

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

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February 9, 2009

Lahontan Regional Water Quality Control Board  
Attn: Harold Singer  
2501 Lake Tahoe Blvd  
South Lake Tahoe, CA 96150

**RE: CAL FIRE Comments regarding: 1) the (Tentative) Conditional Waiver of Waste Discharge Requirements Resulting from Timber Harvest and Vegetation Management Activities in the Lahontan Region (waiver) and the Initial Study Supporting the Preparation of a Mitigated Negative Declaration for the revision of the Timber Waiver (negative declaration).**

Dear Mr. Singer:

Thank you for the opportunity to provide comments on the draft documents being considered by the Lahontan Regional Water Quality Control Board (Lahontan Board) referenced above. The Department of Forestry and Fire Protection (CAL FIRE) appreciates the time and attention of the Lahontan Board staff to these issues and believes the changes to the language to date are in the interest of the natural resources, their management, and protection.

CAL FIRE believes that additional improvements to the proposed waiver language are warranted and respectfully requests the proposed language be incorporated as indicated in underlined text in the case of additions, and delete text in the case of such deletions.

1. Page 12, Table 1, Category 2, first column, add underlined language as follows:  
"Timber harvest and vegetation management activities conducted by hand crews, including thinning operations and prescribed **fire**".
2. Page 4, A, Findings Item 6b and also Page 12, Eligibility Criteria Item 2(a): Change language as follows (underlined): Delete "Chipper and brush mowers" and replace with and low ground pressure apparatus and equipment with ground pressures less than 10 pounds per square inch". This language change is more generic, allowing the use of different types of low pressure apparatus and equipment, as opposed to being too specific, and thereby excluding or limiting the use of other appropriate apparatus and equipment types.
3. Page 5, A, Findings, Item 9: Delete "hazard tree removal". Hazard tree removal is a public safety issue under various sections of the Public Resource Code (defensible space, utility line clearance, etc.) and therefore should not be considered a general forest or vegetation management activity.

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4. Page 10, Category 2, Eligibility Criteria (2) and Condition (2): Change as follows: Utilizing the same reasoning as in Recommendation #2 above, "Low ground pressure apparatus and equipment may be used off-road, except within 25 feet of a water body."
5. Page 10, Category 2, Conditions, Item 2: Delete this section because it is not within Lahontan Board jurisdiction. Rather this is a CAL FIRE and California Board of Forestry and Fire Protection licensing jurisdiction under the Professional Foresters Law. Also, as written, this section violates landowner's rights under the Professional Forester's Law to act on their own behalf regarding marking and removal of trees. See additional comment below on this topic regarding the CEQA document. We agree with and support the response to this item from California State Parks, Sierra District, and CAL FIRE Units.

Further, requiring a landowner to hire an Registered Professional Forester (RFP) to mark trees down to 3" in diameter breast height will increase landowner costs and result in fewer acres being treated. Individually marking such small trees is impractical, excessively time consuming, and costly, and will result in significant delays and increased costs in fuel hazard reduction projects in the Lahontan Region. The result is fewer acres treated at high risk of catastrophic wildfire, leading to increasingly larger and more intense wildfires, which can adversely affect public safety, human life and property, habitat, air and water quality.

The potential for indirect impacts of such excessive requirements, such as the requirement to individually mark such small trees, on air quality and fire protection, should be analyzed as part of the CEQA process. Currently, the negative declaration makes a finding of "No Impact" on air quality and fire protection. Given the indirect affects of such excessive requirements, this finding is incorrect.

Therefore, we recommend that the requirement to individually mark such small trees be removed from the waiver. If the requirement is retained in the waiver, we recommend its indirect impacts on air quality and fire protection be analyzed as part of the CEQA process.

6. Page 13, Category 2, Conditions, Item 7(b): Within the Lake Tahoe and Truckee hydrologic units A, add underlined language that allows for the placement or burning of burn piles within Water body Buffer Zones, Stream Environment Zones in the areas defined unless where topography, access, and/or human hand-thinning limitations allow and pile numbers and size are allowed based upon the latest science or upon mutual agreement by the RPF and Water Board representative upon site visit. *This recommendation applies to all categories containing this condition.*
7. Page 14, Category 2, Conditions, Item 7(c) Delete this section as it is too restrictive and unachievable under prescribed fire conditions, and in some cases may increase the risk to a waterbody by not allowing controlled, light underburning which is a natural historical condition promoting healthy water bodies.
8. Page 15, Category 4, Conditions, Item (8): Delete this section because it is not within Lahontan Water Board jurisdiction, but rather is a CAL FIRE and California Board of Forestry and Fire Protection Licensing jurisdiction as per Professional Foresters Law. See comment 5 above. *This comment applies to all waiver categories containing this condition.*

9. Page 16, Category 4, Conditions, Item 14 (d): Within the Lake Tahoe and Truckee hydrologic units, add underlined language that allows for the placement or burning of burn piles within Water body Buffer Zones, Stream Environment Zones in the areas defined. Unless where topography, access, and/or human hand-thinning limitations allow and pile numbers and size are allowed based upon the latest science or upon mutual agreement by the RPF and Water Board representative upon site visit. *This recommendation applies to all categories containing this condition.*
10. Page 17, Category 5, Conditions, Item 4(a): Does this condition apply to new skid trails, existing skid trails, or both? Please clarify. This condition as currently written exceeds the current California Forest Practice Act rules and regulations. We recommend this condition match the California Forest Practice Act rules and regulations.

Comments regarding Definitions (Attachment A)

1. Replace from "Broadcast Burning" to "Prescribed Burning".
2. Replace word "controlled" within Burn Pile definition with "prescribed".
3. Change Winter Period to "October 15 through May 1" so as to remain consistent with the California Forest Practice Act.

In closing, CAL FIRE looks forward to continuing to work with the Lahontan Board and staff throughout the timber waiver review process, as well as through the Tahoe Forest and Fuels Team and all other forestry projects within the Lake Tahoe Basin and eastern Alpine County. We are in a historic time of change and progress and we believe the above changes will enhance the ability of us all to protect our natural resources in the Lahontan Region from risk of catastrophic fire.

Sincerely,



CRAWFORD TUTTLE  
Chief Deputy Director  
CAL FIRE

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