

July 5, 2010

Comments on Best Management Practices

The below comments are submitted referencing the Best Management Practices discussed the the June 22, 2010 meeting of the Water Quality Management Plan Stakeholders Group.

Many of the below comments were noted during the meeting discussion.

Two general comment on the series of BMP relate to a) authority, rolls and responsibilities and b) applicability of the BMP with respect to "road, trail, roads managed as trails.

First, the BMPs should outline a clear action to accomplish. The line of authority for implementation, clear roll for participating parties and clear responsibility for accomplishment needs to be defined for each action within the BMP as well as for the entire individual BMP.

Second, the verbiage of the BMPs appears to apply to roads. That begs the question as which level of road is included and, more important, the applicability to sub-categories of roads trails, and roads managed as trails.

Additionally, to composition of the tread surface (asphalt, gravel, or natural surface) should be qualified within each BMP.

There is a concept within the BMPs that they will be implemented as part of a contract. As such, they need to be clear, concise and legally defensible to be included as a clause in a contract.

Below are some specific comments on the BMPs reviewed.

### **1. General Guidelines for the Location and Design of Roads: (PRACTICE: 2-1)**

Sub-section b, second paragraph.

Quote:

The intended purpose of a road and management thereof, includes consideration of the vehicles expected and allowed to utilize the road. The resultant design of the road is based on the expectations that: occupants of design vehicles can safely maneuver on the road to access the intended resource or destination, forest resources are not negatively impacted, the road can be constructed within budget, and maintained to protect its capital investment.

The second sentence contains the phrase "... occupants of design vehicles.." It is unclear as to what is meant as to the intended meaning of "design vehicles". The sentence gives the impression that only a

specific category of “design vehicles” are impacted at the expense of other vehicle categories. The phrase may be meaningful to agency; however, it lacks clarity to public as to its intended meaning.

Sub-section b, third paragraph.

Quote:

The practice of forest road location and design requires a careful examination of all road site properties, including but not limited to: soil characteristics above, at, and below the road; grade of road; surface composition; side slope(s); quantity and quality of vegetation above and below the road; proximity of road to waterways, TES habitat, private property, and cultural resources.

The first sentence contains the phrase “... quantity and quality of vegetation above and below the road;...” Is unclear as the intended meaning of of this phrase. Literal translation indicates that vegetation is above and below the road. If so, where is the road if it is on top of vegetation?

Sub-section c; first paragraph.

Quote:

ie. upslope prism with graded dips in lieu of berms, and insloped prism with ditches and culverts; realign culverts to improve flow and reduce scour at inlet and/or outlet.

The second sentence contains the word “inlet”. Believe the intended word to be “inlet”.

## **2. Erosion Control Plan: (PRACTICE: 2-2)**

Sub-section C, first paragraph.

Quote:

This practice is commonly applied to all road construction through contract clauses and specifications and will apply to road construction for timber sales, mining, recreation, special uses and other roadwork on NFS lands.

The last sentence of the paragraph contains the word “recreation”. The discussion implies that the BMP will be applied to contracts without clarifying who will be the holder of the contract. How is “recreation” expected to comply with implementing erosion controls? Recreation is an activity that should be considered within the design specs of a route as an intended use. It cannot be viewed as an entity that will engage in implementing erosion controls. As such, the paragraph needs clarification to define who will be responsible for implementing the BPM within contracts.

Sub-section C, second paragraph.

Quote:

Contractor is encouraged to regularly check local weather predictions to events that could compromise erosion control measures, such as localized heavy thunderstorms.

This sentence (third sentence in paragraph) contains the phrase “... weather predictions to events...” Believe the word “to” should read “for” or “of” to provide clarity of meaning.

Quote:

Monetary fines may be passed on to contractors who fail to comply with approved erosion control plans or to make corrections to ineffective methods.

The last sentence of Sub-Section C, second paragraph contains the phrase, "... or to make corrections to ineffective methods..." The sentence lacks clarity is to how monetary fines will be applied in situations.

A recommended sentence would be:

Monetary fines may be passed on to contractors who fail to comply with approved erosion control plans or **fail** to make corrections to ineffective methods.

#### **4. Stabilization of Road Slope Surfaces and Spoil Disposal Areas: (PRACTICE: 2-4)**

Sub-section b, third paragraph.

Quote:

Mechanical techniques may include erosion nets/mats, blankets, mulch, tackifiers (may include seed), windrowed construction slash at toe of fill slopes, or soil seals.

The first sentence contains the words "tackifiers" and "windrowed". The words are "jargon" that should be defined or clarified in their intended meaning.

#### **7. Control of Road Drainage: (PRACTICE: 2-7)**

Sub-section b, first sentence.

Quote:

to lessen the sediment yield from roaded areas;

It is unclear as to how the term "roaded areas" meshes with the specifics of road drainage, road clearing limits, and road prism. The term "roaded areas" implies a large area while the others imply a restricted subset of a larger area. Recommend the phrase be removed or the sentence be re-worded to clarify the intended meaning.

Sub-section b, first paragraph.

Quote:

The intended purpose of a road and management thereof, includes consideration of the vehicles expected and allowed to utilize the road. The resultant design of the road is based on the expectations that: occupants of design vehicles can safely maneuver on the road to access the intended resource or destination, forest resources are not negatively impacted, the road can be constructed within budget, and maintained to protect its capital investment.

The second sentence contains the phrase "... occupants of design vehicles.." It is unclear as to what is meant as to the intended meaning of "design vehicles". The sentence gives the impression that only a specific category of "design vehicles" are impacted at the expense of other vehicle categories. The phrase may be meaningful to agency; however, it lacks clarity to public as to its intended meaning.

Sub-section b, second paragraph.

Quote:

The practice of forest road location and design requires a careful examination of all road site properties, including but not limited to: soil characteristics above, at, and below the road; grade of road; surface composition; side slope(s); quantity and quality of vegetation above and below the road; proximity of road to waterways, TES habitat, private property, and cultural resources.

The first sentence contains the phrase "... quantity and quality of vegetation above and below the road;..." Is unclear as the intended meaning of of this phrase. Literal translation indicates that vegetation is above and below the road. If so, where is the road if it is on top of vegetation?

Sub-section c, first paragraph.

Quote:

Use project level science-based travel analysis to identify necessary road construction, or to inform priorities for roads to be reconstructed or maintained. For projects or plans that have identified roads requiring improved drainage controls for protection of water quality, consider methods that differ from in-place methods: ie. outslope prism with graded dips in lieu of berms, and insloped prism with ditches and culverts. As in road location and design, all site properties are considered, as there is no one method that meets all needs.

The first sentence contains the phrase "...project level science-based travel analysis..." It is unclear as to what legal reference of "travel analysis" will apply. In other Forest Service discussions, "science-based travel analysis" is a sub-set of the entire "travel analysis" process. I recommend the term "science-based" be replaced by either "current" or "approved" to indicate that a singular valid travel analysis process is the focal concept to be used.

Within that paragraph, the second sentence (beginning with "...For projects pr plans...") appears to be an incomplete sentence as it lacks a subject for the action described. In addition, the terms "outslope" and "inslope" need a definition to clarify their intended use.

#### **14. Controlling in-Channel Excavation: (PRACTICE: 2-14)**

Sub-section c, paragraph six.

Quote:

Erosion Control Plan is developed jointly with engineers, hydrologists, and fish biologists for non-contract work.

The first sentence contains the phrase "for non-contract work..." The discussion within the sub-section references contract applications of the BMP. As such this sentence appears to be out of context. And, there is no clarity as to who will develop Erosion Control Plan for "contract work". Recommend the sentence (or entire section/paragraph) be modified to indicate clear responsibility for development of Erosion Control Plan.

Sub-section c, paragraph eight.

Quote:

BMP Implementation is considered as a pay item in contracts, rather than incidental to construction and maintenance.

The first sentence appears to be out of place in the paragraph. It appears to be more in keeping with the subject in the preceding paragraph (paragraph seven).

## **21. Water Source Development Consistent with Water Quality Protection (PRACTICE: 2-21)**

Sub-section b, first paragraph, last sentence (.. Contaminants from water drafting equipment,...) The sentence is incomplete.

Sub-section c, first paragraph.

The paragraph contains the statement (... Projects incorporate a list of BMP's to implement, with Line Officer signature and date. ...) As the paragraph refers to "implementation" the sentence should be worded as a requirement to be included rather than a simple statement of fact. The same applies to the last sentence.

Recommend the entire paragraph be revised to indicate clarity for implementation requirements and responsibility to accomplish the required elements.

## **22. Maintenance of Roads: (PRACTICE: 2-22)**

Sub-section b, second paragraph.

Quote:

The decision to keep or decommission a road requiring heavy maintenance is influenced by meeting land management objectives and project specific travel analysis.

The first sentence contains the phrase "...project specific travel analysis..." It is unclear as to what legal reference of "travel analysis" will apply. In other Forest Service discussions, "project specific travel analysis" is a sub-set of the entire "travel analysis" process. I recommend the term "project specific" be replaced by either "current" or "approved" to indicate that a singular valid travel analysis process is the focal concept to be used.

Additionally, this concept is included within BMP **7. Control of Road Drainage: (PRACTICE: 2-7)**. Various BMP should retain a consistency of application of other regulations that apply.

Sub-section c, second paragraph.

The entire paragraph needs revision to provide clarity of who has responsibility for which specific actions. In addition, the fifth sentence (beginning with Optimally, the forest hydrologist...) defines a condition the may not be practical; hence, it should be removed from that paragraph. The paragraph addresses actions that must be done. A supplemental paragraph should be used to define "optimal" conditions and under which situation they would be enforced.

## **24. Traffic Control During Wet Periods: (PRACTICE: 2-24)**

Sub-section b, first paragraph, last sentence.

Quote:

The damage and maintenance cycle for roads that are frequently used during wet periods can create a disturbed road surface that is a continuing sediment source.

The sentence begins with damage and maintenance is an order/sequence that appear both actions are on a “cycle for roads”. The sentence needs revision to clarify how “damage” is a continuing sediment source as well as how “maintenance cycle” is a continuing sediment source. In addition, the phrase “...can create a disturbed road surface...” lacks clarity with respect to the actions of “damage” and “maintenance cycle”.

And, within that sentence, the word “frequently” is used without quantification as to meaning.

Sub-section b, third paragraph.

The fourth sentence contains the phrase “...installing additional erosion control devices, , restriction to low tire pressures,...” In addition to the double comma, there is lack of clarity for the phrase “restriction to low tire pressures”.

Sub-section b, fourth paragraph.

The first sentence begins as “For use of roads during rainy season or wet periods following snowmelt by Forest Service personnel for administrative activities,...” It implies that “snowmelt” is accomplished by Forest Service personnel for administrative activities. The paragraph needs revision to clarify the intended meaning.

Sub-section b, fifth paragraph.

The paragraph begins with the sentence “Access on roads by the public during rainy season may not always be sanctioned, especially where road closure devices or road closure orders are not honored.” There is a lack of clarity as the the intended meaning to the sentence and applicability to the entire paragraph.

Respectfully Submitted

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