
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).