

BOARD OF FORESTRY

1416 NINTH STREET
P.O. BOX 944246
SACRAMENTO, CA 94244-2460
(916) 653-8007
FAX (916) 653-0989



March 1, 1994

TO: MEMBERS OF THE PUBLIC

FROM: CALIFORNIA STATE BOARD OF FORESTRY

**SUBJECT: GUIDANCE FOR NOMINATING SENSITIVE WATERSHEDS
TITLE 14 CCR SECTIONS 916.8, 936.8 and 956.8**

The Sensitive Watershed process provides an opportunity for the public and agencies to bring watersheds with special protection needs to the attention of the California Board of Forestry. Designation as "sensitive" means that special treatments are needed for logging operations in that watershed, beyond the protections already provided by current forest practice rules. In essence, the rule allows protection measures to be tailored to the specific needs of a watershed.

The Board recognizes that all watersheds in California are sensitive to imprudent or excessive land disturbance, and that care must be taken to protect natural resources in all land-use activities. Current forest practice rules already contain many provisions for protecting water quality, fisheries, wildlife, soils and timber productivity. The Board also recognizes that additional requirements may be needed to address specific problems related to the natural characteristics or past history of a particular watershed. The additional requirements could include, for example, special standards for logging, specific guidance for on- or off-site mitigation, programs for monitoring, or measures to restore conditions significantly impacted by timber harvesting.

In general, nominations have two basic components: 1) a justification of why the watershed needs protections beyond those provided by current forest practice rules, and 2) recommendations as to what those additional protection measures should be. The additional protections must be developed within the context of timber operations since the Board's regulatory authority is limited to those activities.

To classify a watershed as "sensitive" the Board must find that there is a reasonable potential that further timber operations will cause or contribute to ongoing, significant adverse cumulative impacts, and that mitigation of those effects requires the application of protection measures not required by the Forest Practice Rules. Therefore the nomination should explain what the

impacts are, how further timber operations may contribute to them, and why present rules are not adequate.

This document summarizes the elements that should be included in a nomination. It is intended to provide a "plain English" summary of the Sensitive Watershed rule, but in no way to alter its meaning or substitute for the written rule. Persons preparing nominations should refer to the language of the Sensitive Watershed rule for specific requirements, and to the other forest practice rules that apply to the control and mitigation of impacts from timber operations.

It is suggested that nominators contact landowners within the watershed to inform them of the potential nomination and to obtain site-specific information. Please note that nothing in this rule provides immunity from trespass or other laws governing access to private property or records.

Nominations may be submitted to the Board at any time. Following receipt, nominations will be referred to a Nominations Review Committee. The committee will conduct initial screening to determine if the nomination complies with the informational requirements of the rule and whether the nomination is supported by substantial evidence. At the public hearing, the Board will determine whether the watershed warrants designation, and, if so, what additional mitigation measures are required.

ELEMENTS TO BE CONTAINED IN A SENSITIVE WATERSHED NOMINATION

The requirements for nominations under the Sensitive Watershed rule are summarized here. Persons preparing nominations should refer to rule language found in 14 CCR 916.8, 936.8 or 956.8 for the specific requirements of the rule.

General requirements that apply to all nominations include:

- o Areas to be nominated must conform to the boundaries of one or more "planning watersheds" as delineated on maps available for reference at the California Department of Forestry and Fire Protection (CDF). Planning watersheds are administrative units, generally around 10,000 acres in size, that have been delineated pursuant to Board rule.
- o Factual information should be substantiated with data and referenced as to source. (e.g. literature citation, professional opinion, personal communication).
- o There is no limit on length. Supporting information and reference material should be included or be made available to the Board upon request.

To facilitate review, you are requested to organize the written and mapped information contained in a nomination with headings that correspond to the following:

1. COVER SHEET: All nominations should contain a completed copy of the attached cover sheet along with any necessary maps.
2. RESOURCES AT RISK FROM TIMBER OPERATIONS UNDER CURRENT RULES: The nomination must document and describe the specific natural resources that are significantly threatened by further timber operations occurring on private or state (i.e. non-federal) timberland within the nominated area. The discussion should describe, in a detailed manner, the specific resources, location, and characteristics that render them at risk from timber operations conducted under current Board rules.

For example, the specific resources at risk may include (but are not limited to):

- o particular species of fish or aquatic organisms, or unique biological characteristics of the aquatic or riparian habitat
 - o domestic or other water supplies, water quality or other beneficial uses, or stream system and channel morphology factors related to beneficial uses that are specifically identified
 - o downstream reservoirs, navigable channels, water diversions, estuaries, harbors
 - o wildlife species, or the habitat of species, listed under state or federal law as rare, threatened or endangered, candidate, or sensitive
 - o wildlife species with narrow geographic range, low density, low reproductive rates, and highly dependent on localized habitat features
3. SENSITIVE WATERSHED CHARACTERISTICS: The nomination should discuss the conditions in the nominated planning watershed(s), either natural and management-related, which pose a significant threat to the resources described in 2) above. This discussion should describe the sensitive characteristics of the watershed(s), and then make the link between the watershed characteristics, the resources that have been identified to be at risk from further timber operations, and the effects that specific types of timber operations would have upon the identified resources. The discussion should identify the types and locations of timber operations that would threaten the identified resources, and the conditions under which the potential impact could occur. Nominations should include maps indicating, to the extent possible, the geographic location of sensitive conditions, the resources at risk, and areas where timber operations would pose potential problems.

For example, the conditions in the watershed that make it sensitive to further timber operations may include (but are not limited to):

- o steep slopes and easily destabilized soils
 - o continuing landslide or soil erosion problems related to past or ongoing land-use activities
 - o extensive ground disturbance or drainage problems, particularly associated with roads, skid trails, landings, and watercourse crossings
 - o accelerated aggradation, streambank erosion, and channel scouring
 - o changes in the habitat or condition of wildlife species identified in 2) above
 - o accelerated rates of proposed road construction or timber harvesting within the watershed or near streams or springs
4. OTHER ENVIRONMENTAL MANAGEMENT PLANS: The nomination must contain a discussion of the provisions in approved Habitat Conservation Plans, or other documents approved or under review by public agencies, which provide for maintenance or improvement over time of environmental conditions within or adjacent to the nominated area or forest district. These could include, for example, USFS forest management plans, cumulative watershed effects analyses, and other planning documents that address environmental conditions in and around the watershed area.
5. MITIGATION NEEDED BEYOND CURRENT RULES: The nomination should recommend feasible mitigation measures, in addition to current forest practice rules, that are needed to protect the resources discussed in 2) above. The discussion should include a) reasons why the current forest practice rules are inadequate to protect the resources at risk, and b) an explanation of how the suggested measures would improve resource protection. Where appropriate, site-specific locations for potential on- and off-site mitigation activities should be identified on maps.
- For example, mitigation measures may include (but are not limited to):
- o prescriptive and performance standards for timber operations
 - o additional information that should be required in THPs
 - o specific monitoring programs
 - o restoration or rehabilitation of degraded resources, including roads, within any portion of the nominated area.
 - o voluntary mitigation agreements among ownerships
6. OTHER PERTINENT INFORMATION: Other information about the nominated area that may assist the Board in evaluating the nomination may be included.
7. REFERENCES: Literature citations, expert written opinion, and other relevant sources of information must be included with

the nomination. Where possible, copies of information used to prepare the nomination should be submitted; where not possible, the location where the material may be obtained should be specified.

8. PUBLIC NOTICE LIST: Names and mailing addresses of the following individuals and organizations must be listed in the nomination:
- o Landowners of 40 acres or more of lands zoned for timber production (TPZ) in the nominated planning watershed(s). (This may be obtained with the assistance of the county Assessor. A fee may be required.)
 - o Public water purveyors and known private purveyors within the planning watersheds. (This may be obtained from CDF.)
 - o Commonly known watershed associations within the planning watershed(s).
 - o Commonly known neighborhood or community associations within the planning watershed(s).
 - o Chairman, county board of supervisors.
 - o Chairman, county planning commission.
 - o Local manager for any public agency having custodial responsibility for timberland within the planning watershed(s).
9. DRAFT LEGAL NOTICE: The nomination must also contain a draft notice for newspaper publication in a form prescribed by the Department of Forestry. A sample is attached.

STANDARDS OF REVIEW

The Sensitive Watershed rule contains standards to be used by the Review committee and the Board in reviewing nominations. These standards provide additional guidance concerning information that should be contained in a nomination.

The Review Committee will screen nominations for compliance with the Sensitive Watershed rule requirements. The Committee will evaluate whether the nomination is supported by substantial evidence that further timber operations will create a reasonable potential to cause, or contribute to ongoing, significant adverse cumulative effects.

Within 120 days of the date the nomination is received by the committee, or such longer time as provided by the Board, the Review Committee will forward its recommendations to the Board with specific reasons for approval or denial of the nomination. A Committee recommendation for approval must include:

- o A description of the substantial evidence which supports the nomination;

- o Specific reasons why the current forest practice rules are inadequate to protect the specific resources at risk;
- o A list of the resources threatened by timber operations in the watershed, and a description of the kind, location, and conditions under which timber operations would threaten the resources.

Committee recommendations may also include, as appropriate:

- o Prescriptive and performance standards for timber operations that will avoid or mitigate new or continuing significant cumulative effects. This will include a consideration of the feasibility and cost of additional standards and alternatives;
- o A description of additional information that needs to be included in THPs in order to evaluate the impacts of proposed timber operations in the watershed;
- o On-site mitigation measures, in addition to the current rules, which can be required by the Director to mitigate the impacts of timber operations within the watershed;
- o Off-site mitigation measures that can be applied within or outside of the sensitive watershed area to offset adverse on-site impacts of timber operations. Mitigation measures that are proposed to protect fish, aquatic species, aquatic and riparian habitat, domestic water supplies, other beneficial uses of water, or factors related to stream system and channel morphology must be located within the same drainage;
- o Methods to evaluate the implementation and effectiveness of required mitigations (e.g. monitoring programs);
- o Exemptions that differ from those provided under the current rules.

The Board will consider the recommendations of the committee at a public hearing which will be held within 60 days of receipt from the committee.

Nomination packets should be submitted to:

Chairman, California State Board of Forestry
P.O. Box 944246
Sacramento, CA 944244-2460

Further information may be obtained by contacting the Board office at (916)653-8007.

SENSITIVE WATERSHED NOMINATION COVER SHEET

1. NOMINATOR

Name: (Individual or Organization and Contact Person):

Address:

Phone:

FAX:

II. IDENTIFICATION OF NOMINATED WATERSHED

Name of watershed or major stream(s):

Planning Watershed Identification Number(s):

Name of higher order stream, if any, to which the watershed is tributary:

Quadrangle names of USGS topographic map(s) on which the watershed is located:

County:

Township and Range:

Approximate size of the nominated area (acres):

III. SUMMARY OF RESOURCES THAT ARE SIGNIFICANTLY THREATENED BY FURTHER TIMBER OPERATIONS IN THE NOMINATED AREA:

IV. SUMMARY OF MITIGATION MEASURES PROPOSED TO PROVIDE PROTECTION FOR RESOURCES IDENTIFIED IN ITEM III, ABOVE

NOTICE FOR NEWSPAPER PUBLICATION

Nominations for Sensitive Watersheds must be accompanied by a draft notice for newspaper publication. Please prepare the notice according to the following format:

NOMINATION OF PROPOSED SENSITIVE WATERSHED

A nomination for designating a Sensitive Watershed has been submitted to the California State Board of Forestry for the watershed(s) of the _____ (name of major streams) located in _____ county(ies). The nominated area includes Planning Watershed number(s) _____ in _____ (Section, Township and Range (s)). These watersheds are tributary to the _____ (name of higher order stream, if any, to which the watershed is tributary) and are mapped on the _____ (names) USGS topographic quadrangle sheets. The nominated watershed(s) cover an area of approximately _____ acres.

Based on criteria in Title 14 of the California Code of Regulations, Sections 916.8, 936.8, and 956.8, and the Forest Practice Rules, the Board must determine whether nominated watersheds are "sensitive" to further timber operations on non-federal timberlands. For watersheds classified as "sensitive", the Board must identify the specific resources that are sensitive to further timber operations, and specific mitigation measures that will provide the necessary protection of those resources. The resources that are described in this nomination as being significantly threatened by further non-federal timber operations are (list):

Publication of this notice is a part of the notification process. [To be completed by the Nomination Review Committee: Description and notice of opportunities for public participation in the review process]. A public hearing will be conducted by the Board within 60 days of receipt of the Committee's recommendation.

Further information can be obtained from the California Department of Forestry and Fire Protection located at _____ (address and phone number of local Department Ranger Unit Headquarters).