Threatened or Impaired Watersheds Review Public comments - January 08 through April 8,2008
Revised April 9, 2008

Rule Group(s)		Comment #	Commenter Name	Commenter Agency	Comment
1	Intent	L3-2	Robert L. Carey	WM Beaty & Associates Inc	These rules were intended to apply temporarily while a more site specific approach was developed. A watershed based approach that considered current watershed conditions, potential limiting factors for anadromous salmonids, and local geology, forest type, land use practices, climate etc. was considered to be a much more scientifically robust means for addressing the original concerns. The goal was to use a process that identified existing and potential impacts to watersheds and habitat for anadromous salmonids and take focused corrective or restorative action to reduce or eliminate these problems. Unfortunately, a watershed based "find it and fix it" process has not been established and the "interim" rules have continued to be extended year after year since their original adoption.
1	Intent	L3-4	Robert L. Carey	WM Beaty & Associates Inc	Of greater concern is that there has been no effort to determine if the T&I rules actually provide any benefit to anadromous salmonids or result in improved watershed conditions. In fact, the opposite may be true and unintended consequences resulting in adverse impacts to other species may be occurring.
1,4	Intent/Log Ops	L4-6	Nadia Hamey	Big Creek	This lack of ability to manage can lead to slowed growth, stagnation, and increasingly unhealthy conditions in the riparian corridor. Selective harvesting within the riparian corridor could otherwise be used to accelerate the growth of larger trees as a benefit to riparian habitat complexity. Developing a multi-layered unevenaged stand in the Class I WLPZ, which in turn would provide better wildlife habitat and habitat connectivity, would be highly preferable to the severely limiting standard rule.
1	Intent	L4-9	Nadia Hamey	Big Creek	The organization of the TI1 rules leaves much to be desired. Rules pertaining to cumulative effects analyses, road and landing practices, winter period operations, etc. are lumped into this one section. I understand that the road-related portions of these rules may soon be assembled into a separate Road Rules section. The rest of the TI1 rules could benefit from a similar overhaul.
1	Intent	L4-12	Nadia Hamey	Big Creek	Replacing professional judgment and experience with rigid prescriptions frequently results in inferior management. The Board of Forestry should proceed with its long-stated objective of creating performance-based standards, which can only serve to benefit forestlands and fish throughout the state.
1	Intent	L5-1	Michelle Dias	California Forestry Association	As you know, the T/I Rules were adopted in 1999 for implementation in 2000 on an interim basis only. Because the rules were adopted to provide protection measures on a short-term basis only, they were crafted as one-size-fits-all and were based on a questionable interpretation of a Scientific Review Panel report. Based on those facts and the current science literature review, CFA makes the following recommendations.
1	Intent	L5-2	Michelle Dias	California Forestry Association	FPR Sec. 916, Intent of Watercourse and Lake Protection, Phrase “potentially significant adverse …” is inconsistent with definition on page 16 of rulebook. Amend. Phrase “providing equal consideration” is inconsistent with legislative intent provided in FPA section 4511 and 4512. Language should be amended to read “giving consideration to ..”
1	Intent	L5-3	Michelle Dias	California Forestry Association	FPR Sec. 916.2, Protection of Beneficial Uses of Water and Riparian Functions, Requirement “restored to good condition, where needed” goes beyond CEQA mitigation requirements. Delete.
1	Intent	L6-1	Peter Ribar	Campbell Timberland Management	However, there is some overlap and thus discussion with respect to how specific definitions related to beneficial functions of the riparian zone and related undefined values are linked to general policy considerations contained in both 14CCR916 and 14CCR 916.2. We strongly urge the Board/Committee to consider the interrelationship and policy issues contained in these sections and 14CCR895.1 before delving into the more specific rule requirements. Suggested revised rule language is underlined.
1	Intent/Def	L6-2	Peter Ribar	Campbell Timberland Management	Beneficial Functions of the Riparian Zone The definition should simply state what the beneficial functions are and not include the level of consideration that should be afforded them. Therefore delete the phrase “to provide protection for”. Avoid revising until the TAC and scientific literature can weigh in.
1	Def	L6-3	Peter Ribar	Campbell Timberland Management	Channel zone Revise to simply state “means that area located between the watercourse or lake transition lines.” The reference to bankfull stage and floodplains is unnecessary and only leads to confusion and argument.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
1	Def	L6-4	Peter Ribar	Campbell Timberland Management	Saturated Soil Conditions Revise the definition to eliminate incorporating rule standards in the definition. Linkage between the definition and rule requirements regarding water quality protection during operations would be contained in each applicable rule. Saturated Soil Conditions "means that site conditions that are so wet that soil aggregates break down and the surface layer of soil becomes a slurry (may include the pumping of fines from poorly or inadequately rocked roads) as a result of ground-based yarding/loading, site preparation, hauling or road maintenance activities. Such conditions are often evidenced by reduced traction by equipment as indicated by spinning or churning of wheels or tracks or inadequate traction without blading wet soil or material. Soil surfaces that are hard frozen throughout the period of heavy equipment use are excluded from this definition." Existing rule 14CCR923.6 addresses road and landing use under hard frozen conditions.
1	Def	L6-4	Peter Ribar	Campbell Timberland Management	Stable Operating Surface Revise the definition to eliminate incorporating rule standards in the definition. Linkage between the definition and rule requirements regarding water quality protection during operations would be contained in each applicable rule. Stable operating surface means "a road or landing surface with a structurally sound road base appropriate for the type, intensity and timing of intended use."
1	Intent	L6-5	Peter Ribar	Campbell Timberland Management	Section 14CCR916 – Intent of Watercourse and Lake Protection Although the first paragraph of this Section may accurately track CEQA language, instead revise as follows: "…protected from significant adverse impacts on the environment associated with timber operations that may be site-specific or cumulative." The term significant adverse impact on the environment is defined in 14CCR895.1. The phrase "native aquatic and riparian species" is not defined in 14CCR895.1 and thus it is unclear as to the extent and effect of the rule requirements that follow.
1	Intent	L6-6	Peter Ribar	Campbell Timberland Management	The second paragraph of this Section requires the use of feasible measures. Subsection (a) establishes the standards of "maintained where they are in good condition, protected where they are threatened and insofar as feasible, restored where they are impaired". This may not be consistent with requirement that requires feasible measures. It is not clear what standards are applicable for the terms "threatened" and "impaired"? These were adopted as part of the original T or I rule package but are applied more generally. Should there be clarification that this is simply a dictionary definition and does not connote broader policy references to CESA or U. S. EPA legal requirements or regulations?
1	Intent	L6-7	Peter Ribar	Campbell Timberland Management	Subsection (b)(1) relates to protection and quality of beneficial uses of water set forth in water quality control plans adopted by the State Water Resources Control Board. Subsection (b)(1) establishes a "prohibition" from discharge in deleterious quantities not only to fish, wildlife or the quality and beneficial uses of water but also to "the beneficial functions of riparian zones" (see 895.1 definition). This expands upon and is inconsistent with the established statewide FPR "prohibition" specified under 14CCR 916.3. The deleterious quantities approach has been taken from the adopted Water Quality Control Plan for the North Coast Region (Action Plan For Logging, Construction and Associated Activities, 4-28.00). Other Regional Water Boards may use different standards that may be appropriate.
1	Intent	L6-8	Peter Ribar	Campbell Timberland Management	Similarly subsection (b)(2) expands the deleterious quantities approach to the removal of water, trees or large woody debris from the watercourse (channel) and the adjacent riparian zone and flood plain. There needs to be some common understanding and "agreement" between Agencies (Resources and Cal EPA) and Boards with respect to these policy and legal considerations.
1	Intent	L6-9	Peter Ribar	Campbell Timberland Management	Subsection (c) specifies that there shall be equal consideration as a management objective with respect to protecting and restoring "native aquatic and riparian-associated species" (different from similar term used earlier in 14CCR916; this term is not defined in 14CCR895.1) and the "beneficial functions of riparian zones" within any prescribed WLPZ or ELZ or EEZ designated for watercourse or lake protection. This expands upon the equal consideration standard specified earlier in 14CCR916 (paragraph two) that is limited to the beneficial uses of water.
1	Intent	L6-10	Peter Ribar	Campbell Timberland Management	Subsection (d) articulates how the above measures are to be utilized by timberland owners in meeting their specified legal responsibilities to protect public trust resources. The issue is whether the above requirements expand the requirements beyond what is legally required.
1, 2	Intent/ Geo	L6-11	Peter Ribar	Campbell Timberland Management	14CCR916.2 – Protection of the Beneficial Uses of Water and Riparian Functions Subsection (a) specifies that protection measures shall be determined by the presence and condition of specified values. Use of the term "logging area" potentially expands protection measures to appurtenant roads and areas within 100 feet of such roads.
1	Intent	L6-12	Peter Ribar	Campbell Timberland Management	The second to the last sentence in this subsection should be revised to be consistent with earlier proposed changes and to read as follows: "The values shall be protected from significant adverse impacts to the environment associated with timber operations through a combination of the rules and plan-specific mitigation."

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
1	Intent	L6-13	Peter Ribar	Campbell Timberland Management	Subsection (a)(1): Does the phrase “quality and beneficial uses of water” imply both existing and restorable uses or are these additions. Only existing and potential beneficial uses are listed in the Water Quality Control Plans. The use of the term restorable appears to expand the criteria and is not consistent.
1	Def	L6-14	Peter Ribar	Campbell Timberland Management	Subsection (a)(3) specifies that protection riparian habitat (undefined term, how far from the wetted channel does this extend?)
1	Intent	L6-15	Peter Ribar	Campbell Timberland Management	Subsection (b) specifies that the specified rules are the minimum protection measures. Replace the word minimum with the word standard (in two places). This more appropriate because the protection measures can be increased or decreased as provided for in the rules. Use of the word minimum may also be construed as to imply that the rules cannot be reduced and only increased.
1,3	Intent/ Cumul	L7-5	Glenda Marsh	DFG	5. The rules should clearly state that small contributions of plans to pre-project cimulatively considerable adverse conditions must be avoided, minimized, and/or mitigated. This point is a frequent issue of field discussion and it would be nice to put it to bed.
1	Intent	L8-1	Richard Gienger	Richard Geinger	The issue(s) around compliance with TMDLs (see Section 916.9(a)(1) and Section 916.12) should be examined. Are the specific goals of particular TMDLs being complied with, and if so, how? This, like most of my other concerns, requires presentation of actual examples of attempted T or I rule compliance in order to judge the effects and degree of implementation and what changes may be necessary for legal compliance and operational effectiveness.
1	Intent	L11-1	Arne Hultgren	Roseburg	“Measurable” 14-CCR 936.9(a): Due to our ability to measure things that may have no material effect on the resource at risk, I recommend that you base the “GOALS” on achieving conditions directly affected by the forest policy or regulation.
1	Def	L12-1	Chris Quirmbach	Timber Products Company	14 CCR 895.1-Definitions Watersheds with threatened or impaired values: this term needs to be changed since it falsely implies that any watershed with listed salmonids is automatically threatened or impaired when, in reality, this is not the case. One idea to consider would be the term “Watersheds with listed anadromous salmonids”. Road decommissioning: this definition was added as part of the Coho Salmon Incidental Take Assistance rule package passed by the BOF in 2007. Please consider adding the phrase “to the extent feasible” after the word “prism” in the definition.
1	Intent	L12-3	Chris Quirmbach	Timber Products Company	Subsection (a): the first sentence of the last paragraph of subsection (a) is vague and open-ended in its use of the term “where needed”. Alternatively the language of 14 CCR 916 [936, 956](a) could be used to form a basis for providing more clarity as to when the values need to be restored. Subsection (a)(2): this language should be discussed by the BOF Forest Practice Committee (FPC) to determine the role CDF has in the process of determining restorability when the plan submitter and DFG have different views of restorability on a particular THP. Subsection (b) uses the term “minimum” twice. The first use of the term should be deleted from the language since the classifications are used to determine the appropriate protection measures period, not just the minimums.
1	Intent	L12-4	Chris Quirmbach	Timber Products Company	14 CCR 916.9 [936.9, 956.9] Subsection (a)(1): the language seems to imply that for watersheds without an adopted TMDL, operations must be planned to not result in any measurable sediment load increase to a watercourse or lake. This standard is inappropriate since watersheds with adopted TMDLs, along with the associated sediment impairment determination, have allocated amounts of sediment (i.e. there is some allowance for sediment input to watercourses from management activities). Further discussion of this subsection by the BOF FPC is warranted.
1	Intent	L16-1	Jonathan Bishop	State Water Reources Control Board	water, restorable uses of water for fisheries, needed riparian habitat, and sensitive nearstream conditions (Title 14, California Code of Regulations, Section 916.9 (14 CCR 916.9)). The T/I Rules also require compliance with the terms of any relevant Total Maximum Daily Load (TMDL) (14 CCR 916.9 (a)). Pursuant to Clean Water Act Section 303(d), the goal of Water Board TMDL implementation plans is to actively contribute toward restoration of impaired beneficial uses of water; simply protecting against further impairment is not sufficient. A TMDL implementation plan has not yet been developed or adopted for a number of 303(d)- listed water bodies that support ESA-listed anadromous salmonids. For such waters, the T/I goal is not consistent with the 303(d) goal. Unless the T/I Rules incorporate the 303(d) goal, Water Boards will need to impose requirements over and above those in the Rules where this situation exists. We recommend that the Board of Forestry and Fire Protection (BOF) take the

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
1	Intent	L16-2	Jonathan Bishop	State Water Reources Control Board	The Z'Berg-Nejedly Forest Practice Act establishes a state policy of maximizing sustained production of timber products while "giving consideration" to other environmental and human values (Public Resources Code, Section 4513). In a general sense, State and Regional Water Boards agree with this policy; we would rather not see sustainably managed forest land converted to other uses. On the other hand, we do not believe that maximum timber production represents, or was intended to be, the over-riding priority in all situations. We believe that the 303(d) listing of a water body and/or the ESA listing of a species establishes a critical need to elevate the goal of restoring or conserving the listed entity above the goal of maximizing sustained timber production. We recommend that BOF take this opportunity to collaborate with Water Boards and other affected agencies to help harmonize and balance differing environmental mandates in order to resolve this long-standing source of misunderstanding and contention.
1	Intent	L16-3	Jonathan Bishop	State Water Reources Control Board	We suggest that the 303(d) listing of a water body or the ESA listing of a species should change the burden of evidence compared to business-as-usual. A project proponent becomes directly responsible for clearly demonstrating that the proposed project can be implemented in a manner which will contribute to recovering or conserving the listed entity. We recommend that BOF review the legal and environmental issues involved with the listed water bodies and species.
1	Intent	L16-7	Jonathan Bishop	State Water Reources Control Board	Water Boards would like to prevent water bodies from becoming 303(d)-listed in the first place. There are a number of water bodies that have not yet been 303(d)-listed, but are headed in that direction, some with timber operations as a contributing factor. We would like BOF to ensure that corrective/restoration efforts are initiated before a listing becomes necessary, as the subsequently needed TMDL restoration measures would be even more stringent. Similarly, we would like to be able to use the implementation of an effective BOF restoration program to support the de-listing of already-listed water bodies. We recommend a collaborative effort to achieve this objective.
1	Intent	L17-1	Robert Klampt	NCRWQCB	The following comments are submitted to assist the Board of Forestry in developing rules that will protect and restore anadromous salmonids and move the TI and Forest Practice Rules towards compliance with the North Coast Water Quality Control Plan (Basin Plan) and adopted Total Maximum Daily Loads (TMDLs).
1, 4	Intent/Log Ops	17-5	Robert Klampt	NCRWQCB	The protection measures afforded to Class II watercourses under the TII Rules (and the Forest Practice Rules in general) do not meet the implementation requirements of North Coast temperature TMDLs nor the water quality objective for temperature contained in the Basin Plan. To meet the requirements of temperature TMDLs, Class II WLPZ canopy requirements need to be increased and applied throughout the impaired watershed, not just in planning watersheds where anadromy exists or to the limit of anadromy. In the absence of such a change, the Regional Water Board staff will use the Timber Harvest Plan review process and other regulatory mechanisms to ensure timber harvesting is compliant with the Basin Plan temperature objective and temperature TMDLs.
1	Intent	L17-7	Robert Klampt	NCRWQCB	4. In TII watersheds and 303(d) impaired watersheds, restoration of listed salmonids and the beneficial uses of water should be at least on par with considerations for maximum sustained production of timber.
1	Intent	L18-1	Michelle Dias	CFA	[enclosed are] legal citations supporting my position that the existing Intent and Goal sections are exceed both the intent and language of the FPA, CEQA and APA. I know that you are formulating questions for counsel based on my concerns at the FPC meeting on Tuesday. Take a look at this summary of code and statutes. It may clarify my concerns.
1	Intent	L182	Michelle Dias	CFA	Upon review of the Protections for Threatened or Impaired Watersheds, 2000 rules (T/I), Intent and Goal sections, there is concern that "mission creep" has occurred resulting in regulations that far exceed the responsibility and authority of the Board of Forestry (Board).
1	Intent	L18-3	Michelle Dias	CFA	As a result, the California Forestry Association (CFA) requests that you consider the following codes and statutes as you prepare to amend the California Code of Regulations, section 919 (Intent of Watershed and Lake Protection); section 916.2 (Protection of the Beneficial Uses of Water and Riparian Functions); and section 916.9(a) (Protection and Restoration in Watersheds with Threatened or Impaired Values – Goals). In addition to the Forest Practice Act, you will find citations from the California's Government Code (APA), Environmental Quality Act (CEQA), and the Fish and Game Code because the T/I rules include provisions and measures that fall within those codes.
1	Intent	L18-4	Michelle Dias	CFA	Has the Board exceeded the intent of the Legislature and its own policies when it states, "[i]t is the intent of the Board to restore, enhance, and maintain the productivity of timberlands while providing equal consideration for the beneficial uses of water."
1	Intent	L18-5	Michelle Dias	CFA	Please Consider: Board of Forestry Mission Statement The California State Board of Forestry and Fire Protection's (Board) mission is to provide policy leadership and to generate public interest and support in those matters key to the future of the state's forest and rangelands.
1	Intent	L18-6	Michelle Dias	CFA	Board Policy 0310.4"The intent of the Forest Practice Act is to create a comprehensive and effective system of regulations of use of timberlands to ensure productivity, sustained yield, and due consideration of watershed, recreation, wildlife, range, aesthetic, and fishery values."

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
1	Intent	L18-7	Michelle Dias	CFA	Board Policy 0334.1 "In light of these findings, the Board has concluded that protection of the public's interest in economically supplying its needs for forest products in this and future generations requires vigorous and coordinated efforts by the Board to (1) maintain private timberland as a source of current and future timber supply, (2) promote establishment, maintenance, and productive management of forest growing stocks needed to ensure the long-term optimum productivity of such lands . . ."
1	Intent	L18-8	Michelle Dias	CFA	Forest Practice Act – Article 1, General Provisions "The Legislature thus declares that it is the policy of this state to encourage prudent and responsible forest resource management calculated to serve the public's need for timer and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities alike in this and future generations." PRC 4512(c)
1	Intent	L18-9	Michelle Dias	CFA	timberlands so as to assure that: (b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment." PRC 4513(b)
1	Intent	L18-10	Michelle Dias	CFA	CEQA Guidelines To qualify for certification [functional equivalency] pursuant to this section, a regulatory program shall . . . meet all of the following criteria: (1) The enabling legislation of the regulatory program . . . (B) Contains authority for the administering agency to adopt rules and regulations for the protection of the environment, guided by the standards set forth in the enabling legislation.
1	Intent	L18-11	Michelle Dias	CFA	How does the APA limit the scope of Board rulemaking?
1	Intent	L18-12a	Michelle Dias	CFA	Please Consider: "Each regulation adopted, to be effective, shall be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law." CGC 11342.1
1	Intent	L18-12	Michelle Dias	CFA	Please Consider: "Whenever by the express or implied terms of any statute a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent and not in conflict with the statute and reasonably necessary to effectuate the purpose of the statute." CGC 11342.2
1	Intent	L18-13	Michelle Dias	CFA	Question Presented: What does the APA require of private landowners to mitigate project impacts?
1	Intent	L18-14	Michelle Dias	CFA	Please Consider:Performance standards v. Prescriptive measures Legislative Intent "The imposition of prescriptive standards upon private persons and entities through regulations where the establishment of performance standards could reasonably be expected to produce the same result has place an unnecessary burden on California citizens and discouraged innovation, research, and development of improved means of achieving desirable social goals." GCG 1340(d)
1	Intent	L18-15	Michelle Dias	CFA	"The complexity and lack of clarity in many regulations put small businesses, which do not have the resources to hire experts to assist them, at a distinct disadvantage." CGC 11340(g)
1	Intent	L18-16	Michelle Dias	CFA	"It is the intent of the Legislature that agencies shall actively seek to reduce the unnecessary regulatory burden on private individuals and entities by substituting performance standards for prescriptive standards wherever performance standards can be reasonably expected to be as effective and less burdensome, and that this substitution shall be considered during the course of the agency rulemaking process." CGC 11340.1(a)
1	Intent	L18-17	Michelle Dias	CFA	Question Presented:What does the Fish and Game code require of private landowners to mitigate impacts?
1	Intent	L18-18	Michelle Dias	CFA	Please Consider:"To qualify for certification [functional equivalency] pursuant to this section, a regulatory program shall . . . meet all of the following criteria: . . . (2) The rules and regulations adopted by the administering agency for the regulatory program do all of the following: (A) Require that an activity will not be approved or adopted as proposed is there are feasible alternatives or feasible mitigation measures available. PRC 21080.5 Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. CEQA Guidelines 15363
1	Intent	L18-19	Michelle Dias	CFA	What does the Fish and Game code require of private landowners to mitigate impacts?
1	Intent	L18-20	Michelle Dias	CFA	Please Consider:Take Prohibition (b) "The department may authorize, by permit, the take of endangered species, threatened species, and candidate species if all of the following conditions are met: . . . (2) . . . The measures required to meet the obligation shall be roughly proportional to the extent of the impact . . . the measures required shall maintain the applicant's objectives to the greatest extent possible." FGC 2081

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
1	Intent	L18-21	Michelle Dias	CFA	Question Presented: Are there limiting factors the Regional Water Boards, pursuant to the Clean Water Act, must consider when adopting a TMDL? Did the Regional Board engage the Board during adoption and implementation of TMDL strategies?
1	Intent	L18-22	Michelle Dias	CFA	Please Consider:The State Water Board policy requires consideration of "the possible mechanisms by which pollution can be reduced. Failing to consider implementation options can easily lead to allocation schemes that are far more costly than necessary or in theworst case, unachievable." "The TMDL strategy in California relies on an adaptive process that matches management capabilities with scientific understanding. It relies heavily on engaging the public and cultivating an understanding of watershed issues."
2	Geo	L3-1	Robert L. Carey	WM Beaty & Associates Inc	The Scientific Review Panel report that provided the basis for this rule package emphasized its applicability only in coastal areas, yet the rules are applied to inland regions as well.
2	Geo	L3-3	Robert L. Carey	WM Beaty & Associates Inc	W.M. Beaty & Associates, Inc. has repeatedly expressed these concerns and the inappropriate application of these rules to inland areas during the original rule making process and several subsequent extensions of these rules (see administrative record). To date, most of these concerns have not been addressed.
2	Geo	L4-1	Nadia Hamey	Big Creek	The rules were hastily adopted in 1999 without serious regard to science or a demonstrated problem in connection with operations in the Southern Subdistrict
2, 4	Geo/Log Ops	L4-3	Nadia Hamey	Big Creek	Many watersheds on the Central Coast of California meet this description; therefore, the TI1 rules are broadly applied in our region. However, the prescriptive measures called for in the rules are not tailored to the type of harvesting we practice, specifically light-touch single-tree selection harvesting, with low-key road infrastructure, that leaves an intact forest from the creek to the ridge top.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
2	Geo	L14-1	Drew Coe	CV Water Quality Control Board	Currently, the "threatened" component of the T/I rules is only applied if a portion of a planning watershed contains threatened, endangered, or candidate species under the Endangered Species Act, or can be restored to the point that these species can access the watershed (i.e., removing artificial barriers). As a result, "non-restorable" planning watersheds within the same drainage basin, but wholly outside the anadromous zone, do not receive any T/I rule protection. While this may be convenient, the process for designating T/I protection is fundamentally flawed. Watercourses "integrate watershed processes and translate natural and anthropogenic disturbances downslope through the landscape" (Buffington et al., 2003) , and successful restoration requires that watershed processes and linkages be considered (Wohl et al., 2005) . While fish may not be able to migrate upstream of a natural fish barrier, this does not prevent the downstream movement of watershed constituents (e.g. runoff, sediment, temperature) to the downstream anadromous zone. Upstream-downstream linkages are strongest for runoff(i.e., peak flows), fine sediment, and fine particulate organic matter, and somewhat weaker for temperature, coarse sediment, coarse particulate organic ma
2,4	Geo/Log Ops	L17-4	Robert Klampt	NCRWQCB	The current TIl Rule protection measures for Class I watercourses likely meet the protection requirements for North Coast temperature TMDLs when applied throughout the impaired watershed. Application only to the limit of anadromy is not fully protective (see comment 1 above).
2	Plan Prep	L15-3	Dick Butler	NOAA	4. Dependence upon RPFs that may not posses the necessary level of multidisciplinary technical expertise to develop THPs protective of salmonids.
2	Plan Prep	L15-4	Dick Butler	NOAA	5. Dependence by CDF on other State agencies to review and comment on THPs;
2	Plan Prep	L15-5	Dick Butler	NOAA	6. Failure by CDF to incorporate recommendations from other agencies and 7. Inadequate enforcement due to staff limitations
2	Plan Prep	L15-9	Dick Butler	NOAA	8. Timber harvest preparation, review, implementation, enforcement and validity.
2	Geo	L16-4	Jonathan Bishop	State Water Reources Control Board	Currently, in a watershed that supports ESA listed anadromous salmonids, the applicability of the T/I Rules is deemed to stop at the first permanent barrier to upstream anadromy. Temperature, sediment and other water quality effects from upstream timber operations can readily migrate past the barriers to affect the downstream salmonid population. The distances and severity of the impacts can vary considerably from case to case. We recommend that BOF take the opportunity to collaboratively review how this very important deficiency in the T/I Rules should be remedied.
2	Geo	L17-2	Robert Klamt	NCRWQCB	1. The current TI1 Rules apply in planning watersheds where anadromy is present and only to the limit of anadromy. This ignores the basic hydrologic fact that disturbances translate downslope and downstream with the potential of upstream impacts and conditions to influence downstream anadromy. The T/I Rules should apply to planning watersheds upstream of the limit of anadromy, except perhaps in a more limited sense for those watersheds above major impoundments.
2, 3	Geo/Cumul	17-3	Robert Klamt	NCRWQCB	to be responsive to the potential for cumulative effects, the spatial scale of applicability of the TI rules must expand beyond a T/I watershed area to consider TI rules in those "non-TI" watersheds that flow into a "TI" watershed.
3	Cumul	L7-1	Glenda Marsh	DFG	1. Need for additional development of guidance for cumulative impact assessment and mitigation.
3	Cumul	L7-3	Glenda Marsh	DFG	3. Cumulative sediment effects associated with roads.
3	Cumul	L7-4	Glenda Marsh	DFG	4. Cumulative sediment effects as related to rate of harvest, reflected in a disturbance index (all related to watershed resiliency to stressing storms.)
3	Cumul	L8-2	Richard Gienger	Richard Geinger	Other issues that need to be examined is the implementation and effectiveness of measures relating to peak flows and flood frequency (Section 916.9(a)(7)); "Pre-plan cumulative effects on the population and habitat of anadromous salmonids" (Section 916.9(b)) -- note the connection to regular requirements in Section 916.4, including notably Section 916.4(a)(2-6); and WQ WDR & Waivers in relation to various T or I requirements e.g. winter ops (Section 916.9(k-l) and erosion issues (916.9(o-q).

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
1, 3	Intent / Cumul	L9-6	Dustin Lindel	Jefferson Resource Company	Code Section – 936.9(b) "Pre-plan adverse cumulative watershed effects on the populations and habitat of anadromous salmonids shall be considered. The plan shall specifically acknowledge or refute that such effects exist. Where appropriate, the plan shall set forth measures to effectively reduce such effects." · This language is meaningless and could result in disclosure issues on part of plan preparing RPFs. · If a plan is located within a T&I watershed, it could be pretty much assumed that adverse effects exist. · In terms of "setting forth measures to effectively reduce such effects" reasons for declining numbers of anadromous fish are many and complex. Based upon the way this rule is written it appears that the assumption has been made that timber operations are a key and significant cause of impact to anadromous fisheries. I do not feel that this is the case. For example, if the underlying reason for reduced fish numbers is total blockage of spawning ground through dam installation, how are timber operations going to offset this impact? · This section should be removed in its entirety.
3	Cumul	L14-2	Drew Coe	CV Water Quality Control Board	The spatial scale of the geographic assessment area needs to be consistent with the resource of concern (i.e., anadromous salmonids). Timber harvest proposed in non-T/I planning watersheds that drain to T/I watersheds need to explicitly assess the potential for cumulative impacts to occur in downstream areas as a result of proposed timber operations.
3	Cumul	L15-2	Dick Butler	NOAA	3. Inadequate and ineffective cumulative effect analyses
3	Cumul	L15-7	Dick Butler	NOAA	3. Rate of timber harvest in watershed
3, 5	Cumul/ Monitor	L15-11	Dick Butler	NOAA	10. [need to address]Watershed analysis, cumulative effects, adaptive management and monitoring.
3	Cumul	L16-5	Jonathan Bishop	State Water Reources Control Board	We note that where waters are 303(d)-listed, the Rules currently require that a registered professional forester assess the degree to which a proposed timber operation could impact any portion of a water body that is located within or downstream of the proposed timber operation, and propose appropriate mitigation measures (14 CCR 898). It would seem that the same provision should apply where fish are ESA-listed (14 CCR 916.9(b)), although it currently does not. We recommend that BOF review and amend this deficiency.
4	Log Ops	L2-1	Terry Salvestro	Fruit Grows Supply Co	Obviously this is a great opportunity. My biggest complaint with the T&I Rules has been the inability to Harvest under salvage exemptions or emergency notices in the WLPZ's. I would like to see some level of salvage after a fire. Tom Young, our Regeneration Forester has some great before and after pictures where we planted trees outside the WLPZ's following fire salvage but did not plant the WLPZ's (because we couldn't salvage). Gary N. (currently on the BOF) was with Tom. Let me know if you want to set up a tour of our burn with the board or a copy of Tom's power point presentation.
4	Log Ops	L3-5	Robert L. Carey	WM Beaty & Associates Inc	The one-size-fits-all nature of the T&I rules leads to the simplification of streamside habitats by requiring predetermined levels of canopy closure be maintained at or above 85% on Class I watercourses. As noted by Obera and Hayes 2008, a reduction in bat species richness will result from homogenized riparian habitats that lack some openings and access to surface water.
4	Log Ops	L3-6	Robert L. Carey	WM Beaty & Associates Inc	The interim T&I rules adopted in 2000 were intended to provide short term measures to conserve anadromous salmonids while a watershed specific approach was developed. The interim nature of the one-size-fits-all rules reduced the risk of homogenizing streamside habitats in the long term. However as these rules have been applied for nearly a decade and appear to be about to become permanent, riparian habitat has been and will continue to be homogenized in the absence of management or other types of disturbance. The inevitable effects are reduced individual species fitness among some organisms and lower species richness at multiple spatial scales. Reduced primary productivity in the absence of solar radiation required for photosynthesis in Class I watercourses is yet another perverse outcome of the current T&I Rules and another example of how these rules may actually be causing watershed level impacts to multiple species at various spatial scales and among all trophic levels.
4	Log Ops	L3-7	Robert L. Carey	WM Beaty & Associates Inc	Single species management rarely achieves conservation goals. We urge the BOF to review the T&I Rule package in its entirety and re-shape the regulations such that they consider multiple species and groups of species at multiple spatial scales. Flexibility is needed as is a large scale, long term consideration of watershed conditions.
4	Log Ops	L4-2	Nadia Hamey	Big Creek	However, the additional time spent on plan preparation and added expense of operations, compounded with the curtailment of manageable volume in the WLPZ has cost us dearly.
4	Log Ops	L4-4	Nadia Hamey	Big Creek	Our chief complaint regarding the rules is that they do not allow adaptation relative to site-specific conditions, or permit flexibility in the rigid prescriptions, especially considering the restrictive canopy retention requirements. Although the focus of this scoping is on aspects of the TI1 rules excluding riparian function, the Class I watercourse canopy retention requirements are the most operationally limiting and ecologically unwarranted of any of these regulations and therefore deserve mention here.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
4	Log Ops	L4-5	Nadia Hamey	Big Creek	The canopy retention requirements ignore site-specific sources of shade, including steep topography relative to sun angle and understory canopy over the ground. The CDF enforcement protocol for this rule focuses on overhead canopy measurements instead of Angular Canopy Density (ACD) or Solar Pathfinder (weighted ACD) measurements. In situations where any natural openings exist along the riparian corridor, the excessive overstory canopy retention requirements often force the RPF to forego thinning of dense redwood groves.
4	Log Ops	L4-7	Nadia Hamey	Big Creek	Furthermore, creating opportunities for light to reach even small portions of the stream bank and channel would increase stimulus for biological activity (e.g. macroinvertebrates). Greater flexibility in canopy retention requirements for plans proposing single-tree selection silviculture would more appropriately meet the goals expressed in 14 CCR 9 16.9(a).
4	Log Ops	L4-8	Nadia Hamey	Big Creek	The rules allow for harvesting of hardwoods for the purpose of enabling conifer regeneration per 14 CCR 916.9(g); however, there is seldom an instance when a hardwood may be felled due to the stringent overstory canopy retention requirements. Therefore, under these rules, any operations in the WLPZ are unlikely to result in successful regeneration.
4	Log Ops	L4-11	Nadia Hamey	Big Creek	Finally, although it does not impact standard timber harvest plans, 14 CCR 916.9(s) prohibits all operations in a WLPZ, ELZ, or EEZ under emergency or exemption notices. This presents a problem for landowners wishing to remove a tree in proximity to a watercourse under a local permit or fire safe exemption. Although probably intended to prevent excessive tree removal next to high order watercourses, this regulation creates a regulatory roadblock for many benign and frequently necessary tree removals next to low-order watercourses.
4	Log Ops	L5-4	Michelle Dias	California Forestry Association	FPR Sec. 916.9(f), Minimum WLPZ width for Class 1, Requires DFG concurrence. Delete as it provides de facto veto for DFG.
4	Log Ops	L5-5	Michelle Dias	California Forestry Association	FPR Sec. 916.9(g), Minimum WLPZ canopy width for Class 1, Requires DFG concurrence. Delete as it provides de facto veto for DFG and justify canopy requirements.
4	Cross	L5-6	Michelle Dias	California Forestry Association	FPR Sec. 923.3, Watercourse Crossing [All Districts], Exemption provided thru 1601 and 1603 of Fish and Game Code. Is this section duplicative of those codes and therefore unnecessary? If so, repeal.
4	Log Ops	L6-16	Peter Ribar	Campbell Timberland Management	14CCR916.9 – Protection and Restoration in Watershed with T or I Values Subsection (c): Separate the second paragraph into its own subsection. Modify to clarify that the special operating zone as specified applies only to evenage regeneration methods and rehabilitation adjacent to Class I WLPZs as follows: "…are adjacent to a Class I WLPZ, …". This was the intent when the T or I rules were adopted and sometimes causes argument over whether it applies adjacent to Class II WLPZs as well.
4	Log Ops	L6-17	Peter Ribar	Campbell Timberland Management	Subsection (k)(3): Add the rule requirement (linkage) regarding water quality protection at the end of this subsection to aid in defining what a stable operating surface should not result in. Consider the following: "… stable operating surface where soil erosion and sediment transport is minimized and the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water is prevented and does not violate applicable water quality requirements."
4	Log Ops	L6-18	Peter Ribar	Campbell Timberland Management	Subsection (l): Separate the second and third sentences of the rule into their own subsection. The first sentence addresses road construction/reconstruction while the other two sentences address road use. This is how the rule is being interpreted and used but the change will improve clarity. Consider modifying the second sentence of the rule to change the standard triggering cessation of use as follows: "operating surface does not exist, or when soil erosion and sediment transport is not minimized and the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water is not prevented or violates applicable water quality requirements."

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
4	Log Ops	L6-19	Peter Ribar	Campbell Timberland Management	Subsection (n): Modify the dates in this subsection so that they are consistent with other rule requirements. The dates under (1)(B) and (C) would be changed from May 1 through October 15 to May 1 to October 15; October 16 through April 30 to October 15 to May 1. Under (n)(3) modify the stabilization coverage of where slash is used to 75% from 90% under the specified practice follows: "Where slash mulch is used, the minimum coverage slash coverage shall be 90%, or 75% where the slash is packed into the ground surface through use of a tractor or equivalent piece of heavy equipment."
4	Log Ops	L6-20	Peter Ribar	Campbell Timberland Management	Subsection (o): Revise to improve clarity concerning which subset of the active erosion sites identified shall be treated. "As part of the plan the RPF shall: "1) Identify active erosion sites associated with logging roads and landing in the logging area, 2) Assess such sites to determine which ones pose significant risks to the beneficial uses of water, 3) Assess those sites, which pose significant risks to the beneficial uses of water, to determine whether feasible remedies exist, and 4) For sites pose that significant risks to the beneficial uses of water and where feasible remedies exist, propose appropriate treatment."
4	Log Ops	L6-21	Peter Ribar	Campbell Timberland Management	Subsection (r): The requirement for a water drafting plan when certain specific conditions are not met (e.g. bypass flows below 2 cubic feet per second, more than 10% pool volume, divert more than 10% surface flow) currently pertains to all Classes of waters. For smaller landowners the preparation cost associated with a water drafting plan may be daunting, and would in turn drive landowners to large Class I watercourses where a water drafting plan would not be necessary. For the Coast Region it would be of benefit if the water drafting plan requirements were only keyed to Class I waters. In effect, a drafting plan is required by default on any of our Class IIs, springs, & wet areas where none of the three conditions listed above are met. We suggest eliminating the requirement for a water drafting in the Coast Forest District on non-Class I waters by providing a different set of metrics to lower class watercourses, that would facilitate drafting from these areas, lessening the burden placed on Class I fish-bearing watercourses. Realize that landowners will still be required, in most cases, to obtain DFG 1611 agreement with CEQA review through the THP process.
4	Roads	L6-22	Peter Ribar	Campbell Timberland Management	14 CCR 923.9 - Roads and Landings in Watersheds with T or I values Subsection (c): Modify the lead-in phrase to require linkage between the specified practices and proximity to watercourses as follows: "The following shall apply on slopes greater than 50% that have access to a watercourse or lake unless the RPF in the plan describes how slope depressions, drainage ways or other natural retention and detention features are sufficient to control overland transport of eroded material: …". There may be situations where roads are proposed to cross steep slopes for short distances and potential access to a watercourse is mitigated by a wide bench acting as retention feature to store excess construction materials should failure occur.
4	Roads	L6-23	Peter Ribar	Campbell Timberland Management	Subsection (e): Modify as follows: "Where logging road networks are remote or are located where the landscape is unstable, where crossing fills over culverts are large, or where drainage structures and erosion control features historically have a high failure rate, drainage structures and erosion control features shall be oversized, designed for low maintenance, reinforced, or removed prior to the completion of timber operations." This makes it very clear that where such conditions exist one of the four optional treatment approaches shall be followed. The method of analysis and design for crossing inspection can be required on a site-specific basis per the THP review and approval process instead of required at the time of plan submission for all such sites.
4	Road	L7-2	Glenda Marsh	DFG	2. Improvements to manage delivery of road generated sediment to aquatic habitat.
4	Log Ops	L7-6	Glenda Marsh	DFG	6. Problems regarding the quality of field assessment per 916.9(r) (2). The rules related to water drafting should: a) require the preparation of water drafting plans for all drafting activity (not just hose where the RPF has estimated that) b) require water drafting plans to demonstrate that drafting shall be conducted in manner that provides sufficient bypass flows to keep fish in good condition.
4	Log Ops	L7-7	Glenda Marsh	DFG	7. Reductions in WLPZ area due to in-lieu practices shall be compensated for by adjustments to WLPZ area such that the area of the WLPZ is not reduced overall
4	Log Ops	L7-8	Glenda Marsh	DFG	8. Consider whether expansion of WLPZ distances or increases in canopy retention are necessary to maintain suitable microclimatic conditions in streamside zones.
4	Log Ops	L7-9	Glenda Marsh	DFG	9. Consider additional rules to better meet ensure the protection of biological habitat debris, multistory, late seral.
4	Log Ops	L7-10	Glenda Marsh	DFG	10. Consider rules to ensure recruitment of large woody debris in class 2 WLPZ.
4	Log Ops	L7-11	Glenda Marsh	DFG	11. Canopy retention itself does not always result in retention or recruitment of late and diverse seral stage habitat components for wildlife. Consider additional rules better meet the intent of 897(b) (1) (C) to achieve this. We need tools to ensure the retention of large old trees through senescence and mortality. Section 916.9 (i) is the best rule we have for this purpose.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
4	Log Ops	L8-3	Richard Gienger	Richard Geinger	There needs to be an examination of the use of alternatives and other measures (Section 916.9(u-w).
4	Roads	L8-6	Richard Gienger		There continues to be an issue about whether DF&G's 1601/1603 requirements are being timely incorporated into THPs (Section 923.3)
4	Log Ops	L8-7	Richard Gienger	Richard Geinger	Some examples of the range of compliance with Section 923.9 is also important for the scoping of, and response to, T or I Rules in order to make appropriate improvements.
4	Log Ops	L9-1	Dustin Lindel	Jefferson Resource Company	Code Section - 936.9(e)(1)(E) "Class III watercourses where exclusion of timber operations is not needed for protection of listed salmonids." This rule is misinterpreted by many agencies to mean that there can be no channel zone harvesting within class IIIs or that the RPF has to go through additional measures to explain why channel zone harvest in these IIIs will not impact fish. · My take on this is that the rule gives the RPF an expressed exception to allow harvest of class III channel zone trees, within the rule of reason, without further detail provided in the THP. · This rule could improved through the following language – "In class III watercourses. Such harvest is allowed unless additional measures are necessary to protect listed salmonids."
4	Road / Crossing	L9-2	Dustin Lindel	Jefferson Resource Company	Code Section – 936.9(n)(2) "A description of all existing permanent crossings of Class I Waters by logging roads and clear specification regarding how these crossings are to be modified, used, and treated to minimize risks, giving special attention to allowing fish to pass both upstream and downstream during all life stages." Code Section - 943.3(c) "Drainage structures on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and shall be fully described in the plan in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector." · These rules are poorly written and cause undue debate during the review process. These rules have been cited when recommending removal of culverts that prevent fish passage. Neither of these rules clearly state that this needs to be done. · Somewhere between these two rules the following should be clearly stated, if this is the intent of these code sections, "Where existing culverts prevent passage of all life stages of fish they shall be modified to allow said passage of fish, or the culvert shall be removed." · As a side note, as commonly practiced, reviewing agencies cite these rules and require culvert removal. Cal DFG then requires a 1611 pe
4	Roads	L9-3	Dustin Lindel	Jefferson Resource Company	The "T&I" winter operating dates should be removed from the FPR. Dates on a calendar are meaningless. Operational limitations should be driven by ground conditions, not an arbitrary date.
4	Roads	L9-4	Dustin Lindel	Jefferson Resource Company	Code Section – 936.9(l) "Construction or reconstruction of logging roads, tractor roads, or landings shall not take place during the winter period unless the approved plan incorporates a complete winter period operating plan ……." · This rule should be cleaned up. 936.9(k) already requires a complete winter operating plan for ops after Oct 15. Construction / reconstruction is considered timber operations, so much of this language is redundant and confusing.
4	Log Ops	L9-5	Dustin Lindel	Jefferson Resource Company	Code Section – 936.9(n)(3) "…..Where straw, mulch, or slash is used, the minimum coverage shall be 90%, and any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of timber operations……" · The following should be added to this section, "depth shall be sufficient to protect against significant discharge." Or something to that effect. · It is common for reviewing agencies to request a minimum depth of slash or mulch. In the case of slash, a minimum depth is meaningless as slash size is variable. In any event, a minimum depth is not required by the rules and additional language should be added to protect against underground regulation.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
4	Log Ops	L9-7	Dustin Lindel	Jefferson Resource Company	Code Section - 936.9(c) "Any timber operation or silvicultural prescription within 150 feet of any Class I watercourse or lake transition line or 100 feet of any Class II watercourse or lake transition line shall have protection, maintenance, or restoration of the beneficial uses of water or the populations and habitat of anadromous salmonids or listed aquatic or riparian-associated species as significant objectives." · Section is meaningless and should be removed in its entirety · What is the definition of a "significant objective?" Code section has been cited by review-persons to basically mean that values associated with anadromous fisheries override the benefits of timber harvest. If this is the intent of this code section, it should be so stated in plain language. · Difficult to prove that intent of this section is being met and causes unnecessary debate. For example, how does one prove that a complete no-cut 150' buffer is not required to restore beneficial uses of water (just one example)?
4	Log Ops	L9-8	Dustin Lindel	Jefferson Resource Company	Code Section – 936.9(u) - "No salvage logging is allowed in a WLPZ without an approved HCP, a PTEIR, an SYP, or an approved plan that contains a section that sets forth objectives, goals, and measurable results for streamside salvage operations." · This may border on comment regarding riparian function, but this code section should be removed in its entirety. · Salvage logging assumes that the tree will die basically within one year. Dead trees provide no canopy, therefore, dead trees cannot effectively shade a watercourse protecting against thermal impacts. · Recruitment of LWD is already detailed under 936.9(i) which provides minimum recruitment amounts. As such, salvage logging cannot significantly impact recruitment of LWD. · Effectively, all this code section does is prevent responsible forest management in the WLPZ.
4	Log Ops	L11-2	Arne Hultgren	Roseburg	Additional Zone for Evenaged Management 14-CCR 936.9(c) & (i): Restrictions should be included only if a lack of LWD can be shown to be a limiting factor for the stream in question.
4	Log Ops	L11-3	Arne Hultgren	Roseburg	Canopy Requirements 14-CCR 936.9(g): Canopy requirements should be the same as shown in the table for 14-CCR 936.5 unless temperature can be shown to be a limiting factor for the stream in question.
4	Crossings	L12-2	Chris Quirmbach	Timber Products Company	14 CCR 914.8 [934.8, 954.8] Subsections (c) and (g) were amended as part of the T/I Rules. TPC strongly supports the concept of providing fish passage for anadromous fish. However, this rule should be amended to eliminate the fish passage requirements at crossing locations where upstream movement is not possible in the natural channel. Fish passage should also be limited to crossings on watercourses with listed fish. For example, high mountain lakes are often stocked with fish species and those fish are able to move downstream through steep watercourse gradients but not back upstream. In that case, a crossing installed on such a watercourse should not have to provide fish passage upstream since it is not possible in the natural channel.
4	Log Ops	L12-5	Chris Quirmbach	Timber Products Company	Subsection (c): the appropriateness of the special operating zone (essentially a buffer on the initial buffer) should be examined with a discussion informed by the literature review being conducted by the TAC.
4	Log Ops	L12-6	Chris Quirmbach	Timber Products Company	Subsection (d): this section requires the addition of text to harvest plans without directly providing any protection to listed anadromous salmonids. Therefore, its necessity should be discussed by the BOF FPC.
4	Log Ops	L12-7	Chris Quirmbach	Timber Products Company	Subsection (f): the blanket 150-foot width should be examined with a discussion informed by the literature review being conducted by the TAC. In addition, the BOF should consider the appropriateness of having this (and other T/I protection measures) apply to all Class I watercourses. An alternative approach would be to have the T/I protection measures only apply to watercourses with listed anadromous salmonids with the standard rules being applied to the other Class I watercourses.
4	Log Ops	L12-8	Chris Quirmbach	Timber Products Company	Subsection (g): the appropriateness of the canopy retention requirements should be examined with a discussion informed by the literature review being conducted by the TAC.
4	Log Ops	L12-9	Chris Quirmbach	Timber Products Company	subsection (h)(1): this section simply requires the addition of text to harvest plans without directly providing any protection to listed some on its. Therefore, it is nests. Its necessity should be discussed by the BOF FPC

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
4	Log Ops	L12-10	Chris Quirmbach	Timber Products Company	Subsection (i): the appropriateness of the large woody debris requirements should be examined with a discussion informed by the literature review being conducted by the TAC.
4	Log Ops	L12-11	Chris Quirmbach	Timber Products Company	Subsection (k)(2): this language provides an unnecessary prescriptive limitation on operations and should be eliminated. The language is unnecessary since 14 CCR 916.9(l) prohibits such operations when saturated soil conditions exist. In addition, the language uses an undefined term (low antecedent soil wetness) and therefore is unclear.
4	Log Ops	L12-12	Chris Quirmbach	Timber Products Company	Subsection (n)(2): this language should be in the roads section of the forest practice rules.
4	Log Ops	L12-13	Chris Quirmbach	Timber Products Company	Subsection (n)(3)(D): the language could be interpreted to require landowners to treat naturally disturbed areas within the WLPZ. Therefore, the language needs to be changed to provide more clarity by limiting treatment to man-made disturbances.
4	Log Ops	L12-14	Chris Quirmbach	Timber Products Company	Subsection (r)(2)(D)4.: the necessity to require an operations log should be examined by the BOF FPC.
4	Log Ops	L12-15	Chris Quirmbach	Timber Products Company	Subsection (s): the harvest of dead, dying, or diseased trees should be allowed under exemption notices in T/I watersheds under exemption notices. The BOF FPC should discuss the allowance of such harvests similar to the language in 14 CCR 916{936, 956].9 (t)(7).
4	Log Ops	L12-16	Chris Quirmbach	Timber Products Company	Subsection (v): the last half of this subsection brings in other forest practice rules such as 14 CCR 916 [936, 956].6(a)(1)(D)(cc) which requires an “equal or greater protection” standard to alternative protection measures. This is inconsistent with subsection (v) of 14 CCR 916[936, 956].9 which is appropriately focused achieving the goals of 916[936, 956].9(a). The BOF should consider amending 14 CCR 916 [936, 956].6(a)(1)(D)(cc) to make it consistent with 14 CCR 916[936, 956].9(v).
4	Log Ops	L12-17	Chris Quirmbach	Timber Products Company	Subsection (w): the first sentence of this language is very similar to 14 CCR 916[936, 956].9(v). In addition, this language is very similar to language in the overarching regulation 14 CCR 897(h). Therefore, the BOF should consider deleting this language from the T/I Rules since it is duplicative to existing regulation.
4	Roads	L12-19	Chris Quirmbach	Timber Products Company	Subsection (c): with regard to fish passage, the comments provided above under the “14 CCR 914.8 [934.8, 954.8]” heading also apply to this section.
4	Roads	L12-20	Chris Quirmbach	Timber Products Company	Subsection (g): with regard to fish passage, the comments provided above under the “14 CCR 914.8 [934.8, 954.8]” heading also apply to this section. In addition, this language is largely duplicative to subsection (c).
4	Roads	L12-21	Chris Quirmbach	Timber Products Company	Subsection (a): this section simply requires the addition of text to harvest plans without directly providing any protection to listed anadromous salmonids. Therefore, its necessity should be discussed by the BOF FPC.
4	Roads	L12-22	Chris Quirmbach	Timber Products Company	Subsection (b): this section simply requires the addition of text to harvest plans without directly providing any protection to listed anadromous salmonids. Therefore, its necessity should be discussed by the BOF FPC.
4	Roads	L12-23	Chris Quirmbach	Timber Products Company	Subsection (c)(1): this section simply requires the addition of text to harvest plans without directly providing any protection to listed anadromous salmonids. Therefore, its necessity should be discussed by the BOF FPC.
4	Roads	L13-1	Terrence Hofstra	US Dept of the Interior	The T/I rules should place a greater emphasis on preventing stream diversions at existing and newly constructed watercourse crossings by describing how diversions should be prevented. We strongly believe that well-constructed rolling dips ("Critical Dips") or grade breaks should be integral to all newly constructed or reconstructed crossings, and at existing crossings in the logging area where the potential for stream diversions exist. For example, §§ 923.3,943.3,963.3 (f) Watercourse Crossings could read as follows: "Pennanent watercourse crossings and associated fills and approaches shall be constructed and ef maintained to prevent diversion of stream overflow down the road and to minimize fill erosion should the drainage structure become obstructed. Where the potential for diversion at a watercourse crossing exists, a rolling dip or grade break shall be constructed to prevent diversion. The RPF may propose an exception. . . standard rule."
4	Roads	L13-2	Terrence Hofstra	US Dept of the Interior	Instead of using permanent well-constructed dips or grade breaks, foresters have relied too often on the use of standard waterbars. Waterbars are temporary structures and their effectiveness to prevent stream diversions relies on routine road maintenance. Maintenance periods for all roads are short-lived relative to the long-term potential impacts of roads. Waterbars are insufficient and are not a substitute for permanent, well-constructed dips or grade breaks, which if properly constructed, should require little or no maintenance.
4	Roads	L13-3	Terrence Hofstra	US Dept of the Interior	We recognize that CAL FIRE inspectors for the past few years have been more consistent in requiring dips or grade breaks at crossings with no diversion potentials. Many landowners have also voluntarily adopted dips or grade breaks into crossing design. However, because the impacts from stream diversions are significant, we believe the requirement for dips or grade brakes to prevent diversions should be codified for enforceability of a practice that should be routine is long overdue.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
4	Log Ops	L15-1	Dick Butler	NOAA	During the listing process for these species, NMFS reviewed the FPR and in all cases concluded they do not adequately protect andromous salmonids or provide for properly functioning habitat conditions (61 FR 56141; 61 FR 56140; 62 FR 24593; 63 FR 13347; 65 FR 6960; 65 FR 36074). In fact, these Federal Register Notices conclude that California's non-Federal forestry practices are significant factors contributing to salmon and steelhead population declines: declines resulting from the degradation, simplification and fragmentation of habitats through the present or threatened destruction, modification, or curtailment of habitat and range, and the inadequacy of existing regulatory mechanisms.
4	Log Ops	L15-6	Dick Butler	NOAA	2. [need to address]Non-fishbearing perennial/ephemeral streams that carry water during winter.
4	Log Ops	L15-8	Dick Butler	NOAA	4. All other winter operations and wet weather road and skid trail planning. 5. Road planning, construction, maintenance, and decommissioning. 6. Loss of riparian function and chronic sediment inputs from streamside roads. 7. Unstable areas except for inner gorges.
4	Log Ops	L15-10	Dick Butler	NOAA	9. Harvest plan exemptions
4, 3	Log Ops/ Cumul	L16-8	Jonathan Bishop	State Water Reources Control Board	More specifically, the T/I Rules seem to be overly focused on using riparian zones as a primary means for buffering aquatic habitat for andramous salmonids from effects of timber operations. While we agree that such zones can be very effective in many instances, we are concerned that there is not adequate recognition of landforms and processes that are inherently sources of significant sediment pulses (e.g. debris flows) that can overwhelm watercourse and lake buffering capability and produce valley-bottom deposits that continue to leak into the stream for many decades. We recommend the T/I Rules be amended to address these deficiencies. We also recommend that a thorough review of the scientific literature be performed to better understand how to manage forest land where these landforms and processes are present.
4	Log Ops	L17-6	Robert Klamp	NCRWQCB	The current Tll Rules contain no additional protection measures for Class Ill watercourses, yet these are the most prevalent watercourse type on the landscape, and a watercourse capable of transporting sediment to higher order streams with beneficial uses that support anadromous species. As such, the Board of Forestry should consider further Class Ill protection measures for the Tll Rules for anadromous salmonid protection.
5	Monitor	L4-10	Nadia Hamey	Big Creek	The February 13 scoping letter raises the issue of monitoring and adaptive management. Although the Board of Forestry has pledged to develop and implement a program per 14 CCR 916.1 1, it is hard to know what it will entail. The Southern Subdistrict already has the most comprehensive and expensive water quality monitoring protocol anywhere in the state, administered by the Central Coast Regional Water Quality Control Board (CCRWQCB). Under the permit, forestland owners must conduct temperature, turbidity, photo-point, visual, and forensic monitoring and reporting for at least 5 years following completion of a timber harvest. The adoption of another arduous monitoring protocol must be avoided. I urge the Board to do everything it can to alleviate redundancy in development of future monitoring schemes. This should include an analysis of the existing CCRWQCB monitoring protocol to determine if this monitoring regime already achieves your Board's objectives.
5	Monitor	L8-4	Richard Gienger		Careful attention and response to the reality and needs of Section 916.11, referenced above, is critical.
5	Monitor	L8-5	Richard Gienger		There is doubt that Section 916.12 has been complied with, for instance, the reporting required under Section 916.12(b).
5	Monitor	L12-18	Chris Quirmbach	Timber Products Company	14 CCR 916.11 [936.11, 956.11] Effectiveness and Implementation Monitoring The BOF should consider the necessity of these regulations in light of the recent passage of 14 CCR 916.11.1[936.11.1].
5	Monitor	L14-3	Drew Coe	CV Water Quality Control Board	We strongly urge that the Board adopt an adaptive management framework that receives buyoff from all the relevant stakeholders (i.e., state agencies; industry; public), and includes an "a priori" list of key questions, resource objectives, and performance targets that can be addressed through focused, rigorous monitoring. Once an adaptive management framework is adopted, it is imperative that the Board focus monitoring efforts on testing the implementation and effectiveness of the current or future T/I rules. The Board must also focus on rule validation, which will require long-term assessment and monitoring of instream conditions. While the literature review is a necessary step for assessing the conceptual soundness of the T/I rules, it cannot substitute for rule validation.
5	Monitor	L16-6	Jonathan Bishop	State Water Reources Control Board	The T/I Rules provide a process for interagency/stakeholder collaboration in developing watershed-specific Rules addressing 303(d)-listed waters (14 CCR 916.12). This could produce watershed-specific Rules that can be used in lieu of separate TMDL implementation plan requirements. Despite the numerous 303(d) listings and TMDL implementation plans that have been adopted, the Department of Forestry and Fire Protection (CDF) and BOF have never implemented this Rule section. We recommend that BOF and CDF implement this section to more proactively address 303(d) issues and minimize the need for duplicative regulatory processes. This process is (or could be) similar to that used with considerable success in the State of Washington.
5	Monitor	L17-8	Robert Klamp	NCRWQCB	5. As became apparent in hearings on the Tll rules sunset clause two years ago, a body of data specifically collected to evaluate the rules does not exist. Focused monitoring of the effectiveness of the TI1 rules in meeting the objectives stated in the rules should be developed as a tool for future modifications of the rules.

Rule Group		Comment #	Commenter Name	Commenter Agency	Comment
	Other	L1	Dorothy Rice	State Water Reources Control Board	
	Other	L10	Jonathan W. Long	Tahoe Environmental Research Center	