

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

Harvest operations, including the use of heavy equipment for felling and yarding may be conducted within WLPZs as necessary to reduce the potential impact of high severity wildfire to water quality, soils, and fish and wildlife habitat, in accordance with the following conditions:

(a) The RPF shall describe in the plan the specific aspects of vegetation and fuels treatment, including timing and slash treatment, to reduce fuels within the WLPZ. (NEW b) Harvesting prescriptions should focus on practices that use thinning from below.

**Commented [EC1]:** Comes from other parts of 916.9.

(b) Areas of heavy equipment use within a WLPZ shall be identified in the Plan.

(c) Heavy equipment operations in the WLPZ are limited to tracked equipment unless explained and justified by the RPF and approved by the Director.

(d) Tractor roads shall be planned to minimize soil disturbance. Tractor roads shall be clearly flagged prior to operations.

(e) Equipment may not operate at any time of year when soils are saturated.

(f) Equipment may not operate within unstable areas, within the Watercourse Transition Line, in flood-prone areas, on poorly drained soils, or in Wet Meadows or Other Wet Areas.

(g) Heavy equipment is limited to slopes of less than 40% except for Tethered Operations conducted as per §914 et seq.

(h) The minimum stocking standards within the operating area shall be those found in 14 CCR 912.7 [932.7, 952.7], and be met immediately after harvest.]

(i) Sufficient canopy along Class I and Class II watercourses shall be retained to provide for water temperature control. Minimum post treatment overstory canopy closure of dominant and codominant trees shall be 40% for east side pine forest types; 60% for

**Commented [RT2]:** References to overstory/understory canopy can be found elsewhere in the rules, including 916.5(e). Specifying overstory would ensure retention of the most important riparian habitat elements while allowing for more intense treatment of the understory.

coastal redwood and Douglas–fir forest types; and 50% percent for mixed conifer and all other forest types.

(j) To provide for water temperature control, erosion protection, and recruitment of large woody debris, an EEZ shall be delimited ten (10) to twenty-five (25) feet as measured from the Watercourse Transition Line ~~and no trees larger than 18" at stump height shall be harvested within this zone.~~ The width of this zone shall be based on site aspect, geology, and slope as determined by the RPF ~~and approved by the Director.~~ The EEZ shall be flagged prior to the PHI. ~~Pre-consultation with CDFW shall be obtained prior to work in this zone.~~

~~(k) All Slash shall be lopped, removed, chipped, broadcast burned, piled and burned, or otherwise treated to achieve a maximum post harvest depth of eighteen (18) inches above the ground within forty-five (45) days from the start of Timber Operations except for the burning of piles, which Slash treatment shall be accomplished not later than April 1 of the year following their creation, or for piles created on or after September 1, not later than April 1 of the second year following creation. Slash treatment should focus on disconnection from live vegetation, protection of riparian habitat elements, and avoiding deposition into the watercourse. The Director may consider other methods for slash disposal as described in the Plan.~~

(l) The maximum length of fuel treatment operations that include heavy equipment use for felling and yarding within a WLPZ shall be one thousand three hundred twenty (1320) feet. No other fuel treatment operations under 916.13 shall occur on the same Planning Watershed within six hundred sixty (660) feet ~~and~~ within twice the length of the fuel treatment operation within five (5) years of treatment.

**Commented [RT3]:** 18" was chosen because it is half of the 36" max for the rest of the WLPZ treatments. That number is negotiable, but some maximum should be established to provide for water temperature control and recruitment of LWD. An EEZ alone only provides for the erosion protection standard.

**Commented [EC4]:** Consistent with language above.

**Commented [RT5]:** Consistent with language in the in-lieu section of the ASP rules. 916.9(v)(2): "In the event of measures limited in applicability to specific sites, the submitter may instead of an evaluation, obtain written concurrence from CDFW prior to plan submittal. RPFs may request a preconsultation for the site specific plan and the Director may agree and request staff from responsible agencies." 916.9(v)(5)(l): "The site-specific plan for Class I Riparian management must: (1) have Review Team agencies pre-consultation and receive concurrence from the Review Team agencies, including CDFW, and (2) include a monitoring component."

**Commented [TR6]:** We need to clarify this "and"

(m) Except within constructed or reconstructed Temporary Road prisms, only trees less than thirty-six (36) inches in stump diameter, measured eight (8) inches above ground level, may be removed.

(n) The QMD of trees greater than eight (8) inches dbh in the pre-harvest Harvest Area shall be maintained or increased in the post-harvest stand.

(o) The Director – ~~in consultation with CDFW and the Regional Water Quality Control Boards~~ - shall provide a report on the outcomes of WLPZ fuel treatments to the Board by January 1, 2035.

**Commented [RT7]:** This rule plead could result in significant changes that potentially effect other rules that were years/decades in the making; thus, this should be a "group effort" including multiple agencies.