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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
January 25, 2017

BOARD OF FORESTRY MEMBERS PRESENT:

J. Keith Gilles, Chair
Mark Andre
Rich Wade
Susan Husari
Mike Miles
Darcy Wheelles
Marc Los Huertos
Katie Delbar

BOARD OF FORESTRY MEMBERS ABSENT:

BOARD STAFF:

Matthew Dias, Executive Officer
Edith Hannigan, Associate Government Program Analyst
Linda Cano, Executive Assistant
Laura Alarcon-Stalians, Associate Government Program Analyst
Ali Karaouni, Board Counsel

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Helge Eng, Deputy Director, Resource Management
Bill Solinsky, Forester III, THP Administration
Dennis Hall, Assistant Deputy Director, Forest Practice
Dave Shew, Staff Chief, Planning and Risk Analysis Division
Matthew Reischman, Staff Chief Forest Practice
John Melvin, Staff Chief, Resource Protection & Improvement
Pete Cafferata, Forest Practice/Forest Hydrologist
Forester II
Stephanie Shimazu, Chief Counsel
Gabrielle Meindl, Deputy Director Legislation
Daniel Berlant, Assistant Deputy Director, State Fire Marshal

Natural Resources Agency:

Russ Henly, Assistant Secretary of Forest Resources Management

Announcement of Actions Taken in Executive Session.

Discussed permanent replacement of Assistant Executive Officer. There were no reportable actions taken.

Approval of December Meeting Minutes.

Deferred to March Board meeting.

MONTHLY BOARD REPORTS

Report of the Chairman

Welcomed new Board member Katie Delbar.

Report of the Director/Department. Ken Pimlott

- **Department Succession – the following appointments have recently occurred within the Department:**
 - Dennis Mathisen-State Fire Marshal
 - Gabrielle Meindl-Deputy Director of Legislation
 - George Gonzalez-Mendocino Unit Chief
 - Chris Rowney- Staff Chief, Cooperative Fire Protection
 - Mark Kendall-Staff Chief, Northern Operations

- **Activity:**
 - Since the first of the year, CAL FIRE has been mission tasked 19 times for weather and flood response by the Administration.
 - 32 Hand Crews have been committed to various activities throughout the state, primarily due to weather changes. The available operational window for prescribed fire implementation has been truncated.
 - As staffing increases in early spring, the Department will begin Fuels Treatment during available burn windows.
 - CAL FIRE has been working on CALMAPPER and the criteria for reporting. Enabling units to report and enter fuels treatment activity into the CALMAPPER database. CAL FIRE anticipates having a preliminary activity report by the next Board Meeting and will work with Matt Dias to provide those data to the Board.

- **Governor's Budget**
 - Training BCP, strong support for hiring and training programs.
 - Continued proposal in the budget for LA Moran Reforestation and the Davis nursery with focus on seedling production, primarily for non-industrial tree farmers and to support drought mortality related reforestation efforts.
 - Additional Drought Funding still being considered.
 - CFIP in the budget for increased funding to support family forests.

- **Forest Carbon Plan**
 - The DRAFT Plan is out for public comment.
 - Public workshops will begin in February.
 - Dr. Russ Henly, Assistant Secretary for Forest Resource Management, provided a brief update on timelines and public comment periods associated with the DRAFT Forest Carbon Plan.

- **Inmate Count**

- The current month inmate count has remained static and this issue is high priority for the Department. Currently still about 980 inmates short.
- The Department and CDCR will meet to discuss the programs path forward.
- Program staff continue to evaluate other potential options to garner inmate participation in the program or within other programs such as the California Conservation Corps.
- **Grants**
 - The SRA grants have been approved, 107 in total, of 264 submitted. These grants demonstrate the need within the state.
 - Forest Health GGRF grant guidelines public comment period ended 12/31/16. Four workshops throughout the state have been held, as well as a webinar. They will have more workshops during the application process to help people fill out applications. The Project application period is expected to open 2/15/17 for concept proposals and 3/1/17 for project applications.
 - Urban Forestry grant guidelines have completed their public comment period.
 - Currently reviewing concept proposals to decide on who will be invited to submit detailed project applications.
 - The Project applications period for approved concepts will be open by 3/1/17.
- **Strategic Fire Plan**
 - The Director has received positive feedback from the Strategic Fire Plan Group on the 2010 Fire Plan.
 - The goals within the plan are working well, but reprioritizing climate change is an important issue that needs to be addressed within the 2018 version.
 - Kevin O'Meara stepping down from his leadership role with Local 2881. Director Pimlott thanked him for all his contributions.

Presentation: USFS Region V Annual Update, Jeanne Wade Evans, Deputy Regional Forester, USFS Region 5

Report of the Regulations Coordinator

- Executive Officer Matt Dias provided an overview of the Rulemaking calendar.

Report of Executive Officer.

- Executive Officer Matt Dias provided and update on the following items.
 - Update on the progress of staffing vacant Board positions.
 - Gave an update of Board's Draft Annual Report and requested a deferment of Board action until the March meeting to allow for additional SRA fiscal data to be included from the Department.
 - Discussed and gave an update of the 2017 Priorities. The Board finalized the 2017 Committee Priorities and directed EO Dias to include them in the next draft of the Annual Report as an Appendix.

Agency Comment:

- **Bill Condon, Department of Fish and Wildlife** referred to letters submitted to the Board regarding requests to the Board on Less than 3 Acre Conversions, Northern Spotted Owl Rules, and clean up language with references to Fish and Game being supplanted with Fish and Wildlife be kept on their radar and to consider revisiting with the Fish and Game Commission the joint policy regarding pre, during and post fire activities and wildlife habitat. Thanked the joint committee and the Board for being responsive to Fish and Wildlife requests and requested that the Less than 3 Acre Conversions and the NSO related rule reforms be placed as high priorities. They plan a targeted outreach with CAL FIRE and US Fish and Wildlife Service to stakeholders to solicit input and ideas of how the forest practice rules relate to NSO might be revised, supplanted or kept as they are.

Public Comment:

- **Taiga Takahashi, Latham & Watkins LLP**, (online comment) commented he would be available for any questions or discussion regarding Rancho Guejito. He requested the Board read through the comment letters with an open mind and asked that appropriate action be taken. Rancho Guejito was harmed by a licensed CRM and based on its experience does not believe that the licensing or disciplinary process is adequate. They look forward to working with the Board and staff in formulating an effective program for CRM regulation and oversight.
- **Susan Brown, member of the public**, (online comment) the RPC thinks the law AB1X29 needs to be changed. The law states one fee per building. PRC § 4211 (a) defines Habitable Structure as a building. The intent of the legislature is to distribute the fire prevention costs equitably among owners. It is not lawful to charge 42 fees for 9 buildings. I own 1/42 of 9 buildings "in common" not a building. The law needs to be abided by. Can you please resolve this issue?

Chairman Gillless responded, the Board worked hard to come up with an implemental definition of habitable structure. In the legislation, although the law speaks to the term "structure" it defines a structure to mean a building used or intended to be used for human habitation. Legislation gives some guidance, but not complete guidance, on how to implement it. The Board does it best to provide clear regulation that reflects the intent of the legislature.

Executive Officer Dias commented, the Board utilized its expertise to clarify what the statute states and did so based on input from a myriad of stakeholders. He expressed, if the Board felt resolved in the definition, it does not need to be prioritized at this juncture.

- Jackson Demonstration State Forest (JDSF) Management Plan Update and consideration of certification of the Addendum to the EIR (SCH#2004022025)

Draft JDSF Management Plan

**01-17-02 Member Gillless moved to approve the 2016 JDSF Management Plan.
Member Wheelles seconded the motion.**

Roll Call

Miles	Aye
Delbar	Aye
Wheelles	Aye
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye

The motion passed unanimously

**01-17-01 Member Gillless moved to approve the certification of the Addendum to the
Final Environmental Impact Report for the Jackson Demonstration State
Forest Management Plan. Member Andre seconded the motion**

Roll Call

Miles	Aye
Delbar	Aye
Wheelles	Aye

Andre **Aye**
Los Huertos **Aye**
Wade **Aye**
Husari **Aye**

The motion passed unanimously

- Gave an update on the Forest Carbon Action Plan.
- Executive Officer Dias ceded the discussion to Member Wade, who provided an update on the Tree Mortality Task Force and its recent activities.

Report of the Standing Committees.

Forest Practice Committee & Management Committee Joint Meeting, Co-Chair Mike Miles, provided updates on the following topics:

- Committee (both Forest Practice and Management Committees) Priorities for 2017
- RPF/LTO Responsibilities
- Discussed the Technical Rule Addendum #2 and Cumulative Impacts Assessment Checklist (14 CCR § 912.9)
- 14 CCR § 1038 Exemptions
- AB 1958 and AB 2029 Discussion and Review of Pleading Draft Regulatory Text

Resource Protection, Chair Sue Husari, provided an update on the following topics:

- Committee Priorities for 2017
- Safety Elements
 - a. Alpine County
 - b. Alameda County
- 4290 Certifications
- Fire Safe Development Workgroup Vision/Scope
- 2018 State Hazard Mitigation Plan Update
- 2017 American Planning Association Conference

Report of Board's Advisory Committees

Forest Pest Council - Katie Harrell

Effectiveness Monitoring Committee (EMC) – Possible Action Item - Stuart Farber and/or Russ Henly

a. Board Reviewed the 2016 Revision of the EMC Strategic Plan

01-17-04 Member Miles moved to approve the 2016 Revision of the EMC Strategic Plan. Member Andre seconded the motion. Member Andre made a friendly amendment to use the term approve rather than adopt.

Roll Call
Miles **Aye**
Delbar **Aye**
Wheeles **Aye**
Andre **Aye**
Los Huertos **Aye**
Wade **Aye**
Husari **Aye**

The motion passed unanimously

b. Board Considered the Appointment of Stacy Drury to EMC

01-17-05 Chair Gilless moved to approve the appointment of Stacy Drury to the Effectiveness Monitoring Committee. Member Husari seconded the motion.

Roll Call

Miles	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye

The motion passed unanimously

Range Management Advisory Committee – Edith Hannigan

01-17-06 Member Chair Gilless moved to appoint Ceci Dale-Cesmat to the RMAC. Member Los Huertos seconded the motion.

Roll Call

Miles	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye

The motion passed unanimously

Professional Foresters Examining Committee – Matt Dias

- Reviewed Vital Statistics of RPFs and CRMs
- Announcement and Board consideration of acceptance of successful applicants from the October 2016 RPF and CRM examinations

01-17-03 Member Miles moved to approve October 2016 successful applicants for the RPF and CRM exam results. Member Wade seconded the motion.

Roll Call

Miles	Aye
Delbar	Aye
Wheeles	Aye
Andre	Aye
Los Huertos	Aye
Wade	Aye
Husari	Aye

The motion passed unanimously

Public Comment:

George Gentry, California Forestry Association, provided thoughts on the recent passing of RPF George Craig.

SPECIAL BOARD HEARINGS/REPORTS

- **Presentation:** Full and Partial Forest Carbon Accounting Models and How They Affect Regulated Forestland Owners, Dr. William Stewart, Forestry Specialist, Department of Environmental Science, Policy and Management, UC Berkeley
- **Presentation:** Draft California Forest Carbon Plan: Managing our Forest Landscapes in a changing Climate, Dr. Helge Eng, Deputy Director Resource Management CAL FIRE, Dr. Russ Henly, Assistant Secretary of Forest Resources Management, Claire Jahns, Assistant Secretary for Natural Resources Climate Issues, Ashley Conrad-Saydah, CalEPA Deputy Secretary for Climate Policy

Helge Eng welcomed the Board's help in nuancing the message and giving it more depth. They look forward to the Board's review and direction on the Forest Carbon Plan, both from a policy and technical standpoint. The Board's input will be essential in the success of the plan. He expressed his concern that the March 10 public comment deadline suggested by Ashley Conrad-Saydah would not be adequate time to review and comment. It was determined that March 17, 2017 would likely be the public comment deadline, yet additional discussion on the matter was still required on behalf of the FCAT team. He announced there will be a Forest Carbon Plan public workshop on February 16, 2017 at the CAL EPA building.

Public Comment

- **Rob DiPerna, Environmental Protection Information Center (EPIC)**, commented, maximizing the productivity of forestlands, while at the same time ensuring that co-benefits such as carbon sequestration and range wildlife forage are maintained. When talking about sequestering carbon there should be a way to get people to grow longer rotations, restoring the volume of not just trees but biomass as well.
- **Cedric Twight, Sierra Pacific Industries**, commented, what's missing is a clear description of the alternatives. Simplify by using mock examples such as a no action alternative, a low, moderate and high intensity and have them evaluated in terms of CO2 sequestration so that a decision maker could understand when they are deciding between one or more options. He commented that there needs to be a correction in the plan quantifying the amount of carbon that is sequestered in the milling and use of durable wood products.
- **George Gentry, California Forestry Association**, expressed his concern the Board would not have adequate time to review and comment on the document given the February 23, 2017 public comment deadline. He complimented the Board on their ability to analyze the document in such short of time. He wanted to remind the Board, as far as federal forestry issues go, that PRC §740 not only gives the Board responsibility of the state's forest policy but to represent the state in federal forestry matters.
- **Susan Robinson, member of the public**, (online comment) Does the FCAT robustly incorporate the importance of biodiversity forests and the impact it has on the resiliency and co benefits and carbon. Are the problems of plantations addressed regarding fire resiliency? The FIA data is heavily relied on but may be misleading for future projections because it excludes the drought and hotter years and tree massive die off since 2010. Relying on previous years is not likely not to be representative of future years due to the ramp up of temperature and reduced rain and snowpack.

- **Russ Henly, Assistant Secretary of Forest Resources**, responded to Ms. Robinson's comments, they are trying to recognize the biodiversity values of forests and species diversity can help with climate adaptation over time. Regarding fire resiliency, regardless if one is assessing a plantation or non-plantation of forest stands, they are concerned about them all. The point made about FIA being misleading, they do mention because of the 10-year cycle for FIA and the most recent information that's incorporated collected in 2014 is only a portion sample data. They do mention in a couple of places that it is a shortcoming in FIA data in representing current conditions and that there is a lag. They are not using the information to project forward. It ties back in to the suggestion to move to a 5-year cycle rather than a 10-year cycle so they can pick up the changes more quickly.

Helge Eng Deputy Director, Resource Management, added the FIA data is collected on an annual cycle. He explained they collect 1/10th of the data each year on a 10-year cycle. He commented, if he understood the question correctly, he would argue to endeavor not to slice the data too finely but rather move towards something like decadal averages to adjust for the noise in the data from uncertainty.

Presentation: Class II Large Watercourse Effectiveness

Pete Cafferata, CAL FIRE Watershed Protection Program Manager, and Drew Coe, CAL FIRE Forest Practice Monitoring Program Coordinator

- Gave an annual report presentation on the use and effectiveness of 14 CCR § 916.9 [936.9, 956.9] subsection (g)

CONCLUSION

Public Forum

Eric Carlson, California Licensed Foresters Association (CLFA), commented on agenda item 11. Thanked the Forest Practice and Management Joint Committee for analyzing the regulatory proposal Associated California Loggers have been proposing. Mr. Carlson shared that there were a few CLFA officers in attendance at the Forest Practice/Management Joint Committee meeting, and expressed ACL were impressed in the amount of detail that was put into the potential regulatory revision. ACL will return to the March Board meeting to continue the discussion. He read briefly from a letter that had been submitted previously by Miles Anderson on June 11, 2014 regarding LTO/RPF responsibilities.

Rob DiPerna, Environmental Protection Information Center (EPIC), distributed an administrative petition to Board members regarding PRC § 1052, Emergency Exemptions. He commented that the petition is not aimed at changing the fire or Sudden Oak Death portion of the Emergency Exemptions. EPIC feels there is room for more clarity of terminology, for example, which Forest Practice Rules apply and which do not. There is a lack of clarity with the term operational rule.

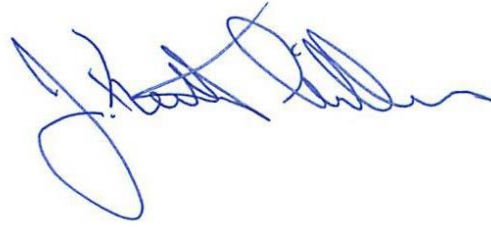
Adjournment

Respectfully submitted,

ATTEST:

A handwritten signature in blue ink, appearing to read "Matt Dias", with a stylized flourish at the end.

Matthew Dias
Acting Executive Officer

A handwritten signature in blue ink, appearing to read "Keith Gilles", with a large, prominent loop at the beginning.

Keith Gilles
Chair