

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

**STAFF REPORT FOR REGULAR MEETING OF JULY 10, 2009**  
Revised on May 29, 2009

**ITEM NUMBER:** 16

**SUBJECT:** Individual Conditional Waiver of Waste Discharge Requirements for Timber Harvest Plan 1-08-073 SCR Ranch, Santa Cruz County, Order No. R3-2009-0031

**KEY INFORMATION:**

**Harvest Type:** Selective Harvest – Timber Harvest Plan

<b>Project Area:</b>	259 ac	<b>Watershed:</b>	San Lorenzo River
<b>Harvest Area:</b>	229 ac	<b>Subwatershed:</b>	Kings Creek
<b>Water Courses:</b>	Class I 5,000 feet	<b>Forester:</b>	James Hildreth
(Class and Length)	Class II 7,800 feet		
	Class III 10,150 feet		
<b>Eligibility Criteria:</b>	Tier IV	<b>Landowners and Dischargers:</b>	Eric Bushnell, Jeff Bushnell, Ron Bushnell Jr., Keeya Bushnell

**SUMMARY**

The Ranch Timber Harvest Plan (THP) is a selective harvest of 229 acres in the Kings Creek Watershed, using a combination of ground based tractor and rubber tired skidder yarding. The Kings Creek Watershed is a sub-watershed of the San Lorenzo River watershed. In this report, staff recommends the Water Board approve a conditional waiver, with special considerations to protect water quality and beneficial uses. Special conditions include requirement for the discharger to conduct visual, photo, turbidity, and temperature monitoring. Additionally, the discharger shall take immediate action to repair failed crossings, culverts, roads and other sources of sediment as soon as possible and maintain all erosion and sediment control devices, management measures and mitigations prescribed in the THP for the term of the Order. Finally, the Discharger shall notify the Water Board concurrently when notifying the California Department of Forestry and Fire Protection (CDF) of Commencement of Operations.

## **HISTORY OF RANCH THP**

On September 4, 2008, the CDF approved the THP 1-08-073 SCR Ranch THP.

On July 8, 2005, the Water Board adopted Order No. R3-05-0066 General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region (General Waiver).

The General Waiver includes the Eligibility Criteria to evaluate potential water quality threats from a proposed timber harvest activity. Eligibility Criteria are used to numerically evaluate a plan seeking enrollment under the General Waiver based on factors such as intensity of infrastructure, cumulative impacts of harvesting within the watershed, and the number and type of streams in the proposed harvest area. Staff assigns each plan one of four monitoring tiers. The first three monitoring tier levels contain monitoring requirements for plans eligible for enrollment under the General Waiver. When a plan is assigned Tier IV, it is not eligible for the General Waiver and must be enrolled under an Individual Conditional Waiver of Waste Discharge Requirements (Individual Conditional Waiver) or Waste Discharge Requirements (WDR).

On September 10, 2008, Water Board staff received a request from James Hildreth, Registered Professional Forester (RPF, who represents the Discharger), for enrollment under the General Waiver for THP 1-08-073 SCR Ranch THP. Based on the Eligibility Criteria the Ranch THP is a Tier IV plan and must obtain a conditional waiver to proceed.

## **DISCUSSION**

The Ranch Timber Harvest Plan (THP) is a selective harvest of 229 acres in the Kings Creek Watershed, using a combination of ground based tractor and rubber tired skidder yarding. The Kings Creek Watershed is a sub-watershed of the San Lorenzo River watershed. On February 19, 2004 the Regional Board adopted Resolution No. R3-2002-0063, the San Lorenzo River (including Carbonera Creek, Lompico Creek, and Shingle Mill Creek) Sediment Total Maximum Daily Load (TMDL) Basin Plan Amendment. The TMDL became effective on December 18, 2003 when it was approved as a Basin Plan amendment by the Office of Administrative Law. Kings Creek is listed as impaired for Sedimentation/Siltation on the 2006 Clean Water Act's 303(d) list of water quality segments requiring TMDLs. Kings Creek contains runs of steelhead trout. The proposed harvest covers 3% of the 7769 acres in the Kings Creek Watershed. Approximately 24% of the watershed has been selectively harvested within the last 15 years.

The plan contains 3.5 miles of roads, 4 miles of skid trails, and 14 landings. The plan also contains fourteen watercourse road crossings (one of which crosses a Class I stream), and twelve skid trail watercourse crossings.

Just over four miles of watercourses flow through or adjacent to the harvest area. Of the four miles, just under one mile is designated as Class I watercourse.

Water Board staff attended the June 18, 2008 preharvest inspection as part of the California Department of Forestry and Fire Protection's review team. The review team's inspection included the majority of roads, skid trails, watercourse crossings, and landings. The inspection also included all road points with proposed treatment or mitigation.

Water Board staff finds the proposed harvest and the applicant's associated management practices and mitigations appropriate for the site.

### **ACTIVE HARVEST INSPECTION**

On October 8, 2008, the landowner informed Water Board staff that he had conducted logging operations on approximately sixty-five acres of the 259-acre plan area. The Discharger conducted all operations outside of the Watercourse and Lake Protection Zone (WLPZ). In response, Water Board staff conducted an additional inspection on March 24, 2009.

The March 24 inspection allowed Water Board staff to review the harvested portion of the Ranch property and determine if the activities resulted in a discharge to waters of the state. Staff's inspection included the harvested landscape as well as roads, skid trails, landings, and watercourse crossings within the harvested area. Harvest activities included falling, skidding, and hauling. During the inspection Water Board staff found the site to be well maintained, showing little to no signs of erosion or other potential threats to water quality. Water Board staff did not observe evidence of a discharge to waters of the state, adverse impacts to water quality or its beneficial uses as a result of these harvest activities.

### **MONITORING AND REPORTING PROGRAM**

Ranch THP is the fifth plan to be designated as Tier IV via the Eligibility Criteria. A major factor contributing to the Tier IV designation is a high Cumulative Effect Ratio; twenty-four percent (24%) of the Kings Creek sub-watershed has been harvested in the past 15 years. The plan area also has a high Drainage Density Index as a result of the perennial and ephemeral streams in and adjacent to the plan area. The Drainage Density Index is calculated by comparing the length and types of streams against the size of the proposed harvest area.

Ranch THP also has a medium Soil Disturbance Factor; the THP contains approximately 70 feet of road per acre and 81 feet of skid trail per acre. Plans enrolled under the General Waiver average 63 feet of road per acre and 71 feet of skid trail per acre. Finally, the number of proposed landings is slightly higher than average on a per acre basis. Ranch THP proposes approximately 0.7 landings per 10 acres compared to the average 0.6 landings per 10 acres in plans enrolled under the General Waiver.

Water Board staff proposes a set of special conditions in the Conditional Waiver (Attachment 1) and a Monitoring and Reporting Program (MRP, Attachment 2) for Water Board consideration. Special conditions include requirement for the discharger to conduct visual, photo, turbidity, and temperature monitoring. Additionally, the discharger shall take immediate action to repair failed crossings, culverts, roads and other sources of sediment as soon as possible and maintain all erosion and sediment control devices, management measures and mitigations prescribed in the THP for the term of the Order. Finally, the Discharger shall notify the Water Board concurrently when notifying CDF of Commencement of Operations.

Implementation and effectiveness monitoring includes visual observation of roads, watercourse crossings, landings, skid trails, water diversions, watercourse confluences, known landslides, and mitigation sites in the timber harvest plan area. Implementation and effectiveness monitoring also includes photo-monitoring, temperature, turbidity, and forensic monitoring. Temperature must be monitored continuously from May 1 through October 15. Visual, photo, and turbidity monitoring are triggered by storm-events. All monitoring locations are identified in the water quality monitoring map (Attachment 3).

Monitoring begins at the onset of timber harvest operations and ends when the Monitoring and Reporting Program is revised or rescinded. The Discharger must submit annual reports to the Water Board by November 15 of each year. The Discharger must also submit reports to the Water Board within forty-eight hours of a significant erosion event, impact to water quality, or non-compliance with the conditional waiver requirements.

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

CDF is the lead agency with respect to CEQA. CDF reviewed and considered recommendations by the interdisciplinary review team, including Water Board staff, on the Ranch THP. CDF determined the plan conforms to the Forest Practices Act and Board of Forestry Regulations, and found the timber operations will not have a significant effect on the environment. The THP approval process is a certified regulatory program under CEQA. In accordance with CEQA, the Ranch THP serves as a substitute negative declaration for the timber harvest activity. The Water Board is a responsible agency under CEQA and has considered the CEQA documents prepared by CDF pursuant to its certified regulatory program. This Individual Waiver incorporates requirements for the protection of water quality consistent with the Board's authority under the Water Code.

### **RESPONSE TO PUBLIC COMMENTS**

On April 8, 2009 Water Board staff received a comment letter from Kevin Collins representing the Lompico Watershed Conservancy (Attachment 5). Below is a summary of Mr. Collins' comments followed by Water Board staff response.

Mr. Collins states that timber operations have already commenced on 65 acres of the 259-acre Ranch property. Mr. Collins expresses concern that the Discharger may have

conducted operations within the Watercourse and Lake Protection Zone (WLPZ) of Class III watercourses and that the Discharger may have or will conduct operations in addition to the already harvested 65 acres. Mr. Collins also asks if monitoring data will be available for the plan area for the winter of 2008 – 2009 and asks if a Water Board site visit substitutes for monitoring data under the Waiver. Finally, Mr. Collins requests that the Water Board deny the permit request for Order No. R3-2009-0031.

The Discharger has not conducted operations within any WLPZ on the Ranch property. This includes the WLPZ for Class I, II, and III watercourses. At the time of the Water Board's site inspection on March 24, 2009, the harvest activities were limited to the 65 acres reported by the Discharger. Should the Discharger recommence harvest operations prior to July 10, 2009, Water Board staff will conduct a second follow-up inspection. Winter monitoring data aren't available for the plan area as the Discharger has not yet utilized the crossings scheduled for turbidity monitoring. A Water Board site visit does not substitute for monitoring data under the Conditional Waiver. Water Board staff recommends, based on site conditions at the time of the March 24 inspection and the conditions provided in the Individual Waiver that the Water Board adopt Order No. R3-2009-0031.

## **RECOMMENDATION**

Staff recommends adoption of Order No. R3-2009-0031, Individual Conditional Waiver of Waste Discharge Requirements, and Monitoring and Reporting Program No. R3-2009-0031, for proposed Timber Harvest Plan 1-08-073 SCR Ranch.

## **ATTACHMENTS**

1. Proposed Board Order No. R3-2009-0031
2. Proposed Monitoring & Reporting Program Order No. R3-2009-0031
3. Proposed Water Quality Monitoring locations for MRP Order No. R3-2009-0031
4. 1-08-073 SCR Ranch Eligibility Criteria
5. Collins Letter, April 8, 2009