DEPARTMENT OF FISH AND WILDLIFE
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Sacramento, CA 95814
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BOARD OF FORESTRY AND FIRE PROTECTION

July 10, 2015

Dr. J. Keith Gilless, Chair
State Board of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Emergency Forest Practice Water Drafting Regulations in Response to Continued Drought and Governor Brown's Drought Proclamations and Executive Orders

Dear Dr. Gilless:

The California Department of Fish and Wildlife (CDFW) requests the State Board of Forestry and Fire Protection (Board) once again consider use of the Emergency rulemaking process as defined by the Office of Administrative Law to address potential impacts to drinking water and other beneficial uses of water related to timber operations. CDFW asks the Board to consider adopting rules similar to those the Board adopted on May 14, 2014, and congruent with Governor Brown's emergency drought proclamations and executive orders (Proclamations No. 1-17-2014 and 4-25-2014; Executive Orders B-26-14, B-28-14, and B-29-15).

More specifically, CDFW requests the Board consider adopting Title 14 California Code of Regulations (14 CCR) § 923.7(l) in its entirety for statewide application during the declared drought, and as warranted, beyond. This request is nearly identical to the California Department of Forestry and Fire Protection (CAL FIRE) May 6, 2014, letter to the Board.

Please find enclosed a rule plead modifying 14 CCR § 923.7(l) to extend existing water drafting regulation to areas outside of watersheds with listed salmonids. If you have any questions on this matter, please contact Mr. Armand Gonzales, Acting Branch Chief, Habitat Conservation Planning Branch, at (916) 445-3379.

Sincerely,

Sandra Morey, Deputy Director
California Department of Fish and Wildlife

Enclosure

Every Californian should conserve water. Find out how at:

Save Our Water

SaveOurWater.com · Drought.CA.gov

Board of Forestry and Fire Protection

"Water Drafting Emergency Regulations, 2015"

Title 14 of the California Code of Regulations (14 CCR),

Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 12

AMEND:

§ 923.7 [943.7, 963.7] Maintenance and Monitoring of Logging Roads and Landings

[All Districts]

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(l) **Water drafting** - Water drafting for timber operations shall:

(1) Comply with Fish and Game Code Section 1600, et seq. Timber operations conducted under a Fish and Game Code Section1600 Master Agreement for Timber Operations that includes water drafting may provide proof of such coverage for compliance with 14 CCR § 916.2 [936.2, 956.2] (d)(1).

(2) Describe the water drafting site conditions and proposed water drafting activity in the plan, including:

(A) A general description of the conditions and proposed water drafting;

(B) The watercourse classification;

(C) The drafting parameters including the months the site is proposed for use; estimated total volume needed per day; estimated maximum instantaneous drafting rate and filling

time; and disclosure of other water drafting activities in the same watershed;

(D) The estimated drainage area (acres) above the point of diversion;

(E) The estimated unimpeded streamflow, pumping rate, and drafting duration;

(F) A discussion of the effects on aquatic habitat downstream from the drafting site(s) of single pumping operations, or multiple pumping operations at the same location, and at other locations in the same watershed;

(G) a discussion of proposed alternatives and measures to prevent adverse effects to fish and wildlife resources and other beneficial uses of water, such as reducing hose diameter; using gravity-fed tanks instead of truck pumping; reducing the instantaneous or daily intake at one location; describing allowances for recharge time; using other dust palliatives; and drafting water at alternative sites; and

(H) The methods that will be used to measure source streamflow prior to the water drafting operation and the conditions that will trigger streamflow to be measured during the operation.

(3) All water drafting for timber operations are subject to each requirement below unless the Department of Fish and Wildlife modifies the requirement in the Lake or Streambed Alteration agreement that authorized the drafting operation, or unless otherwise specified below:

(A) All intakes shall be screened to prevent impingement of juvenile fish against the screen. The following requirements apply to screens and water drafting on Class I waters:

1. Openings in perforated plate or woven wire mesh screens shall not exceed 3/32 inches (2.38 millimeters). Slot openings in wedge wire screens shall not exceed 1/16 inches (1.75 millimeters).

2. The screen surface shall have at least 2.5 square feet of openings submerged in water.

3. The drafting operator shall regularly inspect, clean, and maintain screens to ensure proper operation whenever water is drafted.

4. The approach velocity (water moving through the screen) shall not exceed 0.3 feet/second.

5. The diversion rate shall not exceed 350 gallons per minute

(B) Approaches and associated drainage features to drafting locations within a WLPZ or channel zone shall be surfaced with rock or other suitable material to minimize generation of sediment.

(C) Barriers to sediment transport, such as straw wattles, logs, straw bales or sediment fences, shall be installed outside the normal high water mark to prevent sediment delivery to the watercourse and limit truck encroachment.

(D) Water drafting trucks parked on streambeds, floodplains, or within a WLPZ shall use drip pans or other devices such as adsorbent or absorbent blankets, sheet barriers or other materials as needed to prevent soil and water contamination from motor oil or hydraulic fluid leaks.

(E) Bypass flows for Class I watercourses shall be provided in volume sufficient to avoid dewatering the watercourse and maintain aquatic life downstream, and shall conform to the following standard:

1. Bypass flows in the source stream during drafting shall be at least 2 cubic feet per second.

2. Diversion rate shall not exceed 10 percent of the surface flow.

3. Pool volume reduction shall not exceed 10 percent.

(F) The drafting operator shall keep a log that records, for each time water is drafted: the date, total pumping time, pump rate, starting time, ending time, and volume diverted. Logs shall be filed with the Department of Forestry and Fire Protection at the end of the seasonal operations and maintained with the plan record. This requirement may be modified in the approved plan that covers the water drafting, but only with concurrence from the Department of Fish and Wildlife.

(G) Before commencing any water drafting operation, the RPF and the drafting operator shall conduct a pre-operations field review to discuss the water drafting measures in the plan and/or Lake or Streambed Alteration Agreement.

Authority: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751,4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.