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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
Berkeley, CA (noticed remote location)
Arcata, CA (noticed remote location)
January 5, 2018

BOARD OF FORESTRY MEMBERS PRESENT:

*J. Keith Gillless, Chair
*Mark Andre, Vice Chair
Rich Wade
*Darcy Wheelles
Chris Chase
Katie Delbar
*Mike Miles

BOARD OF FORESTRY MEMBERS ABSENT:

BOARD STAFF:

Matthew Dias, Executive Officer
Dan Stapleton, Assistant Executive Officer
Eric Hedge, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Helge Eng, Deputy Director, Resource Management
Bill Solinsky, Forester III, THP Administration
Dennis Hall, Assistant Deputy Director
Eric Huff, Staff Chief, Forest Practice Program

*Indicates that the Member of the Board of Forestry and Fire Protection participated from a remote location available to the public and timely published in the Meeting Notice and Agenda.

Board Consideration of Adoption of Emergency Rulemaking to Facilitate Post-Fire Recovery Efforts within Counties of Napa, Sonoma and Mendocino.

Executive Officer Dias introduced the proposed draft regulation, identified as §1038(m), along with a draft Notice of Emergency Rulemaking to the Board.

Board members, Board staff, members of the Department, and members of the public discussed adoption of the Emergency Rulemaking to Facilitate Post-Fire Recovery Efforts within Counties of Napa, Sonoma and Mendocino.

01-18-01 Chairman Gilles moved to adopt “Emergency Rulemaking to Facilitate Post-Fire Recovery Efforts within the Counties of Napa, Sonoma, and Mendocino” amendments to 14 CCR § 1038. Member Wheelles seconded the motion. Member Andre proposed friendly amendments which included the addition of a provision for safety within §1038(m)(6), and increasing the distance from 100 feet to 150 feet where § 1038(m)(6), is not applicable under certain conditions. Member Wade seconded the friendly amendment. Chairman Gilless and member Wheelles accepted the friendly amendment.

Roll Call Vote:

Miles	Aye
Chase	Aye
Wheelles	Aye
Los Huertos	Absent
Delbar	Aye
Andre	Aye
Wade	Aye
Husari	Absent
Gilless	Aye

The motion passed unanimously with two members absent

Public Comment

Scott Wicht, member of the public - commented (online), glad to see the Board is considering this rulemaking effort. My home was destroyed in the Tubbs Fire, all my trees were destroyed, approximately two acres. He has been trying to get a logging permit to remove them. Going through an RPF is cost prohibitive. He tried to go the 150-foot exemption removal route, the problem with that is his house was destroyed and there are no longer any structures. He is in a catch 22, he cannot get a permit without his house being rebuilt and he can't get his house rebuilt until the trees are removed. He believes the Emergency Rule will resolve these issues.

Richard Gienger, Forests Forever, commented (online), asked if 300 feet is excessive or is that area appropriate for the average lot size or is it to take into consideration larger dwelling sites.

Mike Garabedian, Friends of the North Fork, commented since the purpose of the regulation encourages rebuilding, what thought has been given to rebuilding on locations that might not be advisable for fire prevention purposes. He also stated that when it comes to monitoring there could be a variety of things looked at for other purposes such as CWPPs and/or local hazard mitigation plans.

Chairman Gilless responded, the Board has no standing to move into that area of decision making. The Board has an intersection with many of the issues Mr. Garabedian mentioned through a mandate on

appropriate protection and management of the state's forests, however, the Board has no authority regarding some of those decisions on how local government ordinances effect building.

CONCLUSION

Public Forum

No public comment offered.

Adjournment

Respectfully submitted,

ATTEST:



Matthew Dias
Executive Officer

Keith Gilles
Chair