

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 10, 2004

Prepared on August 17, 2004

ITEM: 24

**SUBJECT: WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE FILICE
TIMBER HARVEST PLAN, THP NO. 1-04-115 SCR, SANTA CRUZ COUNTY
RESOLUTION NO. R3-2004-0128**

SUMMARY: Type - Timber Harvest Plan
Size - 165 Acres
Water Courses - Three Class II Streams and Six Class III Streams
Watershed – Scott Creek (Little Creek and Big Creek)
Forester - Gary Paul
Land Owner – John and Janice Filice

DISCUSSION

On April 30, 2004, Regional Board staff received a request from Gary Paul, Registered Professional Forester (RPF), for Water Quality regulation of the Filice Timber Harvest Plan (THP). The THP involves selective harvesting of 165 acres of land utilizing ground based yarding techniques. The timber harvest area is about 1.4% of the Scott Creek Watershed area. 12% percent of the watershed has been selectively harvested in the last 10 years. Approximately 90% of the THP is in the Big Creek Watershed with the remaining area in the Little Creek Watershed. Natural fish barriers exist down stream in both Little and Big Creek watersheds. Resident trout are present up stream of the barrier in Big Creek and are expected to be present about 200 feet below the THP. Both Steelhead and Cojo Salmon are present down stream in Big and Scott Creeks below the barrier.

Potential sediment sources include downstream dirt roads and instream water diversions. Farming and residential development may also contribute to cumulative watershed effects. The erosion hazard rating for this THP is moderate with mostly moderate topography. The harvest intensity is estimated at 40 to 50 percent of conifers greater than 18 inches in diameter.

This THP contains approximately 7,500 feet of Class II watercourses and 5,000 feet of Class III

watercourses (distances estimated from THP map and are not exact). There are a total of 13 watercourse crossings on this THP including:

- Eleven Existing Culverts: Ten existing culvert crossings (nine road and one skid trail crossings) do not require modification. One culvert crossing will be converted to a rocked dip.
- Rocked Dip: One existing rocked dip does not require modification.
- Humboldt Crossing: One temporary Humboldt crossing will be installed. This crossing was added during the preharvest inspection upstream of crossing “n.”

All crossings and approaches will be seeded and mulched following operations.

The forester proposes two in-lieu practices for this THP. A small amount (300 feet total) of existing roads and skid trails are in a Watershed and Lake Protection Zone (WLPZ). These are on stable ground and their use will cause less disturbances than the construction of new roads. The second is that Class I protection will not be given to a man-made catfish pond. A 50ft WLPZ is proposed for the pond with no special canopy restrictions.

Downstream of Crossing I, the channel of the Class II stream is considered unconfined (i.e., minimal stream banks) due to a relatively flat topography. About 100 feet from the property

line, the creek transitions back to a confined channel (ie., bank to width ratio of four or greater). This area down stream of Crossing I is designated by the forester as a "Special Treatment Area" (STA). On July 27, 2004, hydrologist Peter Cafferata inspected the STA and determined that the proposed timber harvest activity is not within the Channel Zone. Mr. Cafferata's report is attached. Regional Board staff inspected the subject area of this THP on August 11, 2004. Head cutting was observed where the channel transitions from an unconfined channel. to a confined channel The RPF agreed to not cut any trees near these head cuts nor disturb the ground in anyway that could accelerate the head cuts. A fifty-foot no-cut-zone around stream confluences within the Special Treatment Area was agreed to by the review team members. Staff's inspection report is attached. Regional Board staff concurs with Mr. Cafferata's remaining recommendations.

Regional Board staff attended the June 15, 2004 preharvest inspection. The preharvest inspection participants included representatives of the California Department of Forestry and Fire Protection, California Geological Survey, Santa Cruz County, the forester and the property owner. The Review Team has raised no issues of concern for the proposed project, except the Channel Zone downstream of Crossing I mentioned above. Regional Board staff finds the THP to pose a low risk to water quality and appropriate to receive a conditional waiver of waste discharge.

Conditions

The proposed project shall be conducted as prescribed in Timber Harvest Plan 1-04-115 SCR with the following additional conditions.

1. The discharger must comply with all requirements of applicable water quality control plans adopted by the Central Coast Regional Water Quality Control Board and approved by the State Water Resources Control Board, and water quality control plans and policies adopted by the State Water Resources Control Board.
2. The discharger shall conduct timber harvest activities in accordance with the approved Timber Harvest Plan and with

all applicable sections for the Forest Practice Rules.

3. The discharger shall not create a pollution, contamination, or nuisance, as defined by CWC Section 13050.
4. The discharger shall not discharge any waste not specifically regulated by the waivers described herein and shall not cause alteration in stream temperature which exceeds Basin Plan requirements. Waste specifically regulated under this waiver includes: earthen materials including soil, silt, sand, clay, rock; and organic materials such as slash, sawdust, or bark. Examples of waste not specifically regulated by this waiver include petroleum products, hazardous materials, or human wastes.
5. The discharger shall allow Regional Board staff reasonable access, pursuant to Public Resources Code 4604 (b), onto the affected property for the purpose of performing inspections to determine compliance with waiver conditions.
6. The discharger shall implement Monitoring & Reporting Program No. R3-2004-0128
7. This Waiver does not regulate point-source discharges that require an NPDES permit under the Clean Water Act including silvicultural point-source discharges as defined in 40CFR Chapter 1 Part 122.27.

This project, if conducted in accordance with Timber Harvest Plan 1-04-115 SCR and the conditions above will be in the public interest. This waiver is conditional and can be terminated at any time. This waiver expires on September 1, 2009.

Risk to Water Quality

This THP is considered a "low risk" to water quality. Regional Board staff considered the

following when assessing the risk of this plan to water quality.

1. Although Steelhead and Coho salmon are known to be present downstream in the Scotts Creek watershed, a natural barrier to fish migration exists below the Plan area. The THP as proposed does not pose a threat to fish habitat. However, all of the threatened and impaired rules in the Forest Practice Rules are still applicable to this THP.
2. There are no new roads or landings proposed. Two new skids trails totaling 150 feet are proposed.
3. This THP will be executed primarily during the dry season and harvest activity should be completed within one harvest season.
4. All proposed in-lieu practices have been reviewed and do not pose a threat to water quality.
5. There is one landslide in the harvest area (near landing A) that has been adequately stabilized with rock and drainage improvements.
6. Gary Paul has an established history of good land management and the landowner lives onsite.
7. Monitoring will be implemented in a manner such that erosion problems that might occur will be addressed as soon as practical.

Monitoring & Reporting

The forester will be required to implement visual monitoring of watercourses, roads, landings and skid trails. Proposed photo-point monitoring includes watercourse crossings, Class II watercourse confluences, landings, and skid trails located within the watershed and lake protection zone (WLPZ). Reporting is required on an annual basis with additional reporting when significant erosion events are observed. The RPF is required to report any water quality impact or a violation of the THP that could lead to a water quality impact to the Regional Board within forty-eight (48)

hours. Log books of field inspections will be maintained by Gary Paul.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The draft THP was filed with CDF and available for public on May 27, 2004. At the time this staff report was written, CDF had not approved the proposed THP. CDF is expected to be approve the plan on **September 3, 2004**. Non CDF approval of any significant changes will require re-notification of the plan and will result in a delay in the Regional Board's consideration of the plan.

COMMENTS

At the time this staff report was written, no public comments had been received. Any comments received after the staff report has been circulated will be included in a supplemental mailing.

ATTACHMENTS

1. Proposed Board Resolution No. R3-2004-0128
2. Proposed Monitoring & Reporting Program R3-2004-0128
3. Timber Harvest Information Package
4. Site Plan
5. July 29, 2004 Letter from Pete Cafferata
6. August _11, 2004 Inspection Report

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