



COAST ACTION GROUP
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February 4, 2015

Affiliate of Redwood Coast Watersheds Alliance

State Board of Forestry and Fire Protection
Attention: Thembi Borrás
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Subject: Working Forest Management Plan – Rulemaking – AB 904/Regulatory Compliance

Through the Rule Making process in the Management Committee issues of conformance to the language and intent of AB – 904 have, in part, been addressed. However there are outstanding/unresolved issues that require consideration and correction by the Board of Forestry.

With this letter outlining remaining issues, Coast Action Group is submitting (as part of our comments to the file) historic comment presented during the Rule Making process for review and consideration for developing final rules that are consistent with language and intent of AB 904 and other California Regulations and Statute.

Intent and Purpose

This rule making process, required by AB 904, allow for an extremely large scale project (up to 15,000 acres) - timber harvest management standards will exist in perpetuity. The intent and purpose of AB 904 and related rule making process was to allow development of projects that provide resource protection for forest production, forest resource values, and forest water quality values that are superior to the protections provided under the current Forest Practice Rules. The benefit for the landowner is a onetime approval process with established management standards. The benefit for the public and responsible managing agencies is a high level or resource protection. The benefit for all parties is superior forest production.

Presently the current language in the proposed rules for the Working Forest Management Plan has lost sight of what is being – or can be accomplished here.

Issue

Notice states “Proposed action is not expected to have an effect on the health and welfare of California residents....”

This statement/finding can not be made if:

The agency review period for WFMP is not sufficient for the Review Team to effectively review and assess such large properties and provide responsible agencies and the public with complete and accurate information for an informed decision making process. Please be aware that the proposed review period is not sufficient to accurately review a 1,000 acre Timber Harvest Plan and provide responsible agency and the public sufficient information, assessment, and mitigatory process for an informed decision making process required by CEQA.

If within the planning document there is not reasonable assurance of compliance of the goal of Long Term Sustained Yield – with measurable targets supported by periodic review that factually supports that identified management activities are meeting such targets. Current language in the WFMP language falls short of providing such assessment and compliance with LTSY.

If within the planning document the Erosion Control Implementation Plan is not inclusive of a planning and implementation schedule to remedy active and potential sediment sources with timelines that provide reasonable assurance of compliance with – the Forest Practice Act, Cal Water Code (Porter-Cologne), and the Basin Plan.

1094.6 Contents of WFMP

1) Silvicultural method(s) to be applied during the initial harvest(s), projected future 14 harvest(s) and method(s) used in the projected growth and yield to achieve LTSY.
(i) A description and discussion of the methods to be used to avoid significant sediment discharge to watercourses from timber operations. This shall include disclosure of active erosion sites from roads, skid trails, crossings, or any other structures or sites that have the potential to discharge sediment attributable to timber operations into waters of the state resulting in significant sediment discharge and violation of water quality requirements. The WFMP shall also include an erosion control implementation plan and a schedule to implement erosion controls that prioritizes significant existing erosion site(s). This subdivision shall not apply to the extent that the RPF provides documentation to the Department that the WFMP is in compliance with similar requirements of other applicable provisions of law.

To be consistent with AB 904 Cal Water Code, CEQA, the Forest Practice Act, and the area Basin Plan(s) inclusion of the word “potential” (to effectively use this word in the rules and mandated Erosion Control Implementation Plan – as part of 1094.6 Contents of WFMP) – must be included in the wording of this section (to assure recognition and remedy, with prioritization, of controllable potential sediment sources).

Additionally: the language in the WFMP Rule Making the words for sediment control must include "Potential" sediment sources as well as "Existing or Active" sediment sources as necessary for TMDL compliance with State and/or EPA TMDLs. Definition wording for “Potential” shall be consistent with Cal Water Code and Basin Plan definitions (existing or perched material that is

likely to enter a watercourse if not treated).

We reference and support discussion on this subject in Regional Board (Region 1) letter to the Board of Forestry September 30,2014 – Comments on Working Forest Management Plan

We request clarifying language to solve issue regarding interpretation of the last sentence in the paragraph above: This subdivision shall not apply to the extent that the RPF provides documentation to the Department that the WFMP is in compliance with similar requirements of other applicable provisions of law.” The meaning and intent of this language is unclear – convoluted. The interpretation of this language is likely to lead to interpretation that diverges from the intent of the AB 904 and necessity to meet legal requirements to comply with the Basin Plan(s) and other California Code – including CEQA consistency requirements.

These comments and previous comments (with discussion of issues) are submitted to the file for your review and consideration.

Sincerely: Alan Levine for Coast Action Group