



October 6, 2013

Dr. Keith Gilles, Chairman
California Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Re: Class II-L Identification and Protection Amendments, 2013 rule package; public hearing 10/9/13

Dear Chairman Gilles and Board Members,

Campbell Timberland Management, on the behalf of Hawthorne Timber Company originally submitted a letter to the Board requesting modification of the CII-L watercourse identification and protection measures on November 8, 2011. Over the last two years the Forest Practice Committee (FPC) has spent numerous meetings discussing potential options including a previous 45-noticed rule package published 9/7/12 that was remanded back to the FPC by the Board. The current package represents the distillation of another year of consideration by the FPC. This effort also included two Board Staff field trips to field-test several of the identification criteria.

The focus of this package is to make the criteria for identifying CII-L type watercourses as clear as possible to facilitate consistent application by all parties. Both the drainage area and active channel width criteria are objective metrics allowing for consistent application. The active channel width is determined by taking five measurements at approximately 50 feet intervals commencing at the Class I WLPZ boundary. This will provide a realistic average and guidance for establishing measurement points is provided in the rule.

The proposed rule also clarifies that 1000 feet of CII-L protection shall be provided for a CII watercourse meeting either of the two identification criteria. We believe the additional guidance provided CII-L watercourses that branch within 1000 feet is important as these conditions are not uncommon. While we would have preferred a variable length of protection (i.e. ≤ 1000 feet) determined by changes in channel characteristics, such a system based on the preponderance of evidence (e.g. presence/absence/condition of multiple watershed products), is inherently less objective without additional guidance and is more appropriate for development under 14 CCR 916.9(v). Clearly mandating a specified length of protection is appropriate given the two objective identification criteria specified. The two field trips clarified that the drainage area and active channel widths proposed appropriately distinguish CII "large" from CII standard watercourse types as larger channel sizes provide greater magnitude and duration of flow and overall transport capacity of watershed products.

The establishment of a mandatory core zone (i.e. no-harvest) for CII-S watercourses with nearly flat adjacent slopes (i.e. <10%) is another contribution by landowners to resource protection both within and outside of the coastal anadromy zone. Given the relatively narrow WLPZ widths specified for CII-S watercourse types with gentle terrain, the retention of core zone vegetation can function to intercept solar radiation, under such conditions, while providing bank stability and potential wood recruitment.

While this rule focuses on clarifying CII-L identification procedures and protection measures, additional site-specific measures may be incorporated into the plan in conformance with 14 CCR 916.2(c), 916.4(a)(1) and 916.9(b). These existing rule requirements provide guidance to multiple parties under what conditions additional site-specific measures are needed or required. The prescriptive rules set the minimum default standards to be adjusted based on site-specific conditions. It is not desirable to try and establish under what specific types of conditions (e.g. the presence of: roads/landings, elevated EHR ratings, unstable areas) additional protection may be necessary. Each site is different and influenced by multiple factors. There may well be differences of opinion on whether additional measures are needed, but that is the function of multi-disciplinary review and the requirement for substantial evidence in the plan.

Finally, this rule package establishes a five year sunset clause to allow effectiveness monitoring to be conducted regarding Class II WLPZ widths and protection measures and as needed to comply with the goals specified for watersheds with listed anadromous salmonids. Hopefully, funding from AB1492 can be used to conduct this effort under overall guidance provided by the Effectiveness Monitoring Committee. This legislative bill requires an annual report regarding the efficacy of the multi-disciplinary review team including measures of ecological performance. While sunset clauses are not generally the best way to manage outcomes, in this case it provides a clear expectation that monitoring and reporting are to occur (e.g. establishes accountability).

Therefore, we support the Class II-L Identification and Protection Amendments, 2013 package as written and urge its adoption.

Thank you for the ability to comment on this issue and also especially to the Forest Practice Committee and Board Staff that worked so tirelessly on multiple issues trying to arrive at consensus while improving clarity and overall workability of this package.

Sincerely,



Peter F. Ribar
Resource Manager