



DEPARTMENT OF CONSERVATION

CALIFORNIA GEOLOGICAL SURVEY

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June 15, 2015

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BOARD OF FORESTRY AND FIRE PROTECTION

To: Board of Forestry and Fire Protection
 Attn: Matt Diaz
 Assistant Executive Officer
publiccomments@BOF.ca.gov
 P.O. Box 944246
 Sacramento, CA 94244-2460

Re: Proposed Rule Making Regarding "Working Forest Management Plan", 45-Day notice, posted May 1, 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 (14 CCR), 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 May 1, 2015. The Working Forest Management Plan (WFMP) would provide a mechanism for nonindustrial landowners with no more than 15,000 acres to apply for a long-term timber harvesting permit. A WFMP would last in perpetuity, similar to a NTMP.

Below CGS offers three comments on the proposed rule package.

- 1) The WFMP is held to the 2013 road rules (14 CCR § 923). As written, the WFMP plan and notice contents (14 CCR § 1094.6 and § 1094.8) do not contain all the elements found in 14 CCR § 1034 (contents of plan) which are tied to § 923. CGS believes that this inconsistency between what is listed as WFMP content requirements in § 1094.6 and § 1094.8, and what is listed in the FPR's (§ 923 and § 1034) can be misleading to both plan preparers and reviewers. To limit confusion and potential disagreement during plan preparation and review, CGS recommends that this inconsistency be rectified prior to rule adoption by adding the following mapping items shown in ***bold italics*** from § 1034 (x)(4)(A), (x)(5)(A,C,D,E,F,G), (x)(7), (x)(15), and (x)(16) to § 1094.6 and § 1094.8.
 - § 1094.6 and § 1094.8 (4)(A) The classification of all roads as permanent, seasonal, temporary, ***deactivated***, or proposed for abandonment
 - ***Location of logging road grades greater than 15 percent for over 200 continuous feet or logging road grades exceeding 20 percent.***

- **Location of logging roads across and landings on unstable areas or connected headwall swales.**
- **Location of landings that require substantial excavation and landings in excess of one-quarter acre in size.**
- **Location of excess material disposal sites on slopes greater than 40 percent or on active unstable areas.**
- **Location of logging roads and landings across slopes greater than 65 percent for 100 lineal feet or more.**
- **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.**
- **Location of all tractor road watercourse crossings of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing.**
- **Location for which heavy equipment use is proposed on unstable areas, or on areas for which tractor use is proposed beyond the limitations of the standard forest practice rules.**
- **Location of any in lieu use of heavy equipment and location of tractor roads in watercourses, lakes, WLPZs, marshes, wet meadows, and other wet areas.**

2.) Additionally § 1034 of the rules includes the following two general provisions that are not explicitly included in the WFMP. Again for clarity, CGS recommends that the following items shown in **bold italics** from § 1034 (ff) and (gg) be added to § 1094.6 and § 1094.8 for the same reasons as stated above.

- **Any other information required by the rules or the Act to be included in the plan.**
- **A general description of physical conditions at the plan site, including general soils and topography information, vegetation and stand conditions, and watershed and stream conditions.**

3.) As stated in our previous comment letter, the proposed rule package continues to set different standards for Winter Operating Plans within watersheds with listed anadromous salmonid (ASP watersheds) that 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. Since a WFMP does not expire, this requirement will provide long term clarity on the measures to be taken to limit potential impacts due to operation during the winter period. CGS recommends modifying § 1094.6 (bb) by adding the clause shown in **bold italics**.

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

June 15, 2015

Page 3

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

Sincerely,

A handwritten signature in black ink, appearing to read "William R. Short". The signature is fluid and cursive, with a long horizontal stroke at the end.

William R. Short, CEG

Supervising Engineering Geologist

Forest and Watershed Geology Program Manager