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916.8, 936.8, 956.8 Sensitive Watersheds [All Districts]

The Board, at a public hearing, shall determine whether nominated planning watersheds are "sensitive" to further timber operations. Classification of a watershed as "sensitive" shall be supported by substantial evidence that a condition, or conditions, exist(s) where further timber operations within the planning watershed will create a reasonable potential to cause, or contribute to ongoing, significant adverse cumulative effect(s) on the resources identified in 916.8(a)(3) [936.8(a)(3), 956.8(a)(3)], and as set forth in Technical Rule Addendum No. 2 (14 CCR 912.9)[932.9, 952.9] and that mitigation of such significant cumulative effects requires the application of protection measures not required by the Forest Practice Rules. For all planning watersheds classified as "sensitive", the Board shall identify the specific resources which are sensitive to further timber operations and specific mitigation measures that will provide the necessary protection of the sensitive resource(s). A Board finding that a planning watershed is no longer sensitive shall be supported by substantial evidence that such conditions no longer exist. Unless and until a planning watershed(s) is classified as sensitive and any necessary rulemaking completed, the existing rules shall apply:

(a) Nomination process: The Director, local, state, or federal agencies and the public may nominate planning watersheds to the Board and shall provide evidence supporting classification of the watershed as sensitive. The nominator shall discuss the effects that further timber operations will have on the specific resources identified in 14 CCR 916.8(a)(3) [936.8(a)(3), 956.8(a)(3)] which are at risk within the nominated watershed and specify those effects not sufficiently addressed under the forest practice rules and discuss the significance of the effects in light of the condition of the resources

1 in areas adjacent to the planning watershed. Such nominations must be accompanied
2 by the following information, descriptions, documents, or maps as appropriate:

3 **1.** Name, approximate size and location of the watershed(s) identified by county,
4 township and range, and name(s) of USGS topographic map(s) on which the planning
5 watershed is found.

6 **2.** The name of the higher-order stream, if any, to which the watershed is
7 tributary.

8 **3.** Specific resources that are significantly threatened by further timber
9 operations on non-federal timberland in the nominated watershed, including, as
10 appropriate, but not limited to:

11 **A.** Fish, aquatic organisms, aquatic habitat, or riparian habitat;

12 **B.** Domestic and other water supplies, water quality, other beneficial uses
13 of water existing at the time of nomination or factors related to the stream system and
14 channel morphology.

15 **C.** Downstream reservoirs, navigable channels, water diversion and
16 transport facilities, estuaries, and harbors;

17 **D.** Wildlife species, or the habitat of species, listed under state or federal
18 law as rare, threatened or endangered, candidate, or sensitive, including discussion of
19 the habitat features threatened by timber operations;

20 **E.** Wildlife species with narrow geographic range, low density, low
21 reproductive rates, and highly dependent on localized habitat features, including
22 discussion of the habitat features threatened by timber operations and a discussion of
23 why protective measures are required to prevent a loss of population viability.

24 **4.** Natural or management-induced conditions present in the watershed which
25 pose a significant threat to the resources identified in 14 CCR 916.8(a)(3) [936.8(a)(3)]

1 and 956.8(a)(3)], above, including, as appropriate, but not limited to:

2 **A.** Steep slopes and easily destabilized soils;

3 **B.** Continuing landslide or soil erosion problems related to past or
4 ongoing land-use activities;

5 **C.** Extensive ground disturbance, particularly associated with roads, skid
6 trails, landings, and watercourse crossings;

7 **D.** Accelerated aggradation, streambank erosion, and channel scouring;

8 **E.** Changes in the habitat or condition of wildlife species identified in 14
9 CCR 916.8(a)(3) [936.8(a)(3) and 956.8(a)(3)], above.

10 **F.** Accelerated rates of proposed road construction or timber harvesting
11 within a watershed or near streams or springs.

12 **5.** Approved Habitat Conservation Plans or other documents approved or under
13 review by public agencies within the nominated watershed which provide for
14 maintenance or improvement over time of management induced conditions within or
15 adjacent to the planning watershed or forest district.

16 **6.** Suggested, feasible mitigation measures needed, in addition to current forest
17 practice rules, to provide adequate protection for resources identified in 14 CCR
18 916.8(a)(3) [936.8(a)(3) and 956.8(a)(3)], above, and to mitigate or avoid new or
19 continuing significant cumulative effects related to timber operations, including, but not
20 limited to, restoration or rehabilitation of degraded resources within any portion of the
21 proposed sensitive watershed.

22 **7.** Other information about the watershed that may assist the Board to evaluate
23 the nomination.

24 **8.** Literature citations, expert written opinion, and other relevant sources of
25 information and, where possible, copies of information used to complete the nomination.

1 **9.** A list of names and mailing addresses of the following:

2 **A.** Landowners of 40 acres or more of lands zoned for timber production
3 in the planning watershed;

4 **B.** Public water purveyors and known private purveyors within the
5 planning watershed;

6 **C.** Commonly known watershed associations within the planning
7 watershed;

8 **D.** Commonly known neighborhood or community associations within the
9 planning watershed;

10 **E.** Chairman, county board of supervisors;

11 **F.** Chairman, county planning commission;

12 **G.** Local manager for any public agency having custodial responsibility for
13 timberlands within the planning watershed; and

14 **H.** District or local representatives for review team agencies.

15 **10.** A draft notice for newspaper publication containing the information in (a)(1)-
16 (3), a statement that a public hearing will be scheduled before the Board within 60 days
17 of Board receipt of a nomination forwarded by the committee, and a statement that
18 further information can be obtained from the local Department Ranger Unit
19 Headquarters.

20 **(b) Notice Process:** The Board shall mail notice of the nominated watershed, as
21 provided in (a)10, to
22 the addresses of parties described in 9 A-H and shall publish the provided notice one
23 time in a newspaper with general circulation in the county containing the planning
24 watershed. Such notice shall be provided following a determination that information
25 contained in the nomination meets the requirements of 14 CCR 916.8(a) [936.8(a) and

1 956.8(a)], above.

2 **(c) Screening Process:** Before consideration by the Board, nominations shall be
3 screened for compliance with the informational requirements by a nominations review
4 committee, which may consist of the appropriate District Technical Advisory Committee
5 or other Board Committee, as determined by the Board. The nominations review
6 committee shall consult with CDF, the appropriate Regional Water Quality Control
7 Board, the Department of Fish and Game, the Division of Mines and Geology, and
8 other(s) as deemed necessary to determine whether the nomination is supported by
9 substantial evidence. The nominations review committee shall then forward a
10 recommendation for approval or denial of the nomination to the Board within 120 days
11 of the date of receipt by the committee, or such longer time provided by the Board. The
12 nominations review committee shall describe its specific reason(s) for recommending
13 approval or denial of the nomination. In the event that the committee forwards a
14 recommendation for approval, it shall describe the substantial evidence which supports
15 nomination, including specific reasons why the current forest practice rules are
16 inadequate to protect the specific resources at risk and shall provide the following
17 information:

- 18 1. A list of which resource is threatened and by which timber operations;
- 19 2. If possible, performance standard(s) for timber operations that will avoid or
20 mitigate new or continuing significant cumulative effects;
- 21 3. Additional information that is needed for evaluating the impacts of proposed
22 timber operations and is to be included in harvesting plans submitted in the planning
23 watershed;
- 24 4. On-site mitigation measures in addition to the current forest practice rules,
25 which can be required by the Director to mitigate the impacts of timber operations within

1 the watershed;

2 **5.** Offsite mitigation measures that can be applied within or outside of the
3 sensitive watershed area to offset adverse on-site impacts of timber operations. If such
4 mitigation measures are proposed to protect the resource discussed in subdivision
5 (a)(3)(A) and (B), they must occur in the same drainage. Such measures may include,
6 but are not limited to, voluntary mitigation agreements among ownerships.

7 **6.** If needed, recommended alternatives to evaluate the implementation and
8 effectiveness of mitigations required under this section.

9 **7.** Exemptions for ownerships, emergencies, or land-use classifications that are
10 different than those provided in the current forest practice regulations and that may be
11 applied in the watershed.

12 **(d) Public hearing Process:** The Board shall consider the recommendations of the
13 nominations review committee at a public hearing on classification of the planning
14 watershed, which will be held within 60 days of receipt from the committee. The
15 watershed nomination and recommendations of the committee will be made available to
16 the public between the date of receipt by the Board and the public hearing.
17 Recommendations adopted by the Board which have the effect of a regulation shall be
18 processed in accordance with the Administrative Procedures Act (Section 11340. et
19 seq. Gov. Code).

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