DEPARTMENT OF FORESTRY AND FIRE PROTECTION
P.O. Box 944246
SACRAMENTO, CA 94244-2460
(919) 653-7772
Website: www.fire.ca.gov

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BOARD OF FORESTRY AND FIRE PROTECTION

July 14, 2015

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

Re: Water Drafting Emergency Regulations

Dear Chairman Gilless:

The State Board of Forestry and Fire Protection (Board) adopted emergency water drafting regulations on May 14, 2014. The "Water Drafting Emergency Regulations, 2014" affected all Forest Districts and required Registered Professional Foresters planning timber operations to consider beneficial uses of water including the potential impacts to drinking water. These emergency regulations were necessary to recognize the severity of the drought and highlight potential impacts to fisheries and wildlife, as well as domestic water supplies from timber harvest related drafting operations.

The "Water Drafting Emergency Regulations, 2014" provided critical information to the review team agencies to ensure timber harvesting operations were effectively analyzed and appropriate measures were included in plans to mitigate potential impacts exacerbated by the drought. While CAL FIRE recognizes the importance the emergency rules played in ensuring this information was considered during the preparation and review of plans, the Forest Practice Review process and compliance with Sections 1600 *et seq.* of the Fish and Game Code continues to provide the necessary protection of water quality and beneficial uses during drafting operations following the expiration of the emergency rules in December 2014. Given the continuing drought conditions, and based on actions by the Governor to address the serious nature of current impacts to the waters of the State, CAL FIRE recommends the Board consider re-adoption of the emergency rules previously adopted by the Board. In addition, CAL FIRE recommends including provisions for self-monitoring to ensure impacts are being mitigated to the extent feasible and better understanding of how water drafting operations are being implemented across the State. CAL FIRE has included draft language for your consideration in Attachment 1.

Past emergency regulations have brought about drought awareness and the potential water quality impacts affiliated with water drafting and timber operations. CAL FIRE understands the emergency conditions the drought poses toward the beneficial uses of water within the State and supports the current regulatory structure to provide continued

water quality and beneficial use protection. CAL FIRE will continue to direct review team staff to ensure appropriate information is included in plans, and direct our inspectors to ensure that timber operations do not result in significant adverse or cumulative impacts to the beneficial uses of water, and that drafting operations do not remove water quantities deleterious to fish, wildlife, and domestic water supplies.

CAL FIRE will work with the Board to further address issues to mitigate impacts from the continuing drought.

Sincerely,

DUANE SHINTAKU
Deputy Director
Resource Management

Attachment

Attachment 1

14 CCR § 916.2 [936.2, 956.2] Protection of the Beneficial Uses of Water and Riparian Functions

(d) Water drafting - Water drafting for timber operations shall:

(1) Comply with Fish and Game Code Section 1600, et seq.

(A) Timber operations conducted under a Fish and Game Code Section 1600 master or long-term agreement that includes water drafting may provide proof of 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) a map showing proposed water drafting locations;

(C) the watercourse classification;

(D) 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;

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

(F) the estimated unimpeded streamflow, pumping rate, and drafting duration,

(G) 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;

(H) a discussion of proposed alternatives and measures to prevent adverse effects to fish and wildlife resources, 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

(I) 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) Require the LTO conducting drafting operations to keep a log that records each time water is drafted; 1) the date, 2) the drafting location, 3) total pumping time, 4) pump rate, 5) starting time, 6) ending time, and 7) volume diverted. The LTO shall file each year's drafting logs with the Director by October 15, of each year operations are conducted and within one month after completion of the work described in the timber harvesting plan or nonindustrial timber harvest notice. The drafting logs shall be maintained by the Director with the plan record at the appropriate review team office. 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.