

THE BOARD OF FORESTRY AND FIRE PROTECTION'S
PROPOSED RULEMAKING ON WATERCOURSE
AND LAKE PROTECTION ZONE FUELS TREATMENT



OVERVIEW

- Introduction to the Board
- Wildfire Impacts to Watercourses
- Efforts to Address the Issue
- Rulemaking
- Next Steps

ABOUT THE BOARD OF FORESTRY AND FIRE PROTECTION

The Legislature has charged the Board with responsibility for developing general forest policy of the state, including implementation of the Forest Practice Act – the Board is authorized to construct a system of forest practice regulations (the Forest Practice Rules) applicable to timber management on state and private timberlands.

Other duties include issuing guidance and information on changing technology and ecological goals within forestry.





CURRENT WILDFIRE IMPACTS TO WATERCOURSES

- Though we once thought of riparian vegetation as naturally fire resistant, more riparian forests are burning during wildfires
- Causes include:
 - warmer drier weather,
 - long-term fire suppression,
 - invasive plants
 - pathogens that result in tree mortality



CHANGES TO STAND DENSITY IN RIPARIAN FORESTS

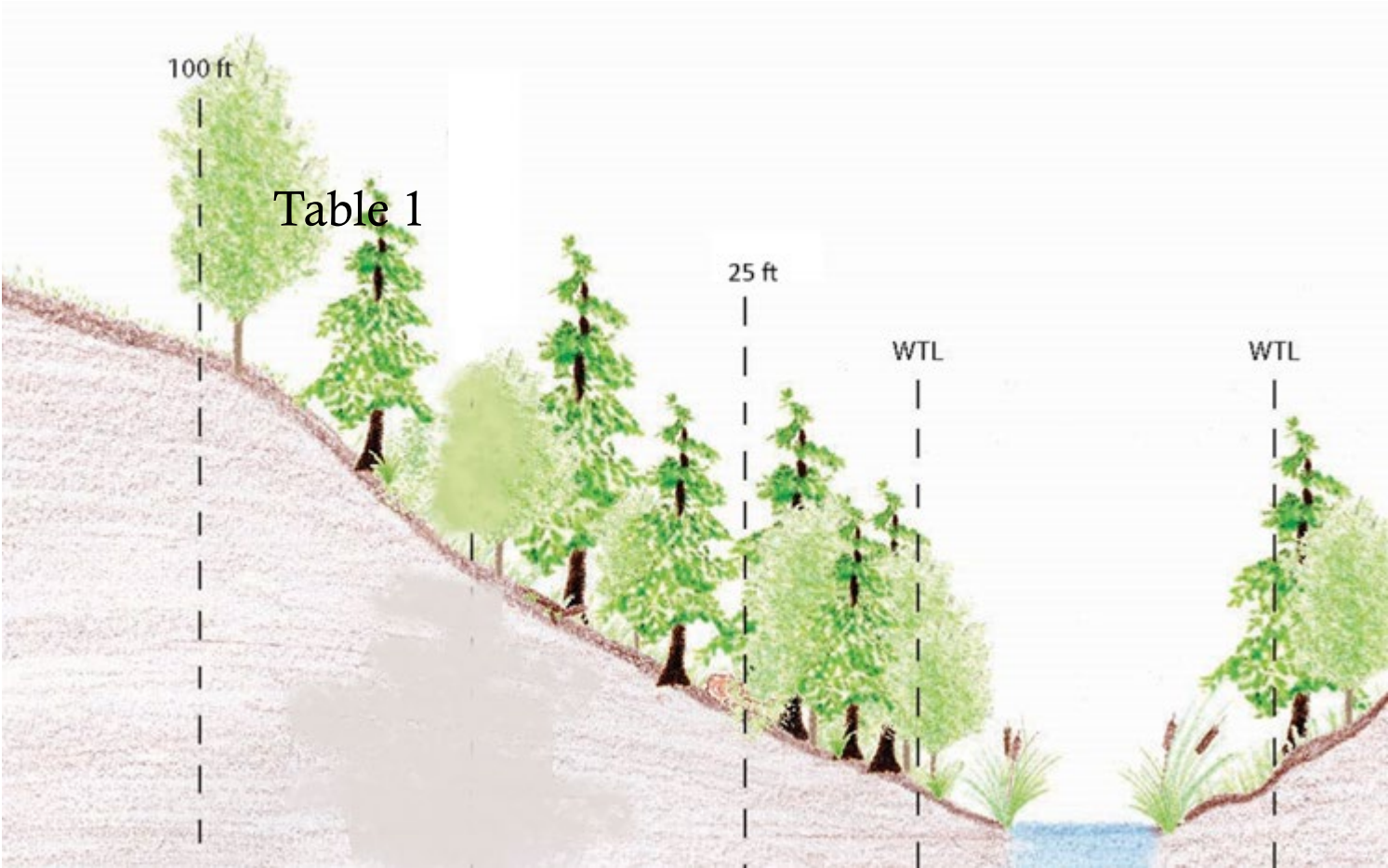
- Pettit & Naiman 2007 examined fire in the riparian forests and found evidence that while they can serve as a buffer during fire, but with high fuel loads and significant droughts, they can serve as a corridor for fire movement.
- Van de Water and North, 2010 & 2011 suggest that California's history of fire suppression, limited management within those forests, and higher moisture content in riparian corridors have resulted in high stem densities and fuel loads
- York and Roughton 2019, 2023 found that stand densities in riparian forests are higher than they have been historically and may be linked to increased fire behavior across the interior forests of California.



CURRENT WILDFIRE IMPACTS TO WATERCOURSES

- Loss of habitat for aquatic species and species that rely on riparian forest ecosystems, including those that are rare, threatened, and endangered.
- Impacts to water temperature
- Water quality impacts
- Erosion impacts – loss of bank and channel stabilization
- Streambed and flow modification

WATERCOURSE AND LAKE PROTECTION ZONES (WLPZ)



CURRENT REGULATIONS FOR FUELS REDUCTION IN WLPZS



916 [936, 956](a) During and following Timber Operations, the beneficial uses of water, native aquatic and Riparian associated species, and the beneficial functions of Riparian zones shall be maintained where they are in good condition, protected where they are threatened, and insofar as feasible, restored where they are impaired.

CURRENT REGULATIONS FOR FUELS REDUCTION IN WLPZS



- 916.4 [936.4, 956.4](b)(6) At least 75% surface cover and undisturbed area shall be retained to act as a filter strip for raindrop energy dissipation, and for wildlife habitat.
- 916.3 [936.3, 956.3] At least 50% of the understory vegetation present before Timber Operations shall be left living and well distributed within the WLPZ

CURRENT REGULATIONS FOR FUELS REDUCTION IN WLPZS



- 916.4 [936.4, 956.4] (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.

GENERAL WATERCOURSE REQUIREMENTS UNDER 14 CCR § 916



916.1, [936.1, 956.1] In Lieu Practices:

In rule sections where provision is made for site specific practices to be proposed by the RPF, approved by the Director and included in the THP in lieu of a stated rule, the RPF shall reference the standard rule, shall explain and describe each proposed practice, how it differs from the standard practice, and the specific locations where it shall be applied; and shall explain and justify how the protection provided by the proposed practice is at least equal to the protection provided by standard rule.

CHALLENGES OF WLPZ FUEL REDUCTION UNDER IN-LIEU PRACTICES



In 2019 the Board issued a white paper titled “Partial Harvest in Watercourse and Lake Protection Zones Using Low Ground Pressure Equipment to Support Fire Resilient, Ecologically Diverse Stands and Associated Ecosystem Services”, which provided information and guidance on using tracked equipment in the WLPZ for fuels reduction.

CHALLENGES OF WLPZ FUEL REDUCTION UNDER IN-LIEU PRACTICES



The use of fuel reduction as an in-lieu practice has had difficulties in implementation due to a lack of clear guidelines for review team staff.

With in-lieu practices, the review team is responsible for independently reviewing the scientific literature and making a determination on planned timber operations in WLPZs.

An established top-down regulatory program would represent a consistent interpretation of the scientific literature on this subject

A scientifically-supported regulatory framework is needed for wider implementation of fuel reduction in WLPZs.

RULEMAKING EFFORT



In 2023, the Board's Forest Practice committee began consideration of regulatory changes allowing Timber Harvest Plans to permit the use of tracked equipment to increase fuels reduction in the WLPZ.

After discussion with agency representatives, stakeholders, and rights and title holders, last month the Committee asked Board staff to prepare rulemaking documents for the March meeting.

CONTENTS OF RULE PLEAD

- Allows the use of tracked equipment to remove understory fuels and harvest timber in the WLPZ
- Provides exceptions to rules limiting disturbance to surface cover and requiring retention of understory vegetation
- Requires that the WLPZ meet stocking standards immediately after treatment – equivalent to a shaded fuel break.
- Limited to non-ASP watersheds (any planning watershed where populations of anadromous salmonids that are listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts are currently present or can be restored.) – about half the watersheds in the state.



CONCERNS RAISED IN DISCUSSION PROCESS

- Impacts to the water quality from erosion, bank disturbance, sedimentation of the waterway, lack of canopy cover over the watercourse, and disturbance of Riparian Habitat
 - Compaction of soil due to operations while soil is saturated
 - Impacts from work on steep slopes, unstable areas, and areas that may experience flooding.
 - Impacts from retained slash within the WLPZ.
 - Unconsidered impacts.
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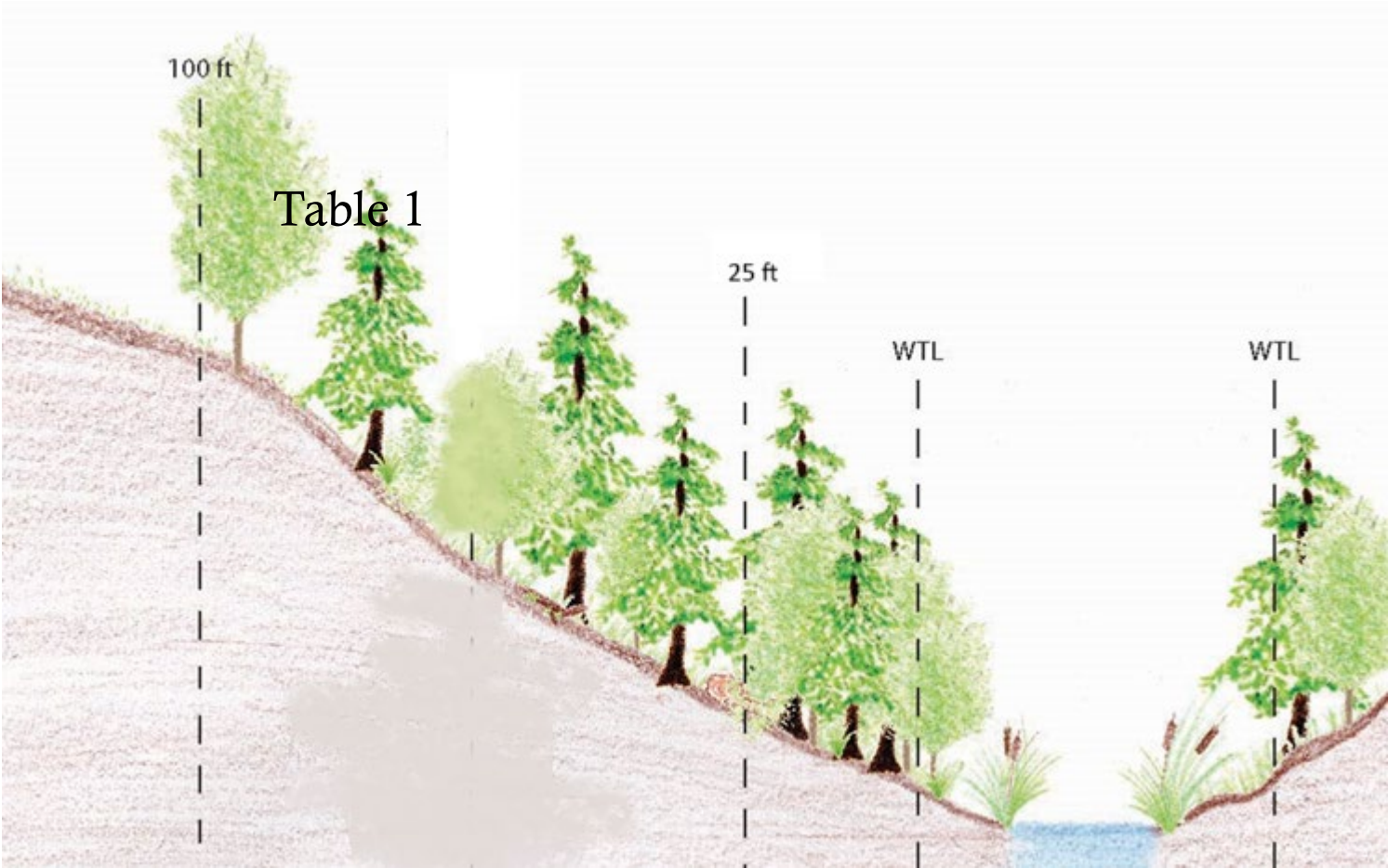


RULE PLEAD COMPONENTS TO ADDRESS CONCERNS

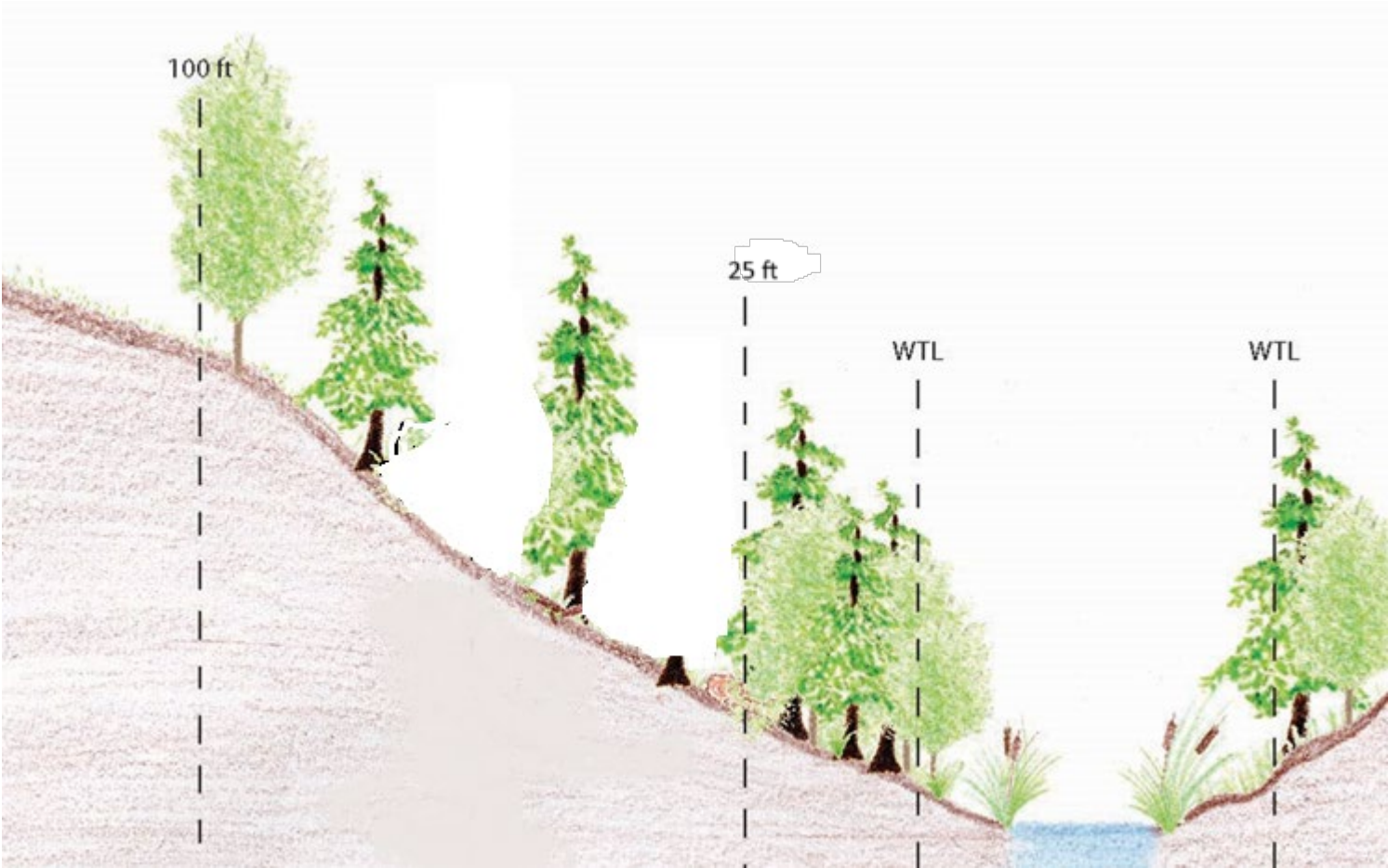
- Add a 25' filter strip to prevent erosion, bank disturbance, sedimentation of the waterway, lack of canopy cover over the watercourse, and disturbance of Riparian Habitat
- No operations while soil is saturated
- No work on slopes over 40%, unstable areas, and areas that may experience flooding.
- Slash treatment to focus on protecting Beneficial Function of Riparian Zones
- Options for Board to request a report from CAL FIRE's Forest Practice to address potential issues



WATERCOURSE AND LAKE PROTECTION ZONES



WATERCOURSE AND LAKE PROTECTION ZONES POST- TREATMENT

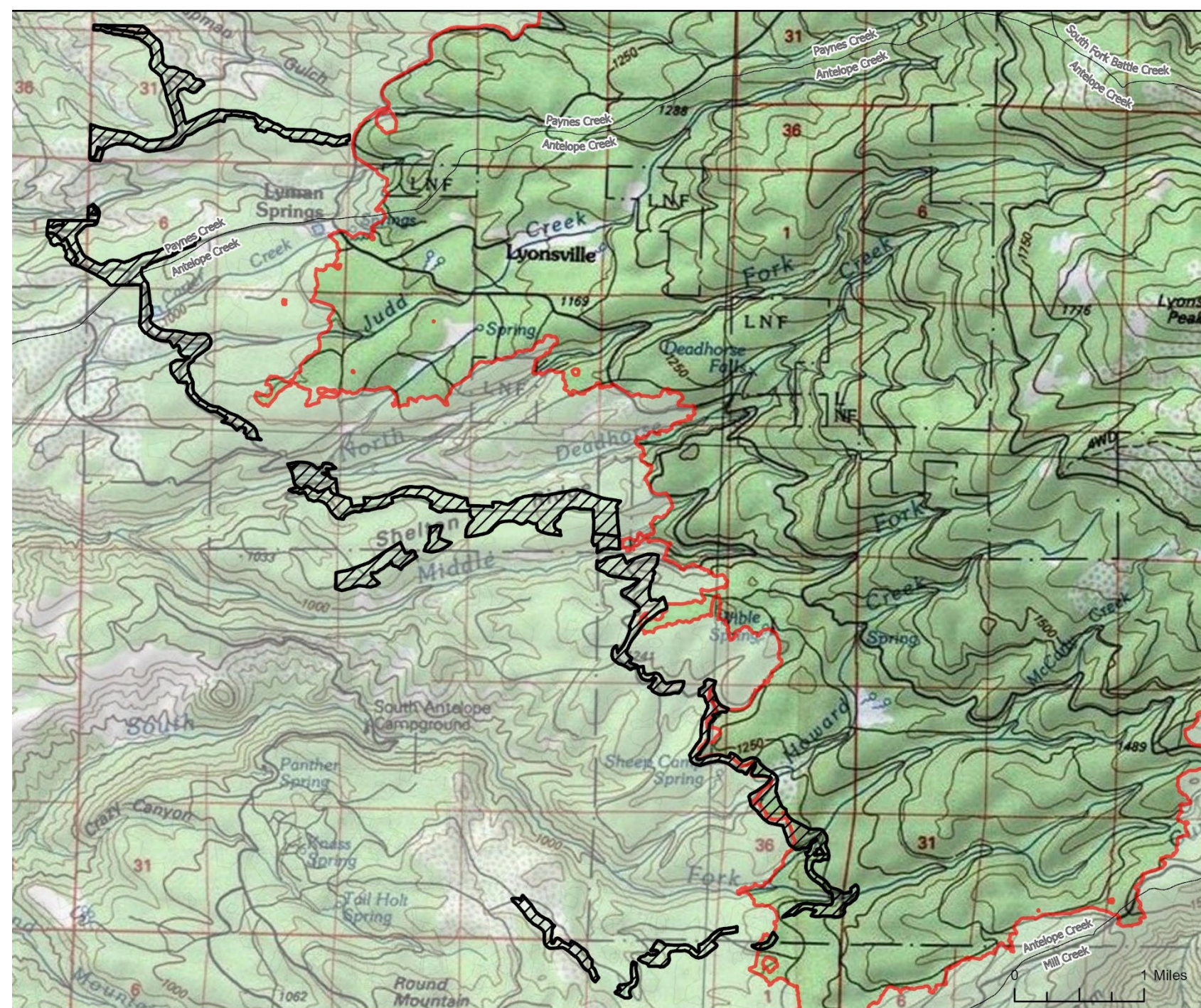


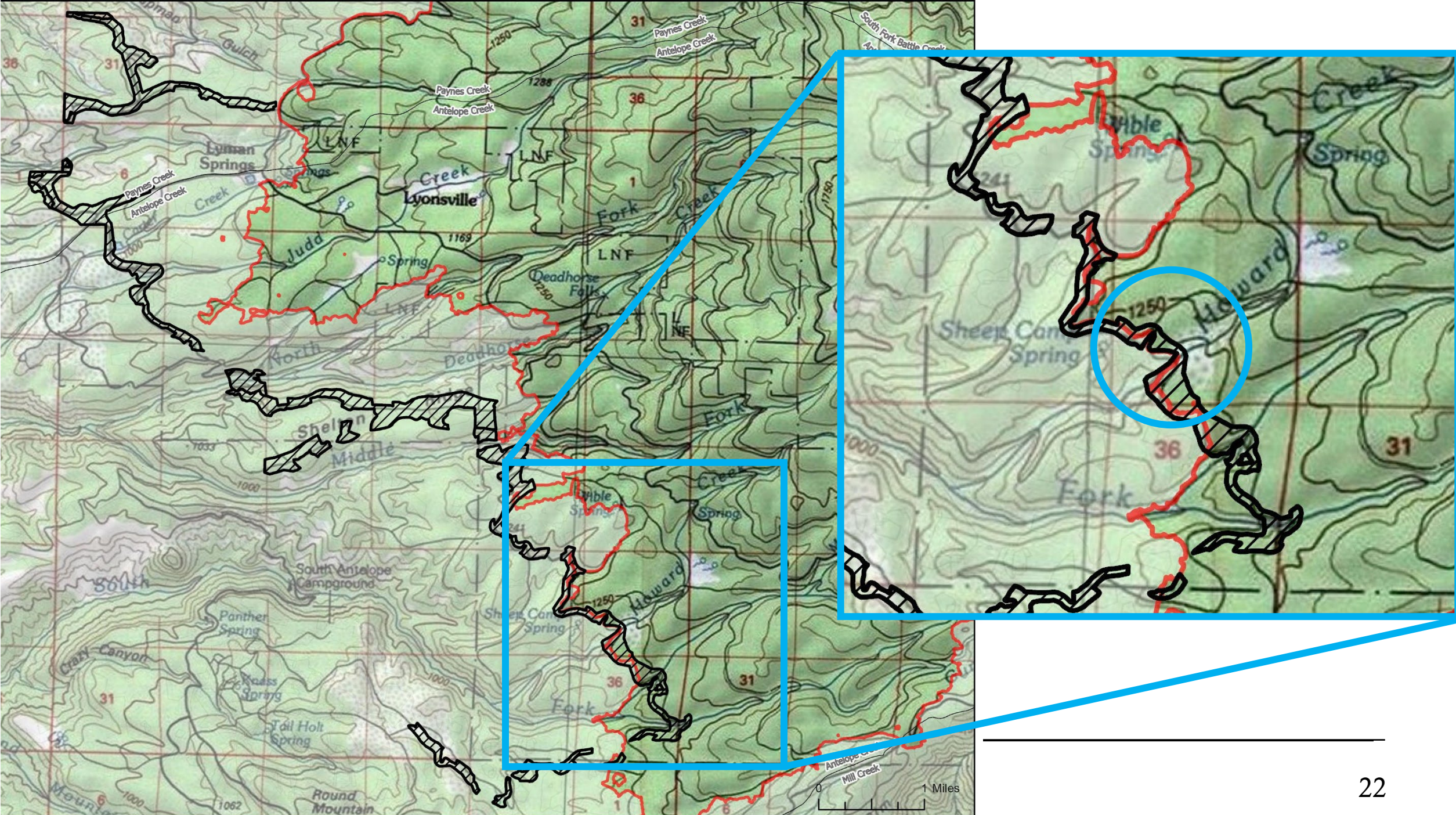
IMPLEMENTATION TIMELINE



- ISOR and draft rule text presented to Board for approval – March
- Rule noticed – April
- Public Hearing – June
- If all comments have been sufficiently addressed, FSOR and Final Rule Text reviewed by the Board – July.
- Final Rule Package submitted to OAL – August
- OAL Review Complete – October
- Regulation becomes effective – January 1, 2026

THE LINE THP AND PARK FIRE





THE LINE THP

- Shaded fuel break on SPI property
- Used an in lieu practice for fuels treatment in the WLPZ





HOW TO PARTICIPATE WITH THE BOARD

- Get on the Forest Practice mailing list for
 - Meeting agendas
 - Field tour notices
 - 45-day notices
 - Call for Regulatory Review
- Attend meetings for the Standing Committees (and other committees)
- Speak with your agency's representative at Board meetings
- Participate in Call for Regulatory Review
- Comment on Rule Packages

Thank you!

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Board of Forestry and Fire Protection

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EXAMPLE EQUIPMENT: MASTICATOR



EXAMPLE EQUIPMENT: FELLER-BUNCHER



KEEP CLEAR!

STAY 4 DAYS 75 230 FT BACK







DRAFT MAP OF TIMBERLAND

- The Board has definite authority over all areas in green and potential authority over all areas in orange.
- Areas in black either do not meet the definition of Timberland or are federal property.

FOREST PRACTICE RULES



Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, PRC § 4511, et seq. (FPA) the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private **timberlands**.

Timberland, pursuant to PRC § 4526, means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species, on a district basis, is defined in 14 CCR § 895.1.