

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

STAFF REPORT FOR REGULAR MEETING OF JULY 7-8, 2005

Prepared on June 4, 2005

ITEM: 29

SUBJECT: WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR THE WALSH-FLETCHER NON-INDUSTRIAL TIMBER MANAGEMENT PLAN, NO. 1-98NTMP-019 SCL, SANTA CLARA COUNTY, CENTRAL COAST WATER BOARD ORDER NO. R3-2005-0104

KEY INFORMATION:

Harvest Type:	Selective Harvest - Non-Industrial Timber Management Plan (NTMP)
Project Area:	2,350 acres
Current Harvest Area:	236 acres (Unit III)
Water Courses:	Thirteen (13) Class III Stream segments
Watershed:	Bodfish Creek
Forester:	Matt Dias, Big Creek Lumber Company
Landowner:	Walsh-Fletcher Enterprises
Eligibility Criteria Rank:	Tier III

SUMMARY

This item is a typical Individual Conditional Waiver Requirements Order. The Order proposes specific requirements and monitoring appropriate for the harvest site conditions, and accomplishes reasonable protection of water quality and riparian corridor habitat.

DISCUSSION

On June 3, 2005 Regional Board staff received a request from Matt Dias, a Registered Professional Forester (RPF) with Big Creek Lumber Company, for water quality regulation of the final entry into the Lands of Walsh-Fletcher Non-Industrial Timber Management Plan (Walsh-Fletcher NTMP) (Unit III, Attachment A). The proposed project involves selective harvest of 236 acres using ground based, cable, and helicopter yarding methods. The Walsh-Fletcher NTMP covers approximately 44% of the

5,405 acre watershed (Bodfish Planning Watershed – CalWater 305.30010). In the last 10 years approximately 31% of the watershed has been selectively harvested. Seven other units have been harvested within the last 10 years.

Regional Board staff inspected the proposed area of harvest in 1998 and June 2005.

The headwaters of Bodfish Creek are almost entirely contained in the ownership of Walsh-Fletcher Enterprises. The Walsh-Fletcher family has owned this land since 1946 and Big Creek Lumber has managed the forest since 1980. A Non-Industrial Timber Management Plan for the property was approved by the California Department of Forestry and Fire Protection (CDF) in November 1998. These forests were originally clear-cut around 1900. Light harvests were also made in the 1950s and 1960s. Selective harvesting of the property began in 1983 and the area of Unit III was harvested in 1993/1994. The planned

reentry period for each unit in the Walsh-Fletcher NTMP is 15 to 20 years depending on growth.

Tractor, cable, and helicopter yarding operations are all proposed for Unit III of this NTMP. The unit is located on hillslopes above portions of Bodfish Creek, a Class I stream. No harvesting activities will occur in the Class I Watercourse and Lake Protection Zone (WLPZ). There are no Class II watercourses located in the unit. The thirteen Class III watercourses will have at least 50% canopy retention within the equipment limitation zone (ELZ) – 25 to 50 feet wide depending on slope. This unit has 8 existing Class III watercourse road crossings (culverts). The roads approaching each crossing will be rocked for approximately 25 feet.

Bodfish Creek drains through the center of the land owned by Walsh-Fletcher Enterprises and joins Uvas Creek, which flows to the Pajaro River. The Uvas and Pajaro systems support a run of Steelhead, but the portions of Bodfish Creek surrounded by the plan area do not support anadromy (there are resident rainbow trout). Two fish migration barriers are located downstream of the plan. Mitigations and management strategies take into consideration the downstream steelhead fishery as well as resident trout habitat.

Highway 152 borders Bodfish Creek on the slope opposite the northern portion of the unit. The Magic Springs Subdivision is located along Bodfish Creek below the southern portion of the unit. This subdivision contains approximately 20 residences and is accessed by a rocked road that parallels Bodfish Creek.

Water Board staff evaluated the proposed Walsh-Fletcher NTMP using our revised Eligibility Criteria (Attachment 3). The revised Eligibility Criteria includes factors that address soil erosivity of the timber harvest areas and cumulative impacts from non-timber harvest activities.

The proposed Walsh-Fletcher NTMP falls into Tier III. Operations will occur in a watershed with a high cumulative effects ratio. The proposed Walsh-Fletcher NTMP has a low drainage density index and the proposed activities will result in a "medium soil disturbance factor" if winter

operations occur. The soil erosion hazard rating in the Walsh-Fletcher NTMP area is moderate to high. Consideration of these factors does not change the Tier III determination for this NTMP.

Water Board staff propose a set of individual conditional waiver requirements (Attachment 1) and a monitoring and reporting program (Attachment 2) for Water Board consideration. Although there are no Class I or II watercourse crossings, Water Board staff and the RPF agreed that water column monitoring would be conducted as a condition of waiver approval. The proposed monitoring and reporting program includes implementation and effectiveness monitoring, water column monitoring and forensic monitoring (as necessary).

Implementation and effectiveness monitoring will include visual observation of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and mitigation sites in the timber harvest plan area (see map attached to MRP).

A photo monitoring point will be located at T36, a landing in the Class III ELZ, where timber harvest activities have a risk of potential discharge.

Temperature will be monitored in Bodfish Creek at four locations; one above the project (T5) and three near the confluence below the Magic Springs Subdivision (T1, T2, and T3). Air temperature will also be monitored at this location (T4). Big Creek performed temperature monitoring at four locations along the south fork of Bodfish Creek in 1996, 1997, and 1998. Temperature was also monitored at T1, T2, and T3 in 2000, 2003, and 2004 (see attachment A).

Turbidity will be monitored at T1, T2, T3, and T5 (when possible). Access to T5 requires travel over 12 miles of roads that are closed in winter, and will be performed when road conditions and safety considerations allow.

The Discharger will submit reports to the Regional Board by November 15 of each year. The Discharger will submit reports to the Water Board within forty-eight (48) hours of a significant erosion event, of impact to water quality, or non-compliance with the conditional waiver requirements.

The proposed project, if conducted in accordance with Timber Harvest Plan 1-04-165 SCR and the conditions in Order No. R3-2005-0104 will be in the public interest. The conditional waiver requirements can be terminated at any time. This waiver expires on July 8, 2010.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The above-referenced NTMP was submitted by Matt Dias, a Registered Professional Forester, and was granted discretionary approval by the California Department of Forestry and Fire Protection (CDF). The Secretary of the Resources Agency has certified that CDF's timber harvest plan regulatory program can function as a substitute for an Environmental Impact Report or a negative declaration. (CEQA Guidelines § 15251.) CDF considered all the potential significant environmental effects of the Plan and made a finding that the timber operations will not have a significant effect on the environment. Therefore the above-referenced NTMP serves as a substitute negative declaration for the proposed timber harvest. CDF consulted with Regional Board staff when it developed the NTMP. The Regional Board staff has considered the NTMP and recommends the NTMP proponent or their authorized representative (Discharger), as a condition of this waiver, comply with all requirements of the NTMP.

### **RECOMMENDATION**

Staff recommends adoption of Order No. R3-2005-0104, Individual Conditional Waiver Requirements, and Monitoring and Reporting Program No. R3-2005-0104 for the proposed Non-Industrial Timber Management Plan (1-98NTMP-019 SCL).

### **ATTACHMENTS**

1. Proposed Board Order No. R3-2005-0104
2. Proposed Monitoring & Reporting Program R3-2005-0104
3. Walsh-Fletcher NTMP Eligibility Criteria Chart Illustration and Spreadsheets.

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