Board of Forestry and Fire Protection
Attn: Thembi Borras
Regulations Coordinator
publiccomments@BOF.ca.gov
P.O. Box 944246
Sacramento, CA 94244-2460

March 2, 2015


Dear Chairman Gilless and Members of the Board:

The California Geological Survey (CGS) has reviewed the proposed revisions to the Forest Practice Rules contained in Title 14 California Code of Regulations, titled “Working Forest Management Plan”. These proposed rule revisions are presented in the 45-day notice circulated by the Board of Forestry and Fire Protection (Board) on January 16, 2015.

It is understood that the Working Forest Management Plan (WFMP) is modeled after Non-industrial Timber Management Plans (NTMP) to allow nonindustrial landowners with no more than 15,000 acres to apply for a timber harvesting document that would allow for long-term approval. A WFMP would last in perpetuity, similar to a NTMP.

Below CGS offers one general and nineteen specific comments on the proposed rule package.

General Comment:

1. To be consistent with the “2013 Road Rules” rule package, and the road requirements for THPs, CGS recommends that a number of modifications be incorporated into sections 1094.6 and 1094.8 of the WFMP, as noted in the “Specific Comments” below. CGS has attempted to incorporate provisions of the 2013 Road Rules into the comments below; however, we recommend that a more detailed analysis of the 2013 Road Rules be conducted to ensure that the WFMP is consistent with the new roads rule package.

Specific Comments:

CGS’s first three comments below relate to ground disturbance, winter operations, and the five year review; the subsequent comments relate to roads and consistency with the 2013 Road
Rules. CGS's recommended changes are shown in **bold** by the *strikethrough* and *double underline* text presented below.

§1094.6 Contents of WFMP.

1. CGS believes that it is important for each WFMP to include a general description of areas that may be sensitive to ground disturbance along with the discussion of the impacts and protections for the beneficial uses of water so that linkages can be made between proposed operations and potential impacts. This is consistent with the provisions of other regional scale documents such as SYPs (§1091.6)

1094.6 (t) A description of **areas known to be sensitive to ground disturbance, and the potential impacts to, and protections for, the quality and beneficial uses of water.**

2. The proposed rule package continues to set different standards for Winter Operating Plans within watersheds with listed anadromous salmonids (ASP watersheds) than the standards for those watersheds outside the zone of anadromy. As proposed in the current rule package, in areas outside ASP watersheds a Winter Operating Plan is not required if a limited series of measures are specified in the WFMP. Regardless of the presence of anadromy, CGS recommends that a Winter Operating Plan be required if winter operations are proposed. This requirement will provide clarity on the measures to be taken to limit potential impacts due to operations conducted during the winter period.

1094.6 (aa) Winter period operating plan **where appropriate if winter operations are proposed.**

§1094.29 Five (5) Year Review of WFMP

3. CGS believes that significant storms should be included in the list of "significant episodic events" to be analyzed as part of the five (5) year review.

1094.29 (c) For the purpose of 14 CCR 1094.29(b), each five (5) year review shall allow the review team to analyze information including the number of Working Forest Harvest Notices, the acreage operated under each Working Forest Harvest Notice, the violations received, the volume harvested in relation to projections of harvest in the WFMP... The review team shall also analyze any significant episodic events occurring during the previous five (5) years including disease and drought caused tree mortality, windthrow, **significant storms**, wildfire, and landslides. If the Department or a review team agency...

Road related comments:

§1094.6 Contents of WFMP.

4. 1094.6 (d) (3) Location of public roads within the plan area, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timberland owner(s) and are contiguous with the plan area, and classification of all proposed and existing logging roads as permanent, seasonal, or
temporary, or deactivated. Location and miles of proposed new, reconstructed, and abandoned roads. Location of roads that provide access to rock pits and water drafting sites, and the location of water drafting sites.

5. 1094.6 (d) (4) Location of proposed and existing roads and landings in watercourses, lakes, marshes, wet meadows, or other wet areas, the watercourse and lake protection zone, other than at road watercourse crossings, and landings outside the watercourse and lake protection zone that are greater than ¼ acre in size or whose construction involves substantial excavation.

6. 1094.6 (d) (14) Location of all existing and proposed permanent watercourse crossing drainage structures, and temporary crossings on Class I and II watercourses on roads, including those crossings to be abandoned or deactivated.

7. 1094.6 (d) (18) Location of logging road grades greater than 15 percent for over 200 continuous feet or logging road grades exceeding 20 percent.

8. 1094.6 (d) (19) Location of logging roads across unstable areas or connected headwall swales.

9. 1094.6 (d) (20) Location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas.

10. 1094.6 (d) (21) Location of logging roads and landings across slopes greater than 50 percent for 100 lineal feet or more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake.

11. 1094.6 (d) (22) Location of logging roads and landings across slopes greater than 50 percent for 100 linear feet or more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake.

§1094.8 Working Forest Harvest Notice Content

12. 1094.8 (s) (4) Location of public roads within the Working Forest Harvest Notice area, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timberland owner(s), and are contiguous with the Working Forest Harvest Notice area. The current classification of all proposed and existing logging roads as permanent, seasonal, or temporary, or deactivated shall be included. Location and miles of proposed new, reconstructed, and abandoned roads. Location of roads that provide access to rock pits and water drafting sites, and the location of water drafting sites.

13. 1094.8 (s) (5) Location of proposed and existing roads and landings in watercourses, lakes, marshes, wet meadows, or other wet areas, the watercourse and lake protection zone, other than at road watercourse crossings, and landings outside the watercourse and lake protection zone that are greater than ¼ acre in size or whose construction involves substantial excavation.
14. 1094.8 (s) (7) Location of all existing and proposed watercourse crossings on logging and tractor roads, including those crossings to be abandoned or deactivated; if a permanent culvert is involved, its minimum diameter shall be provided.

15. 1094.8 (s) (13) Location of logging road grades greater than 15 percent for over 200 continuous feet or logging road grades exceeding 20 percent.

16. 1094.8 (s) (14) Location of logging roads across unstable areas or connected headwall swales.

17. 1094.8 (s) (15) Location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas.

18. 1094.8 (s) (16) Location of logging roads and landings across slopes greater than 50 percent for 100 lineal feet or more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake.

19. 1098.8 (s) (17) Location of logging roads and landings across slopes greater than 50 percent for 100 linear feet or more within 100 feet of the boundary of a WLPZ that drains toward the zoned watercourse or lake.

CGS staff will be available at the Board meeting to answer any questions you may have.

Sincerely,

[Signature]

William R. Short, CEG
Supervising Engineering Geologist
Forest and Watershed Geology Program Manager