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August 20, 2014

George Gentry, Executive Officer  
Management Committee  
State Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, CA 94244-2460

Subject: Additional Comments (#3) - Rule Making Consistent with the Language of AB 904 – Working Forest Management Plan – August Pleading

Dear Mr. Gentry and Management Committee Members:

I have mentioned in previous comments on this Rule Making process for the Working Forest Management Plan – the need to be consistent with all applicable law – including the language contained in AB 904 (see previous comments). To date, the language in the pleading fails in a test of consistency (AB 904 section 4597.2. (b) and (d)). Additionally, in this rule making process, with final approval of the rule - as a project under CEQA – there is a requirement that the rule be internally consistent. That is; different sections must be consistent with each other (which is not currently the case). The following discussion will point to some issues, but not all, regarding internal inconsistency.

Sample Marking in the WLPZ: Sample marking in the WLPZ is to be allowed (similar to NTMPs – however NTMPs are smaller and more manageable – thus, this is not a similar situation or issue). The question arises; that with such sample marking (anadromous streams) compliance with beneficial use protection (canopy removal, stream temperature, and other habitat issues) can not be fully addressed. Sample marking does not provide, or assure, compliance with actions necessary to attain the desired/target outcomes that are necessary. Nor, does sample marking provide the information necessary for managing agencies to make adequate determinations. Note: THPs require marking the entire WLPZ for ASP compliance.

Long Term Sustain Yield - Definition and terminology in the rule language is insufficient. See discussion provided by Sharon Duggan.

1094.6 Contents of a Working Forest Management Plan - information provided in WFMP (and this section of the rule language) must go beyond disclosure of the potential effects of the plan –

timber management. CEQA requires complete and accurate description of the project – as well as complete analysis of potential effects and mitigatory process. Some areas (sections) of the rule making do contain aspects of (but not all) the necessary information – where this information is absent from other sections. This is a problem of consistency that needs to be fixed.

(d) (4) Probable Location of proposed and existing landings in WLPZ. Probable? I would remove that word. The public and managing agencies need to know the location of these aspects of the plan – for adequate review and assessment.

Added to this section should be the location of all existing and potential erosion control issues (road failures, slides, unstable soils, etc. ) Or – this information can be contained in the Erosion Control Implementation Plan.

(e) (8) This section fails to include potential erosion features that must be located and enumerated in the plan (As per the plain language in AB 904) – or – be inventoried and noted in the Erosion Control Implementation Plan.

(28) Explanation of justification for use of landings, roads, skid trails in watercourse, marshes, or wet meadows. Isn't there a policy of avoidance of these areas in the Forest Practice Rules? In-cursion into these areas can hardly be justified – or – mitigated.

(34) A description of the Lakes, meadows, and other wet areas : Included should be the location and mapping of these areas.

#### 1094.8 Working Forest Harvest Notice Content

Information required in this section is not consistent with 1094.6

Certification of compliance by the RPF for beneficial use protection can not be accomplished– if there is failure to identify or locate slides and unstable areas, erosion sources (including potential), wet areas, activities to occur in wet areas or adjacent to or on erosion prone areas – and note applicable mitigation. Most of all of this information should be contained in an Erosion Control Implementation Plan.

An Erosion Control Implementation Plan is mandated as part of any WFMP. Certification by the RPF without such a plan in place is not consistent with the wording or intent of AB 904. Contents and use of the Erosion Control Implementation Plan must be fully described in the rule making.

The use of terminology “unreasonable expense” does not (can not) justify operations that violate the language and intent of: Basin Plan for the North Coast, Porter-Cologne Water Quality Control Act (Cal Water Code), DFG Code, Federal Endangered Species Act, and other California Code. This should be made clear in the Rules for WFMP.

Sincerely: Alan Levine for Coast Action Group