



DEPARTMENT OF FISH AND WILDLIFE
Director's Office
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Website: www.wildlife.ca.gov

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July 10, 2015

BOARD OF FORESTRY AND FIRE PROTECTION

Dr. J. Keith Gilles, 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. Gilles:

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.

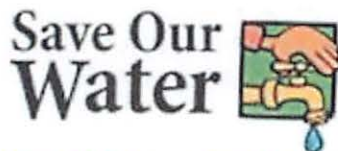
Please find enclosed a rule plead modifying 14 CCR § 923.7(l) to extend existing water drafting regulation to areas outside of watersheds with listed salmonids. If you have any questions on this matter, please contact Mr. Armand Gonzales, Acting Branch Chief, Habitat Conservation Planning Branch, at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

Sincerely,

Sandra Morey, Deputy Director
California Department of Fish and Wildlife

Enclosure

Every Californian should conserve water. Find out how at:



SaveOurWater.com · Drought.CA.gov

1 **Board of Forestry and Fire Protection**

2 **“Water Drafting Emergency Regulations, 2015”**

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

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

5 **AMEND:**

6 **§ 923.7 [943.7, 963.7] Maintenance and Monitoring of Logging Roads and Landings**

7 **[All Districts]**

8
9 ***

10
11 **(l) Water drafting - Water drafting for timber operations shall:**

12 **(1) Comply with Fish and Game Code Section 1600, et seq. Timber operations**
13 **conducted under a Fish and Game Code Section 1600 Master Agreement for Timber Operations that**
14 **includes water drafting may provide proof of such coverage for compliance with 14 CCR § 916.2**
15 **[936.2, 956.2] (d)(1).**

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

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

19 **(B) The watercourse classification;**

20 **(C) The drafting parameters including the months the site is proposed for use;**

21 **estimated total volume needed per day; estimated maximum instantaneous drafting rate and filling**

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

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

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

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

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

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

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

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

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

