

VanSusteren, Jane@CALFIRE

From: Ryan, Timothy@Wildlife <Timothy.Ryan@Wildlife.ca.gov>
Sent: Monday, August 14, 2023 2:42 PM
To: VanSusteren, Jane@CALFIRE
Cc: Chasin, Elliot@Wildlife
Subject: WLPZ Rule Plead Suggestions

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Hi Jane,

In recent months, the Board of Forestry's Forest Practice Committee has discussed changes to the Forest Practice Rules to facilitate fuels reduction within Watercourse and Lake Protection Zones (WLPZ). CDFW supports the overall goal of reducing severe fire risk along watercourses but has some concerns about the current rule plead. We are requesting that the Board clarify the need and goal for changing the regulation. We are also providing a list of our major issues with the most recent rule plead for the Board's consideration. If the Board decides to move forward with the rulemaking, we propose three suggestions that would allow for fuels reduction work to occur along watercourses while also providing a strong foundation for resource protection.

Need and goals should be determined for the new regulation

- There was no discussion on the gap between the current rules and the Board's plead. This makes it difficult to determine what the goals for this plead are, or if a new rule is even necessary.

Major issues with the most recent rule plead language

- The current rule plead language is extremely broad with vague terms (e.g., "minimize", "sufficient") associated with protection measures.
- The new rule would allow unlimited harvest in the WLPZ if the RPF can justify it by claiming a fire risk. To accomplish fire resiliency goals while maintaining riparian habitat elements, large trees should be left on the landscape following treatments. Additionally, these trees help reduce sedimentation into streams and are naturally more resistant to fire than younger, smaller trees.
- Additional work in riparian areas beyond what is currently allowable under the Rules will likely increase sedimentation into streams and could impact habitat for riparian and aquatic wildlife. While the current rule plead utilizes slash-packing to address this impact, a variety of approaches should be assessed to balance erosion control with maintaining riparian habitat functions.

CDFW Suggestion #1: Limit fuel reduction activities to a bottom-up thinning approach

- Focus removals on surface and ladder fuels
- Adopt regulatory language similar to language found in the Forest Fire Prevention Exemption
 - Increased post-harvest QMD of trees over 8" (see: 1038.3(g))
 - No removal of trees larger than 30" (see: 1038.3(h))
 - Minimum post treatment canopy closure of dominant and codominant trees shall be 40% for east side pine forest types; 50% for coastal redwood and Douglas-fir forest types in or adjacent to communities and legal structures; 60% for coastal redwood and Douglas-fir forest types outside of communities and legal structures; and 50% percent for mixed conifer and all other forest types. (see: 1052.4(d)(3)(A))

CDFW Suggestion #2: Mitigate erosion and sediment deposition

- Consider erosion control practices aside from slash-packing
 - Slash packing near streams may bury important habitat for amphibians and small mammals, create a secondary fire risk within treated areas, and has the potential to deposit into the watercourse.

- It may be necessary to retain some understory vegetation to mitigate erosion and deposition. It is possible to do this and achieve fuels reduction goals by creating vertical and horizontal discontinuity.
- No heavy equipment use on slopes over 35%, in accordance with the recommendations of the Board's white paper

CDFW Suggestion #3: Limit the scope of these activities on the landscape to allow for monitoring of initial efforts and adaptive management.

- Restrict WLPZ activities to Very High Fire Hazard Severity Zones
- Apply a tiered approach in ASP watersheds: no activity in the channel zone, no heavy equipment in the core zone, light touch fuel reduction in the core and inner zones, heavier fuel reduction in the outer zone.
- Limit reductions to shaded fuel breaks that run perpendicular through the watercourse rather than removals along a long stretch of the watercourse
- Include a sunset clause and a monitoring requirement

Thank you for considering our concerns and suggestions. We look forward to continuing to collaborate on this effort. If you have any questions, please contact Tim Ryan (timothy.ryan@wildlife.ca.gov) and Elliot Chasin (elliott.chasin@wildlife.ca.gov).

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