

11 January, 2018

California Board of Forestry and Fire Protection  
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To Whom It May Concern:

This transmits comments regarding the VTPEIR (document) on behalf of the California Indian Water Commission, a tribal self-determination organization. Fire is an integral part of the California landscape. The effort to streamline environmental review for a natural process within the landscape is necessary until policy makers and regulators recognize that fire is law, and does not require environmental review since it is natural. While what is outlined in the document will contribute to implementing treatments more expediently, it is also too limited. The planned treatment area of 60,000 acres (or approximately 1,000+ acres per county) per year does not do enough to correct 100 years of limited fire in the landscape or keep in sync with future change. Considering Stephens et al. 2007 suggest 4-12% of the state burned in pre-contact time (at least that represents the relatively recent past), there should be more effort put into establishing more resilient landscapes. The 2017 fire year represented the first time in recent history where the lower extent of burning occurred within the state, yet within an abbreviated period with devastating impacts that will unfold in months to decades ahead. As this document supports, fire can bring beneficial outcomes to achieve improved wildlife habitat, secure water quantity and quality, and protect other assets.

Overall, a combination of alternatives B & C seem most beneficial, where alternative D is too limiting, and minimizes fire as the most natural and useful tool to achieve the objectives of this document. While the 2010 and 2012 Strategic Plans identify working with private landowners, this document could do more to support the efforts of private and citizen burners on their lands. Similarly, colleges and universities (e.g., CSU Chico, Cal Poly San Luis Obispo, UC Natural Reserves) have substantial lands and are engaged in activities that could be better incorporated (see page 1-23).

Fire is recognized as law within indigenous cultures of California, and it is surprising the limited mention of Tribes and/or working with Tribes in this document. It seems that if we are to truly achieve a fire resilient landscape, then it would be appropriate to engage knowledgeable tribes and tribal individuals in the planning and implementation of actions described in this document. There is considerable traditional experience and leadership among indigenous California's population, with or without federal, state, or local training standards. The agency should be working through this document and in practice to further the purposes of tribal self-determination as provided in federal and state policies including executive order B-10-11. This document should include cultural burns as a category for consideration. Not all black acres are created equal. Treatment with fire goes beyond black acres for hazard fuel reduction and wildlife habitat enhancement. As identified in the plan, there are many places where

indigenous people collect resources, and each of those resources has an optimal relationship with fire based on desired outcomes directed by factors including season, fuel moisture, etc.

Page 1-11 discusses mandates for the agency to work with California Air Resources Board to expand the practice of prescribed burning. In 2005, the Western Region Air Partnership issued *Guidance for Categorizing Natural vs Anthropogenic Fire Emissions*, and it provides several cases where prescribed burning are not to be regulated including traditional burning by Native Americans, burning in areas that have been restored to a fire resilient state, and areas where fires have already reduced fuel loads. The document provides limited indication how any of these factors has been incorporated into the planning and implementation, and further reiterates the need to develop working relationships with traditional indigenous fire practitioners. In light of this, the agency may also rethink opportunities to work with unplanned ignitions within the landscape to achieve resource objectives as many federal agencies do. This will require experience and retooling away from suppression driven operations.

In assessing impacts per Cul-2, the agency should work with Tribes and traditional cultural practitioners. There are many lists available through the Bureau of Indian Affairs, California Native American Heritage Commission, etc. which might be used to reach out to Tribes. It is advised to use multiple approaches of contact to ensure greater likelihood of engagement.

Impacts to cultural resources should not be limited to things identified as such in this document. Cultural resources include living resources such as oaks and other vegetation, fungi, fish, and wildlife. Generally, prescribed fire if conducted properly, will enhance these resources.

In light of recent wind-driven fire events (October and December 2017), treatment in the WUI should seek to address threats with a ½ mile buffer of thinned and/or prescribed burn to better achieve protection of assets at risk. Specifically, reducing ignitability from wind driven embers. Further, these areas need to have identified retreatment activities to maintain the work implemented. Similarly, natural landscape features should be utilized to optimize outcomes. Heavy equipment use can have damaging impacts on the landscape ranging from increased erosion risk, invasive species spread, and wildlife impacts. Using ecotone shifts and existing infrastructure as non-shaded fuel breaks can work effectively for ignition and containment of prescription activities.

The document should more clearly articulate the circumstances for herbicide application. Herbicide use can be problematic, particularly when non-target species are impacted, or when resistance develops. Fire and other natural control methods should be the primary focus, with herbicide being a last resort.

The document seems to underestimate the significance of fire in riparian and other wetland ecosystems for treatment. Some of these systems exhibit some of the highest net primary productivity of California's ecosystems, and thus amass significant biomass. In California's

Central Valley riparian forests, productivity is so great that FRI greater than 10 years can create hazardous conditions, which are a conservation threat (see Hankins 2013<sup>1</sup>). Similarly, some are vulnerable to competition (e.g., conifer encroachment or dominance by annual grasses in meadow ecosystems), frequent fire can maintain ecosystem function. Additionally, some oak woodlands may require more frequent fire than is suggested in this document. In some regions, valley oak ecosystems are threatened by encroachment by live oak and canyon oak due to limited fire frequency.

Thoughtful consideration of these points would improve the scope and delivery of the document.

Sincerely,

Don Hankins, Ph.D.  
President

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• <sup>1</sup> Hankins, D.L. 2013. The effects of indigenous prescribed fire on riparian vegetation in central California. *Ecological Processes*. 2:24.