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BOARD OF FORESTRY AND FIRE PROTECTION
Meeting Minutes

Sacramento, CA
August 26, 2015

BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS PRESENT:

J. Keith Gillless, Chair
Mark Andre, Vice Chair
Bruce Saito
Rich Wade
Mike Miles
Stuart Farber
Mary Rickert
Susan Husari
Kim Rodrigues

BOARD OF FORESTRY AND FIRE PROTECTION MEMBERS ABSENT: None

BOARD STAFF:

Matthew Dias, Acting Executive Officer
Thembi Borrás, Regulations Coordinator
Edith Hannigan, Analyst
Kevin Conway, Forester I
Linda Cano, Executive Assistant
Stephen Lerner, Esq., Board Counsel

DEPARTMENTAL STAFF:

Ken Pimlott, Director Cal Fire
Janet Barentson, Chief Deputy Director,
Janet Upton, Deputy Director, Communications
Duane Shintaku, Deputy Director, Resource Management
Dennis Hall, Assistant Deputy Director, Forest Practice
Chris Keithly, FRAP

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.

Executive Session: (Closed to the Public) Discussion of Matters Related to Foresters Licensing such as Certifications; Voluntary Relinquishments; and/or Revocations of RPF Licenses/CRM Certifications Under Section 11126 (c)(1), (c)(2), (c)(3) of the Government Code; Employee Evaluation Under 11126 (a)(1); also Discussion of Pending and Potential Litigation Under Section 11126 (e) of the Government Code. (The Executive Session may be reconvened if determined necessary.) The Board reviewed:

- a. Brown, et al. v. State of California, San Diego County Superior Court (Small Claims Division), Case No. 37-2014-00310580
- b. Christ v. California Dept. of Forestry and Fire Protection, et al., Court of Appeals (3rd District), Case No. C076957
- c. Rancho Guejito Corp. v. Board of Forestry and Fire Protection, San Diego County Superior Court, Case No. 27-2014-00027683
- d. White v. Pimlott, et al., Court of Appeals (3rd District), Case No. A141475
- e. White v. Walters, et al., Court of Appeals (3rd District), Case No. A142886

Approval of Minutes from Previous Meetings.

**08-15-01 Member Rickert moved to approve the June and July minutes with edits.
Member Saito seconded the motion.**

Roll Call

Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
*Rodrigues	June abstain July Aye
Gilless	Aye

***Member Rodrigues abstained from approving June minutes as she had not yet been appointed to the Board.**

MONTHLY BOARD REPORTS

Report of the Chairman.

- a) Procedures and Process for Permanent Replacement of Board's Executive Officer
 - 1) Proposed Timetable
 - 2) Draft Job Description
 - 3) Formation of Search Committee and scope of authority. **Possible Action Item**
 - 4) Appointment of members to Search Committee. **Possible Action Item**
- b) Summary of meeting with Resources Agency
 - 1) Technology for making Committee and Board meeting more accessible to the public

08-15-02 Chair Gilless moved to form a search committee with representation from the Board, Resources Agency and CAL FIRE to conduct an initial screening of candidates which will be presented to the Board to fill the vacant Executive Officer position. Membership of the committee will appointed at a future Board meeting. Member Andre seconded the motion.

Roll Call

Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Gillless	Aye

The motion passed unanimously.

Report of the Director/Department, Ken Pimlott

- Personnel Changes:
Appointment of Craig Tolmie as Assistant Region Chief, Southern Region
Appointment of Dr. Chris Keithley as CEA of Fire and Resource Assessment Program (FRAP).
- Year to Date Fire Stats. Currently over 10,000 firefighters deployed across the state, with major focus upon Wragg and Rocky fires. The Department is keeping close watch on the Rocky Fire, which is a federal incident, because of potential impacts to water sources and State Forests. CAL FIRE has contributed resources to the state of Washington to help battle the Okanogan Complex, which is currently nearly 250,000 acres.
- Installation of Temporary Bridge Over Cache Creek for Rocky/Jerusalem Fires
 - a. Initial installation of Pontoon Bridge by the California National Guard.
 - b. Subsequent installation of temporary culverts and roadbed by Department of Water Resources.
- Oversight Hearing on recreational use of Drones and Impacts to Emergencies
 - a. Hosted by Senator Hannah Beth Jackson.
 - b. Testimony from a variety of stakeholders.
 - c. Cal Fire has a zero tolerance policy for use of drones in and around all incidents, particularly wildland fires where aerial support is necessary.
- Department VTPEIR Team has worked hard to provide the Board with a Draft VTPEIR for the Board to consider.
- GHG Reduction Project Status, Cal Fire has been working diligently to bring the programs that were funded last year forward. Urban Community Forestry Conservation Easement projects were funded and are currently working with Air Resources Board on the reforestation and fuels treatment projects.
- FCAT Update
 - a. Have formulated a working outline of the proposed product.
 - b. The Department is working on an early draft of the Carbon Plan that will eventually be released for public review a comment.
 - c. Workshops on draft language may be scheduled in November/December 2015.
- The Director attended the Tahoe Summit, hosted by Senators Feinstein and Heller, attended by Governor Brown and other members of Congress. Forest health and fuels treatment were high profile issues during the summit.
- Revised SRA Report Posted on the Internet
 - a. Refined to address comments from the Board at the June Board Meeting.
 - b. The report will be updated periodically as appropriate.
- Working with Duane Shintaku on a Prescribed Fire MOU that is focused upon raising the bar on the number of acres treated via prescribed burning. This MOU is being developed with

USFS, Sierra Nevada Conservancy and Sierra Forest Legacy. Duane Shintaku helped develop preliminary post fire assessment procedures that will be utilized by the Department to ascertain if impacts due to wildfire activity within watersheds are being addressed.

- Questions were raised by Member Farber on DFW's preparation of a Wolf Plan. Bill Condon, DFW, stated that an update to the Board would be provided in the near future.

Public Comment:

Richard Geinger: Requested clarification on implementation of pilot projects under AB 1492 process.

Report of the Regulations Coordinator. The Board's Regulations Coordinator will report on ongoing regulatory matters. **Possible Action Items:** The Board may act in response to requests of the Regulations Coordinator on items presented in the report.

Ms. Borrás provided an update on the status of pending regulatory packages and also provided an update on the revisions and information that may be included in a supplemental statement of reasons for the Working Forest Management Plan.

08-15-03 **Member Farber moved to authorize Board staff to include information as stated into the Supplemental Statement of Reasons. Member Andre seconded the motion.**

Roll Call

Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Abstain
Gilles	Aye

The motion passed with one abstention.

Report of Executive Officer. The Board's Acting Executive Officer will report on ongoing administrative matters, proposed state or federal legislation or programs, or new items coming before the Board. **Possible Action Items:** The Board may act in response to requests of the Executive Officer on items presented in the report.

a) Annual Report.

08-15-04 **Member Rickert moved to authorize the acting Executive Officer to finalize Annual Report. Member Miles seconded the motion.**

Roll Call

Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye

Gilless Aye

The motion passed unanimously.

- b) Legislation Update.
- c) Board review of FRAP Assessment Indicators.

08-15-05 Member Miles moved to select two members of the Board to work with Chris Keithly on the FRAP Assessment Indicators. Member Farber seconded the motion.

Roll Call

**Saito Aye
Andre Aye
Wade Aye
Husari Aye
Miles Aye
Farber Aye
Rickert Aye
Rodrigues Aye
Gilless Aye**

The motion passed unanimously.

Chairman Gilless and Member Rodrigues accepted the assignment to review the FRAP indicators and provide input to Dr. Keithly.

- d) Acting Executive Officer reported on the proposed designation of 5.3 million of Region V forestland in California for impacts from disease and insect infestation.

08-15-06 Member Gilless moved to authorize staff to prepare a letter of support for the designation of an additional 5.3 million acres under the National Forest lands in California per the provisions of the Healthy Forest Restoration Act (HFRA). Member Saito seconded the motion. Chair Gilless and Member Andre will review the correspondence on behalf of the Board prior to being sent.

Roll Call

**Saito Aye
Andre Aye
Wade Aye
Husari Aye
Miles Aye
Farber Aye
Rickert Aye
Rodrigues Aye
Gilless Aye**

The motion passed unanimously.

Report of Standing Committees: Committee Chairpersons reported upon actionable items or discussions that occurred in each of the Committee meetings.

Forest Practice Committee, Mike Miles, Chair

1. Cumulative Impacts Analysis Technical Rule Addendum #2
2. Oak Woodland Conservation

No actionable items for this month.

Resource Protection Committee, Bruce Saito, Chair

1. PRC 4290 County Certification Process
2. San Bernardino 4290 Certification Request
3. Update on Board's SRA Grant Program, Review of Draft SRA Grant Regulations
4. Housing and Community Development Outreach
5. Mono County Safety Element Review
6. Cal Poly 1270 Research Project Update
7. New and Unfinished Business
 - a. Monitoring requirements for the Forest Fire Prevention Pilot Project Exemption

No actionable items for this month.

Management Committee, Stuart Farber, Chair

- Issues Related to Timberland Conversion
- a. Rasmussen Conversion, Regulatory Proposal

08-15-07 Member Farber moved to authorize a 45- Day Notice for Rasmussen Conversion, 2015. Member Wade seconded the motion.

Roll Call

Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Abstain
Gilless	Aye

The motion passed with one abstention.

- b. Boles Fire, Emergency Procedures
2. Discussion of Small Landowner THP Approach

Report of Board's Advisory Committees

- Forest Pest Council- Katie Harrell
Forest Pest Conditions Report presentation
- Effectiveness Monitoring Committee- Stuart Farber

Chairman Farber reported that the DRAFT Strategic Plan is still under development. The committee is working in a collaborative manner to formulate a DRAFT Plan for the Board to review in the near future. It is likely that a DRAFT Strategic Plan will be available for Board review during the September Board Meeting.

Public Comment

Bill Condon, Department of Fish and Wildlife – Stated that the Emergency Water Drafting Regulations are of importance to DFW.

Richard Geinger- States that there is a lot of interest in oak woodland management. Likes the ideas brought forth by DFW and CGS in the development of the EMC Strategic Plan in regards to road monitoring. Stated he was disturbed that the monitoring requirements were not included in the DRAFT Strategic Plan to date.

- Range Management Advisory Committee- Edith Hannigan

- Professional Foresters Examining Committee –Matt Dias.

The Executive Officer for Professional Foresters Registration will report on ongoing PFEC matters.

Possible Action Items: Issuance of RPF Licenses/CRM Certifications, Withdrawals, Reinstatements, Voluntary Relinquishments, Suspensions, Revocations, or other Actions.

08-15-08 Member Gilless moved to approve the withdrawals of RPF Licenses. Member Miles seconded the motion.

- | | |
|----------------------------|---------------------------------|
| RPF 3 – David Burns | RPF 1917 – Charles Schoendienst |
| RPF 913 – Max Younkin | RPF 1989 – Lindell Yoshimura |
| RPF 1005 – Barton Bloom | RPF 2059 – Thomas Hoffman |
| RPF 1729 – Victor Williams | RPF 2137 – Charles Brown |
| RPF 1755 – Edward Magrini | RPF 2201 – Thomas Nelson |
| RPF 1849 – Brian Anker | RPF 2239 – Dana Cole |
| RPF 1889 – Donald Berry | RPF 2631 – Kenneth Kendrick |
| RPF 1909 – Daniel Scaten | RPF 2923 – Benjamin Folgate |
| CRM 87 – David Amme | |

Roll Call

- | | |
|------------------|------------|
| Saito | Aye |
| Andre | Aye |
| Wade | Aye |
| Husari | Aye |
| Miles | Aye |
| Farber | Aye |
| Rickert | Aye |
| Rodrigues | Aye |
| Gilless | Aye |

The motion passed unanimously.

08-15-09 Member Gilless moved that Kim Rodrigues become the Board liaison to PFEC replacing Chair Gilless. Member Rickert seconded the motion.

Roll Call

Saito Aye
Andre Aye
Wade Aye
Husari Aye
Miles Aye
Farber Aye
Rickert Aye
Rodrigues Aye
Gilles Aye

The motion passed unanimously.

SPECIAL BOARD HEARINGS/REPORTS

Presentation of the Francis H. Raymond Award: Recipient: Doug Ferrier. The award was named after Francis H. Raymond who was the Director of the California Department of Forestry and Fire Protection from 1953 to 1970, and was one of the primary advocates for the passage of the Professional Foresters Law in 1973. Since 1987 it has been awarded to a group or individual who has achieved excellence in forestry in California. The award was accepted by Dave Ferrier on behalf of his brother.

State Responsibility Area (SRA) Fire Prevention Fee adjustment. Pursuant to PRC § 4212 the Board may adjust the Fire Prevention Fee to reflect the percentage of change in the Annual Price Deflator. A staff paper was presented by Acting Executive Officer Dias on the changes to the process that the Board will have to consider while deliberating upon this issue in future years.

Draft Vegetation Treatment Program Programmatic Environmental Impact Report (VTPEIR) Review. Presentation by Gabe Shultz, Northern Region Staff Chief, Resource Management.
Possible Action Item.

Public Comment

Richard Halsey, California Chaparral Institute suggested it would be helpful if the Board gave the process another collaborative effort so that the inconsistencies in the document can be rectified.

Rochelle Gaudette, California Chaparral Institute commented the draft was confusing and contained a lot of inconsistencies. The VTPEIR should be reviewed by scientists one more time in collaboration with Cal Fire to improve the science before public release.

Vern Goehring, California Native Plant Society, commented there have been several improvements in the language and addressing fire ecology, yet there are areas that need to be cleaned up. Added their support to the written testimony received from the Endangered Habitats League. They ask the Board to give the VTPEIR one more final and formal scientific vetting prior to the public comment period. Recommended creating a website to list projects in each unit, dates of the stakeholder meetings and times of when comments can be submitted.

The Board discussed the preliminary DRAFT VTPEIR, procedural options and oral comment. The Board discussed hosting a workshop during the September meeting in Fresno to provide the Board with additional time to review the preliminary DRAFT document to identify any potentially substantive issues and allow agency and public discussion of the preliminary DRAFT during the workshop.

Initial Hearing: “Protection of Habitable Structures Exemption, 2015”. AB1867, authorized the Board to provide an exemption from some or all of the provisions of the Forest Practices Act, to persons engaged in forest management whose activities are limited to the cutting or removal of trees on the person’s property in compliance with PRC §§ 4290 and 4291 that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing

flammable materials and maintaining a fuel break for a distance of not more than 300 feet on each side from an Approved and Legally Permitted Habitable Structure.

Amend: 14 CCR, Division 1.5, Chapter 4, Subchapter 1, Article 1 and Subchapter 7, Article 2 §§ 895.1, 1038, 1038.2.

08-15-10 Member Farber moved to approve Protection of Habitable Structures Exemption, 2015. Member Saito seconded the motion.

Roll Call

Saito	Aye
Andre	Aye
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Gilless	Aye

The motion passed unanimously

Initial Hearing: “SRA Fire Prevention Fee Exemption (Self-Certification of Home Loss), 2015”.

The proposed regulatory action is intended to provide owners of habitable structures destroyed by natural disaster the ability to request an exemption from the SRA Fire Protection Fee.

Amend: 14 CCR, Division 1.5, Chapter 13, § 1665.7

08-15-11 Member Wade moved to adopt as noticed in the 45-day Notice the SRA Fire Prevention Fee Exemption (Self-Certification of Home Loss) 2015. Member Husari seconded the motion.

Roll Call

Saito	Aye
Andre	Absent
Wade	Aye
Husari	Aye
Miles	Aye
Farber	Aye
Rickert	Aye
Rodrigues	Aye
Gilless	Aye

The motion passed with one member absent.

CONCLUSION

Public Forum

Eric Carlson, Associated California Loggers- Thanked Matt Dias for the RPF/LTO issue that moved out of PFEC and headed to the Forest Practice Committee. Acknowledged Doug Ferrier on behalf of Associated California Loggers. A Flowering Dogwood tree was presented at Doug’s memorial and planted in Dutch Flat. Miles Anderson of Anderson Logging in Fort Bragg will pass the gavel to the next president who is from the state of Florida during the American Loggers Council 2015 Annual Meeting in Eureka.

New and Unfinished Business

- Chair Gilles will be working with Board staff and counsel to revise procedures that address opportunities for public comment during meetings for webinar participants.
- A discussion of prioritization of pending regulatory actions occurred. No shifting of priorities occurred, although outreach to OAL will occur to see if the Rasmussen Conversion, 2015 could receive expedited review by OAL.

Adjournment

Respectfully submitted,

ATTEST:

SIGNATURES WILL BE INCLUDED UPON APPROVAL OF DRAFT MINUTES BY THE BOARD

Matthew Dias
Acting Executive Officer

Keith Gilles
Chair

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