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December 7, 2015

State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Attention: **Dr. Gilles, Chairperson**
Re: Request for comments on interpretation and regulatory standards contained in the
FPRs.

My name is Jason Poburko and I am offering this public comment, as a Registered Professional Forester (RPF).

This title and its qualification were established by the CA legislature via the Professional Foresters Law and chaptered in California law in the Public Resource Code Sections 750-783, Administration, Chapter 2.5

This qualification is similar to other state laws governing right to title and practice, such as the Professional Engineers Law. However, this qualification is unique, in that it is only held by approximately 1,200 persons in the State of California.

An RPF is a person knowledgeable in a wide range of studies such as biology, ecology, entomology, geology, hydrology, dendrology, silviculture, engineering, business administration, forest economics, and other natural resource subjects. RPFs use their well-rounded education and experience to maintain the sustainability of forest resources like timber, forage, wildlife, water, and outdoor recreation to meet the needs of the people while protecting the biological integrity and quality of the forest environment.

My working career spans over 15 years of practice within the jurisdiction of this Board. I am also a member and past president of the California Licensed Foresters Association (CLFA) which represents many of the RPFs that work within the jurisdiction of the Board.

Though these are my personal comments, I am sure that they may be echoed by many other foresters, industry representatives and private forest landowners.

Since the ASP rules went into effect, sufficient time has passed to allow for an evaluation of their on-the-ground implementation and evaluate components of the rules that may be unnecessarily burdensome or those that provide little or no benefit to the review team in the evaluation of compliance with the rules goals or the evaluation of significant impacts to fisheries resources as a result of the project.

14 CCR 916.4, 936.4, 956.4 **Watercourse and Lake Protection [All Districts](a)(2)** is a prime examples, that results in extraneous data collection, at the landowners expense, that has no function pertaining to the compliance of any other rule.

916.4, 936.4, 956.4 Watercourse and Lake Protection [All Districts]

(a) The RPF or supervised designee shall conduct a field examination and map all lakes and Class I, II, III, and IV watercourses.

(1) As part of this field examination, the RPF or supervised designee shall evaluate areas near, and areas with the potential to directly impact, watercourses and lakes for sensitive conditions including, but not limited to, existing and proposed roads, skidtrails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris jam potential, inadequate flow capacity, migrating channels, overflow channels, flood prone areas, and riparian zones wherein the values set forth in 14 CCR § 916.4 [936.4, 956.4], subsection (b) are impaired. The RPF shall consider these conditions, and those measures needed to maintain, and restore to the extent feasible, the functions set forth in 14 CCR §§ 916.4(b) [936.4(b), 956.4(b)], when proposing WLPZ widths and protection measures. The plan shall identify such conditions, including where they may interact with proposed timber operations, that individually or cumulatively significantly and adversely affect the beneficial uses of water, and shall describe measures to protect and restore to the extent feasible, the beneficial uses of water. In proposing, reviewing, and approving such measures, preference shall be given to measures that are on-site, or to offsite measures where sites are located to maximize the benefits to the impacted portion of a watercourse or lake.

(2) As part of this field examination, the RPF or supervised designee shall map the location of spawning and rearing habitat for anadromous salmonids, and the condition of the habitat shall be evaluated using habitat typing that at a minimum identifies the pool, flatwater, and riffle percentages. The opportunity for habitat restoration shall be described within the plan for each Class I watercourse, and for each Class II watercourse that can be feasibly restored to a Class I.

The exercise of measuring the pool, flatwater, and riffle percentages, should be reconsidered by the Board and may be determined to be extraneous to the goal of anadromous protection and subsequently removed from the FPRs.

The information is simply collected at the landowners' expense for no other use or appurtenance to any other rule compliance. Given the limitations of operations within the Class I and Class II(L) watercourse protection zones, under the ASP rules, operations are unlikely to affect these percentages, which are a function of the geo-fluvial processes at play in a given flow regime that is beyond the control of the single landowner.

The following strike out text has been provided to guide the potential revision sought.

916.4, 936.4, 956.4 Watercourse and Lake Protection [All Districts]

(a) The RPF or supervised designee shall conduct a field examination and map all lakes and Class I, II, III, and IV watercourses, within the THP Area.

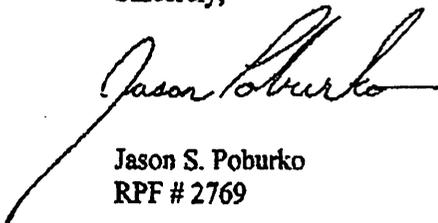
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evaluate areas near, and areas with the potential to directly impact, watercourses and lakes for sensitive conditions including, but not limited to, existing and proposed roads, skidtrails and landings, unstable and erodible watercourse banks, unstable upslope areas, debris jam potential, inadequate flow capacity, migrating channels, overflow channels, flood prone areas, and riparian zones wherein the values set forth in 14 CCR § 916.4 [936.4, 956.4], subsection (b) are impaired. The RPF shall consider these conditions, and those measures needed to maintain, and restore to the extent feasible, the functions set forth in 14 CCR §§ 916.4(b) [936.4(b), 956.4(b)], when proposing WLPZ widths and protection measures. The plan shall identify such conditions, including where they may interact with proposed timber operations, that individually or cumulatively significantly and adversely affect the beneficial uses of water, and shall describe measures to protect and restore to the extent feasible, the beneficial uses of water. In proposing, reviewing, and approving such measures, preference shall be given to measures that are on-site, or to offsite measures where sites are located to maximize the benefits to the impacted portion of a watercourse or lake.

(2) ~~As part of this field examination, the RPF or supervised designee shall map the location of spawning and rearing habitat for anadromous salmonids, and the condition of the habitat shall be evaluated using habitat typing that at a minimum identifies the pool, flatwater, and riffle percentages.~~ As part of this field examination, the RPF or supervised designee shall identify the opportunity for feasible habitat restoration which shall be described within the plan for each Class I watercourse, and for each Class II watercourse that can be feasibly restored to a Class I.

Again it is my utmost hope that these comments are offered as constructive. I look forward to opportunity to work with the FPC on matters pertinent to this and other potential rule revisions to provide a compliant and efficient process for landowners, Foresters and agency representatives.

Sincerely,



Jason S. Poburko
RPF # 2769

