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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
January 23, 2019

BOARD OF FORESTRY MEMBERS:

Present:

J. Keith Gillless, Chairman	Darcey Wheelles
Mark Andre, Vice Chair	Sue Husari
Rich Wade	Mike Jani
Chris Chase	

Absent:

Marc Los Huertos	Katie Delbar
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BOARD STAFF:

Matthew Dias, Executive Officer	Laura Alarcon-Stalians, AGPA
Dan Stapleton, Licensing Officer	Linda Cano, Executive Assistant
Jeff Slaton, Board Counsel	Brandi Goss, Environmental Scientist
Edith Hannigan, Land Use Planning Program Manager	Katie Harrell, AGPA, Joint Institute for Wood Products Innovation

DEPARTMENTAL STAFF:

Thom Porter, Director	Eric Huff, Staff Chief - Forest Practice Program
Janet Barentson, Chief Deputy Director	Bill Solinski, Forester III - THP Administration
Helge Eng, Deputy Director - Resource Management	Stewart McMorrow, Deputy Chief - Forestry Assistance Programs
Matthew Reischman, Assistant Deputy Director	Dan Craig, Forester II - Forest Practice Project Review Coordinator
Dennis Hall, Assistant Deputy Director - Forest Practice	Pete Cafferata, Forester II - Forest Practice/Forest Hydrologist

NATURAL RESOURCES AGENCY:

Russ Henley, Assistant Secretary of Forest Resources Management

Announcement of Actions Taken in Executive Session

Board Counsel reported on the following matters:

The Board discussed the items on the agenda.

- Coast Action Group vs. California State Board of Forestry and Fire Protection (Case No. RG17860755)

The Board adopted the proposed Administrative Law Judge decision for:

- Civil Penalty CP-17- 52A Goodman; and
- Civil Penalty CP-17- 52B Warnow; and
- Civil Penalty CP-17-57 Visser; and
- Civil Penalty CP-17- 59 Ferrara; penalty amount was reduced to \$16,000.00

Consent Calendar Items:

01-19-01 Chairman Gillless moved to adopt the items on the Consent Calendar, excluding the December Meeting Minutes. Member Husari seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Jani	Aye
Wheeles	Aye
Andre	Abstained
Chase	Aye
Gillless	Aye
Delbar	Absent
LoI Huertos	Absent

The motion carried with 2 members absent and one abstention.

The December 2018 minutes will be deferred until the March 2019 Meeting.

MONTHLY BOARD REPORTS

Report of the Chairman, Dr. Keith Gillless

Chairman Gillless reported on the following matters:

Welcomed Director Thom Porter and congratulated him on his recent gubernatorial appointment as CAL FIRE Director.

Report of the Director, Thom Porter

Director Porter reported on the following matters:

Fire Statistics - 2018

- 1.8 million acres burned on Federal, State and Local land.

- 867,000 acres burned on State Responsibility Area, almost 4 times the 10-year average.
- Largest fire: Mendocino Complex
- Camp/Butte County: Most destructive and deadliest in California history.
- Carr Fire: Exhibited behavior and patterns that have never been seen.
- 23,000 structures destroyed and 1,400 damaged.
- 100 fatalities; 6 were emergency responders.

Director Porter shared a success story about how the Cranston Fire had reached and flanked the community of Idyllwild in Riverside County. As it reached a fuel break, it turned and missed the town. The fire would have destroyed the heart of Idyllwild had it not been for the fuel break. The fuel break has been in place for 20 years and was instrumental in saving the community.

Fuels Treatment Goals and Statistics

- Prescribed fire: Goal - 25,000 acres; 38% have been completed (9,500 acres burned)
- Fuels Reduction: Goal - 20,000 acres; 21% completed (4,200 acres)
- Defensible Space Inspections: Goal - 250,000 inspections; 38% completed (95,000 inspections)

Budget

CAL FIRE has been meeting with the Legislature and working through Budget Change Proposals (BCPs). Several of the proposals were worked on with Governor Brown's Administration and have carried over to Governor Newsom's Administration. The changes include:

- Enhanced Fire Protection Resources: \$95 million that will bring 223 positions to Fire Protection and enhance engine, bulldozer and fire crew staffing.
- Converting 5 additional CCC crews from Reimbursement Crews to fulltime, Type I Fire Crews.
- 13 new engines that will be staffed year-round. This will bring the engine count from 343 to 356.
- Development of a Health and Wellness Program; CAL FIRE is developing an internal program to help reduce the long- and short-term effects of deployments.

Legislation

- Senate Bill 901 will add to the Department's and Board's workloads. A BCP was submitted that will allow for additional positions to support the added workload. This includes \$35 million for Prescribed Fire; CAL FIRE is in the process of building 10 fuels crews that will be dedicated to the fuels mission and provide Initial Attack at the local level. Additionally, \$5 million of the \$165 million will go directly to CCC to support their fuel reduction projects, logistics, and support meetings. The remainder will go to Administrative costs and grants for larger fuel reduction projects.

- The Department is accepting grant proposals for projects that address fire prevention at the landscape level. The review process should be complete by the end of February and results will be announced in March.
- Executive Orders specific to CAL FIRE:

- Order #4 is a procurement sprint - a new type of procurement that looks for a solution to a problem. The Order requires CAL FIRE to lead a discussion with its partner agencies and collaboratively propose the first problem statement. The problem statement will include how to reduce the detrimental effects of wildfire. The process will look for innovative ideas to address the problem statement. The Director will provide updates in the coming months.
- Order #5 is a 45-Day call for a report from CAL FIRE to narrow down Tier IA areas. A Tier IA is an area that is adjacent to a wildfire vulnerable community. The intent is to identify projects that can be undertaken within close proximity of these areas to reduce the chance of another devastating wildfire. The report will be presented to the Governor on February 22; decisions on how to proceed beyond the initial report will be considered and may include an Executive Order or an Emergency Declaration.

Succession Planning

Thanked several retirees: Ken Pimlott, CAL FIRE; Dennis Matheson, State Fire Marshal; Russ Henly, Natural Resources Agency for their years of service.

- Dennis Brown appointed to Senior Aviation Officer - Aviation Management
- Mike Richwine, Acting State Fire Marshal
- James Hosler appointed to Assistant Deputy Director - Chief of Pipeline and CUPA Programs
- David Hawks appointed to Butte Unit Chief
- Bret Gouvea appointed to Shasta Trinity Unit Chief
- Brian Estes appointed to Nevada Yuba Placer Unit Chief
- Dan Johnson appointed to Southern Region Chief
- Nancy Koerperich appointed to Assistant Southern Region Chief

Public Comment

Virginia M online submission wrote: "How can local government/organizations provide input to the department with respects to priority projects in their locations?"

Director Porter responded to the public comment by stating that the projects the Department will be proposing have already been identified in Unit Fire Plans. Local Fire Chiefs or emergency service professionals should be in contact with the local Unit Chief or CAL FIRE.

Report of Executive Officer, Matt Dias:

Executive Officer Dias reported on the following matters:

- Brandi Goss, Environmental Scientist provided an update on the revisions made to the DRAFT 2018 Annual Report to the Legislature. The Board accepted the revision to the 2018 Annual Report and directed staff to file the Annual Report with the Legislature.
- Executive Officer Dias discussed Committee Priorities as revised by the Joint Committee; and
- Provided a Legislative update

Report of the Regulations Coordinator

Regulations Coordinator, Eric Hedge reported on the following matters:

a) Board Considered the Emergency Rulemaking to Facilitate Post-Fire Recovery Efforts within County of Butte, 2019

Public Comment

Gary Rynearson California Forestry Association, supports the passage of the Emergency action, it is consistent with AB 901.

01-19-02 Chairman Gilless moved to approve the Notice of Emergency Rulemaking to facilitate Post Fire Recover Efforts within Butte County with the understanding that staff may make minor or non-substantive changes as necessary. Member Wheelles seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Jani	Aye
Wheelles	Aye
Andre	Aye
Chase	Aye
Gilless	Aye
Delbar	Absent
Lol Huertos	Absent

The motion carried with 2 members absent.

01-19-03 Chairman Gilless moved to adopt the Rule Text for the Emergency Rulemaking to Facilitate Post Fire Recover Efforts within Butte County. Member Wheelles seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Jani	Aye
Wheelles	Aye
Andre	Aye
Chase	Aye
Gilless	Aye
Delbar	Absent
Lol Huertos	Absent

The motion carried with 2 members absent.

Report of Board’s Advisory Committees

a) Effectiveness Monitoring Committee – Co-Chairs Dr. Russ Henly and Sue Husari

The Board presented Dr. Henly with a Certificate of Appreciation for his years of service and dedication to the Effective Monitoring Committee.

b) Professional Foresters Examining Committee – Licensing Officer, Dan Stapleton
Announced the successful October 2018 RPF and CRM exam applicants:

Madeline Green	RPF No. 3069
Jacob Harrower	RPF No. 3070
Joseph King Jr.	RPF No. 3071
Ivy Kostick	RPF No. 3072
James 'Christian' Eggleton	RPF No. 3073
Robin Bellows	RPF No. 3074
Jerrold Sharp	RPF No. 3075
Timothy Montgomery	RPF No. 3076
Allison Rofe	CRM No. 121

01-19-04 Chairman Gillless moved to accept the results of the October 2018 RPF & CRM Examination grading. Member Chase seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Jani	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Gillless	Aye
Delbar	Absent
Loi Huertos	Absent

The motion carried with 2 members absent.

Board considerations of RPF and CRM Withdrawals and Voluntary Relinquishments:

01-19-05 Member Andre moved to approve the requested RPF withdrawals. Member Wade seconded the motion.

Jon Miller	RPF No. 2202
Douglas Nix	RPF No. 2246
Darren Niles	RPF No. 2338
Marc Halley	RPF No. 2206
Gail Grifantini	RPF No. 2210
Michael Soto	RPF No. 764
Cathy Bleier	RPF No. 2444

Roll Call

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

The motion carried with 2 members absent.

Introduction of the DRAFT Initial Statement of Reasons and DRAFT Rule Text entitled “Registered Professional Forester and Certified Specialty Amendments, 2019.”

Public Comment

Tiaga Takahashi, Rancho Guejito, online submission, he wrote: “Unfortunately, Rancho Guejito cannot support the proposed CRM regulations. The proposed regulations do not address the ranch’s concerns regarding the enforcement of good moral character requirements and actually lessen protection for the public with the most recent suggestion being based on an idea of one of the members of the PFEC and only one page, along with legal and other research regarding good moral character requirements in other state licensing programs, but they have all been ignored.”

01-19-06 Chairman Gilless moved to adopt the Draft Initial Statement of Reasons and the Issuance of the 45-Day Notice for the Draft Rule Text entitled “Registered Professional Forester and Certified Specialty Amendments, 2019” and issue a 45-Day Notice. Member Wade seconded the motion.

Roll Call

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

The motion carried with 2 members absent.

c) Joint Institute for Wood Products Innovation – Program Analyst, Katie Harrell

- Provided an update on the Joint Institute Program Development including a Scope of Work that will be embedded in contracts with Cal Poly and UC Berkley and a Draft Advisory Committee Charter.

Report of the Standing Committees:

Joint Management, Forest Practice and RPC Committee Meeting, Chairs, Rich Wade, Mark Andre and Sue Husari:

Committee members reported on the following matters:

- Provided an Update on Reporting to the Legislature on Exemptions and Emergency Notices (PRC § 4589)
- Potential amendments to 14 CCR § 1038 *et. seq.* pursuant to PRC § 4584 *et. seq.* via emergency rulemaking (effective Jan 1, 2019 within SB 901, Chapter 626, filed September 21, 2018).

Agency Comment

Eric Huff, CAL FIRE, Staff Chief, Forest Practice Program, commented, CAL Fire is in support of the Rulemaking, there are concerns going forward about certain language within the ruletext, however, CAL FIRE realizes that there's an opportunity for further revisions in the future.

Isabelle Baer, California Department of Fish and Wildlife Commended Board staff on their efforts on the rule package in such a short time.

Public Comment

Gary Rynerson, Green Diamond offered his insights on the interpretation of the language. Supports the term "OLD AND BIG" instead of "OR" keeping with the existing language in the 1038.6 exemption. Thanked the Board and Board staff for putting the rule package together in 23 days, it is an important piece of emergency regulation that will enable landowners to move forward with projects.

Cedric Twight, Sierra Pacific Industries expressed concerns with the change from AND to OR, for large, trees. The language should be left as is.

John Anderson, Mendocino Redwood Company and Humboldt Redwood Company expressed concerns with 1031.1 c 4,5,6 and 7 that was revised to 1031.1 c,5 which make it seem as if all of c applies to forest fire prevention. He also mentioned the diameter limit, trees over 30" cannot be harvested, this is tabled in under the temporary road section of the exemption, it applies to the entire section, he commented, it should have its own section.

Elliot Chasin, California Department of Fish and Wildlife commented to clarify, that regardless if you change the OR to an AND or vice versa, in statute it's still very simple to make a case.

01-19-07 Chairman Gilless moved to approve the Notice with the understanding that staff may make minor changes or non-substantive changes. Member Wade seconded the motion.

Roll Call

Wade	Aye
Husari	Aye
Jani	Aye
Wheeles	Aye

Andre Aye
Chase Aye
Gilless Aye
Delbar Absent
Lol Huertos Absent

The motion carried with 2 members absent.

01-19-08 Chairman Gilless moved that the Board adopt the Regulatory Text with a reminder that the language “and/or” discussion will be “and.” Member Wade seconded the motion.

Roll Call

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

The motion carried with 2 members absent.

- Potential amendments to 14 CCR § 1094 *et. seq.* pursuant to PRC § 4597 *et. seq.* via emergency rulemaking (effective Jan 1, 2019 within SB 901, Chapter 626, filed September 21, 2018).

Public Comment

Alan Levine, Coast Action Group wants the Board to add a standalone erosion control plan to the Working Forest Management Plan.

Agency Comment

Dave Fowler, North Coast Quality Control Board (NCQCB) expressed his appreciation for all the work done by Board staff. He mentioned the plan will have to be reviewed further in the coming months and looks forward to working with the Board and Board staff with concerns NCQCB has expressed.

Eric Huff, CAL FIRE, is in support of the Boards action to adopt the proposal and appreciates all the work that has gone into it and the revisions that have been made. CAL FIRE looks forward to implementation of the rule and the ability to evaluate and consider possible revisions going forward.

01-19-09 Member Gilless moved to approve the Notice for Emergency Rulemaking with the understanding that staff would be able to make any minor or non-substantive changes. Member Andre seconded the motion.

Roll Call

Wade Aye
Husari Aye

Jani	Aye
Wheeles	Aye
Andre	Aye
Chase	Aye
Gilless	Aye
Delbar	Absent
Lol Huertos	Absent

The motion carried with 2 members absent.

01-19-10 Chairman Gilless moved to adopt the Regulatory Text with the understanding that the Board could make minor non-substantive changes. Member Jani seconded the motion.

Roll Call

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

The motion carried with 2 members absent.

SPECIAL BOARD HEARINGS/REPORTS

Presentation: Update on AB 1504 California Forest Ecosystem and Harvested Wood Product Carbon Inventory. Nadia Tase, Senior Environmental Scientist, CAL FIRE FRAP

Presentation: Update on the AB 1492 Program. Dr. Russ Henly provided a budget overview for AB 1492 programs.

Elliot Chasin discussed the Campbell Creek Planning Watershed Pilot Project.

Dr. Russ Henly gave a presentation regarding the development of Ecological Performance measures pursuant to AB 1492.

JB Garcia discussed training efforts that have been undertaken to improve forester's knowledge regarding watershed health and various permitting processes.

Dan Craig provided an update on the CALTREES Program.

Dr. Russ Henly briefly discussed permit synchronization surrounding watersheds.

Public Comment

Richard Gienger, Forests Forever

He said that he was glad to see synchronization but wanted it to extend to cumulative impacts on watersheds. He was also glad that lumber taxes went to monitoring real situations and is excited about the Rynearson pilot project. However, he believes that small landowners don't have the capacity to do monitoring and that the state needs to take on this responsibility. He also believes that the planning watershed is too small of a unit to focus on and that future pilots should focus on

larger units. He also stated that greater stakeholder involvement is needed, and more integrated involvement.

CONCLUSION

Public Forum

Richard Gienger, Forests Forever, commented that with AB 901, standards for thinning, prescribed fire, and incentives for landowners are needed.

Adjournment

Respectfully submitted,

ATTEST:

Matthew Dias
Executive Officer

Keith Gilles
Chair