



State of California- The Natural Resources Agency  
Department of Forestry and Fire Protection  
Department of Fish and Game  
1416 9<sup>th</sup> Street  
Sacramento, CA 95814

**ARNOLD SCHWARZENEGGER**, Governor  
**Del Walters**, Director  
**Donald Koch**, Director



June 18, 2009

George Gentry  
Executive Officer  
Board of Forestry and Fire Protection  
PO Box 944246  
Sacramento, California 94244-2460

Subject: Threatened or Impaired Watershed Rules, 2009

Dear Mr. Gentry,

Thank you for the opportunity to provide comments on the proposed amendments for the *Threatened or Impaired Watershed Rules, 2009*, Title 14 of the California Code of Regulations. The Departments of Fish and Game (DFG) and Forestry and Fire Protection (CAL FIRE) have collaborated to provide a unified set of detailed agency recommendations (see Attachment 1) on the proposed rule package for consideration by the Board of Forestry and Fire Protection (Board). Attachment 2 is provided as a list of references used to support our comments and recommendations. Attachment 3 is a matrix which summarizes the proposed watercourse and lake protection measures for Class I and II watercourses.

Our common goal has been to use the best available science to further integrate protection of listed anadromous salmonids under the California Endangered Species Act with the Board's regulations, consistent with the Forest Practice Act, the Porter-Cologne Water Quality Control Act and the California Environmental Quality Act in a permanent 2009 T/I rule, re-titled "Anadromous Salmonid Protection" rule. We believe that the proposed rule package together with our recommendations achieves this goal in a way that provides certainty and flexibility to the regulated public through methods and measures that are both implementable and feasible and which recognize regional differences in forest practices.

The proposed rule package contains important elements. The first is the opportunity for site-specific spatially variable alternatives to be proposed by the landowner. The Departments strongly support this concept, contingent upon availability of sufficient information to review and approve proposals by all review team agencies. The second is the distinction between Large and Standard Class II watercourses and the inclusion of prescriptions that maintain cool water temperatures, minimize delivery of sediment, and promote recruitment of sufficient large wood into aquatic habitat. Improvement of large Class II watercourse prescriptions is critical to meeting policies already established by the legislature and recently adopted in the *Joint Policy Statement on Pacific Salmon and Anadromous Trout*. As such, the Departments strongly support this element.

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Improved protection for Class II segments of the watercourse continuum is an important goal. The critical first step is a method which delineates between Large and Standard Class II watercourses. The second step is adoption of prescriptions which provide improved bank stability, canopy retention, wood recruitment and sediment filtration for the larger Class II watercourses. Additional protection for smaller Class II watercourses is also generally supported by our Departments. However, our recommendations in Attachment 1 for Standard Class II watercourses may be modified if sufficient prescriptions are established for Class I and Class II – Large watercourses and the procedure for designating Class II – Large watercourses reliably includes a substantial portion of Class II watercourses in the Large category.

The proposed rule package also provides greater protection for Class I watercourses in the first 100' of the watercourse and lake protection zone. Although the proposed WLPZ width is reduced for Class I watercourses where unevenaged silviculture is proposed, we believe the proposed Class I and Class II Core and Inner Zone measures, including the no-cut prescription for the Core Zone, the measures that promote large tree and canopy retention in the Inner Zone, along with protection of the floodplain, channel migration zone, and Class III watercourses, are necessary regulatory improvements that will benefit and protect salmonid habitat. For these reasons, the Departments support optional amendments 17, 19, 20, 21, 22, 23, and 33, which enhance the proposed rule amendments. These enhancements to the proposed rule package would provide equivalent anadromous species riparian function protections and benefits as many of the existing T/I (2112) rules that were made permanent in coho salmon watersheds and would greatly reduce concerns over cumulative impacts to listed anadromous species. In contrast, optional amendments 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 15, 16, 18, 25, 26, 27, 28, 30, 31 and 32 would not provide adequate protection or contribute to recovery and restoration of listed salmonid species and habitat on forested lands should they be adopted.

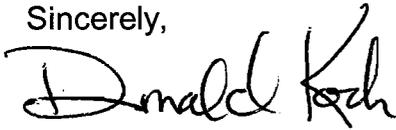
With respect to the Southern Subdistrict of the Coast Forest District, we propose an alternative for Class II watercourse prescriptions. The specific rules that currently apply to this region reduce the potential impacts of individual harvest plans and the cumulative intensity of harvesting at the planning watershed scale. The Departments believe, based on regional data, the impacts are lower in comparison to many other forested landscapes in California. The Departments' support for the alternative prescriptions for Class II watercourses in the Southern Subdistrict are predicated on the adoption of Class I watercourse and lake protection zone prescriptions described in Attachment 1.

Finally, we encourage the Board to take action to simplify overlapping regulations that govern protection of anadromous salmonids. We would advise the Board to consider the interaction of the rule package it proposes with the current watercourse and lake protection rules, the interim T/I rules, and the permanent 2112 rules (14 CCR 916.9.1 [936.9.1], 916.9.2 [936.9.2], 923.9.1 [943.9.1], 923.9.2 [943.9.2]) and to eliminate any redundancies that may exist. For example, if the Departments' recommendations are accepted, the Board could eliminate redundancies that would exist between the rule package and the permanent 2112 rules.

George Gentry  
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We look forward to continuing to work with the Board to adopt permanent rules for the protection of anadromous salmonids. If you have any questions regarding these comments, please contact Mark Stopher, Environmental Program Manager II, at 530.225.2275 ([mstopher@dfg.ca.gov](mailto:mstopher@dfg.ca.gov)) or Bill Snyder, CAL FIRE Deputy Director, at 916.653.4298 ([bill.snyder@fire.ca.gov](mailto:bill.snyder@fire.ca.gov)).

Sincerely,



Donald Koch  
Director  
Department of Fish and Game



Del Walters  
Director  
Department of Forestry and Fire Protection

#### Attachments

cc:

Mike Chrisman, Secretary, Natural Resources Agency  
Todd Ferrara, Deputy Secretary, Natural Resources Agency  
Charles R. Hoppin, Chair, State Water Resources Control Board, Sacramento  
Dorothy Rice, Executive Officer, State Water Resources Control Board, Sacramento  
Cat Kuhlman, Executive Officer, North Coast Regional Water Quality Control Board, Santa Rosa  
Jim Pedri, Assistant Executive Officer, Central Valley Regional Water Quality Control Board, Redding  
Roger W. Briggs, Executive Officer, Central Coast Regional Water Quality Control Board, San Luis Obispo  
Bruce H. Wolfe, Executive Officer, San Francisco Bay Regional Water Quality Control Board, Oakland  
Russ M. Strach, Assistant Regional Administrator, NOAA Fisheries, Sacramento  
John Carlson, Executive Director, CA Fish and Game Commission, Sacramento  
Charlotte Ambrose, NOAA Fisheries, Santa Rosa  
Crawford Tuttle, Chief Deputy Director, CAL FIRE  
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