

CA Tree Mortality Task Force



**In Response to the State of Emergency
Proclamation**

California Tree Mortality Task Force

REGULATIONS WORKING GROUP

**Public Meeting for
Comments and Questions on
DRAFT Guidelines
for High Hazard Zone Tree Removal**

Mariposa County Board of Supervisors Chambers

5100 Bullion Street

Mariposa, CA 95338

Time: 10:30AM-12:00PM

April 25, 2016



California Tree Mortality Task Force

CAL FIRE in Coordination with Cal OES and the Governor's Office

- **The Tree Mortality Task Force (TMTF) is comprised of state and federal agencies, local governments, utilities, and various stakeholders that will coordinate emergency protective actions, and monitor ongoing conditions to address the tree mortality resulting from four years of unprecedented drought and the resulting bark beetle infestations across large regions of the State.**



California Tree Mortality Task Force

TMTF Management Objectives:

- Provide for **public health and safety** of persons and property in identified High Hazard Zones (HHZ).
- Ensure efforts associated with **implementation** of the directives contained in the Governor's State of Emergency Proclamation (10/30/14) remain **coordinated**.
- Ensure **continuous communication** among state, federal, and local governments, as well as with other non-governmental organizations assigned to the task force.
- Provide **consistent and coordinated messaging** between task force member agencies and the public.
- Manage projects and programs in a **financially responsible** and efficient manner.



California Tree Mortality Task Force

Eight working groups have been established under the TMTF to address the objectives identified by the Governor's State of Emergency Proclamation and the Task Force.

Working Groups:

- Forest Health and Resilience
- Mapping and Monitoring
- Prescribed Fire
- Public Outreach
- **Regulations**
- Resource Allocation
- Utilization - Bioenergy
- Utilization Market development



California Tree Mortality Task Force

The Guidelines for HHZ Tree Removal are to assist in the implementation of Governor Brown's October 30, 2015 Emergency Proclamation (EP) for dead/dying tree removal in HHZs.

“California is facing the worst epidemic of tree mortality in its modern history,”

“A crisis of this magnitude demands action on all fronts.”

Governor Jerry Brown



California Tree Mortality Task Force

CAL FIRE's authority to issue emergency guidelines that establish relevant criteria for removal of dead/dying trees from HHZ is provided by EP Directive 2:

State agencies, utilities, and local governmentsto protect the public health and safety, shall....remove dead or dying trees in these high hazard zones that threaten power lines, roads and other evacuation corridors, critical community infrastructure, and other existing structures.

*.....The **Department of Forestry and Fire Protection** shall issue emergency guidelines setting forth the relevant criteria....*



California Tree Mortality Task Force

Guidelines for HHZ Tree Removal

- **Introduction**
- **Regulation of Tree Removal Under the Forest Practice Act**
- **Tree Removal Guidelines for Non-Commercial Timber Cutting and/or Removal**
- **CEQA Suspension in the EP**
- **Burning Wood Waste from HHZs**
- **Log Storage Site Guidelines**
- **Exhibit A: CAL FIRE Regional Office Contacts**
- **Exhibit B: State Fire Marshal Bulletin 16-003**



California Tree Mortality Task Force

In support of the TMTF CAL FIRE was asked to identify HHZ....

These guidelines apply to the removal by state or local government or utilities of dead or dying trees in HHZ that threaten structures or infrastructure:

HHZ Direct (Tier 1): *These are high hazard zones that are in close proximity to communities, roads, and utility lines. They represent a direct threat to public safety. Tier 1 HHZ is already completed and is currently available on the TMTF viewer.*



California Tree Mortality Task Force

To address broader concerns for forest health and wildfire risk....

***HHZ Indirect (Tier 2):** These are high hazard zones that are defined by watersheds (HUC 12) that have significant tree mortality, combined with community and natural resource assets. Work at the Tier 2 level supports broader forest health and landscape level fire planning issues.*



California Tree Mortality Task Force

Regulation of Tree Removal Under the Forest Practice Act

The State's Forest Practice Act and implementing regulations apply to all **commercial timber operations** (i.e. the cutting/removal of timber or other solid wood forest products from timberland for commercial purposes). (Public Resources Code section 4527)



California Tree Mortality Task Force

Regulation of Tree Removal Under the Forest Practice Act

“**commercial purposes**,” including for sale, barter, exchange, trade, or during the course of converting timberland to another use.



California Tree Mortality Task Force

Regulation of Tree Removal Under the Forest Practice Act

In addition to any permit required under the Forest Practice Act other permits may be required:

- **Report of Waste Discharge (CA Water Code section 13260(a))**
- **Lake or Streambed Alteration Agreement (Fish and Game Code section 1600 et seq.)**
- **Incidental Take Permit (Fish and Game Code section 2081).**



California Tree Mortality Task Force

Forest Practice Act Exemptions from the Timber Harvesting Plan (THP) requirement may apply:

These are set forth in 14 Cal. Code of Regs. 1038:

- **1038(k) - Exemption for dead or dying trees in response to drought related stress**
- **Dead, Dying and Diseased 10%**
- **Defensible Space 150' - 300'**
- **Right-of-Ways - Public Agency/Public Property**
- **Utilities**



California Tree Mortality Task Force

Tree Removal Guidelines for Non-Commercial Timber Cutting and/or Removal

Tree removal shall be consistent with state agency, utility, or local government responsibilities to protect public health and safety.



California Tree Mortality Task Force

Tree Removal Guidelines for Non-Commercial Timber Cutting and/or Removal

*Standard protection measures included
for:*

- Heavy Equipment Operations
- Watercourses *
- Archeology
- Rare, Threatened and Endangered Species *
- Fuels/slash Treatment

* Lake or Streambed Alteration Agreement
or Incidental Take Permit may be warranted.



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

Pursuant to Directive 15 of the EP, CEQA is suspended for:

- Actions taken by state agencies, including issuance of permits or approvals, to carry out Directives 1, 2, and 5-8 of the EP; and
- Actions taken by local government, including issuance of permits or approvals, **where the state agency with primary responsibility for implementing the directive concurs that local action is required.**



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

Requirements to obtain state and/or local permits or approvals required pursuant to laws, regulations, and/or ordinances **other than CEQA** are not suspended by the EP, but CEQA requirements relative to those permits or approvals may be suspended.



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

For purposes of Directive 2 of the EP, removal of dead or dying trees from HHZs includes:

- Treatment-cutting
- Processing and/or transportation of trees
- Lopping, piling or burning
- Treating slash generated from those trees, and incidental vegetation



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

Actions to carry out Directive 2 include:

- Actions by state or local government property
- Permits or approvals for action
- Actions may be on state, local or private property
- Establishment of storage and/or processing sites for trees removed from HHZ to protect structures/infrastructure



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

CAL FIRE blanket concurrence that Local Government actions are required if consistent with the Tree Mortality Guidelines

- Removal-Cutting, Transport, Processing
- Storage Sites-Local Fire District approval



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

For actions not expressly identified in the Guidelines:

- local government shall either determine as lead agency whether CEQA applies.
- contact CAL FIRE to seek concurrence that local action is required.



California Tree Mortality Task Force

CEQA Suspension in the Emergency Proclamation (EP)

Local government shall:

- maintain a written record of actions to carry out the directives of the EP that utilize the CEQA suspension.

The State intends to establish a website where local government shall report those actions.



California Tree Mortality Task Force

Burning Wood Waste From HHZs:

Comply with any applicable requirements of the local fire authority, local air district and State Air Resources Board.

Sections:

- Burning by Local Entity to Abate Fire Hazard
- Authorization of Sites Where City or County May Burn Wood Waste
- Burning Wood Waste on Property Where it Was Grown



California Tree Mortality Task Force

Log Storage Site Guidelines

Local governments are encouraged to identify appropriate locations for log storage sites and expeditiously approve their use for material removed from HHZs during the Tree Mortality Emergency.



California Tree Mortality Task Force

Log Storage Site Guidelines

Sections:

- Federal land sites
- Water Quality Permitting and Water Supply
- CalRecycle Emergency Waiver for Operators
- State Fire Marshal Information Bulletin 16-003
- Local Fire Authority

Increase size of log storage

Authorize modifications to the Fire Code



California Tree Mortality Task Force

Questions?

