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**BOARD OF FORESTRY AND FIRE PROTECTION**

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**MINUTES  
BOARD OF FORESTRY AND FIRE PROTECTION  
INFORMAL CONSIDERATION SESSION – FISH AND GAME CODE SECTION 2112  
and  
FULL BOARD OF FORESTRY AND FIRE PROTECTION MEETING**

**Sacramento, CA**

**February 7-8, 2006**

**BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS PRESENT:**

Stan Dixon, Chairman  
David Nawi  
Pam Giacomini  
Jim Ostrowski  
Bruce Saito  
Mark Bosetti

**BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS ABSENT:**

Kirk Marckwald, Vice Chair, February 7 and 8  
Bruce Saito, February 8

**BOARD STAFF:**

George Gentry, Executive Officer  
Eric Huff, Executive Officer, Forester's Licensing  
Chris Zimny, Regulations Coordinator  
Carol Horn, Executive Assistant

**DEPARTMENTAL STAFF:**

Ruben Grijalva, Director  
Crawford Tuttle, Chief Deputy Director  
Bill Snyder, Deputy Director for Resource Management  
Duane Shintaku, Assistant Deputy Director  
Dennis Hall, Staff Chief, Resource Management  
Enrylee Chamlee, Staff Chief, SFM

## **CALL TO ORDER- INFORMAL CONSIDERATION SESSION, F & G CODE SECTION 2112**

Chair of the Forest Practice Committee David Nawi called the February 7, 2007 Informal Consideration Session of the Board of Forestry and Fire Protection to order.

Executive Officer Gentry said the Board would review and consider a proposal to harmonize existing Board rules with the requirements for Incidental Take Authorization pursuant to Fish and Game Code Section 2112. The Board may provide additional direction, including potential regulatory development for 45-day notice for rule-making. Mr. Gentry gave a brief summary of where the Board was, and how they got to that point. The rule package could be coho specific or include all anadromy. The Executive Officer distributed "Strawman" Version 4 of the 2112 package, and went through the structural elements.

Mr. Shintaku said yesterday the Committee was still struggling, because Fish and Game couldn't attend the Committee meeting yesterday, with the idea of whether or not the Strawman (either Version 3 or Version 4) would provide the minimum criteria under 21B. Mr. Shintaku had conversations with DFG that led him to believe it did not meet the criteria under 2081(b) for coho. Mr. Shintaku said he couldn't see much point in spending a lot of time looking at pieces of Strawman if, at this point in time DFG is telling CDF it will not get the job done. Mr. Shintaku said CDF viewed this as a package deal, and viewed what was discussed yesterday in Committee as unacceptable. Mr. Shintaku suggested that the Committee and the Board take a hard look at whether or not Strawman could going to get the job done for issuance, and if won't, what would work. Mr. Shintaku's impression of Strawman, after discussions with DFG, was that they were very confident that the plead presented in December was the only fully-acceptable package that CDF had seen so far.

Mr. Stopher said the Strawman package did not address certain issues, and DFG would not rely on what was in Strawman now for issuance of Incidental Take. Mr. Stopher said there were some minor issues that he thought could be rectified, an example was incorporating the T/I Rules. The Strawman included inconsistent language, the absence of definitions, and definitions that would sunset with the T/I Rules. Mr. Stopher said coho salmon did not become threatened or endangered in California because of direct killing of fish. They became endangered because of cumulative adverse effects, and because the CEQA threshold was lower than the take threshold. The measures that were listed in items 17 and 18 were intended to build upon the T/I Rules and provide additional measures that would meet the issuance criteria under CESA, that is provide additional mitigation for the species so that the full mitigation issuance criteria could be met. Mr. Stopher said item #17 said "it assumes continuation of the existing T/I Watershed Rules". If the T/I Rules no longer existed, the streamlined Incidental Take Process would not be an option. Mr. Stopher said that contrary to the assumption made by the Commission, there was no assurance that the T/I Rules would continue at least in those watersheds where coho salmon exist.

Executive Officer Gentry asked for clarification on the T/I Rules section, to address what DFG needed.

Mr. Stopher said they were only implemented on a take determination. If T/I Rules went away when DFG made a take determination, and left it as a viable option to be an Incidental Take Permit, only within the footprint of that timber harvesting plan would those measures be applied, and the ability of the existing T/I Rules to help maintain a baseline condition for fish in that watershed would no longer be there.

Executive Officer Gentry asked Mr. Stopher if it was correct that the requirement was in place for T/I for the entire watershed, then on a specific THP where take is determined, the enhancement sections of the rules would set in.

Mr. Stopher told Mr. Gentry he was correct. He said suppose T/I went away, sun-setted, the certified streamline approach with the additional measures on larger Class II and some things on Class III would not be viable, but people could get an Incidental Take Permit through the options identified on the flow chart. Even though he had mentioned definitions and internal inconsistencies for minor things, he said the big problem was that there was no assurance, as there was in the 12/20 Plead that DFG gave to CDF and the Board because that plead took away the potential that they would sunset. Mr. Stopher said that was the significant change between the 12/20 Plead and the Strawman version before the Board today.

Mr. Shintaku said CDF is clearly behind reviewing the T/I Rules, and also rules in general. Mr. Shintaku said both departments share the same attitude and idea that the monitoring adaptive management component is valuable, and if that means changing/revising the rules, both DFG and CDF support that.

Member Nawi said the Board would take a break and then take public comment. Member Nawi suggested Mr. Stopher or Mr. Berbach go back to the Fish and Game Commission and tell them what the Board was struggling with and ask for guidance. Mr. Berbach replied that was not a practical option.

Chairman Dixon said he had a number of questions, but the Board would have to reconvene before any action could be taken. The Board took a break for lunch.

## **1. CALL TO ORDER**

Chairman Dixon called the Regular Session of the Board of Forestry and Fire Protection to order at 1:00 on February 7, 2007.

## **2. ADJOURN TO EXECUTIVE SESSION**

No Executive Session was held.

## **3. RECONVENE TO REGULAR SESSION**

Not applicable.

## **4. ANNOUNCEMENT OF ACTIONS TAKEN IN EXECUTIVE SESSION**

Not applicable.

## **5. APPROVAL OF MINUTES**

**02-07-05: Member Ostrowski moved to approve the November and December Board of Forestry minutes. Member Bosetti seconded the motion. All were in favor.**

## **6. REPORT OF THE CHAIRMAN**

No report.

## **7. REPORT OF THE DIRECTOR**

Chief Grijalva said last year was a year of transition for CDF; they had a 40% vacancy for managers and supervisors. The coming year should be a peak year for retirements for Fire Captains and Battalion Chiefs. Legislation was passed by the Senate and Assembly, and signed by the Governor, to refer to CDF as CalFire. Chief Grijalva said the State nurseries and forests will still use CDF, but CalFire will be on engines and turnouts. Chief Grijalva passed around the new CalFire logo. He assures the Board that the name CalFire would not diminish resource management or the State Fire Marshal's Office. Chief Grijalva discussed staffing levels for engines, his goal was to have 3.0 staffing on engines year round, and 4.0 during peak fire season when appropriate. Chief Grijalva said he wanted to see increased defensible space compliance, and discussed if CDF and USFS should defend homes against fire if the landowner did not provide defensible space.

## **8. REPORT OF THE CALIFORNIA OAK MORTALITY TASK FORCE (COMTF)**

Mr. Mark Stanley, Chair of the California Oak Mortality Task Force, have the Board an update, which was included in the Board Binder.

Mr. Stanley reported that February 14, 2007 was the registration deadline for the Sudden Oak Death Science Symposium III, which will be held in Santa Rosa on March 5-9, 2007.

## **9. REPORT OF THE ADVISORY COMMITTEES**

### **RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

A written report for RMAC was included in the Board binder. No presentation was given.

### **MONITORING STUDY GROUP (MSG)**

Mr. Cafferata gave the Board an update on the Monitoring Study Group, which was included in the Board Binder.

## **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. Huff reported that applications for the Registered Professional Foresters examination would be due by Feb 16, 2007.

### **10. CONSIDERATION OF THE ADOPTION OF POLICY #11 FOR PROFESSIONAL FORESTERS REGISTRATION, "GUIDANCE ON THE PRACTICE OF FORESTRY AS IT RELATES TO OTHER PROFESSIONS"**

Mr. Doug Ferrier, Chair of the PFEC, said the PFEC had met and discussed Draft Policy Number 11 nine times. A memo from Mr. Ferrier and Mr. Huff explaining the background on the development of Draft Policy Number 11 was included in the Board Binder. Two letters were posted by the Licensing Officer. The first letter, dated 1/9/06, to Lake County Board of Supervisors, and it addressed the issue of the Professional Foresters Law and CEQA documented projects, particularly impacts to blue oak woodlands. The second letter was dated 1/10/06, and it was sent to an environmental planning firm from Licensing Officer Huff in response to a complaint of unlicensed practice by the firm when it addressed oak woodland impacts. Mr. Ferrier said the Draft Policy Statement was also included in the Board Binder. The document was only to be used as a guideline as to when a RPF needed to be consulted.

Licensing Officer Huff felt the document had had adequate review, and asked the Board for approval to adopt Policy #11.

### **PUBLIC COMMENT**

Mr. Kent Norton, representing Association of Environmental Professionals, expressed his appreciation for the work done by PFEC Chair Ferrier. Mr. Norton generally supports the policy as it related to CEQA.

Mr. Joe McNeil, representing Consulting Arborists, Western Chapter of the International Society of Arboriculture, also appreciated the work by Mr. Ferrier and Mr. Huff. Mr. McNeil hoped to have Policy 11 adopted today.

Mr. Bill Keye, representing California Licensed Foresters Association, said CLFA submitted a letter, signed by Mr. Adrian Miller. After reviewing the draft Professional Foresters Registration Policy #11, Mr. Keye said CLFA supported the draft document with one minor edit. Under the fourth bulleted item under Statement III, CLFA suggested that the "and" be changed to "or", because that paragraph referred to a list of tasks associated with forestry

Mr. Ferrier and Mr. Huff agreed to CLFA's suggestion.

**02-07-10: Member Saito moved to adopt Policy #11 with changes from CLFA incorporated. Member Bosetti seconded the motion. All were in favor.**

## **11. STANDING COMMITTEES OF THE BOARD**

### **FOREST PRACTICE COMMITTEE (FPC)**

Member Nawi said the Forest Practice Committee met yesterday and discussed the scientific literature review of the T/I Regulations. The Technical Advisory Committee had been studying five riparian functions, and were working on preparing an initial literature list. The TAC created subcommittees and will meet in Redding on February 28. Based on the meeting on the 28<sup>th</sup>, the TAC findings could be presented to the full Board in March. The Chair of the TAC will work with Regulations Coordinator Zimny to prepare the questions they need answers to. Members Ostrowski and Nawi will work as a subcommittee of the Board with the Technical Advisory Committee. The work would commence immediately, with CDF and contracting staff working on proposals as soon as the TAC presents them.

The Committee had a discussion and review of fuel hazard reduction regulations (14 CCR 1038 (i) Forest Fire Prevention Exemption and 14 CCR 1052/4 Fuel Hazard Reduction Emergency Notice. Board staff will meet with Senator LaMalfa regarding his legislation which would sunset at the end of the year.

The Committee discussed potential regulations for the issuance of Incidental Take Permits for Coho salmon.

Chairman Dixon said the issue of T/I Rules kept coming up during the morning's discussions, and he felt the public was concerned and thought the T/I Rules would expire. Chairman Dixon said his understanding was currently the rules go until the end of the year. Also in place is the TAC Committee which has been discussing the scientific literature about T/I effectiveness or non-effectiveness. Based on what Member Nawi reported from the TAC Committee meeting held Monday, was the idea that their report would probably, at the earliest, get to the Board by late-summer or early-fall. Chairman Dixon said the Board committed to taking up an extension of the T/I Rules so that they would not sunset on December 31, 2007. If it appeared that the TAC would not have a report prepared for the Board to review and analyze and make recommendations on within the Board's regular rule-making calendar, then the Board would have to deal with extending the T/I Rules for another year. Chairman Dixon said assuming that the Board does extend the T/I package for another year and also assuming that any recommendations from the scientific review that affected watersheds with anadromous fish would necessarily have to come to Fish and Game as well. Chairman Dixon said if the Board did a package today or next month on specifically coho, would Fish and Game feel comfortable with that package if they were assured that the sunset would not take place December of this year that it would go until at least 2009. Chairman Dixon asked Fish and Game if the Board came up with a specific coho package, would that be acceptable to Fish and Game.

Mr. Stopher said without good reason to believe that T/I Rules would go beyond the end of 2007, it would be a waste of the Board's time. If Fish and Game knew that the T/I Rules would go beyond 2007, with a process in place to re-evaluate the merits of what was in place, and whether or not they were providing enough protection for anadromous fish, there would be merits of working on the elements of Strawman so that there would be something in the Forest Practice Rules that Fish and Game could point to. Mr. Stopher said there was work to do but he believed that it was within reach.

Chairman Dixon said he could not vote for a package that did not have the total approval of the Department of Fish and Game. Chairman Dixon said if the Board could not come up with an acceptable package for Fish and Game to take forward as a rule package and it was offered back to Fish and Game to come up with their own process, it would be an 18 month process and considerable cost would be involved because of CEQA. Chairman Dixon said that the package

seemed small and only covered a small issue, but it would have significant value to the Department of Fish and Game and to the process of protecting coho.

Mr. Stopher said the package had substantial value in a couple of ways. One was that if it were to go forward as outlined, it would provide some assurance some part of the anadromous fish landscape Fish and Game could count on additional enhancements contained in the T/I Rules, where there was uncertainty before. Secondly, it does provide end regulation, the process for complying with the incidental take provisions and exceptions process. Mr. Stopher said it would provide some certainty with respect to the regulated industry as to exactly how the Incidental Take Process would be handled and provide clarity. The THPs would not be implemented much differently from how they are handled now, Fish and Game would continue to take part in the review process and make the recommendations as they do now. Mr. Stopher said additional measures were needed now to avoid potentially significant cumulative effects. Mr. Stopher said avoiding the 18-month timeframe and additional expense, and the advantage for keeping rules for the implementation of forest practices in the Forest Practice Rules and not in two sets of regulations would be an advantage.

Member Giacomini said Chairman Dixon had done a good job of articulating her questions. Member Giacomini liked where Member Nawi was going to at the end the session, but was hesitant to commit more Board members to another subcommittee, but she liked the concept. Member Giacomini believed that both Strawman, CFA's proposal, and looking back at the December package to see what could be resolved to find the targeted package which addressed retaining the T/I Rules within the coho range with the trigger of take as an additional measure.

It was Member Nawi's understanding regarding the sunset of the existing T/I Rules that was talked about in the morning in connection with the CFA proposal, was that there would be two sets of the T/I Rules. One would have a sunset of first of next year, and presumably, if the scientific review could not be completed, the sunset could be extended for a second year to allow completion of the scientific review. A second version, with minor changes, would exist in the context of the 2112 Regulations without sunset. Member Nawi felt the Board had a very useful discussion today, and it pointed to the fact that the Board doesn't have many options. Based on the way the package was brought to the Board in July that they could do something that would affect the basic 2112 but recovery as well and be the basis of working under the federal statute for a 4D Rule. What the Board had before them was very limited. Member Nawi was hopeful that the Board could get enough from the scientific review to allow the Board to make well-informed decisions, and decisions that would express consensus. In order to move forward, Member Nawi suggested that the Executive Officer work with Fish and Game and CDF to come up with a package that would satisfy their concerns. Member Nawi asked the Board if it was appropriate for both he and Member Ostrowski to serve as a subcommittee to work with staff in bringing the proposal forward. Member Nawi said presumably the Department of Fish and Game would adopt a regulation that referred to CDF's regulation as the Board would adopt it and say this is not the adoption of an Incidental Take Permit. As a result of the scientific review process the Board may decide to amend the T/I Rules, if that occurred the Department of Fish and Game would be fully involved in the review and if the changes were acceptable to them, it would be a relatively minor matter for them to amend any regulation they have to refer to an updated, amended regulation that the Board might adopt.

Chairman Dixon asked if any Board Members were opposed to Member Nawi's suggestions. No one was. Member Nawi said the timing needed to be expedited

Member Bosetti said Member Nawi and Member Ostrowski working as an Ad Hoc Committee, to accelerate the package with the intent to move it to a point where the Forest Practice Committee

could have it back before the full-Board in March was a good idea. Member Bosetti said the ultimate goal was to have the package in a form that the Board could decide to notice. Member Bosetti liked the structure of the informal Committee meeting which was held earlier that morning.

## **PUBLIC COMMENT**

Mr. Paul Mason, representing Sierra Club California, said it was obvious where the discussion had gone. Regarding the T/I Rules, regardless of what is in the provisions of the plan to get an Incidental Take Permit, the T/I Rules need to be the baseline for the coho watersheds. Mr. Mason said that for Fish and Game to move forward with a regulatory process, premised on Board of Forestry Rules that continue to have a sunset, whether moving it up a year or two, was adding a significant level of uncertainty to their regulatory process. Mr. Mason suggested that the T/I Rules, at least in the context of coho watersheds be made permanent, so that uncertainty was not part of the process. Mr. Mason saw no reason to have a sunset even if there is a TAC going on, if they come up with revisions they could be made regardless of whether there is a sunset or not. Mr. Mason said the TAC was referred to as an entity doing a comprehensive review of the Forest Practice Rules, and how salmon issues are addressed. Mr. Mason said the TAC's scope was quite limited, and it would be more informative if the TAC were looking at what ways were the Forest Practice Rules or the T/I Rules inadequate to accomplish their goals of protecting salmon, but the scope of their review was limited to just riparian areas, and TAC would not be able to answer all the questions people seem to think they would answer. Mr. Mason said the rule package maintains the status quo. Mr. Mason didn't believe that the provisions would ever be applied on the ground. He said Fish and Game had never found a take was going to occur under CESA, and he finds it unlikely that they ever will. The 2112 package helps Fish and Game avoid performing an Environmental Impact Report. Mr. Mason said it needed to be clear that there was no fisheries benefit to the proposal.

Mr. Richard Gienger wanted to reiterate what he said in the morning regarding Member Marckwald's concerns and motion. Mr. Gienger quoted Member Marckwald's motion which said "I need to hear from Fish and Game that they have the person power and willingness and commit to review every timber harvest plan". Mr. Gienger asked what kind of personnel did Fish and Game have to do the report, and what kind of review are they actually going to do to inspect jobs to make sure there is recovery of take.

Member Ostrowski asked for clarification regarding the group being put together to review proposal. He understood that the Executive Officer was going to put together a group consisting of Fish and Game and Department of Forestry. Member Ostrowski asked if CFA or any other members of the public would be involved.

Member Nawi said the review group should just be government agencies. CFA and other members of the public should send their comments to Executive Officer Gentry.

## **POLICY COMMITTEE**

Member Nawi chaired the Policy Committee meeting in the absence of Chairman Marckwald. The only item the Committee discussed was a report by CDF staff on CDF actions to address carbon sequestration. The Committee received a 2-page document on CDF climate change strategy.

## **MANAGEMENT COMMITTEE**

Chairman Giacomini said the Management Committee had five issues they covered yesterday. Member Giacomini said the PTEIR memo was on tomorrow's agenda and she will deal with that issue tomorrow. The Management Committee had made no progress on the response to Mendocino Redwood Company on the PTEIR letter, although Mr. Allen Robertson did a great job fleshing out a very thorough list of bullet points. The Management Committee discussed the Road Management Plan, and asked Board Counsel to review it based on comments the Committee received. Based on Counsel's comments, staff went through and made a fairly major edit to the Road Management Plan. Member Giacomini asked Counsel Ashby to review the latest version of the Road Management Plan. Member Giacomini asked the Road Management Committee to review the new language to make sure there were no inconsistencies between what they were doing and what the package says. Ms. Giacomini said the Road Management Plan creates a venue for landowners to have a comprehensive inventory and management plan for tackling their whole road system. Although the Road Management Plan is a voluntary plan, what a landowner does when they head down that path is essentially they open themselves up to a broad view of all road related issues with every THP or NTMP that they submit with the road package attached. Member Giacomini said the Sustained Yield Plan Committee had not had a chance to work on the plan further. Ms. Giacomini asked that Mr. Bill Synder and Mr. Chris Moranto come to the next Management Committee to give an update on the Growth and Yield document.

## **RESOURCE PROTECTION COMMITTEE (RPC)**

Chairman Bosetti said the Resource Protection Committee met yesterday. Agenda item #2 General Plan Safety Elements was tabled. The focus of the Committee's discussion was on the California Fire Plan review. Chairman Bosetti said the Committee concluded their questions and dialog with CDF representative Mr. Wayne Mitchell on the Level-of-Service Goals for the Fire Plan. The direction the Committee was heading was to compile all of the answers to responses. The last item of discussion was the VTP Process/Framework for Policy Review. Chairman Bosetti said the center of that was a document that Mr. Jeff Stephens had prepared for RMAC that put some definitions and sideboards to the skeleton of a spread sheet that the Committee put together to help accumulate information to focus their review. The Committee directed staff to coordinate a conference call with the work group to validate the definitions. The contractor had reviewed chapters 1-4 of the VTP EIR. The Committee directed Mr. Stephens to put together a meeting with Members Bosetti and Giacomini next week.

## **12. REPORT OF THE REGULATIONS COORDINATOR**

Regulations Coordinator Zimny said tomorrow would be the rule-making process hearing for the Utility Major Woody Stem Exemption. Mr. Zimny said there were four forest practice rules before the Board pending action. Mr. Zimny said he had received feedback from Alpine County. Member Nawi thanked Mr. Zimny for his excellent job on the T/I Rules.

## **13. REPORT OF THE EXECUTIVE OFFICER**

Executive Officer Gentry said he would finalize the 2007 Board schedule. The locations had not been finalized, but the Executive Officer will make the draft schedule meetings available.

Chairman Dixon said he would talk to the Governor's Appointment People to try to get an appointment made to the Board so they could have a quorum at the next meeting.

#### **14. PUBLIC FORUM**

Mr. Bill Keye, representing California Licensed Foresters Association, said CLFA submitted a letter, signed by Mr. Adrian Miller regarding February Board Agenda Item 10 (Consideration of the Adoption of Policy #11 for Professional Foresters Registration, "Guidance on the Practice of Forestry as it Relates to Other Professions".) After reviewing the draft Professional Foresters Registration Policy #11, CLFA said they supported the draft document with one minor edit. Under the fourth bulleted item under Statement III, CLFA asked that the "and" be changed to "or": since that paragraph referred to a list of tasks associated with forestry. Mr. Keye announced CLFA's Annual Conference would be held on March 2-3, 2007 at the Sacramento Hilton. CLFA would also hold a "California Law & Forestry II Workshop" on March 1, 2007 at the Hilton Hotel in Sacramento.

Mr. Arne Hultgren, representing Roseburg Forest Products, said they received approval for a Programmatic 1600, which would allow them to conduct streambed modification divorced from the timber harvest plan. Mr. Hultgren said he would recommend that process to anyone who would be interested, it also had an added benefit of saving money.

Mr. Richard Gienger congratulated Mr. Hultgren. Mr. Gienger announced that the 25<sup>th</sup> Annual Salmonic Federation Conference would be held in Santa Rosa, beginning on March 10, with three days of field trips.

#### **15. ADJOURNMENT**

The Chairman adjourned the Board until tomorrow morning (February 8).

#### **16. CALL TO ORDER.**

Chairman Dixon called the second day of the Board meeting to order on February 8, 2007.

#### **17. GOLDEN TROWEL**

Mr. Richard Jenkins, CDF's Senior State Archaeologist based out of Redding, said the purpose of the Golden Trowel Award was to call attention to outstanding archaeological site survey and protection work made by personnel who have completed the Board's Certified Archaeological Surveyor Training Program. The award recipients are not professional archeologists; rather, they consist of foresters, biologists, firefighters, timber operators, and other forestry personnel

Mr. Cary Japp, CDF Area Forester for Humboldt Del Norte Unit introduced the recipient of the 2006 Golden Trowel Award. This year, the Board recognized Green Diamond Resource Company Administrative Forester Craig Compton, RPF 2663, for his outstanding archaeological survey work in

Humboldt and Del Norte Counties. It was not just one particular archeological site, survey or site record that brought Mr. Compton to CDF's attention. Mr. Compton had submitted many documents to CDF since he received his license in 1999. During the last several years Mr. Compton had done many archeological evaluations associated with timber harvest plans which had identified archeological resources. He had developed an understanding of the history of an area, consulting with Native American contacts, published documents, archeologists, and others who may have had knowledge of the history an area.

Mr. Compton had worked in several capacities in the timber industry in California since graduating from Humboldt State University in 1985 with a degree in Forest Production. Mr. Compton worked as a tree planter, logger, timber faller, logging supervisor and forester, and is currently employed with Green Diamond Resource Company as a Registered Professional Forester in Northern California.

Chairman Dixon presented Mr. Compton with a resolution and the Golden Trowel Award.

Chairman Dixon also presented a resolution recognizing CDF Archaeology Program Manager Dan Foster. Mr. Foster began as the first permanent CDF Archaeologist over 25 years ago. Mr. Foster recently promoted to CDF's Senior Environmental Planner in the Environmental Protection Program.

#### **18. HEARING: UTILITY CLEARING EXEMPTION, 2006**

Regulations Coordinator Zimny said today was the second 15-day noticed hearing for the "Utility Clearing Exemption, 2006". The initial public hearing was held on January 8, 2007. The Board provided notice of changes made to the proposed regulations publicly noticed for a 45-day review on November 17, 2006, affecting Title 14, Chapter 7. Fire Protection, Article 4. Fire Prevention Standards for Electrical Utilities, of the California Code of Regulations. The section proposed for amendment is subsection 1257. Exempt Minimum Clearance Provisions – Public Resources Code (PRC) 4293. The modifications include:

- Additional relevant documents relied upon;
- California Environmental Quality Act compliance; and
- Deletion of a specific purpose of regulation.

All public comments letters received were in the Board Binder, all five were in support of the exemption, Mr. Zimny reported.

Member Nawi said a provision in the regulation contained a Subsection 3 that expired December 31, 2008, Member Nawi asked Mr. Zimny to explain the sunset and what information the Board would have to have to maintain that sunset.

Mr. Zimny said as part of the proposal and coordination with CDF Fire Protection and Chief Hillman, since this is new provision that the Department has not yet used, they wanted to do a trial period to evaluate the performance and monitor, in cooperation with utilities, the locations on where the exemptions should apply, and at a minimum evaluate if there had been any issues over the two year period. Then a report would be issued to the Board prior to the expiration for reconsideration of adoption.

Member Bosetti asked Mr. Zimny for clarification on the verbal communication he had with utilities relative to the 15-day notice change, in their original comments to the Board on this matter, the utilities

had concerns about the qualifications that were in place. Member Bosetti asked Mr. Zimny if the utilities had any objections to the way the language currently read.

Mr. Zimny said the utilities primary concern was that the exemption did not distinguish between transmission and distribution systems. After Mr. Zimny talked to the utilities to assure that the exemption applied to primary distribution lines, and as long as that change was clear that primary distribution conductors did indeed mean 22.5 kilovolt lines, and did not apply to transmission conductors, the utilities would support the exemption.

Staff Chief Ernylee Chamlee, representing the State Fire Marshal's Office – Fire Prevention and Engineering, said the sunset clause was at the request of the Department in order to monitor the system for two years.

**PUBLIC COMMENT**

Mr. Mark Rubell, Assistant Forester for Sacramento Municipal Utility District, said he did support the amendment. Mr. Rubell said the amendment gave the opportunity to preserve stately and important trees

**02-08-18: Member Bosetti moved to close the public hearing. Member Nawi seconded the motion. All were in favor.**

**02-08-18: Member Nawi moved that the Board adopt the proposed regulation, and include the direction to Board and Department staff to report back to the Board at the end of the 2007 fire season and then again no later than July 2008 the results of the implementation so that they could come up with information to track the sunset provision. Member Ostrowski seconded the motion. Chairman Dixon requested a roll call vote.**

<b>Bosetti</b>	<b>Aye</b>
<b>Nawi</b>	<b>Aye</b>
<b>Giacomini</b>	<b>Aye</b>
<b>Ostrowski</b>	<b>Aye</b>
<b>Dixon</b>	<b>Aye</b>

**Motion was carried unanimously.**

**19. DISCUSSION OF RESPONSE TO MENDOCINO REDWOOD COMPANY LETTER ON THE PROGRAM TIMBERLAND ENVIRONMENTAL IMPACT REPORT**

Mr. Eric Huff recalled that back in April of 2006, the Board received a letter from Mr. Mike Jani, Mendocino Redwood Company Chief Forester, soliciting a response to the question “how does the PTEIR process work?”. In September of 2006, the Management Committee developed a draft response directly to Mendocino Redwood Company, and the Board took action to adopt that response directly to MRC. Two days after that the Board's Counsel suggested that it would be better to not respond directly to MRC, rather adopt a general guidance plan. Included in the Board Binder was the “final, final” draft version of the Board Memo on “An Explanation of the Forest Practice Rules for Program EIRs and THPs”. Mr. Huff said the memo had been reviewed by both Board and Department Counsels, and with some minor edits submitted by Member Nawi, should be ready for

distribution. Ms. Ashby also had some minor clarification changes. Mr. Huff had all the changes and would incorporate them.

**02-08-19:** Member Giacomini moved to rescind the previous action of September 6. Member Nawi seconded the motion. All were in favor.

**02-08-19:** Member Giacomini moved that the Board accept the memo, send it to the Director, as well as a review team and appropriate staff, and send it , under a separate cover letter, to other interested parties with changes incorporated. Member Nawi seconded the motion. All were in favor.

## **20. REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR JACKSON DEMONSTRATION STATE FOREST (JDSF) DRAFT MANAGEMENT PLAN.**

Mr. Russ Henly gave a Powerpoint presentation on the “Revised Management Plan for Jackson Demonstration State Forest”. The “Revised Management Plan for Jackson Demonstration State Forest” was before the Board for CEQA recirculation. Mr. Henly said the Board’s State Forest Policy 0351.2 states: “The primary purpose of the state forest program is to conduct innovative demonstrations, experiments and education in forest management. All state forests land uses should serve this purpose in some way.” Mr. Henly said the Mendocino Group submitted a Jackson Demonstration State Forest Management Plan and some of their suggestions were incorporated into the “Revised Management Plan”. The draft had been posted on the Board’s website.

Mr. Henly said themes that Alternative G responds to were:

- Once common forest elements are now rare.
- Working forests face large financial challenges.
- Greater collaboration is necessary with other public entities, landowners, other forest users.
- Goal-oriented, measurable, implementable Management Plan with BOF oversight.

Mr. Henly said the nine goals were:

- Research and Demonstration
- Forest Restoration
- Watershed and Ecological Processes
- Timber Management
- Recreation and Aesthetic Enjoyment
- Information, Planning, and Staffing
- Protection
- Minor Forest Products
- Property Configuration

The JDSF Management Plan contains:

- Executive Summary
- Chapter 1 Introduction – Purpose, Goals, Objectives
- Chapter 2 Current Condition
- Chapter 3 Desires Future Conditions and Planned Management
- Chapter 4 Research and Demonstration
- Chapter 5 Monitoring and Adaptive Management
- Appendices and Figures.

A copy of Mr. Henly's presentation was included in the Board Binder, and also a paper, entitled, "Public and Agency Concerns' Regarding Management of Jackson Demonstration State Forests and the Management Measures Adopted to Address Them", dated February 6, 2007.

Mr. Henly said the Department was looking for Board direction to move forward with the revisited Management Plan, including any additional changes the Board may want so they could prepare CEQA recirculation document. At that point the Department would recirculate the document, there would be a 45-day public review and comment period. The next step would be to complete a final DEIR and final Management Plan for Board action for approval, possibly at the June meeting in Fort Bragg.

Member Nawi asked if the DEIR was on the website. Mr. Henly said yes. Member Nawi asked Mr. Henly if he wanted direction regarding incorporation of that into the environmental document. Mr. Henly said yes. Member Nawi asked if a separate alternative would be described in the subsequent environmental document in addition to the alternatives in the initial draft EIR. Member Nawi said in communications he had with the Executive Officer that rather than putting it out as a separate new alternative it would just be textual changes that would reflect the content of what would be that alternative. Mr. Henly said they were calling it Alternative G, which reflects subsequent changes to Alternative C1 and it fits in the broad range of Alternatives that were considered and analyzed in the DEIR. The entire piece was recirculated as the Alternative. Mr. Henly said the plan that the Department completed a couple of weeks ago plus or minus the additional piece they were asked to look at would constitute that Alternative, it would be designated as Alternative G. Member Nawi asked Mr. Henly about the presentation the Department and Board staff made to local elected officials. Mr. Henly said they received positive responses; however, the Board of Supervisors expressed concern over the length of time the process had taken. Local officials don't want to see large trees harvested. Mr. Henly said everyone wanted to see the process completed. Mr. Henly said the overlay application he had described would largely end up getting implemented through the actual harvesting restriction language that focuses on less intense harvest activities would likely preclude future options. Mr. Henly said when you cut one tree or clearcut 20 acres, you would preclude some future options.

Member Ostrowski asked if Alternative G was in the scope of the existing DEIR. Mr. Henly said yes. Member Ostrowski asked if the Management Plan they drafted was consistent with Alternative G. Mr. Henly said Board policy calls for review at least every five years, but it is up to the Board's discretion if they wanted to review it more often. Mr. Ostrowski wanted to be sure the Board would not foreclose options as times change. Mr. Henly said it was a programmatic plan, it is not a specific project plan, it provides broad direction and a wide range of activities fall under its umbrella, and the Department expects some changes when the nature of those activities change over time.

## **PUBLIC COMMENT**

Mr. Bill Keye, representing CLFA, said they were aware that great changes were at hand, and with great changes comes great opportunity. Mr. Keye said the four themes were good overarching themes. He said there was a lack of road management, and herbicide limits seem to be over the top. Mr. Keye suggested putting off decisions that could lead to problems down the road.

Ms. Kathy Bailey, representing the Sierra Club and Mendocino Group, said the Management Plan was an improvement over previous plans, which was due to forest leadership. Ms. Bailey said one of the key principles behind what the Mendocino Working Group tried to do was to try to combine what

they knew about CDF's interest in management, the Board's interest in resource and demonstration alternatives, and what they knew about their community. Ms. Bailey said the Department needed to take into consideration local public considerations. She would like to move forward and have Jackson back into production. Ms. Bailey said one aspect of the Board of Supervisor's meeting, was a strong statement on the part of two supervisors that the work of the Mendocino Group be very strongly considered. Ms. Bailey said the Mendocino Group felt if they could move forward with the least amount of controversy over the first term that would start building trust. The Working Group recommended that herbicides be used as a last result. Ms. Bailey said CDF proposed to use herbicides for the hardwood component, she said that would be an issue. She said the woodlands section needed review. The Working Group recommended a broader approach to residual old growth that would retain old growth. Ms. Bailey said the Advisory Group was a great concern to everyone locally. The Mendocino Group strongly recommended that the Advisory Group work with the Department on a regular basis and ultimately report to the Board, and that the Advisory Group included the research community and included public interest. Ms. Bailey said in terms of the overlay process and the sunset on the Advisory Group overlay, that it should have specific criteria as to when the interim period would actually sunset and be over. Ms. Bailey said the plan, as presented, did divert from the Working Group, she feels the Advisory Group is they key.

Member Nawi assumed that the Board would have two things for recirculation, one would be revisions; two would be the plan itself reflecting Alternative G; and the other would be a supplemental environmental document analyzing the changes. In regard to Mr. Keye's remark about delaying decisions, Member Nawi's impression was that by informing the decision that would be taken three years after the plan had been adopted, by a scientific review that included public participation, the Board would be in a much better position to make decisions that would be scientific-based, and therefore, more likely to be credible to the public and reach a degree of acceptance. Regarding the Advisory Committee issue, the issues are complicated. Member Nawi said the Advisory Committee was to look at a statewide basis for all demonstration forests what appropriate research rules had been drafted looking at specific projects, but to identify specific research goals and then when specific projects are proposed those would be evaluated in terms of whether they were consistent with the research goals recommended by the broad statewide Advisory Committee. Member Nawi said that was the thinking that went into the idea of having a separate Research Committee. The implementation of a plan would be the Department and the Director's responsibility. Member Nawi said the Board could put out a document now that sets up a rational scheme for Advisory Committees and, presumably, prerequisite public participation, then at the end of the day when the Board was ready to make a decision providing the plans, the specifics of the Advisory Committee, that decision would be informed by comments the Board had received in the interim period.

Member Nawi said what went out in the draft Management Plan in creating Alternative G contained a specific proposal for how the Advisory Committees would be structured and established. The Board would receive comment, and based on the comments, the Board could clear the need to recirculate because there would be no environmental impact. Making the final decisions as to whether to approve a plan with the Advisory Committee structures as it would be proposed in the draft that would go out that might be appropriate.

Mr. Henly felt the structure of the Advisory Committee in the Management Plan should be very general, and more time was needed to research composition. The DEIR would be certified first, then the Plan.

Chairman Dixon felt the Subcommittee for JDSF was still necessary. Member Giacomini will replace previous Board Member Ryneason on the subcommittee with Member Nawi.

Member Nawi said while adaptive management was there, it would not change from year to year. The document should show as a proposal the basic structure of any Advisory Committee, the appointing powers, and the functions, but making it clear that this was a proposal and there could be flexibility to change.

Member Nawi said there were two options on how the Board should proceed. The first was to have the Subcommittee work with CDF and Board staff to move the document one step forward and bring it back to the Board next month for final report and approval. The second option was to give direction to CDF staff to work with Members Nawi and Giacomini to finalize the two documents that had been discussed and put them out for recirculation. Member Nawi felt staff had received enough comment and could move forward and complete the document and policy input from he and Member Giacomini.

Member Bosetti suggested that Members Nawi and Giacomini work with staff and not bring it back to the Board.

Mr. Heny said it would take about four weeks to complete changes, the substantive work was there in the DEIR, but the connections need to be made between what was proposed in the new plan in the printed proposal and the analysis that had already been done in the previous DEIR.

**02-08-20: Member Nawi moved that a subcommittee consisting of Member Nawi and Member Giacomini work with the Executive Officer and CDF staff to create a version of the Management Plan called Alternative G, as Member Nawi mentioned earlier the concept of the overlay in the interim period for subsequent review and also Advisory Committee and in planning environmental supplemental document and based on approval by Members Giacomini and Nawi be recirculated for 45 days. Member Ostrowski seconded the motion. All were in favor.**

## **21. PRESENTATION ON THE BOARD'S DRAFT POLICY STATEMENT**

This was deferred to March agenda.

## **22. NEW AND UNFINISHED BUSINESS**

Member Ostrowski asked for an update regarding the press release for the Modified Completion Report. Executive Officer Gentry said he would email it to Member Ostrowski.

## **23. ADJOURNMENT**

Chairman Dixon adjourned the March 2007 Board of Forestry meeting.

Respectfully submitted,

ATTEST:

George D. Gentry  
Executive Officer

Stan Dixon  
Chairman

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