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Subject: AB1492 Comment Letter regarding a process to track the elimination of sources of sediment in THPs
Date: Monday, October 12, 2015 4:02:46 PM

Mr. Henly: I am sending a copy (see below) of a comment letter that the Federation of Fly Fishers submitted to the Forest Practice Committee on 10/9/2013. This letter discusses our recommendation regarding the recently adopted road rules that require identification and correction of sources of sediment in watersheds where timber harvest plans are being implemented. In this letter we proposed a simple tracking method using performance measures that could be used by the BOF to monitor progress in correcting sediment sources. This measurement approach could also be used to report progress to the public. I discussed this proposal at the time with Dennis Hall and Pete Cafferata and they recommended that the Monitoring Effectiveness Committee would be a logical place for implementation of this system. Another likely approach would be to assign this issue to the AB1492 citizens advisory committee for their consideration.

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
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Members of the Board of Forestry and Fire Protection:

This comment letter is submitted by the Northern California Council, Federation of Fly Fishers (NCCFFF). The NCCFFF is a recreational fly fishing organization with 43 clubs and over 5,000 members in Northern California and Nevada. Our concerns are related to timber harvest practices and the impact of logging roads on salmonid fisheries habitat in rivers and streams in California.

We have been working closely with the Forest Practice Committee in developing the Road Rules 2013 package. We appreciated the opportunity to work with Eric Huff and Pete Cafferata in the development of these regulations. In general, we feel the regulations are a significant improvement and if effectively implemented, will greatly reduce sediment pollution and improve salmonid habitat in those impaired watersheds in Northern California subject to commercial timber harvesting.

In past comment letters to the Board of Forestry and Fire Protection (BOF) we have emphasized that the BOF, as an agency with public trust responsibility for resource protection, should use the precautionary principle in regulating and enforcing sound and sustainable forestry practices. The Public Trust Doctrine and the Precautionary Principle are codified in the State Constitution have been upheld by courts in California for the last 100 years. (See California Case Law--National Audubon Society vs. Superior Court 33,) The Precautionary Principle is simple, it states that agencies like CAL FIRE and the California Department of Fish and Wildlife (DFW) have the responsibility to implement regulations that are conservative, have sufficient factors of safety, and can pass the "do no harm" test. In the Audubon decision, the California Supreme Court ruled that "the state is obligated to supervise the protection of public trust resources and act to prevent parties from using the trust (water and wildlife) in a harmful manner."

The key to making the proposed new road rules effective in protecting salmonids and their habitats will be: Can the BOF develop an approach that insures the improvements in the road regulations are performed in a timely manner and that those performing the work (registered professional foresters (RPFs) or their authorized designees) are trained to perform the work in a standardized manner that is outlined in the technical addendum No.5. We recommend training

seminars be quickly developed using the services of Pacific Watershed Associates (or other qualified entity). This will insure that the best management practices are understood by those responsible for performing the work.

Next, the BOF needs to develop a simple system to track the completion of the work. What the NCCFFF recommends is the adoption of performance measures that are simple, easy to understand and implement, and accurately measure progress. (See the attached Time Magazine article by Bill Gates, Founder and Chairman of Microsoft on the importance of establishing goals and performance measures.) Applying the concepts that Mr. Gates discusses to the various elements of the roads package is discussed below:

1. Road Rules 2013, 923.1 (G) page 24 of the plead published 8/23/13:

The Goal: The landowner and RPF are to identify existing sources and potential sources of sediment and the order of treatment to repair and eliminate these sources in a timely manner.

The performance measure: Percent of sources repaired or eliminated on a yearly basis. The measurement system: The RPF submits a map with the THP (or NTMP) application clearly showing existing and potential sediment sources. On a yearly basis, the RPF marks "Completed" on the noted sources and submits the updated map to CAL FIRE. CAL FIRE summarizes the results which show total number of sediment sources reported, the percent repaired or eliminated, sub grouped by THP and landowner. The reports are submitted to the BOF and the public so that progress can be monitored.

Another advantage of this approach would be to use the maps by CAL FIRE inspectors during their annual inspections of watercourse crossings during the prescribed maintenance periods (923.9 (U) page 63.