

P.O. Box 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
(916) 653-0989 FAX
Website: www.bof.fire.ca.gov



APPROVED MINUTES
BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
August 8, 2012

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Bruce Saito
Mark Andre
Richard Wade
J. Keith Gilless
Jim Ostrowski
Susan Britting
Mike Miles

BOARD OF FORESTRY MEMBERS ABSENT:

None

BOARD STAFF:

George Gentry, Executive Officer
Matthew Dias, Executive Officer, Forester's Licensing
Eric Huff, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Janet Upton, Deputy Director Communications
Duane Shintaku, Asst. Deputy Director, Forest Practice
Russ Henly, Asst. Deputy Director, Resource Protection
Dean Cromwell, Chief of Planning and Risk Analysis
Helge Eng, sate Forest Program Manager
Chris Browder, Deputy Chief, THP Administration
Pete Cafferata, Forest Hydrologist

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

Call to Order

Chairman Dixon called the August 8, 2012 meeting of the Board of Forestry and Fire Protection to order.

Announcement of Actions Taken in Executive Session

No session held

Approval of Minutes

Minutes deferred.

MONTHLY BOARD REPORTS

Report of the Chairman.

Acknowledged Board members and staff on a job well done.

Report of the Director/Department.

- Fire activity as of August 4, 2012 is at 3,700 fires with approximately 31,000 acres burned. The acreage is close to the same number of acres burned last year with approximately 1,200 fires more at the same time. The number of fires verses the lower number of acres burned compared to last year is due to an aggressive initial attack. There's a fair amount of fire activity on federal land with the Reading fire on the Lassen National Forest, as of the morning of August 8, 2012, was at 3,000 acres and 5% contained. The Chips fire on the Plumas National Forest, as of August 8, 2012, was at 18,000 acres and 10% contained. The Chips fire is estimated to go to at least 35,000 acres. A portion of these fires are burning on SRA lands. Cal Fire is assisting, particularly in areas where it's burning on private timberlands. The Lake complex, a series of fires on Modoc National Forest, has a reported number of 1600 acres burned and 8% contained. The largest fire is the Lost incident with 41,000 acres burned and 25% contained. Two large DC10 airtankers have been activated, one is working out of Southern Washington and the second is operating out of McClellan. There were a number of fires that were started on the Shasta-Trinity, Siskiyou, and Klamath National Forests, by a series of lightning storms that went through the northern part of the state. Cal Fire is working closely with their Federal Partners to balance resources on fire suppression.
- Cal Fire's Strategic Plan has been posted to their website. This was after a year of work with managers, supervisors and management counsel. The plan will serve as a road map for Cal Fire for the next 5 years.
- Cal Fire will make recommendations to fill three vacancies on the Jackson Advisory Group within the next month.
- The proposal for Goldspotted Oak Borer Zone of Infestation will be ready to present to the Board next month.
- Director Pimlott attended a press conference and presentation on climate change at Cal EMA where a series of 34 scientific studies on climate change were presented. The Governor's office, Resources Agency and other agencies were also in attendance.
- Cal Fire has been working closely with its federal partners and other agencies on the Federal Aviation Strategy. The Federal Airtanker Program has been in significant decline, the program has between eight and ten airtankers nationally. The Rand Corporation made a recommendation to go primarily and almost exclusively with water scooping aircraft at the exclusion of retardant dropping fixed wing airtankers. The department has given initial feedback to the Rand Corporation of the department's concerns regarding the corporation's recommendations. Director Pimlott will provide updates to the Board as they move through this process.

- Director also delivered the 2011 Red Books.

Member Ostrowski noted that both the Chips and Dillon Fires were occurring on old burns, and asked if any follow up study was contemplated. Director Pimlott noted that the Department would likely be part of an after action evaluation. Member Wade asked about the Rand report. Director Pimlott stated he believed it to be flawed, as the effectiveness of retardant versus water was not taken into account. Member Andre asked as to the status of the Conservation camps. Director Pimlott stated that an agreement with the counties was being researched. Members Ostrowski and Gilless asked about the Redding Pilot Project. Duane Shintaku replied that the process was ongoing, and that the chief metric to evaluate was meeting regulatory timelines.

Report of the Regulations Coordinator.

§1270 SRA Fire Safe Development, 15 day notice hearing today.

SRA Fire Prevention Fees - Permanent Regulation and Class II-L Identification Methods Amendments, 2012 both pending notice for 45 days hearings.

Report of Executive Officer.

Gave an update and provided a map that showed the area of the Chips fire and surrounding areas. Will meet with Bob Rynearson of Beaty and Associates to set a date for a field trip to the area as a follow up to compare with a previous field trip.

Gave a brief description of communication received from the Regional Council of Rural Counties regarding a memorandum that included communication between local county government and the forest service.

Briefed the Board on agenda items for the September, 12, 2012 Board meeting, that will include a follow up on the Goldspotted Oak Borer policy statement, an update from Cal Fire on the implementation of the Fire Plan, The Raymond Award, consideration of Cal Fire's recommendations to fill vacant seats on the JAG. Various issues and presentations are scheduled for upcoming committee meetings.

Thanked Executive Officer Dias for facilitating a meeting between himself and RMAC Chair, Mel Thompson. Mr. Gentry gave a brief overview of that meeting.

Report of the Standing Committees

Forest Practice, Mark Andre, Chair

No action items

There is continued work on the Road Rules Plead. A September 10, 2012 meeting has been set to continue work on the plead language. Discussed cumulative effects guidance. The committee plans to work on priority two and three items so they can be addressed in a timely manner.

Resource Protection, Bruce Saito, Chair

No action items

Report of Board's Advisory Committees

- **Forest Pest Council-**
 - **California Oak Mortality Task Force (COMTF) – Katie Palmieri**

- A new *Phytophthora ramorum* outbreak has been identified on the Rogue River-Siskiyou National Forest 10 miles east of Brookings, OR. The site is ½ mile east of the current quarantine boundary; therefore, an emergency quarantine was put into effect, bringing Oregon's Sudden Oak Death (SOD) quarantine area to 229 square miles.
- California's 2012 USDA Forest Service annual aerial detection survey has flown 20.1 million acres to date, covering mostly coastal and southern California. Over 318,000 dead oak and tanoak trees across 56,200 acres have been mapped, mainly in areas impacted by SOD and Goldspotted Oak Borer. SOD-related mortality has increased dramatically from 2011.
- A "National Framework for Managing Sudden Oak Death (SOD) caused by *Phytophthora ramorum* in Forests and Wildlands" is now available at <http://www.fs.fed.us/foresthealth/management/fhm-national-frameworks.shtml>.

Full report available in Board's Binder

- **Monitoring Study Group- Pete Cafferata**

The Group will meet September 19, at the Central Valley Regional Water Quality Control Board in Redding, California. There will be two primary presentations:

Mr. Jim Harrington, DFG, Projects Leader/Water Quality Biologist, on the biological monitoring and assessment process for water quality being developed that involves technical and regulatory processes (this program may apply to timberlands in California).

Dr. Gordon Grant, Research Hydrologist, US Forest Service Pacific Northwest Research Station, Corvallis, Oregon, on: The hydrology and geomorphology of young volcanics in the Oregon Cascades; and Evaluating the potential for hydrologic and geomorphic alteration (e.g., changes in peak flows) by timber harvest activities in the Battle Creek watershed.

- **Research and Science Committee- George Gentry**

Presentation under later agenda item regarding the formation of a Research Planning Team for JDSF

- **Committee on Criminal Trespass- George Gentry**

Dr. Joe McBride offered an invitation to Board members to attend the event, Walk to Take Back Our Forests, August 26, 2012. This event is to bring attention to the growing problem of illegal marijuana production on public and private property. Mr. Gentry plans to attend.

- **Range Management Advisory Committee- George Gentry**

No report

- **Professional Foresters Examining Committee – Matt Dias**

The following Registered Professional Foresters requested withdrawal of their license pursuant to 14 CCR §1608(a):

WALTER BAVARSKAS	RPF 1224	07/01/2012 - 06/30/2016
RICHARD GROMER	RPF 1826	07/01/2012 - 06/30/2016
CARL HAYWARD	RPF 2488	07/01/2012 - 06/30/2016
THOMAS RANDOLPH	RPF 1732	07/01/2012 - 06/30/2016
HARRY SHEEHAN	RPF 2480	07/01/2012 - 06/30/2016

08-12-01 Member Ostrowski moved to accept withdrawal of Professional Forester's listed. Member Andre seconded the motion. All members were in favor of the motion.

The Office of Professional Foresters Registration notes the RECENT PASSING of the following Registered Professional Foresters:

JOHN MELVIN MARSHALL RPF 2234

The Executive Officer for Licensing requested REVOCATION of the following RPF License pursuant to Public Resources Code 783.

DOUGLAS MAXEY RPF 2122

**08-12-02 Member Ostrowski moved to approve revocation of RPF Douglas Maxey.
Member Saito seconded the motion. All members were in favor of the motion.**

SPECIAL BOARD HEARINGS/REPORTS

Presentation on Implementation of the State Responsibility Area Fire Prevention Benefit Fee by Department Staff. Janet Barentson and Dean Cromwell

Discussion began with a review of the definition of “Habitable Structure”: – A building that contains one or more dwelling units or that can be occupied for residential use. Buildings occupied for residential use include single family homes, multi-unit structures, condominiums, apartments, mobile homes and manufactured homes. “Habitable Structure” does not include incidental buildings, such as detached garages, barns, outdoor facilities, and sheds. In total, there are over 825,000 habitable structures in SRA with over 750,000 bills going out.

Under the SRA fee law, an appeal is called a **“Petition for Redetermination.”** Fee payers wishing to appeal the fee must file a Petition for Redetermination within 30 days the date on the bill. Appeals will go to the Designated Fee Administrator. Some appeals may be referred to CAL FIRE. A decision on the appeal must be made within 60 days of its receipt.

First bills for 2011-12 will go out over a 4-month period, starting by August 13, 2012. Billings will start slowly then go out at the rate of about 10,000 per day. Bills sent to counties in alphabetical order.

Designated Fee Administrator has set up Fee Service Center and now in operation. Service Center staff has been trained to answer a wide range of questions. Fee bill and bill insert come with Service Center phone #. It is anticipated most calls will go to the Service Center; CAL FIRE central number rolls to Service Center. Over the four-month billing period it is designed to handle 150,000 plus calls; more capacity to be added as needed for post cards, perhaps 35,000 plus calls will go into appeal.

CAL FIRE is working on process to deal with requests to evaluate properties where owners want out of SRA. The intent is to make available on Board website with link on firepreventionfee.org website. People can fill out and send in request electronically.

Member Ostrowski asked if the use of the word “protest” in the BOE postcard would have an effect on the number of calls to the service center. Member Gillless expressed concern over the use of a suppression picture for a prevention fee, and thought it was improper messaging. Member Saito asked about the pace of billings, and how late fees would be handled. Mr. Cromwell explained that about 4,000 billings weekly would go out, and that late fees were covered under Tax and Revenue Code.

Public Comment

Bill Fawx: Expressed his displeasure over the fact that attempts to repeal the fee in the legislature had not prevailed, and that the regulation remained unchanged. He stated that 150 dollars was not a mandated amount.

Eric Carlson: Expressed that rural residents, like his constituents, are already very impacted by diesel fees, etc., and that this fee hits them disproportionately hard.

Jodi Friediani: Expressed that her area had requested to form a volunteer fire district, but had been unable to. Requested that a deduction be made for her area regardless.

Presentation on possible Lumber Assessment Fees

Executive Officer Gentry outlined potential legislation pending that would require the Board to act quickly. He outlined what the rule language might look like based on the following proposed statutory language:

“On or before October 1, 2012, the board shall adopt a regulation that interprets and makes specific the lumber products and engineered wood products that the board determines shall be subject to the lumber products assessment imposed pursuant to Section 4629.5. The board shall annually update the regulation.”

Members Britting and Dixon expressed concern that the process would be too compressed for thoughtful decision making. Member Gilless clarified if what was being asked was for the Board to use its expertise in creating a list of products subject to assessment.

Public Comment:

Richard Gienger: Concerned of the issue of log exports.

Jodi Friediani: Thought that it was inappropriate for staff to work on these issues in advance.

Eric Carlson: Associated California Loggers support.

Rob DiPerna: Epic does not support.

Gary Rynearson: Offered assistance to staff to draft language.

Presentation on Concession Policy for State Forests.

Mr. Gentry outlined the request of Department to modify Board policy on concessions. After consultation with State Forest staff the following was the main change:

“Special uses of State forests will be permitted only when there is a clear benefit to the State and when such uses do not conflict with primary (uses) programs of timber management, demonstration, research, and recreation. Such concessions must be consistent with this policy and receive written permission of the Forest Manger. The Forest Manger may require mitigations to any concession to ameliorate potential impacts on the forest.”

Also included were examples of concessions.

08-12-03 Member Ostrowski moved to approve Concession Policy for State Forests with certain edits. Member Saito seconded the motion. All members were in favor of the motion.

Presentation on Research and Science Committee recommendations for a Research Planning Team for State Forests. Dan Porter, RSC member, former JAG member.

Mr. Porter reviewed the current status of the issues regarding the Jackson Management Plan:

- “Matrix” Allocation defaults to uneven-aged management per CA FPRs, pending further work
- BOF endorses research-oriented management concept and the formation of a research planning team and envisions a strategic research plan
- BOF assumes responsibility for development of a research governance structure
- Crossroad Issues
 - When to convene the RPT and how to fund it and...
 - How to sequence, organize and inform development of the BOF’s Research Governance Structure

Mr. Porter then reviewed the RSC recommendations:

- #1: Form a paid, professional research planning team
 - Three subject matter experts
 - Experienced biometrician & GIS analyst
 - Watershed scientist/landscape ecologist to lead process
 - CalFire and BOF expertise to keep resulting plan actionable
- #2: Develop a strategic research plan for JDSF and consider applying the RPT’s approach to other state forests
 - Prioritized and actionable set of research priorities
 - Two or more research-oriented landscape allocation scenarios
 - Assessment of research capacity and funding availability
 - Consideration of RSC’s RPT Guidance Re: successful R&D Forests

Mr. Porter stated that a Preliminary Budget totaling \$140,000 would be necessary, which includes GIS/Modeling Work totaling \$80,000, and Committee Work totaling \$60,000.

HEARINGS

SRA Fire Safe Regulations Update, 2011. The Board is considering changes to Title 14 CCR § 1270, et. seq., which were previously the subject of a regulatory hearing conducted on February 6, 2012. The existing regulations set standards for future design and construction of structures, subdivisions and developments in SRA and provide for basic emergency access and perimeter wildfire protection. This proposed change makes several revisions to the existing regulations for the purpose of improving regulatory clarity and uniform implementation of wildfire protection standards association with residential subdivision development.

Public Comment:

Kevin Collins: Felt that clearance and road standards vary greatly depending on vegetation and climate, therefore expressed concern that aggressive enforcement would lead to inappropriate actions.

Matt Chapman: Agreed with the previous speaker, and presented a detailed argument regarding an issue in Tuolumne County regarding application of standards at the local level.

08-12-04 Member Ostrowski moved to close public hearing. Member Saito seconded the motion. All members were in favor of the motion.

08-12-05 Member Britting moved to approve 15 day notice with certain edits. Member Andre seconded the motion.

Chairman Dixon called for a roll call vote

Ostrowski	Aye
Saito	Aye
Britting	Aye
Andre	Aye
Gilless	Aye
Miles	Aye
Wade	Aye
Dixon	Aye

Motion passed unanimously

CONCLUSION

Public Forum

Eric Carlson, Associated California Loggers gave update on ACL news. Former 2003 ACL president, Pete Phil passed away July 26, 2012. Jim Kohn passed away April 29, 2012; he served two years with ACL in 1990-1991.

Mike Tadlock, California Licensed Foresters Association, is moving forward with the Working Forest Management Plan, CLFA is hoping the bill will move forward in the next legislative session in February. Gave a brief update on the Blodgett tour for legislative staff. Another Blodgett tour is scheduled for August 10, 2012.

Matt Chapman, Spoke about a development project in Tuolumne County he feels is in violation of the Fire Safe laws.

New and Unfinished business

None

Adjourn

Respectfully submitted,



George D. Gentry
Executive Officer

ATTEST:



Stan Dixon
Chairman

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