TAHOE REGIONAL PLANNING AGENCY
FOREST HEALTH AND WILDFIRE COMMITTEE

GoToWebinar November 17, 2021

**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hicks called the meeting to order at 8:31 a.m.

Members present: Mrs. Cegavske, Mr. Friedrich, Mr. Lawrence, Ms. Williamson, Mr. Hicks, Ms. Novasel

II. APPROVAL OF AGENDA

Ms. Ambler stated no changes to the agenda.
Mr. Hicks deemed the agenda as posted

III. Discussion and possible recommendation of Forest Health Code Language Regarding Mechanical Ground-based Equipment on 30-50% Slopes, Chapter 61 Vegetation and Forest Health - Sections 61.1.6.B. through 61.1.6.D

Forest Health Code Amendments

TRPA Forest Health Program Manager, Dr. Kat McIntyre presented the item. Dr. McIntyre began by providing an overview of the background, history and need for these amendments.

Dr. McIntyre reminded members that the Angora Fire struck in South Lake Tahoe in 2007, and burned approximately 3,100 acres, and over 250 structures. The 'Emergency California-Nevada Tahoe Basin Fire Commission Report was produced as a result of that fire. This was a collaborative, bi-state effort to consider and recommend a variety of recommendations on policy, implementation, and education, regarding vulnerability to fire and forest resilience, within the basin.

One of the biggest outstanding recommendations to come for the Commission Report was Recommendation 17 regarding Simplifying Regulations, Subpart J:

*"The Commission recommends the Tahoe Regional Planning Agency, The Lahontan Regional Water Quality Control Board, USDA Forest Service, and other affected agencies amend their planet ordinances to allow equipment use on slopes greater than 30% based on current and future technology and current forest practices to ensure research resource protection."*

In September 2021, Chris Anthony from Cal Fire gave a Caldor Fire briefing to the TRPA Governing Board, during which he highlighted that this last recommendation is critical in terms of reducing fire risk, and overall forest resilience within the basin.

Referring to slide 5, Dr. McIntyre described photographs that illustrate Fire Treatment Effectiveness for the Angora Fire. The quote from Safford et al., 2009, states,
*"Our results show that fuel treatments generally performed as designed and substantially changed fire behavior and subsequent fire effects to forest vegetation. Exceptions included two treatment units where slope steepness led to lower levels of fuels removal due to local standards for erosion prevention. Hand-piled fuels in one of these two units had also not yet been burned."* Dr. McIntyre said this statement highlighted the reason for the proposed amendments.

Dr. McIntyre also described photographs (slide 6) from the Emerald Fire, where the photograph on the left side, shows an untreated area where all the trees where scorched and burned. As the fire moved into treated areas (right photo), the fire dropped to the ground with the result that there was much less tree mortality and scorched earth. This highlights how the ability to access and treat areas, with ground-based equipment is critical, not only for forest resilience, but also for reducing fire severity.

Dr. McIntyre said that within the Lake Tahoe Basin, approximately 6,100 acres, or 27% of total land, falls on slopes of 30 to 50%. It is important to remember that not all of those are forested areas. Of those acres 25,300 acres, or 41%, fall within Wildland Urban Interface (WUI) defense and WUI threat zones. As highlighted by the Caldor Fire, those are the areas around communities and neighborhoods, where treatment is critical, in order to protect those communities, and to allow firefighters to get in and perform their work when managing a wildfire. Finally, the majority of acres are on federal lands - 47,000 acres or 77% fall on federal lands.

Dr. McIntyre added that outside of the basin, other agencies, and implementers, are allowed to use ground-based mechanical equipment on slopes above 30%. Currently, both the California Forest Practice Act, and Nevada Division of Forestry Regulations, allow the practice.

Currently, the Code of Ordinances, allows for hand treatment on slopes of greater than 30%, so does not allow the use of ground based mechanical equipment. This can be problematic for a variety of reasons. Firstly, hand treatments are often more resource intensive, and therefore more costly. When talking about limited funding, and limited budgets it means that the funding cannot go as far.

Dr. McIntyre said that they also know that pile burning is less ecologically beneficial than a broadcast burn. While the proposed code amendment will not completely replace pile burning, we will see a large reduction of piles on the landscape, if we are able to use ground-based mechanical equipment. All of this also has implications for the pace and scale of restoration, and there is wide recognition that we need to increase the pace and scale of our treatments.

Dr. McIntyre said that staff had engaged with science partners, the Pacific Southwest Research Station, to assess the erosion effects of a variety of restoration treatments, on hill slopes and soil types within the Lake Tahoe West Landscape, and then across the entire Lake Tahoe Basin. In July 2021, the science partners presented to the Forest Health Wildfire Committee on the initial results in their WEPP (Water Erosion Prediction Project) Report. The complete report is attached to the Staff Report in the GB Packet.

Dr. McIntyre highlighted a few of the key findings from the report. The WEPP Report found that sediment and phosphorous yields from moderate or high severity fires, were significantly more than all thinning scenarios. So, even the most robust thinning scenario (that would never be considered in the basin), was not producing as much sediment or phosphorus as a moderate or high severity fire. They found that Land Managers would need to apply thinning treatments more than 50 times within 60 years to generate erosion that would eliminate the benefits of reducing wildfire severity from moderate to low. Dr. McIntyre said that scenario is completely unheard of, and would never happen.

The WEPP Report also found that most sediment yield on slopes between 30 to 50%, comes from areas that are covered by shrubs and grasses, and not from forested areas. So, those areas are actually not going to be subject to ground based mechanical equipment.

Finally, on hillslopes between 30% and 50% thinning will increase the risk of erosion, but when thinned hillslopes erode, the sediment yield is no different when compared to an untreated hillslopes.

Following the release of the WEPP Report, Dr. McIntyre began work with key Tahoe Fire and Fuels Team members to collaboratively review, and craft code language that maintains environmental protections, while allowing for the increased use of ground based mechanical equipment on steeper slopes.

The proposed code amendments fall into two main categories. The first is 'clarification and standardization', and the second is 'expanded treatment opportunities'.

Dr. McIntyre provided an overview of the code amendments for clarification and standardization. The first piece (slide 15) is around "Inclusion of over frozen ground tree removal", and just standardized with previous code updates, to include removal of trees over snow, and over frozen ground. The original amendment was based on the fact that going over frozen ground is often less environmentally impactful, than going over snow.

Secondly, for the Refinement of Equipment Definitions (slide 16), staff refined the equipment definitions to reflect the current suite of machinery and technology available for tree removal, and to reflect what is actually occurring out in the field.

The next major section of proposed code amendments is for Expanded Treatment. Slide 18 shows refinements to Table 61.1.6-1, including removing the word 'roads' from 'tractor roads and main skid trails. Implementors felt that we typically think of a road as being engineered to specific standards, when in fact, they are really actually using tractor trails. The other refinements to Table 61.1.6-1 are an increase in the maximum grade for 'tractor and main skid trails' and 'secondary skid trails', from 30% to 50%.

Refinement of Table 61.1.1-3 (slide 19) shows the amendment to replace the TRPA water break spacing requirements, with the California Forest Practice Act water break spacing requirements. Dr. McIntyre reminded APC members that while the California Practice Act allows implementers to go up to 65%, the proposed amendment only goes up to 50%, so the revised table is a cropped version of the California Practice Act table, up to 50%. Staff feel this is a good substitute, because it gets way from the Land Capability District piece, while maintaining the hazard rating (which includes slopes, soil type, parent rock) so still encapsulates what goes into the Land Capability

Districts. Both California and Nevada representatives were comfortable with this substitution.

Slide 20 - Refinement of Table 61.1.1-4 (areas over 30%) shows additional proposed language to add *"Use of ground-based equipment and skidding may be used pursuant to 61.1.6.F.1 through 61.1.6.F.5 with approval by the TRPA"*

Slide 21 shows the proposed language for skidding on 30%-50% slopes. Dr. McIntyre explained that this was the big addition, *"Ground skidding may be permitted on slopes under 30%. Ground skidding on slopes between 30 and 50% requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining group cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion."*

Slide 22 shows the proposed language for ground-based mechanical equipment on 30% to 50% slopes, which says, *"On slopes between 30% to 50%, ground based vehicle systems for tree removal requires TRPA review and approval to ensure that environmental protective measures (e.g., water breaks, vegetative buffers, slope length limitations, and remaining group cover post-treatment, erodible soil avoidance) will be in place to minimize slope erosion."*

Dr. McIntyre summarized by saying that the Caldor Fire highlighted the critical importance of forest treatments and defensible space work. She said that the Tahoe Fire and Fuels Team produced their Forest Action Plan in 2019, and the plan charts a way to collaboratively accelerate landscape restoration and wildfire protection, focusing on technology capacity, and streamlining permitting and planning. Dr. McIntyre said that the proposed amendments have received almost unanimous support from the Tahoe Fire and Fuels Team (TFFT).

With the plan in place, staff have seen an influx of funding for forest treatments and resilience, and feel that these code amendments will help increase the pace and scale of work to increasing fire resilience and reduce fire risk.

<u>Committee Comments & Questions</u>

Mr. Hicks noted that the amendments make several references to "TRPA review and approval", and asked what that process involved. Dr. McIntyre explained that projects are submitted to the TRPA Forester, who performs an initial review. The review and findings are then forwarded to the EIP Division Manager and/or the Forest Health Program Manager for further review. Following sign off, the project is then circulated through TRPA legal review, before being sent to the Executive Director for signature.

Mr. Bruce Barr (TRPA Forester) added that this process describes the process under the MOU between TRPA and the U.S. Forest Service He said that for the standard MOUs with state lands and the fire districts, anything that is part of their MOU is exempt from review. For example, if they are removing a small number of trees on an urban lot, they may not require any review from TRPA. It is the intention, that when (and if) these code changes are approved, staff will standardize all the MOUs.

Referring to smaller projects, Mr. Hicks asked how long it might take for a project review to be done. Mr. Barr said that for a small private parcel, a tree removal application would be submitted directly to him, and he will make a site visit and, if appropriate, issue a permit, within one week. For a larger project that requires a more comprehensive review it usually takes two weeks.

Mr. Hicks said that he was on the Bi-state Fire Commission that reviewed the Angora Fire. Recommendation 17 took a lot of time and discussion, and there was great interest in opening up the region for this type of treatment. The Commission was not just focused on environmental impacts, but also on the preservation of life, property, and safety.

Mr. Hicks said that the Commission were unanimous in their support for this recommendation, but that at the time, there was a doubt about the available equipment. Fast forward 14 years later, and we do have better equipment. We have seen progress in regard to stream environment zones, and now we're being asked to do the same for steeper slopes. Mr. Hicks said he was an advocate for the recommendation 14 years ago, and he is an advocate for the amendments today. It will be a tremendous relief to see these amendments pass.

Ms. Novasel said she appreciated the history lesson because she had questions about how they had landed there in the past. Looking forward, she asked if they were expediting this process to get this done as fast as possible, in the knowledge that funds are available, and the fire threat is not going away. Dr. McIntyre said that TFFT are already looking at how they can prioritize work, prioritize funding and build capacity. In terms of project review, she is confident that projects will still move through quickly, while maintaining environmental protection. The TRPA review process will not hold things up.

Mr. Lawrence thanked Mr. Hicks for his leadership, and thanked staff for their work. He thinks this is a critical issue. Nevada have been undertaking fuels treatment work for a number of years and are now at the point where most urban lots have been treated. But there is still a lot of work to be done at Van Sickle State Park and in the Spooner Back Country. The nature of Nevada in the Tahoe Basin is a lot of steep slopes. They use hand crews where they can, but it is very slow and also has environmental impact. Like Mr. Hicks, he has been a long-time advocate and is confident that there are enough safeguards in place.

Ms. Faustinos questioned how much of this ordinance affect designated wilderness areas, and asked if there are any designated wilderness areas in the Wildland Urban Interface (WUI). Dr. McIntyre responded that approximately 6,000 wilderness acres fall on 30-50% slopes, but the Forest Service has specific safeguards in place for wilderness areas. One safeguard is that mechanized equipment is not allowed, so those acres (mostly exposed granite) would not be slated for treatment. Dr. McIntyre added that there are no wilderness areas in the WUI.

Mr. Friedrich commented that anyone who views the 60 miles of dozer lines that were pushed under emergency conditions, to save the town from the Caldor Fire, will see a good example of what happens when we don't do preventative thinning. He believes that the time is right to move forward with these amendments.

Public Comments

Mr. Eric Hornvedt, Forest Fuels Coordinator at North Tahoe Fire Protection District and Project Manager for the Tahoe Program Timberland Environmental Impact Report (TPTEIR). Mr. Horvedt reported that Lake Valley Fire Protection District, North Tahoe Fire Protection District, California Tahoe Conservancy, and other members of the TFFT, under CEQA lead of Cal Fire, did complete, finalize, and approve a programmatic Timberland Environmental Impact Report, for state, local and some federal lands, within the WUI on the California side of Lake Tahoe. What does that mean? They wanted to go after program objectives of reducing the risk of catastrophic wildfire, increasing forest resilience, protecting, and restoring meadow and riparian ecosystems, developing, and implementing all lands fuel reduction, while also looking at forest health improvement and restoration.

Part of this treatment includes not only analysis, but also language that would support the utilization of appropriate mechanical treatments on slopes of 30-50%. He wanted to emphasize that the proposed amendments were not created in a vacuum, and that a lot of code driven analysis work has been undertaken.

Mr. Teshara of Sustainable Community Advocates, said he has the honor of assisting some of the local basin Fire Chiefs, and in that context, work with the TFFT. He thanked Mr. Hicks for his accurate and eloquent description of some of the discussions that were part of the Angora Bi-state Fire Commission. Mr. Teshara said these amendments have been in the works for a long time and he believes we have come to the point where it is time to move forward with a recommendation, and ultimately to approval by the Governing Board.

Mr. Lawrence made a motion to recommend Regional Plan Implementation Committee, and Governing Board approval of the proposed Code of Ordinance amendments, as presented in Attachment A.

Ayes: Mrs. Cegavske, Ms. Faustinos, Mr. Lawrence, Mr. Friedrich, Ms. Novasel
**Motion carried.**

As a non-voting member, Mr. Hicks asked that the record reflect he is also in favor of the motion.

IV. Public Interest Comments

None.

V. ADJOURNMENT

Ms. Novasel made a motion to adjourn.

Chair Ms. Aldean adjourned the meeting at 9:24 a.m.

Respectfully Submitted,

Tracy Campbell

Tracy Campbell
EIP Executive Assistant

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above mentioned meeting may find it at https://www.trpa.gov/meeting-materials/. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or virtualmeetinghelp@trpa.gov.*