

From: [Kimberly Burr, Esq.](#)
To: [Public Comments@BOF](#)
Cc: [Stapleton, Dan@BOF](#)
Subject: Final draft Comments on Proposed Rule Change for 4/8/25.
Date: Monday, April 7, 2025 7:04:45 PM

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Please substitute this version of my comment letter for the *draft* I sent earlier today. Thank you.

Dear Chair O'Brien, Members Blake-McQuillen, Lopez, Wade, Pardi, Delbar, Goldsworthy, and Hilburn:

Thank you for your important work attempting to maintain California's high quality forests.

I write to express sincere concern over the proposed rule that is being brought forward to allow more logging in the watercourse and lake protection zone (WLPZ). See excerpt below. (FPC 2 (a) and (b), 3(a) and (b), 4 (a) and (b))

The purported reason for allowing more entry into the WLPZ is to reduce fire danger. There is no justification for this. The proposed rule is, therefore an overreach by the industry which the Board must deny.

These, as you know are the biggest most fire resistant trees and ensure multi layered canopy vital to cool water temperatures and moisture retention. The independent science and conservation biology, on set backs near creeks and riparian protection, explain that deep dark riparian areas with multilayered canopies best protect anadromous fisheries and water quality.

In addition, the rule leaves the decision as to whether to cut down big trees in the WLPZ to the highly conflicted RPF. The important fields of science including watershed protection, fisheries biology, and climate change require professionals in those fields to evaluate removal of more trees from this sensitive and important area.

Fire is not a threat to all forests and streams all the time. In fact, fire will not reoccur in any area usually for decades. Helping mitigate the climate crisis in the short term is much more vital than unsupported claims that reducing trees in the WLPZ lowers risks from fire. It is much more likely that the industry seeks as industries are want to do, to secure more resources. In this case, it seeks permission to take more trees even those long protected by the state in riparian forests.

The trees have survived, grown, and continue to help mitigate the worst impacts of the climate crisis.

Removal of older trees anywhere, given their out sized climate mitigation values, is contraindicated and especially those near watercourses.

The science does not support the removal of mature or older trees from the WLPZ for fire protection.

I oppose adoption of this rule, and it is not supported by substantial evidence in the record.

Very truly yours,

Kimberly Burr

Proposed added language for Board Approval

(d) Heavy equipment shall not be used in timber falling, Yarding, or Site Preparation within the WLPZ unless such use is explained and justified in the THP and approved by the Director.

(e) Flagging for heavy equipment use within the WLPZ adjacent to Class I waters and for all tractor road Watercourse crossings of all Watercourses must be completed before the preharvest inspection if one is conducted or start of operations, whichever comes first. Flagging for heavy equipment use within the WLPZ adjacent to Class II, III and IV waters may be done at the option of the RPF or as required by the Director on a site-specific basis.

(f) Subsection (d) does **not** apply to (1)-~~(4)~~⁽⁵⁾ below. Subsection (e) does not apply to (2)-(4) below.

(1) At prepared tractor road crossings as described in §§ 914.8(b), 934.8(b), 954.8(b).

(2) Crossings of Class III Watercourses which are dry at the time of Timber Operations.

(3) At existing road crossings.

(4) At new tractor and road crossings approved as part of the Fish and Game Code Process (F&GC 1600 et seq.).

(5) For fuel reduction operations conducted in the WLPZ per Section 916.13.

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§ 916.13, 936.13, 956.13 Fuel Treatment in WLPZs [All Districts]

Operations of ground-based equipment may occur in the WLPZ to modify the horizontal and vertical continuity of the canopy and surface fuels for the purpose of reducing the potential impacts of wildland fire on the beneficial uses of water, Riparian functionality, soils, and habitat values, in accordance with the following conditions: