

BOARD OF FORESTRY AND FIRE PROTECTION

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April 15, 2019

Mr. Mathias St. John
Executive Officer
North Coast Regional Water Quality Control Board (NCRWQCB)
5550 Skylane Blvd. Ste. A
Santa Rosa, CA 95403

RE: DRAFT Order No. R1-2019-0021

Dear Mr. St. John:

The Board of Forestry and Fire Protection (Board), among other mandates, is responsible for the development and maintenance of forest policy and regulations for the state. The Board therefore acts under the mandate of state law to promulgate the Forest Practice Rules (FPRs) that apply to non-federal timberlands within California. The FPRs include, but are not limited to, winter operations; silvicultural prescriptions; logging road use; and protection for watercourses and lakes within or adjacent to commercial timber harvest activities. Additionally, the Board manages the Registered Professional Forester program that licenses professionals to practice forestry, as defined in the Professional Foresters Law (PRC § 753).

In 2009 the Board engaged in an extensive rulemaking effort to improve aquatic habitat and contribute to the restoration of anadromous salmonids through improvement to the quality and beneficial uses of water. The [Anadromous Salmonid Protection Rules](#) (ASP; (Rule file 311)), as adopted by the Board, are based on an extensive literature review of applicable scientific literature and testimony from scientists and technical experts in the fields of watershed processes, riparian functions, and fisheries biology. Furthermore, those regulations were developed in collaboration with the Department of Fish and Wildlife, the Department of Forestry and Fire Protection, the State Water Quality Control Board and Regional Boards, and numerous other stakeholders. The ASP Rules utilized a high degree of site and geographic-specific measures related to canopy retention adjacent to watercourses to protect and restore the beneficial uses of water, including aquatic habitat conditions.

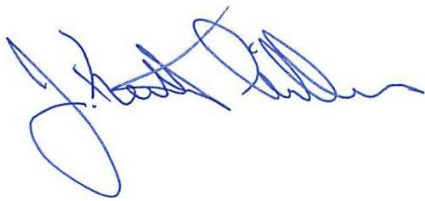
In 2013, the Board engaged on an equally ambitious rulemaking effort to further minimize the potential for adverse water quality effects related to timber harvest activities through the adoption of revised road construction, use, and maintenance regulations (Road Rules), which were again developed in collaboration with the regulatory agencies, timberland owners, and forest managers utilizing the best available scientific literature. The [Road Rules](#) (Rule file 342 B) achieve impact minimization and resource improvement via a thorough and extensive regulatory process of documenting, prioritizing, and treating significant existing or potential erosion sites related to logging roads.

It is the hope of the Board that, as the NCRWQCB considers the draft “Waste Discharge Requirements for Nonpoint Source Discharges and Other Controllable Water Quality Factors Related to Timber Harvesting and Associated Activities Conducted by Humboldt Redwood Company, LLC in the Upper Elk River Watershed, Humboldt County”, that the adopted requirements and any associated findings are well supported in the administrative record by relevant empirical evidence and the best available peer-reviewed literature.

In the absence of such evidence, the Board suggests that the NCRWQCB use relevant monitoring data from scientifically valid studies conducted in redwood dominated watersheds to determine the appropriate practices that may further protect the beneficial uses of water (such as the Railroad Gulch BMP Evaluation Project). Additionally, monitoring projects could be initiated by the NCRWQCB through the [Effectiveness Monitoring Committee \(EMC\)](#), which has supported 14 projects intended to inform the Board on future revisions of the FPRs. The goal of these, as well as future work of the EMC, is to allow the Board to engage in an adaptive management framework of the FPRs that will allow the Board to be well-supported in its rulemaking efforts. Currently the EMC is testing the existing FPRS to answer critical questions as they relate to watercourse protection, wildlife biology, watercourse and lake protection, forest health, and surface erosion. The Board will review the findings of these stakeholder-supported scientific endeavors to aid in potential revision of the FPRs in future years.

The Board looks forward to continued partnerships with the NCRWQCB on its efforts as it relates to future refinement of the FPRs and review of findings for projects supported by the EMC.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Keith Gilles", with a stylized, flowing script.

J. Keith Gilles, Chair
Board of Forestry and Fire Protection