure older larger fire resistant forests are present to support higher economic, environmental, and social value.

Member Sue Husari mentioned the release of Fire and Healthy Ecosystems was recently released. If anyone is interested in purchasing the newest version of the book please contact Matt Dias. This book covers most of the fire research that has been conducted since the last version of the book was published 10 years ago.

Adjournment

Respectfully submitted,

ATTEST:

Matthew Dias
Executive Officer

Keith Gilles
Chair