
North Coast Regional Water Quality Control Board

April 4, 2014

Mr. Stuart Farber and Ms. Mary Rickert
Management Committee
Board of Forestry and Fire Protection
P. O. Box 944246
Sacramento, CA 94244-2460

Dear Mr. Farber and Ms. Rickert:

Subject: Comments on the February 17, 2014 Draft, Working Forest Management Plan

File: Timber, General

North Coast Regional Water Quality Control Board (Regional Water Board) staff have reviewed the "*Board of Forestry and Fire Protection, February 17, 2014 Draft, Working Forest Management Plan*" (February Draft) that was distributed at prior to the March 4, 2014 meeting of the Management Committee (FPC) of the Board of Forestry and Fire Protection (BOF or Board), and would like to take this opportunity to inform the Board's Management Committee (Committee) of the results of that review.

Assembly Bill 904 created a new alternative for managing "working forest" timberlands up to 15,000 acres in size. The Bill states that "It is the policy of the state to encourage prudent and responsible forest resource management of nonindustrial timberlands by approving working forest management plans in advance and authorizing working forest timber harvest notices to be filed ministerially." Working Forest Management Plans (WFMPs) are intended to build on the model provided by nonindustrial timber management plans.

The February Draft proposes to add Sections 1094 through 1094.31 to the Forest Practice Rules (FPR) in order to implement regulation of WFMPs. Much of the language contained in the February Draft is copied directly from the Bill. The following are comments and recommendations based on our review of the February Draft.

Page 7, Line 14 and 15: The proposed language speaks of "potential to discharge sediment attributable to timber operations into waters of the state..." Anthropogenic sediment

sources within the plan area are likely to be impacted or exacerbated by timber operations whether or not they are directly “attributable,” and existing Regional Water Board Waste Discharge Requirements make no such distinction. In order to be consistent with applicable water quality objectives and provide for the protection of the applicable beneficial uses of water, the words “attributable to timber operations” should be deleted.

Regional Water Board staff propose the following revision to page 7, lines 14 and 15:

“... potential to discharge sediment ~~attributable to timber operations~~ into waters of the state in violation of water quality requirements ...”

Page 7, Line 17: Beginning on line 16, the February Draft states, “erosion control implementation plan, and a schedule to implement erosion controls that prioritizes significant existing erosion site.” This language was modified from the Bill. The language in the Bill is “major sources of sediment,” but BOF staff changed it “for consistency with ASP and Road Rules.” To be truly consistent with the ASP and Road Rules, and to be consistent with applicable water quality objectives and provide for the protection of the applicable beneficial uses of water, the proposed language should use the term introduced in the Road Rules package, “Significant Existing or Potential Erosion Site.”

Regional Water Board staff propose the following revision to page 7, lines 16 and 17:

“... erosion control implementation plan, and a schedule to implement erosion controls that prioritizes significant existing or potential erosion sites.”

Page 16, lines 1: It is impossible to properly assess the physical environmental changes within the Working Forest Notice area without a field evaluation. This should be clearly stated in the rule language.

Regional Water Board staff propose the following revision to page 16, line 1:

“(h) A statement that, based on a field evaluation, there are no physical environmental changes...”

Page 16, Line 20: An updated erosion control implementation plan would be the most efficient method to provide an update of erosion control mitigation measures. This should be explicitly stated.

Regional Water Board staff propose the following revision to page 16, line 20:

“(m) An updated erosion control implementation plan that reflects ~~an~~ erosion control mitigation measures for the harvest area and any appurtenant roads...”

Page 30, Line 24: “but not limited to” This phrase is in the Bill, but is stricken in the February Draft. We assume BOF staff felt the phrase is redundant since in a strictly grammatical sense, “including” implies that there may be other non-listed items, but current common usage tends to be restrictive. That is, without the phrase “but not limited to,” the regulation could be interpreted to require only the information specifically listed for the Five-Year Review analysis. The phrase should not be stricken.

Regional Water Board staff propose the following revision to page 30, line 24:

“... allow~~s~~ the review team to analyze information includin~~g~~, but not limited to, the number...”

Page 31, line 3 and 4: It is difficult to certify that “any Working Forest Harvest Notices are in compliance with WFMP” without an on-the-ground field evaluation. This should be clearly stated in the proposed language.

Regional Water Board staff propose the following revision to page 30, line 24:

“(1) The 5-year review shall include a certification by an RPF that, based on a field evaluation, the WFMP and any Working Forest Harvest Notices are in compliance with WFMP.”

Regional Water Board staff believe that without these proposed revisions, it is likely that the proposed WFMP regulations may not insure compliance with the Water Quality Control Plan for the North Coast (Basin Plan). We recommend that rules be developed that are consistent with applicable water quality objectives and protection of the applicable beneficial uses of water. This approach would help our agencies and provide the people of the state with efficient government.

If you or your staff have any questions regarding our comments, please contact me at 707-576-2756.

Sincerely,

Original Signed By

David Fowler
Regional Water Board staff
Nonpoint Source and Timber Harvest