



Keeping Northwest California wild since 1977

*Sent via e-mail to: [board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)*

October 7, 2013

Mr. Eric Huff, Regulations Coordinator  
California Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Email: [board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

**Re: EPIC comments for 45-day notice of rulemaking “Class II-L Identification and Protection Amendments, 2013”**

Dear Mr. Huff and Board Members:

The Environmental Protection Information Center (EPIC) presents the following comments regarding the 45-day notice of rulemaking for “Class II-L Identification and Protection Amendments 2013.” We appreciate the Board’s consideration of these comments.

**Summary**

It has been EPIC’s position throughout the process of revising the Class II-L identification methods that the Board of Forestry (Board) should consider protecting all Class II watercourses with “L” protective measures. EPIC maintains this position. The Board’s 2009 Anadromous Salmonid Protection Rules (ASP Rules) are too narrowly focused on impacts to listed salmonids, failing to address other species and other beneficial uses of water. Despite this continued objection, we believe the proposed 45-day-noticed Rule change will likely achieve the Board’s stated objective of clarifying the Class II-L identification criteria, and thus should reduce the potential for disagreement between the regulated public and reviewing agencies in the field. Based on this, EPIC therefore supports the proposed Rule change.

**Important Changes/Clarifications in Proposed Rule Modification**

There are several changes in the Class II-L identification methods proposed in this 45-day noticed language that will likely resolve disagreements over interpretation of the existing Rule

---

Environmental Protection Information Center

145 G Street, Suite A, Arcata, CA 95521

(707) 822-7711

[www.wildcalifornia.org](http://www.wildcalifornia.org)

**Full 16.1 COMMENT LETTERS, 1 of 8**

language. These changes include:

- Use of calculations of upstream drainage area (100 acres minimum for coast, 150 acres for elsewhere)
- Use of “active channel width” versus use of “bankfull stage”
- Requirements for a 15-foot no-harvest inner band for all Class II-S watercourses including those with slope gradients less than 30 percent
- Deletion of criteria for measured stream flow in July of average hydrologic year
- Codification of protective measure application for Class II-L watercourses for a minimum distance of 1,000 feet

These proposed Rule language modification are likely to result in more accurate identification and greater protection for Class II-L watercourses, and as indicated above, will modestly improve the protective standards for Class II-S watercourses.

### **Conclusion**

EPIC supports the proposed Rule language modification contained in this 45-day notice because it is likely to decrease disagreement over Rule interpretation, while providing some enhanced protective measures for both Class II-L and Class II-S type watercourses. EPIC requests that the Board consider further enhancing protective measures for Class II-S watercourses in order to address impacts to beneficial uses of water in addition to and other than for listed salmonids.

Sincerely,

Rob DiPerna  
Industrial Forestry Reform Advocate

Environmental Protection Information Center  
145 G Street, Suite A  
Arcata, California 95521  
Office: (707) 822-7711  
Email: [rob@wildcalifornia.org](mailto:rob@wildcalifornia.org)

---

## Central Valley Regional Water Quality Control Board

3 October 2013

Board of Forestry and Fire Protection  
Attn: Eric Huff  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

### COMMENTS ON CLASS II-L IDENTIFICATION AND PROTECTION AMENDMENTS, 2013

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) appreciates the opportunity to comment on the "Class II-L Identification and Protection Amendments, 2013". While the Central Valley Region contains no watersheds in the Coastal Anadromy Zone, the Region does contain some watersheds with listed anadromous salmonids that are subject to Class II-L regulations. Therefore, we consider it important to provide both a technical and regional perspective on the proposed amendments to the Class II-L-related rule language.

The Central Valley Regional Board is generally supportive of the identification approach offered in the plead. In our previous comments regarding the "Class II-L Identification Methods Amendment, 2012" dated 22 October 2012, we suggested two options for identifying Class II-L watercourses in the field: 1) a process-based decision matrix for Class II-L determination; and 2) hard criteria for Class II-L determination. The current plead utilizes the hard criteria of drainage area and/or channel width to identify Class II-L watercourses. Processes like runoff, sediment transport and large woody debris transport usually scale with channel width and drainage area, and the Central Valley Water Board is generally supportive of this concept if protecting watercourse processes and functions is the goal.

The Central Valley Water Board is also supportive of the "sunset" clause in 916.9 [936.9, 956.9] (c) (4), which allows the Class II-L identification language to sunset on 1 January 2019 pending further evaluation of the efficacy of Class II WLPZ widths and operational requirements for protecting salmonids and water quality. This clause is in recognition of the uncertainty regarding the buffer prescriptions associated with the initial creation of the Anadromous Salmonid Protection rules, in addition to the preceding Threatened or Impaired Watershed Rules. We fully support this kind of motivation (i.e., the sunset clause) to take a systematic look at evaluating the effectiveness of existing riparian buffer prescriptions to achieve resource protection objectives.

Overall, the Central Valley Water Board is supportive of the "Class II-L Identification and Protection Amendments, 2013". The current plead incorporates many of the suggestions we made during previous correspondence regarding these rule revisions. We also offer our assistance in evaluating the effectiveness of riparian buffers in the Central Valley Region.

If you have questions regarding these comments, please contact Drew Coe at (530) 224-2437, or [dbrcoe@waterboards.ca.gov](mailto:dbrcoe@waterboards.ca.gov).



Angela K. Wilson, P.G.  
Senior Engineering Geologist

DBC:lmw

U:\Clerical\TimberDCoe\2013\Class\_II\_L\_October\_2013.docx



## DEPARTMENT OF FORESTRY AND FIRE PROTECTION

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-7772  
Website: www.fire.ca.gov



October 7, 2013

Dr. J. Keith Gilliss  
California State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, California 94244

RECEIVED BY  
OCT 04 2013  
BOARD OF FORESTRY AND FIRE PROTECTION

Dear Dr. Gilliss:

The California Department of Forestry and Fire Protection (CAL FIRE) has reviewed the proposal to adopt regulations contained under 14 CCR §§ 895.1, 916.9 [936.9, 956.9] (c)(4), and 916.9 [936.9, 956.9] (g) of the California Forest Practice Rules presented in the 45-day notice for Class II-L Identification and Protection Amendments, 2013, circulated August 23, 2013. This comment letter addresses the proposed changes presented in that public notice, which will be discussed at the public hearing scheduled for October 9, 2013.

The rule package proposes to amend existing rule language pertaining to Class II-L watercourse identification and protection. CAL FIRE supports the plead language in the currently noticed, 45-day rule package if the Board also adopts the minor changes provided attached to this letter. CAL FIRE believes that the recommended changes provide for clarity and needed improvements involving Class II-L watercourses.

Department staff have been involved in the Forest Practice Committee discussions and field meetings that have led to the development of the current plead language. Overall, we find that the modified rule language will provide for adequate protection of Class II-L watercourses and it should allow watercourses to be identified that were originally envisioned to be Class II-L watercourses when the Anadromous Salmonid Protection Rules were approved by the Board in 2009. Additionally, the department finds that the sunset language included in the rule package will allow sufficient time for effectiveness monitoring to occur, allowing for adaptive management and changes to be made in 2019 if they are determined to be necessary.

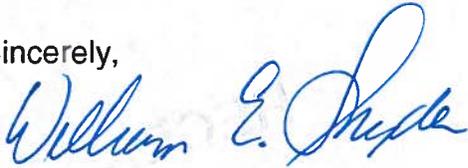
Dr. J. Keith Gilles

October 7, 2013

Page 2

A staff member will be available at the Board meeting to discuss any pertinent issues that may arise.

Sincerely,



WILLIAM E. SNYDER  
Deputy Director  
Resource Management

cc: Duane Shintaku, Assistant Deputy Director, Forest Practice  
Dennis Hall, Staff Chief, Forest Practice  
Pete Cafferata, Watershed Protection Program Manager

Attachment

**Class II-L Identification and Protection Amendments, 2013**

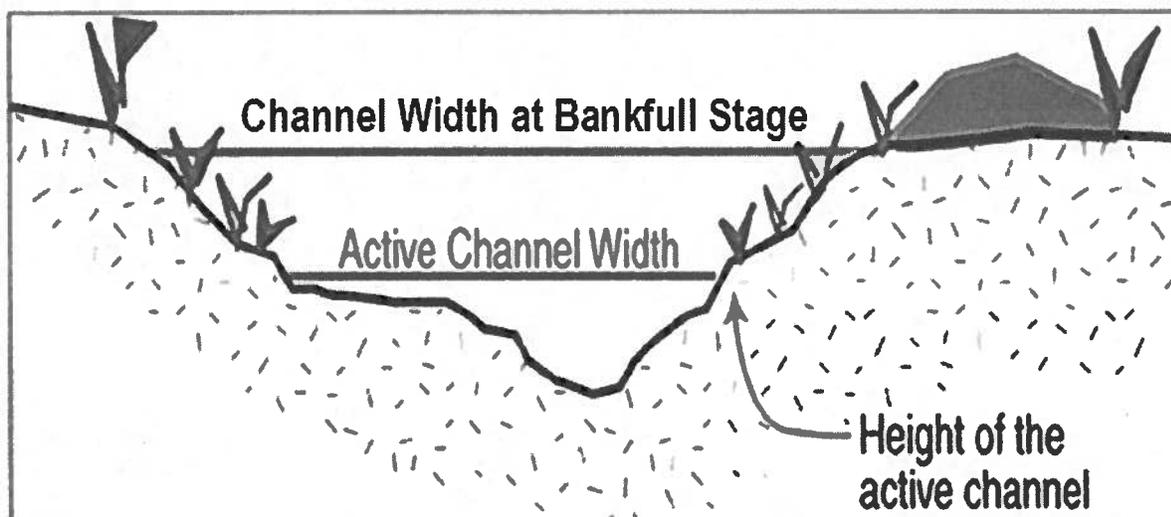
**Rule Proposal**

**California Department of Forestry and Fire Protection (CAL FIRE) Comments**

**October 7, 2013**

The following changes pertain to the 45-day public notice. Additional text is double underlined and deleted text is ~~double struck through~~.

**Page 1, line 17 (Figure 4)**: Figure 4 is modified to add clarity. "Bankfull Channel Width" is removed and "Channel Width at Bankfull Stage" is inserted as replacement language. Bankfull stage is defined in 14 CCR Section 895.1, while bankfull channel width is not defined.



**Figure 4: Depiction of bankfull channel width compared to active channel width (modified from Taylor and Love 2003)**

**Page 3, line 8-9**: As explained in the Initial Statement of Reasons, the new sentence in this section is proposed to recognize that additional site-specific protection measures are to be incorporated into a harvesting plan by either the RPF or the Director of the Department of Forestry and Fire Protection when necessary. Additional watercourse protections may be warranted for a variety of reasons, which might include unstable side slopes (e.g., inner gorge areas), erodible soils, impaired stream conditions (e.g., WLPZ damage from roads, landings, or skid trails), active in-channel erosion, etc. Therefore "may" is replaced with "shall", and examples of site-specific measures are specified.

**§ 916.9 [936.9, 956.9] (g) Class II Watercourses –**

The following are the minimum requirements for Class II WLPZ delineation and timber operations. Differing rules are specified for watersheds in the coastal anadromy zone, the Southern Subdistrict of the Coast Forest District, and areas outside the coastal anadromy zone. WLPZ width ranges from 50 to 100 feet slope distance, depending on side slope steepness in the WLPZ and the watercourse type. Additional site-specific measures ~~may~~ shall be incorporated into the plan as necessary to protect beneficial uses of water relative to riparian function pursuant to 14 CCR § 916.2(c), 916.4(a)(1), and 916.9 (b). Site-specific measures may be needed where past, proposed or reasonably foreseeable timber operations individually or cumulatively significantly and adversely affect the beneficial functions of the riparian zone, such as: (1) roads or landings in the riparian zone that are currently negatively affecting the watercourse, (2) existing high or extreme soil erosion hazard rating immediately adjacent to the riparian zone, or (3) unstable areas in the watercourse and lake protection zone.

**Page 4, line 4:** CAL FIRE suggests the following minor grammar change:

1. A ~~C~~contributing drainage area of  $\geq$  100 acres in the Coast Forest District, or  $\geq$  150 acres for the Northern and Southern Forest Districts, as measured from the confluence of the receiving Class I watercourse.

**Page 5, line 7:** CAL FIRE finds that the language struck below is redundant, confusing, and unnecessary. CAL FIRE suggests modifying the language to the following:

**(B)** All Class II-L watercourses shall incorporate requirements stated in 14 CCR § 916.9 [936.9, 956.9], subsection (g)(2) for a distance of one thousand feet (1,000 ft.), or total length of Class II, whichever is less ~~and regardless of Class II type~~, as measured from the confluence with a Class I watercourse. The RPF shall include the mapped location of Class II-L watercourse segments receiving protections pursuant to 14 CCR § 916.9 [936.9, 956.9], subsection (g)(2) in the plan area. Where such Class II-L watercourses branch prior to the end of the one-thousand foot (1,000 ft.) protection distance, the branch that meets or exceeds the drainage area standards of 14 CCR § 916.9 [936.9, 956.9], subsection (g)(1)(A) shall receive the remainder of the one-thousand foot (1,000 ft.) protection distance. If two or more branches meet or exceed the drainage area standards of 14 CCR § 916.9 [936.9, 956.9], subsection (g)(1)(A)1., then the remainder of the one-thousand foot (1,000 ft.) protection distance shall be applied to all branches exceeding the standard. If no individual branch exceeds the drainage area standards of 14 CCR § 916.9 [936.9, 956.9], subsection (g)(1)(A)1., then the single branch with the largest drainage area shall receive the remainder of the one-thousand foot (1,000 ft.) protection distance.