

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION
October 5 and 6, 2004
Sacramento, California

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Mark Bosetti
Susan Britting
David Nawi
Tharon O'Dell
Gary Rynearson
Nancy Drinkard

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Foresters Licensing
Chris Zimny, Regulations Coordinator
Mark Hite, Committee Staff
Laura Estrada, Office Technician

DEPARTMENTAL STAFF:

Jim Wright, Deputy Director, Forestry and Fire Protection

CALL TO ORDER

Chairman Dixon called the October 2004 meeting to order.

REPORT OF EXECUTIVE SESSION

Mr. Tharon O'Dell, commented that there were two informational items and one action item that was discussed in Executive Session. There were two questions that were directed to Mr. Bruce Reeves, Deputy Attorney General Counsel for the Board, on expanding the session to include discussion on two items that were not previously on the agenda. The first question that was raised was whether members present could discuss the Board's June order on Lompico's Timber Harvesting Plan. The second issue that was raised was the Governor's recent signing of the La Malfa bill AB 2420.

Mr. Eric Huff, Executive Officer, Foresters Licensing, went over the action item on case # 304. The allegation was the RPF stole and used the work product of a former employer and submission of a Timber Harvest Plan. The RPF violated provisions of the employee agreement with the former employer through theft of proprietary materials and contracting with the former employee's clients. The PFEC recommended with the approval of the Board of Forestry and Fire Protection that the RPF receive a confidential letter of concern directing that the respondent RPF immediately return or destroy all proprietary materials in possession and express concern that the RPF's actions in this instance did not adequately reflect ethical practice .

APPROVAL OF MINUTES

Chairman Dixon asked the Board to consider approval of the September 2004 minutes.

04-10-6 Ms. Britting reported that there was a correction on the September minutes and had informed the secretary of the correction. Mr. Bosetti moved to approve the September 2004 minutes as amended. Mr. Ryneanson seconded the motion, and all were in favor.

CONSENT CALENDAR

Mr. Eric Huff, Executive Officer, Foresters Licensing, announced one RPF voluntary relinquishment, Leonard Glenn, RPF 2078, and one voluntary license withdrawal, Don Houston, RPF 470.

04-10-6 Mr. Ryneanson moved to approve the above RPF withdrawal, and voluntary relinquishment. Mr. Bosetti seconded the motion, and all were in favor.

REPORT OF THE CHAIRMAN

Chairman Dixon attended a meeting in Brownsville for the Yuba County Fire Safe Council. He had an opportunity to see projects in that area on fire prevention, fuel breaks and thinning .

In addition, he also announced that Mr. Jack Hanson, who was appointed by the Governor to fill the Range Management position, submitted a letter of resignation with the Board. This was due to concerns with conflict with his current position as a member of the Board of Supervisors, in Lassen County.

Chairman Dixon announced that the Board had a new member, Ms. Nancy Drinkard. The Governor appointed her on July 8, 2004. The Chairman welcomed Ms. Drinkard.

REPORT OF THE DIRECTOR

Mr. Jim Wright, Deputy Director, Chief, Forestry and Fire Protection, provided a brief update in the absence of Dale Geldert, the Director, Forestry and Fire Protection, who is currently in San Diego . Mr. Wright announced the tragic loss of CDF Firefighter Eva Schicke. This was the first fire line loss in fourteen years with the Department.

National Parks service lost a firefighter in King National Monument in Tulare County. This firefighter was working on a prescribed fire, when a tree fell on that firefighter.

Mr. Wright went over the activity with the Department. The Northern part of the state will start down-staffing where conditions exist. However, in the Southern region, and specifically San Diego, fuel conditions are above normal .

Mr. Wright mentioned two meetings that the Director and staff attended which took place in San Diego. The first meeting was called for by the County Board of Supervisors in San Diego and basically was a recap of the events that took place last year. In addition, the Department also attended a Joint Legislative Committee Meeting on Emergency Services. The meeting's focus was on what has occurred since the Blue Ribbon Commission report and activities related to this.

REPORT ON THE GOVERNOR'S BLUE RIBBON FIRE COMMISSION ACTION PLAN

Last month the Governor's Office, in conjunction with the Resources Agency, put out an action plan. This action plan covered thirty-one items on activities that have either been accomplished or are underway to improve fire prevention and suppression efforts across California. In addition, there were seven priority actions subject to funding availability. Mr. Wright went over the priority actions completed and currently underway on the Governor's Action Plan. (see handout, Board binder, tab 6)

Mr. O'Dell asked a question regarding radio communication compatibility with the Military and other supporting agencies utilizing a single type of communication.

Mr. Wright said that there is not a single type of communication at this time. In addition, he said it was an inoperability issue. A possibility may be carrying two radios.

Mr. Rynearson asked what helicopters are they looking into to replace the "Hueys".

Mr. Wright responded by saying they will be replacing the "Hueys", with the "Fire Hawk".

REPORT OF THE OAK MORTALITY TASK FORCE (COMTF)

Mr. Mark Stanley announced that in the Annual Planning Session that took place 2 weeks ago, he was elected as the new Chair for the Oak Mortality Task Force.

Mr. Stanley went over the COMTF handout that was distributed to the Board. The information included updates on nurseries, research and upcoming calendar of events.

Mr. Rynearson asked if the submission deadline for the Sudden Oak Death Science Symposium was for the symposium registration or presentation of posters.

Mr. Stanley said he was referring to abstracts for proposed papers or posters.

Mr. O'Dell inquired about the training session date in Humboldt County.

Mr. Stanley said that the training session will be on November 4, 2004, held at the Humboldt County Agricultural Center.

HEARING: PROPOSED RULE LANGUAGE FOR ROAD MANAGEMENT PLAN, 2004

Mr. Chris Zimny, Regulations Coordinator, did an overview on the Road Management Plan, 2004, published August 20, 2004. The Road Management Plan is a programmatic plan addressing long-term management of forest transportation systems at a watershed scale. One of the goals of the creation of the regulation is that it allows preparation of a predictable plan to protect and improve the beneficial uses of water habitat and to meet the owner's objectives.

The Road Management Plan has several elements that must be included in the plan. It must contain a goal statement documenting what the owner's objectives are and how the Plan will address some of the public resource values. In addition, it will have an evaluations element included, which will describe the transportation system and the constraints and the priorities of that transportation system relative to the management scheme over time. It has an operational component to it, which address the specifics of construction, reconstruction, and abandonment.. It also includes a verification element on monitoring and adaptive management to help close the loop of the continuous cycle of being able to evaluate and assess if that plan is effectively meeting the objectives of the owners needs and protecting the public trust values.

Mr. Zimny also specified that part of this regulation is that the RMP has an effective period of ten years and that the regulation includes a review by the Director, (including review teams) through a process and time frame previously outlined in the Forest Practice Rules under the specific codes and regulations. It includes a director review, public review, appeals and review teams. There are opportunities in this regulation for amendments when substantial changes are recognized in the plan. There is an opportunity in which the RMP submitter would cancel the RMP and there are conditions under which the RMP will be terminated primarily related to non-conformance.

The Board has received relatively few comments, but those comments have been substantial in nature. This is based on comments by individuals representing different groups and by the Department. Mr. Zimny went over some of the substantial comments.

Mr. Nawi, said that his binder did not have any written comments included.

Mr. Zimny said that in addition to the comments from Sharon Duggan, he would make available any extra copies of the comments that Board members have not received.

Mr. Nawi said that all the Board members would benefit if they had the written comments in front of them.

There was further discussion regarding public comment on the RMP.

Mr. Dennis Hall, Deputy Director, Resource Management, Forestry and Fire Protection, submitted a letter October 4, 2004, and said that the Department does support the Rule Package and encouraged the Board to move forward with adoption . It provides the landowners an opportunity to comprehensively address roads across their ownership and that is a real value to landowners across the state. Mr. Hall addressed several points that were specified in the letter and said that the Department would like to work with the Board staff to clarify those in preparing the final statement of reasons. In addition, the Department would also like to work with the Board staff to solve any outstanding issues and if the Board chooses to address those issues with an additional 15-Day Notice, CDF will work to ensure subsequent language is clear, and that the record addresses all concerns raised during the public comment period. Mr. Hall said that he would be happy to discuss any of the points addressed in the letter once it has been reviewed by the Board.

Chairman Dixon asked if Mr. Hall had an opportunity to discuss this matter with the Committee yesterday.

Mr. Hall said that he did not.

There was further discussion regarding this matter.

Chairman Dixon asked the Executive Officer if copies of the public comments had been made and distributed to the Board members. The Executive Officer said that copies had been made.

Chairman Dixon announced that Mr. Mark Rentz will no longer be attending Board meetings because he will be leaving CLFA. He has accepted a position for the Department of Pest Regulations. Chairman Dixon said that he will be missed and wished him luck in his new position.

Chairman Dixon asked all Board members now that they have copies of all public comments how do they wish to proceed on this.

Ms. Britting said there is much detail on issues and she may have some reluctance on proceeding with the 15-Day Notice due to the complexity of this issue.

Mr. Nawi suggested that the Board hear public testimony and refer back to Committee and keep options open.

Mr. O'Dell agreed with Mr. Nawi.

Marty Berbach, Department of Fish and Game, announced that the Board has the letter by Director Broddrick, in support of this package.

Gaylon Lee, State Water Resources Control Board, suggested that before the plan is submitted, a summary of all regulatory programs needs to be included in the package. That should expedite the regulatory process.

Mr. Lee, said that this plan is a step in the right direction and he definitely supports it.

Public comment

Mr. Paul Mason, representing the Sierra Club, said that he supports Sharon Duggan's comments in regards to EPIC's concerns and went over some of her points of opposition. In addition, he said that the Board must have a Road Management Plan that is clear. Mr. Mason indicated that this package does not comply with CEQA and has serious implementation and legal flaws. He asked the Board not to move forward with this package.

Mr. Nawi, asked if Mr. Mason's opposition to the rules, was such that if amendments were clarified, would the Sierra Club then support or is there something more fundamental in the rule language that the Sierra Club opposes.

Mr. Mason said that the Sierra Club is going to have a fundamental concern with tiering a document that covers for example, one million and a half acres off of a document essentially reviewing a timber harvest plan. A document covering that kind of scope is going to have to be tied to a much more intense review process. In addition, he believes that the Board needs to work more at a planning watershed level, which is a scale where you would see watershed impacts, but is small enough where you could actually get out and do a full assessment of your road conditions and some of your other impacts to water quality. Working at that scale is going to be more appropriate than at an entire ownership scale. It needs to address the smaller watershed scales and not dilute the assessment of thousands of acres.

Mr. Nawi, asked Mr. Mason if he participated in the Committee process that developed this rule package and Mr. Mason said that he did not.

Mr. Dan Fisher, representing CFA, asked if Board members could review the comments that were submitted from David Bischel. CFA does support the Road Management Plan and said that there exist some short comings in the proposal, but it is a document that will need work over time. He commended Mr. Ryneanson and the Committee for working so diligently on a document that is much more favorable to the industry and is voluntary and allows some flexibility to the landowners to operate their ownership more freely and a manner that he believes is beneficial. In addition, he commented that CFA appreciates that it is taking a watershed approach and not dealing with individual THP's, but looking at things more broadly. There is a big cost on the watershed owners.

Mr. Richard Geinger, referred to #25 on CDF RMP letter and made a comment on clarification. He felt that the rule package is not clear. The RMP needs to be reviewed on its own. In addition, he said that clear definitions are needed and a 15-Day Notice will not adequately give proper time that is needed on this RMP. He further indicated that the comments should be reviewed closely and RMP worked on comprehensively.

Mr. Bill Keye, representing CLFA, commented that the CLFA supports RMP, because it could help and encouraged the Board to move forward on this regulation.

Chairman Dixon, asked Mr. Bruce Reeves, Deputy Attorney General Counsel for the Board, if had the time to review the comments regarding the RMP. He also said that there has been some indication that this could be dealt with on a 15-Day Notice.

Mr. Reeves, reported that he has not been able to review the comments in sufficient depth. He also reminded the Board members of the standard that applies in determining whether a change can be made on a 15-Day Notice or which requires re-noticing to a 45-Day Package. The nature of the test is as between 15 or 45-Day Notice is whether the change is sufficiently related to the original text that the public was adequately placed on notice and that the change could result from the originally proposed regulatory action.

He advised that the Board should try to apply that test to each of the changes that have been proposed. Mr. Reeves said that he would look at these comments in depth and would get back with the Board on a recommendation.

Mr. Rynearson commented that in Committee they went over Ms. Duggan's letter and said there does exist two or three areas of potential changes. In addition, there were comments from the staff that felt the rules could be addressed in the final statement of reasons. The other issue is there are two different areas that need to be addressed. One is clearly the review of the document and the development of this 45-Day Package document that this Committee has put forward for the Board has a different process in mind. Some comments refer to the process that is not really critical of the substance in the document that is being presented to the Board. It sounds like the comments made are going towards a different direction. Mr. Rynearson specified that there needs to be a decision as to whether the Board wants to go with the path that is being discussed or go forward on the path that has been recommended by the Committee.

Mr. Reeves commented that it would be helpful to have the sense at the close of this proceeding, which changes the likely to be included in the motion.

Ms. Britting, asked if the RMP is a stand-alone CEQA document.

Mr. Rynearson said that it is a tiering document. It is intended to be a base document. The RMP will not replace the plan. The intended use of the RMP is as the framework to identify the road system to be managed. It has the informational, operational monitoring sections to it.

Ms. Britting commented that she was not clear on the language of the rule

There was further discussion.

Ms. Britting commented that if the information is not clear, how could the Board approve a CEQA stand-alone document.

Mr. Rynearson commented that its use is going to be limited, based on the information that is provided in the document.

Mr. Nawi asked Mr. Zimny about the informative digest that Ms. Britting read on the RMP. He also asked if he checked the certification from the Resources Agency to make sure that statement is within the functional equivalence certification.

Mr. Zimny, said that he had not checked this with the Resources Agency. He stated that the intention of the RMP is that it is a stand-alone CEQA document.

Mr. Nawi suggested that this RMP package should be sent back to Committee for further consideration of the comments and for further review.

Mr. Rynearson, said that this RMP was tiered off of a Master Environmental Assessment Document not an EIR for CEQA compliance. When the CDF Staff working with the Board staff and Committee formulated the program for the stand-alone document that was formatted off of that particular framework. In addition, he agreed that the language should be changed in the initial statement of reasons.

Mr. Rynearson said that given the concerns expressed by the Board members, it may be the best course to send this back to Committee and to address the concerns and bring back to the Board within the next month or two.

Mr. Nawi wanted to express his appreciation to Mr. Rynearson, as chairman of the Committee for his willingness in taking this package back and work on it further. In addition, Mr. Nawi moved that the Board send this back to the Committee for further review and report back to the Board in expeditious time.

Mr. Bosetti concurred with Mr. Nawi and with Mr. Rynearson's comments that were made. In addition, he suggested that the Board close public hearing and would like to make that motion if all Board members agreed.

04-7-6 Mr. Bosetti, moved to close public hearing. Mr. Nawi, seconded the motion. All Board members were in favor and the motion was carried unanimously.

Mr. Nawi made the motion to have the Road Management Plan go back to Committee for further review and report to the Board expeditiously.

Mr. Rynearson encouraged those who wish to provide input to this package through the proper time frame and not wait two days before a Board meeting to submit comments.

04-7-6 Mr. Nawi moved to have the Road Management Plan go back to Committee for further review and report back to the Board expeditiously. Mr. Bosetti, seconded the motion. All Board members were in favor and the motion was carried unanimously

REPORT OF FEDERAL AGENCIES; INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE, AND US ENVIRONMENTAL PROTECTION AGENCY

Mr. Mike Chapel, U.S. Forest Service, announced that the forest service has been going through a staffing and management review for about three years called competitive sourcing and they have looked at a number of their functions. Essentially, they have done an analysis on whether it would be more cost effective and efficient for the government to contract outward or do it internally. They have decided to contract out their fleet maintenance and have decided that their information technology support will be a national organization, but will be decentralized. The business management operations of the forest service will be consolidated in Albuquerque, New Mexico. The Chief of the U.S. Forest Service announced that the Human Resource Staff will be kept internally, but will be consolidated as a national operation in Albuquerque, New Mexico. The transition will take place over the next two years, beginning in 2005.

Mr. Chapel announced that the Forest Service will be holding their Regional Centennial Forum, and will take place at the Double Tree Hotel in Sacramento on November 5-6, 2004. A handout on the details of this Forum was distributed.

Mr. Chapel went over the Final Project Summary report that was prepared by Mr. Chapel and Mr. Bill Stewart. This report was on the CBC Fuels Management Plot Project Upper Santa Ana River Watershed. Handouts were distributed.

REPORT OF STATE AGENCIES; INCLUDING STATE WATER QUALITY CONTROL BOARD, DEPARTMENT OF FISH AND GAME, GEOLOGIC SURVEY

Nothing to report.

DISCUSSION REGARDING THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND MANAGEMENT PLAN FOR JACKSON DEMONSTRATION STATE FOREST

Mr. George Gentry, Executive Officer of the Board, announced that on September 23, 2004, he set up a meeting with the JDSF committee and staff on the Administrative Draft DEIR. He asked Committee members to give a report on that meeting.

Mr. Nawi, announced that he and Mr. Ryneason met as the Board Committee and along with Mr. Gentry and Chris Rowney met with Department staff. The Department is acting as the Board's consultant in the preparation of the Draft Environmental Impact (DEIR) Report. Staff members who were working on this were taking this very seriously and giving it the appropriate time and attention. The anticipated Administrative Draft will be completed in mid November and will be reviewing it with the Committee. The Committee will make appropriate revisions and then it will come to the Board for approval so it can be sent as a Draft Environment Impact Report for public comment. Beyond the November 15, 2004 date, they are not sure how much more time this Draft will require.

Mr. Gentry announced that they have not set any future dates at this time. In addition, the Executive Officer will be having a meeting with Mr. Rowney to discuss progress.

Public comments

Mr. Paul Mason, representing the Sierra Club, asked if this Draft would not be coming before the Board before December 2004.

Mr. Nawi, said that it would not be before December 2004.

PRESENTATIONS AND DISCUSSIONS REGARDING THE FIRE AND RESOURCE ASSESSMENT PROGRAM POLICY STATEMENT PER PRC 4789

Chairman Dixon announced that the Regional Council of Rural Governments, who was going to be making a presentation, was not able to make the Board meeting.

Mr. George Gentry, Executive Officer for the Board, said that a date of November 18, 2004 in Redding has been determined for the public hearing for the PRC 4789. They are currently working on the logistics.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Nothing to report.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

There was no RMAC report.

MONITORING STUDY GROUP (MSG)

Mr. Pete Cafferata, Forest Hydrologist, Department of Forestry and Fire Protection, Monitoring Study Group, (MSG), went over the MSG meeting that took place on September 16, 2004, at the Howard Forest Training Center. A summary handout was distributed to the Board members. The next MSG meeting is scheduled for November 10, 2004 at the Mendocino County Museum in Willits

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Eric Huff, Executive Officer for Licensing, commented that the PFEC met on the September 9th, 2004 to discuss case #304 to formulate a recommendation to the Board and to review the draft exam that will be taking place October 15, 2004. PFEC will be meeting December 9, 2004, and there will be both open and closed sessions. The agenda will be posted on the website.

REPORT OF THE SENSITIVE WATERSHED NOMINATIONS REVIEW COMMITTEE (SWNRC)

Mr. Tharon O'Dell, referred the Board to tab fourteen in the Board binder for a thorough summary of SWNRC minutes that took place on September 23, 2004. He went over new information that needs to be included in the petition to give it more completeness. The Water Board was receptive to the recommendations that the participants recommended for filling out the petition and they will do that prior to the next meeting. The Committee will be meeting again on December 16, 2004. The meeting will be noticed publicly.

FOREST PRACTICE COMMITTEE (FPC)

Ms. Sue Britting, Chair of the FPC, reported that the FPC met yesterday and they specifically talked about three items. She went over the discussion on the Fuel Hazard Reduction Rule. In the last meeting they were waiting to see if the La Malfa legislation was signed. It was signed and as a result of that signing, FPC needs to start the process of the emergency rules that address AB2420 and following that permanent rules need to be initiated. One of the items discussed was the rule language that the staff had prepared. The Committee had generated six questions that need to be evaluated with the help of some field staff, to determine if the obligations of the legislation are met, then some work between the Department and the Board in terms of sorting out some other language issues. It was agreed that the Committee would take that new language at the next Committee meeting with the hope that they would have a package for an emergency exemption to recommend to the Board in November.

Ms. Britting also went over the existing emergency condition. These are the rules that the Board has been developing to respond to fuel hazard reduction. The legislature and the Board have been working simultaneously on rule packages to address fuel reduction. The discussion in Committee was whether the emergency condition and contemplating a permanent rule of emergency condition was relevant in light of the La Malfa legislation. The majority of Committee members concluded that they should go on through the public hearing process for the permanent emergency condition rule as is scheduled in November and hear public comment before making decisions on how to proceed.

Ms. Britting reported on the Heritage Tree issue and the Committee agreed that the issues paper outline form is appropriate to present to the Board once the Committee can agree on the wording contained on the report.

Ms. Britting went over the brief introduction that was presented in the Committee on the Stewardship NTMP that the AD HOC Working Group has been developing.

Ms. Britting commented on a report that came back from the Department on fifteen permits for the Emergency Condition. It has increased significantly.

A Forester from Amador County attended the Committee meeting and gave feedback on projects that they will be starting on cutting.

Mr. Bosetti, wanted to discuss further with counsel on the Fuel Hazard Reduction Rule that was adopted and the La Malfa Legislation that is in the process of being developed as a regulation. During the course of the public hearing and evaluation of the Emergency Condition and Emergency Fuel Hazard Reduction Regulation and issues raised by some members of the public relative to the legal validity of that particular method of use. In regards to La Malfa Legislation and the Boards regulation on the issue of pre-emption, Mr. Bosetti asked the Board and the Boards counsel that at what point in time when the Board is presented with these types of comments does the Board have the ability to withdraw to Executive Session to discuss these issues, due to the threat of litigation.

Mr. Bruce Reeves, Deputy Attorney General, Counsel for the Board, referred to the Bagley Keene Act, Government Code Section 11126(e)1(B)1, sets forth the measures of the Board turning to Executive Session to consider a matter in litigation as appropriate. This may occur in two circumstances.

An immediate discussion of pending litigation may occur on the advice of counsel and the decision of the State Body's return to Executive Session and when it is their perception that the litigation exposure is significant. Additionally, the Board may also return to Executive Session to discuss the question whether the exposure of litigation is significant enough to justify further discussion in Executive Session.

Mr. Nawi asked the Boards counsel what the standard is on litigation.

Mr. Reeves said Bagley Keene states that a closed session may occur when it is not necessarily scheduled in the agenda. When a point has been reached where, in the opinion of the State Body and on the advice of its legal counsel, based on existing facts and circumstances there is a significant exposure to litigation against the State Body. It can also be based on existing facts and circumstances when the State Body is meeting only to decide whether a closed session is authorized pursuant to the first clause the Mr. Reeves previously read.

RESOURCE PROTECTION COMMITTEE MEETING (RPC)

Mr. Bosetti reported that the RPC Committee met yesterday afternoon and had a presentation and discussion on the Marin County General Plan Safety Elements. In addition, the Committee staff put together a strategy outline of a proposed course that the Board may want to take to ensure that the obligations under the Resource Code Section is met. This outline was included in the binder. In the next month this may be something that should be put in the full Board agenda item for presentation and discussion.

There was a report from the Department on a review of their hired equipment and DVBE programs. The Committee asked the Department to report back on where they are at in the process and their findings.

At the RPC meeting, Mr. Chris Rowney, gave an update on the State Nursery Program.

There was a discussion on the California Fire Plan. This information was included in the Board binder. The Committee had a discussion on the potential modifications to the SRA Classification Key and the SRA Regulations.

POLICY AND MANAGEMENT COMMITTEE (PMC)

Mr. Tharon O'Dell, Chair of the PMC, reported that the public meeting date for the Board's Policy Statement is scheduled for November 18, 2004 in Redding.

Mr. O'Dell also reported that Mr. Bill Stewart attended a State Foresters Meeting and they discussed third party certifications.

Mr. O'Dell briefly went over the Oak Woodlands and the current passing of legislation.

Mr. O'Dell went over the Performance Based Rules that were discussed in Committee. The question raised was: who proposes the outcome and who proposes the mitigation? Performance Based really relies on land owners and applicants that come forward with mitigations that would give them the environmental protection in a voluntary way, as opposed to coming over with a prescribed rule book that others put together. In addition, there is a cost burden and resistance that landowners may feel because it is being forced on them as opposed to volunteering.

There was discussion on the Governor's veto of the JDSF bill and the passing of La Malfa and the intended work that will have to be done as a result of the Governor's decision.

There was no update on the Prevailing Wage issue. The Committee will keep the Board updated.

Mr. Nawi went over the Performance Based Approach discussion that took place in Committee. They are looking at a CEQA model to pursue this. There would be an identification of issues of concern and those issues would be addressed by the development of appropriate mitigation measures included in the proposal that would be agreed upon the agencies and plan submitter.

These would be included in the plan and become requirements that would be monitored and could be based on best management practices. The advantages that are referred to in this approach is that through monitoring and adaptive management after the fact, you could see if the measures proposed were working and if not you could go back and tailor them. Mr. Nawi felt that this approach has considerable merit.

AD HOC ROADS AND WATERSHED COMMITTEE

Mr. Gary Ryneerson, Chair of the *Ad Hoc* Committee, reported that the Ad Hoc Committee met yesterday and went over the Road Management Plan. They addressed road management concerns and discussed CDF comments.

Mr. Ryneerson reported that they are getting closer to a definition of Logging Road. CDF has been working closely with the Committee in providing information. They are looking at a modified definition of Logging Roads and a separate definition of Administrative Road. This would allow the replacement of Logging Roads with the term Appurtenant Road, which is used but not defined in a regulation.

The Committee had a discussion on the Interagency Road Rules Package. They will continue to review the Interagency Road Rules Package and will keep reporting back as progress moves on in that effort.

REPORT OF THE REGULATIONS COORDINATOR

Mr. Chris Zimny, Regulations Coordinator, went over a list and status of regulatory actions that are listed in tab 15 of the Board binder.

PRESENTATION BY THE HUMBOLDT WATERSHED COUNCIL ON THE SENSITIVE WATERSHED NOMINATION PROCESS

Mr. Mark Lovelace, Humboldt Watershed Council, stressed the importance of getting the Sensitive Watershed Nomination done right and not wrong. He indicated that it needs to go through the right process where it has a fair outcome.

Mr. Lovelace introduced a speaker that was going to be talking about this agenda item. He indicated that he would do his presentation after the guest speaker.

Ms. Christy Wrigley, resident of the Elk River Watershed, went over a written statement that she provided to the Board members. She indicated that she has been a member of the Elk River Watershed and Freshwater that came forward in 1997 to help the Board understand the cumulative effects that were going on in their Watersheds. She has spoken about the increased flooding and the water quality that has been ruined and damaged their property.

Mr. Lovelace commented that on July 13, 2004, the Watershed Counsel submitted a letter to the Board requesting to halt the current Sensitive Watershed Nomination process for Elk River. In addition, he went over the numerated concerns specified in the letter.

Mr. Lovelace provided a presentation on a workshop that was held August 11, 2004 regarding the Sensitive Watershed Process.

Mr. Richard Geinger expressed appreciation to Mr. Lovelace on the Sensitive Watershed Workshop that he put together. In addition, he stressed the general reform process that Mr. Lovelace outlined in the presentation. He asked the Board to re-think some of the issues and get it right. He indicated that the Board should have a three person Sub-Committee liaison for the Board on the Sensitive Watershed Nomination review process. In also indicated that the Committee be selected in the process lined out in Mr. Lovelace's report.

Chairman Dixon, thanked everyone for the presentation.

Chairman Dixon said that he would like to review all of the recommendations. The Ad Hoc Committee will analyze all comments and presentations made. Within the next ten days the chairman will schedule a meeting with the Executive Officer of the Board, and Board member O'Dell and get some ideas where the Board wants to go with the recommendations so they can start the process, before the Board formally meets in November.

Mr. Nawi, commented that some of the recommendations are long term and some appear to focus on the particular nominating process that is now underway on Elk River.

EXECUTIVE OFFICERS REPORT

Mr. George Gentry, Executive Officer to the Board, announced that effective last week the notice for advertising on the Executive Assistant with the Board of Forestry went out. At this time he has received seven applications.

On September 23, 2004, the Executive Officer attended the Board of Geologist and Geophysics meeting and as a result of that meeting it was suggested that their Technical Advisory Committee and Professional Foresters Examining Committee meet jointly. The idea was considered of drafting an MOU related to the practice of Geology and the practice of Forestry for the respective Boards considerations.

The Executive Officer distributed to all Board members a tentative Board schedule for 2005. It is based on the availability of facilities. If there are any suggestions or comments, please advise with Mr. Gentry as soon as possible. In addition, in that proposed schedule there are also some field trips out of the Sacramento area.

PUBLIC FORUM: Members of the public may address the Board on any topic within its jurisdiction not otherwise on the agenda. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board. Please be prepared to summarize comments to three minutes in length, or otherwise at the discretion of the chairman.

Mr. Paul Mason, Sierra Club, thanked the Board and staff for the thoughtful deliberations on the 45-Day Notice package that was reported earlier.

Mr. Mason, wished Mr. Mark Rentz the best on his new position.

Mr. Richard Geinger, also wished Mr. Mark Rentz the best on his new position.

Mr. Richard Geinger wanted to welcome Ms. Nancy Drinkard to the Board.

Mr. Richard Geinger went over the context of discussion on the Performance Standards. He said that it is important to develop something that the public and agencies and the submitters can rely upon for a record of impacts.

Mr. Geinger passed a poster around of a tributary to Mattole. It was an announcement for the 3rd Annual Watershed Restoration in Eureka on October 12, 2004.

Mr. Geinger, thanked the Forest Practice Committee and the Chair, Ms. Britting for continuing with the Heritage Tree petition.

Mr. Kevin Collins, responded to the Departments letter that was dated August 25, 2004. This letter was regarding the Lompico THP, which has been denied. He commented that the Department has mistaken the justification that the Board gave for its decision for some sort of pathway around the fact that the act simply states that the Board has two choices on appeal: approval or denial. The Planning Director of Santa Cruz County has written a letter to the Board of Forestry, which he said hopefully all Board members received a copy. The county intends to be persistent regarding this issue as well as the Lompico Watershed Conservancy.

Mr. Bill Keye, passed out a handout on the Oak Woodlands Workshop, November 5, 2004. He encouraged all Board members to attend. He apologized for not completing the Education Outreach white paper, coming from the CLFA presentation which was in August. The white papers will be forthcoming.

Mr. Gentry said that Chairman Dixon does plan on attending this workshop.

Ms. Christy Wrigley, reminded the Board that it was in 1997 that she first came down here to make the Board aware of the cumulative adverse impacts that they have been experiencing and the increased flooding which has destroyed water quality and property damage. In addition, she commented that the answer to the problem is not six hundred clear-cut acres a year. The problem is increasing and it is making it very difficult for residents to survive.

NEW AND UNFINISHED BUSINESS

Nothing to report.

ADJOURNMENT

Board member Ryneanson adjourned the October 2004 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

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