Staff Overview: Revisions to Proposed Rule Text for Fuels Reduction in the WLPZ.

# Overview

At the July meeting, the Board’s Forest Practice Committee continued work on the rule text for fuel reduction work within the WLPZ. The Committee discussed a letter submitted by the California Natural Resources Agency (CNRA) developed with cooperation with other agency stakeholders and partners, California Department of Fish and Wildlife (CDFW), Department of Water Quality (WQ), California Department of Mines and Geology (CGS). The letter was explained to the committee and the committee decided to evaluate the rule text line by line with the letter as the context for rule text consideration.

Stakeholders private, corporate, and agency evaluated the rule text in the plea and offered suggestions specific to the need for certain regulatory requirements. The rule text proposed reflects the revisions discussed during the committee meeting. Discussions lead to the Board Staff and committee to determine that using the standard WLPZ watercourse lake Protection Zone regulation per 14 CCR 916.5 would be appropriate for the consideration of canopy and tree retention standards for the protection of beneficial uses of water. The main issue to address was the use of ground-based equipment within the zone and the percentage of surface cover. 14 CCR 916.4(b)(6) currently requires 75% surface cover.

The specific revisions discussed at the July meeting have been added to the proposed rule text. The rule text from the July 2024 FPC meeting has been used. The Black text represent original rule language, red text identifies the rule text as it was presented in July 2024 FPC meeting and blue underlined text represents changes that have occurred based on the discussion form stakeholders during the July committee meeting.

# Summary of Revisions

The following represents a summary of significant organizational and substantive revisions made to the rule text since the July meeting

During ongoing discussions in committee this year several suggested changes were made to address overstory/canopy retention standards. These suggestions where evaluated based on changing canopy retention standards rather than utilizing the existing WLPZ standards. The July Committee meeting it was discussed to stay with the standard WLPZ standards, given this the rule text has been modified to remove language that is not consistent with the standard WLPZ rule language. The focus for the regulation was then to determine the regulatory standards addressing ground cover and soil disturbance.

* 916.5 G language was returned to its normal language “At least 50% of the overstory and 50% of the understory canopy covering the ground….” Has been reinstated with a change at the end of the regulation allowing the RPF to reduce the understory canopy retention standards under 916.13.
* 916.13(a) now identifies 5 things the RPF must include if they are selecting this option within the THP.
* 916.13(g) maintains the restriction to operating on slopes under 40% with the tethering language.
* 916.13(h) has been added to account for a 25-foot buffer along watercourse within the WLPZ. (15-feet of that zone will be a EEZ with the addition of a 10-foot ELZ.  All still to be flagged prior to the PHI.
* The deliverable of a report has been modified to capture as discussed in committee in two parts, 1st part just a simple report on the use, acres, and potential violations of this plea the 2nd being the possibility of a report jointly completed with CAL FIRE and the CDFW, RWQCB, and CGS.
* The introduction was rewritten to better explain the purpose of this new regulatory section.

Removed text includes:

* Stocking standards
* Maximum length allowed has been removed.  Considering this will only occur under a THP and harvest Unit size restrictions and slope restrictions will create a mosaic of operational areas this restriction was removed.
* Road construction and reconstruction is not proposed under this regulatory section and will be handled with the normal THP process.
* QMD standards have been removed sense they are not part of the Standard WLPZ protections.