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BOARD OF FORESTRY AND FIRE PROTECTION



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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

August 1, 2016

Mr. Matt Dias
Acting Executive Officer
Board of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460
Matt.Dias@bof.ca.gov

Dear Mr. Dias:

Subject: Comments on the Board of Forestry and Fire Protection proposed Working Forest Management Plan, dated June 10, 2016, Title 14 of the California Code of Regulations

File: Timber, Board of Forestry, General

Enclosed is a Memorandum dated August 1, 2016, which provides Regional Water Board staff comments on the proposed Working Forest Management Plan, as published June 10, 2016. These comments were prepared by David Fowler, Regional Water Board staff.

We appreciate having had the opportunity to participate and to provide substantial input during the development process of this rule package to ensure actions authorized under this regulation comply with Regional Water Quality Control Board water quality requirements. We also appreciate that the Board of Forestry and Fire Protection has addressed many of our concerns.

Overall, we believe the proposed Working Forest Management Plan rules provide an opportunity for long-term planning and management of timberlands, and protection of resources. However, there remains one issue of concern. Addressing only erosion sites that are directly attributable to timber operations ignores existing erosion sites which may be exacerbated by operations under the WFMP. This is inconsistent with other existing sections of the Forest Practice Rules, the requirements of the Water Quality Control Plan (Basin Plan) for the North Coast, and the Porter-Cologne Water Quality Control Act.

JOHN W. CORBETT, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

By not addressing all anthropogenic erosions sites within the WFMP area that are discharging or threatening to discharge in violation of water quality requirements and can reasonably and feasibly be treated, it is likely that the proposed WFMP regulations will not ensure compliance with the North Coast water quality requirements nor the Water Quality Control Plan for the North Coast Region. We recommend that rules be developed that are consistent with applicable water quality requirements and protection of the applicable beneficial uses of water. This approach would be consistent with the intent section of AB 904 (Public Resources Code § 4597(b)) and help our agencies provide the people of the state with efficient government.

Again, thank you for the opportunity to review and comment. If you or your staff have any questions or concerns regarding our comments, or would like additional information, please contact David Fowler (707-576-2756) or Jim Burke (707-576-2289) of our staff.

Sincerely,

 Digitally signed
by Fred Blatt
Date: 2016.08.01
16:18:48 -07'00'

Fred Blatt
Division Chief
Nonpoint Source & Surface Water Protection Division

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Enclosed: Regional Water Board staff comments August 1, 2016

cc: Board of Forestry and Fire Protection - publiccomments@BOF.ca.gov



North Coast Regional Water Quality Control Board

August 1, 2016

To: Fred Blatt
Chief, Non-Point Source and Surface Water Protection Division

From: David Fowler
Representing review staff

Subject: Review and Comments on the Board of Forestry and Fire Protection proposed Working Forest Management Plan, dated June 10, 2016, Title 14 of the California Code of Regulations

North Coast Regional Water Quality Control Board (Regional Water Board) staff have worked cooperatively and collaboratively with members of the Board of Forestry and Fire Protection (BOF, Board of Forestry, or Board), their staff, staff from the California Department of Forestry and Fire Protection, the California Department of Fish and Wildlife, the California Geological Survey, and members of the public during the development and review process of the proposed *Working Forest Management Plan* (WFMP) sections of the Forest Practice Rules (FPRs). The third Public Review draft of the WFMP rules was published on June 10, 2016 for a 45-day public comment period. Regional Water Board staff have reviewed the draft text.

Regional Water Boards regulate discharges or potential discharges of waste from timber operations by issuing Waste Discharge Requirements (WDRs) pursuant to California Water Code section 13264. Following the adoption of the proposed WFMPs rules by the Board, the Regional Water Boards will develop WDRs that will include specific requirements to implement Basin Plan requirements, including protection of beneficial uses, compliance with water quality objectives and waste discharge prohibitions. WDRs can rely in large part on the FPRs to ensure compliance with water quality requirements. As such, we believe that developing rules that can fully achieve water quality protection will result in the maximum benefit through increased protection of the quality of waters of the state, minimizing compliance efforts for the regulated community, and implementing efficiencies in the regulation of timber harvesting between state agencies. Incorporating the revisions to 1094.6(i), discussed below, will avoid creating a situation in which Regional Water Board permits must include requirements for control of potential sediment discharge above and beyond that required under the FPRs.

Assembly Bill 904 created a new alternative for managing “working forest” timberlands up to 15,000 acres in size. The Bill states that “It is the policy of the state to encourage prudent and responsible forest resource management of nonindustrial timberlands by approving working forest management plans in advance and authorizing working forest timber harvest notices to be filed ministerially.” WFMPs are intended to build on the model provided by nonindustrial timber management plans.

The proposed WFMP rules contain many commendable goals and objectives. Since the passage of AB 904, we have worked cooperatively and collaboratively with the Board of Forestry, other state agencies, and the public to draft rule language to implement WFMPs in the Forest Practice Rules. Most of our concerns detailed in our previous comment letters dated April 4, 2014, September 30, 2014, March 2, 2015 and June 15, 2015 have been addressed by the BOF. We remain concerned, however, with the proposed language of a portion of section of 1094.8(n), part of the “Working Forest Harvest Notice Content” (page 37, lines 4 through 14).

While Regional Water Board staff strongly support the intent of this this section, to define the contents of the erosion control implementation plan, addressing only “sites that have the potential to discharge sediment attributable to timber operations” is problematic. Anthropogenic sediment sources within the plan area are likely to be impacted or exacerbated by timber operations, whether or not they are directly “attributable,” and existing Regional Water Board Waste Discharge Requirements make no such distinction. In order to be consistent with applicable water quality objectives and provide for the protection of the applicable beneficial uses of water, the words “attributable to timber operations” should be deleted.

Regional Water Board staff propose the following revision to page 37, lines 10 and 11:

“... sites that have the potential to discharge sediment ~~attributable to timber operations~~ into waters of the state...”

This revision would make the language of the WFMP section consistent with other existing sections of the Forest Practice Rules, the requirements of the Water Quality Control Plan (Basin Plan) for the North Coast, and the Porter-Cologne Water Quality Control Act (Porter-Cologne).