



JULY 2021

WATER DRAFTING 101

California Department of Fish and Wildlife

ARE YOU DRAFTING WATER FOR YOUR TIMBER HARVESTING OR VEGETATION MANAGEMENT PROJECT?

Californians are facing the second year of historic drought. Drought conditions in California's streams have the potential to affect aquatic species' movements and survival. The California Department of Fish and Wildlife (CDFW) helps landowners avoid impacts to fish, wildlife, native plants, and sensitive habitats, including California's rivers, streams, and lakes (waterbodies).

We encourage you to consult with CDFW **BEFORE** you begin your project. Failure to notify CDFW of any substantial diversion or obstruction of the natural flow of or a substantial change or use of any material from the bed, bank, or channel of any river, stream, or lake may result in a violation of the Fish and Game Code (see sidebar). See the next page for a preparation checklist.



Applicable Fish and Game Codes

§ 45: "Fish" means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals.

§ 86: "Take" means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

§ 1600 et seq. (LSA Program): Requires an entity to notify CDFW, and if required, obtain an Agreement, before substantially diverting or obstructing the natural flow of a river, stream, or lake; substantially changing or using any material from the bed, channel, or bank of a river, stream, or lake; or depositing or disposing debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

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Preparation Checklist

Before you begin your water drafting project, consider the checklist below to help determine if it may have the potential to affect fish and wildlife resources. CDFW is available to help answer these questions and provide assistance.

- Have you assessed current water flow and water quality conditions at each drafting location?
- Will your water drafting activities allow for enough water to flow downstream during drafting so fish and other aquatic species can survive?
- Do you have an alternative water source or dust abatement strategy if you must stop drafting or there is not enough water for drafting? These may include:
 - dust abatement products
 - road base materials
 - alternative water sources such as municipal water
- What methods will you use to determine when to stop drafting to avoid potential affects to fish and wildlife? This may include using:
 - an instream staff gauge
 - a measuring stick with water level markers
 - directly measuring flow
 - drafting logs or other ways to determine when drafting should stop
- Will your water drafting project result in a substantial diversion or obstruction of the natural flow of the water or change/alter the bed, bank or channel of any river, stream, or lake?

NOTE! It is important for landowners, Registered Professional Foresters, Licensed Timber Operators, utility companies, or anyone drafting water to know what CDFW permits may be required. Even if you are working under a CAL FIRE Permitted Project, California Fish and Game Code must still be followed. Contact CDFW if you have any questions or to start a consultation. To locate the Fish and Wildlife Office near you:

[Search CDFW Regions](#)

For more information on permits and water drafting visit the following web pages:

[CDFW Timber](#)

[CDFW Environmental Review](#)

[CDFW Water Drafting Workshop](#)

For more information on drought conditions:

[Drought Preparedness](#)

[Drought in California](#)

[California Water Board](#)

Applicable Fish and Game Codes

§ 2050 et seq. (CESA): Prohibits unauthorized take of species listed or a candidate for listing under CESA.

§§ 3503 and 3503.5: Prohibits take, possession, or destruction of bird nests and eggs.

§§ 5650 and 5652: Prohibits depositing in, permitting to pass into, or placing where it can pass into a water of the state any substance or material deleterious to fish, plant life, mammals, or bird life (§ 5650), or garbage, rubbish, litter, refuse, waste, and debris, among other materials (§ 5652).

§ 5901: Prohibits construction or maintenance of any device that prevents, impedes, or tends to impede upstream or downstream fish passage.

§ 5937: Requires the owner of a dam or other artificial obstruction to allow sufficient water at all times to pass over, around, or through the dam, to keep fish below the dam in good condition.

