
STAFF REPORT

Date: September 18, 2019

To: TRPA Forest Health & Wildfire Committee

From: TRPA Staff

Subject: Update of TRPA Code of Ordinances Chapter 61 (Vegetation and Forest Health)

Summary and Staff Recommendation:

Chapter 61 of the TRPA Code of Ordinances addresses vegetation management and forest health. TRPA's Forest Health Initiative includes a thorough review and update of Chapter 61 standards. The staff presentation will include a short overview of work to date, a work plan for revising the chapter, a proposed outline for Chapter 61 including a justification for reorganization, and a proposed revision of the prescribed fire section of the code, also for discussion.

This item will require action from the FHC. Potential actions to be taken by the committee include:

- Approval of proposed work plan
- Direction from the committee regarding proposed outline and prospective prescribed fire code changes.

Background and Review:

Previous staff presentations to the committee provided background for the initiative and the Chapter 61 code update. Staff will present a brief overview on the contents of Chapter 61 and recommendations for changes made by the Tahoe Forest and Fuels Team.

Work Plan:

TRPA staff will present a proposed work plan for accomplishing a full Chapter 61 update. Under the proposed work plan, staff will review and propose to the committee updates to the code in several sessions, as follows:

1. September 25th: Discussion and review of proposed changes to the Prescribed Burning code language.
2. Meeting 2: Discussion and review of proposed changes to Standards for Tree Removal.
3. Meeting 3: Discussion and review of proposed changes to the Reasons for Tree Removal.
4. Meeting 4: Discussion and review of proposed changes to the Vegetation Protection code language and present on potential Vegetation Protection code updates.
5. Meeting 5: Final review of proposed changes discussed in prior committee meetings for recommendation to the full TRPA Governing Board.

New Chapter 61 Outline:

The new outline for Chapter 61 creates a chapter that flows logically, clearly, and avoids redundancy. Most changes made in the outline consolidate subject areas that were previously found in multiple spots within the chapter. Revisions include:

1. "Tree Removal Standards" are moved up to the front of the chapter and condensed into one section. The chapter starts with General Standards, moves to Minimum Standards, followed by Special Conditions within Stream Environment Zones (SEZs).
2. "Reasons for Tree Removal" are consolidated into one list. These were previously two lists in Chapter 61 that were redundant. Ecosystem Management Goals and EIP-related objectives are all together in a subheading under this section.
3. The "Prescribed Burning" section is condensed into essential subheadings.
4. All sections regarding protections are moved under "Vegetation Management and Protection" including SEZs, Old Growth, Wildlife, etc.
5. Some section titles have been updated to reflect more current language. For example:
 - a. "Historic Resource Protections" equates to "Cultural Resource Protections"
 - b. "Tree Removal for Enhancement of Forest Health and Diversity" replaces "Tree Removal to Improve Forest Health and Resilience."

Proposed Revisions to Section 61.2 (Prescribed Burning):

Current Code Section 61.2 "sets forth standards and regulations pertaining to the use of fire in controlled circumstances for vegetation management." Prescribed burning provides a variety of valuable benefits in terms of forest restoration and reduced wildfire risk. Benefits of prescribed fire include reduced fuels which increase protection of communities, property, infrastructure and natural resource values as well as the ability for direct suppression, thereby increasing firefighter and public safety. Additionally, prescribed burning is a cost-effective way to maintain forest health and restoration treatments in comparison to continual hand or mechanical thinning. Sawmills have either closed or restricted purchase agreements, further reducing available markets for treatment by-products. Limited end users have contributed to an increased need to utilize prescribed fire to dispose of treatment by-products that would have otherwise gone to biomass facilities. Furthermore, research indicates that prescribed fire typically generates half the amount of smoke and particulates as a wildfire in the same location, due to the ability to control ignition, time of burn, and burn duration with a prescribed fire as opposed to a wildfire (Huff et al. 2005). Large wildfires emissions typically exceed ambient air quality standards.

The above prescribed fire benefits have been identified as critical in several key documents relevant to Lake Tahoe Basin forest management. The Blue-Ribbon Commission and the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy identify prescribed burning as a key component of forest restoration as well as critical to the reduction of catastrophic wildfire risk. Additionally, prescribed fire is increasingly relied upon as a forest restoration tool by most land management agencies within the Basin including but not limited to the USDA Forest Service, California State Parks, and the Nevada Division of Forestry. When conducting prescribed burning these agencies must comply with strict regulations to conduct prescribed burning overseen by several state agencies

depending on jurisdiction and land ownership such as the California Air Resources Board, CAL-FIRE, the Nevada Division of Forestry, and the Nevada Division of Environmental Protection.

The regulations set forth by both California and Nevada are as stringent or more stringent than the current requirements set forth in the TRPA code of ordinances. Nevada and California require proposed burn plans to include: a description and map of the area to be burned, a description of planned burn techniques, project boundary, vegetation and fuel types, meteorological conditions, anticipated flame length, the projected duration and timing of the prescribed burn, a list of staffing and resources available during the planned prescribed burn, amongst other details. Additionally, permittees are required to not only get a burn permit, but a smoke permit for emissions.

Current TRPA regulations require a burn prescription including: a detailed statement of the purpose of a prescribed burn, description including a map of the location and extent, description of the timing of the burn, meteorological information that demonstrates that the timing of the prescribed burn will normally allow complete dispersion of smoke, a list of applicable standards of TRPA and other government agencies, and a detailed description of the proposed burning operation including safety procedures.

TRPA staff recommend that TRPA code requirements for prescribed burning projects be replaced reference to state regulations. Current sections to remain under the Prescribed Burning regulations include: Purpose, Applicability, Prescribed Burning Allowed, Limitations, and Standards of Other Government Agencies. There will be a proposed addition regarding the submission of a copy of the permitted burn plan with any applicable permits issued through other agencies for conformity check. These changes will streamline the permitting process while maintaining the necessary regulatory oversight. This change is one step in updating Chapter 61 to increase the pace and scale of forest restoration to maintain and achieve TRPA's environmental thresholds and forest restoration goals.

Contact Information:

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