

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING OF MARCH 20-21, 2008
Prepared on February 21, 2008

ITEM NUMBER: 31

SUBJECT: Individual Conditional Waiver of Waste Discharge Requirements of Timber Harvest Plan 1-06-080 SCR RMC 2006 – 2007, Santa Cruz County, Regional Water Quality Control Board, Central Coast Region, Order No. R3-2008-0013

KEY INFORMATION:

Harvest Type: Selective Harvest – Timber Harvest Plan

Project Area:	535 ac	Watershed:	San Vicente Creek	
Harvest Area:	535 ac	Subwatershed:	San Vicente Creek	
Water Courses:	Class I	6600 ft		
(Class and Length)	Class II	8700 ft	Forester:	Gary Paul
	Class III	19,100 ft		
Eligibility Criteria:	Tier IV	Landowner:	CEMEX Inc.	

SUMMARY

The RMC 2006 – 2007 Timber Harvest Plan (THP) lays out a 535-acre selective harvest to take place over two harvest seasons within the San Vicente Creek Watershed, using a combination of tractor, rubber tired skidder, and skyline cable yarding. San Vicente Creek is listed on the 303(d) list as impaired for Sedimentation/Siltation, with silviculture listed as a potential source.

According to the THP, the lower portions of San Vicente Creek provide habitat for Steelhead trout and Coho salmon. Although Coho salmon are confined to the lower portions of San Vicente Creek, the southern portion of the plan area provides habitat for resident Steelhead trout.

The RMC 2006 – 2007 THP is the third plan assigned Tier IV ranking since adoption of the General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region (General Waiver), in July 2005. 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 based on the evaluation through the Eligibility Criteria. 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 Waiver) or Waste Discharge Requirements (WDR).

Factors that contributed to the Tier IV designation include a high Cumulative Effect Ratio, as thirty-nine percent of the San Vicente Creek Watershed has been harvested in the past fifteen 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 harvest area. The previous twenty-nine plans enrolled under the General Waiver average a Cumulative Effects Ratio of twenty-five percent and a majority received a low Drainage Density Index. RMC 2006 – 2007 also has a Medium Soil Disturbance Factor. This ranking is only slightly higher than average when compared to previous plans.

Water Board staff has proposed a set of individual conditional waiver requirements (Attachment 1) and a monitoring and reporting program (Attachment 2) for Water Board consideration. The proposed monitoring and reporting program will include implementation and effectiveness monitoring, water column monitoring, and forensic monitoring (as necessary).

Water Board staff proposes an Individual Waiver Order No. R3-2008-0013 (Attachment 1) and Monitoring and Reporting Plan (MRP) No. R3-2008-0013 (Attachment 2) requirements for the RMC 2006 – 2007 THP.

PLAN HISTORY

On June 27, 2007, the California Department of Forestry and Fire Protection (CDF) approved RMC 2006 – 2007. The current THP was initially submitted to the CDF on May 15, 2006. During the approval process CDF, rescinded their approval of this plan twice before providing a final approval in June of 2007.

RMC 2006 – 2007 is a resubmission of THP 1-05-187 SCR, originally submitted on September 9, 2005, and withdrawn by the Registered Professional Forester (RPF) following multiple preharvest inspections. RMC 2006 – 2007 is little changed from the previously withdrawn plan, aside from the deletion of the northeast harvest unit, some additional site descriptions, watercourse classification changes and additional sketch diagrams detailing sediment mitigation sites.

On May 3, 2007, Water Board staff received the initial Report of Waste Discharge (ROWD) from RPF Gary Paul requesting enrollment of RMC 2006 – 2007 under the General Waiver. The Eligibility Criteria indicated that the RMC 2006 – 2007 ranked under Tier IV. During review of the May 2007 ROWD, Water Board staff found several discrepancies and deficiencies between information in the ROWD, the THP, and the Water Quality Monitoring Map. Therefore, on August 15, 2007 the Water Board's Executive Officer issued a letter to the Discharger¹ outlining the discrepancies and deficiencies and requesting a revised ROWD. On September 6, 2007, Water Board staff received a revised ROWD from Kirk Toups, Real Estate Manager for CEMEX Inc.

DISCUSSION

The plan area is located in Santa Cruz County, within the San Vicente Creek watershed, approximately four air miles northeast of the town of Davenport. The site was clear-cut circa 1910-1920. Management of the second grove timber began in the 1950s with the most recent entry in 1993.

The RMC 2006 – 2007 Timber Harvest Plan (THP) lays out a 535-acre selective harvest to take place over two harvest seasons using a combination of tractor, rubber tired skidder, and skyline cable yarding within the San Vicente Creek Watershed. An unnamed tributary to San Vicente Creek flows through the plan area from north to south. A western and eastern branch of this unnamed tributary form a confluence in the lower half of the plan area and then exit the plan's southern boundary, joining the San Vicente Creek 3,000 feet further downstream. San Vicente Creek is listed on the 303(d) list as impaired for Sedimentation/Siltation, with silviculture listed as a potential source.

The plan area contains just under four miles of roads, two miles of skid trails, and thirty-four landings. The plan also contains thirty watercourse road crossings (one of which crosses a Class I stream), and two skid trail watercourse crossings. Six and a half miles of watercourses flow through or are adjacent to the harvest area. Of the six and a half miles, one mile is designated as Class I watercourse.

According to the THP, the lower portions of San Vicente Creek provide habitat for anadromous Steelhead trout and Coho salmon. Although Coho salmon are confined to the lower portions of San Vicente Creek, the southern portion of the plan area provides habitat for resident Steelhead trout. An old quarry located in lower San Vicente Creek is an existing barrier to anadromous fish passage. This barrier separates the resident Steelhead trout from the anadromous Coho salmon and Steelhead in the lower portions of the watershed. The San Vicente Creek is within the Central California Coast Evolutionary Significant Unit for Steelhead and Coho salmon, within which both species are listed as threatened under the Federal Endangered Species Act.

¹ Throughout this document "discharger" means the landowner and anyone working on behalf of the landowner in the conduct of timber harvest activities including monitoring, reporting, or requesting enrollment under the General Waiver.

A water supply intake operated by RMC in San Vicente Creek is located approximately one mile downstream of the southwest boundary of the THP area. The intake provides water to the Davenport Sanitation District (Santa Cruz County Public Works) for public use, after processing by the treatment facility operated by the District. The watershed upstream of the intake can be characterized as mixed land use, including silviculture, permanent residences, off road vehicle use, and agriculture.

Water Board staff inspected of the RMC 2006 – 2007 property three times over the last two years. Water Board staff attended the first inspection, a preharvest inspection on January 26, 2006, as a member of the CDF review team. During this inspection the review team found many discrepancies between the THP and the field conditions. Due to the numerous discrepancies CDF ended the preharvest inspection early. In addition to the discrepancies, Water Board staff found the infrastructure (i.e. roads, skid trails, and landings) to be poorly drained and generally in poor condition.

Water Board staff conducted a second preharvest inspection with the RPF on February 5, 2007. During the second inspection, Water Board staff reviewed a majority of the infrastructure and discussed potential water quality monitoring stations with the RPF. Water Board staff noted that the infrastructure appeared to have improved. The 06 – 07 winter was a dry winter, which may have contributed to the improved appearance of the infrastructure. Water Board staff will continue to monitor the roads on this plan and require improvements as necessary.

On September 24, 2007, the RPF informed Water Board staff on behalf of the Discharger that he had conducted logging operations on approximately thirty-five acres of the 535-acre plan area at the end of July 2007. The Discharger conducted some of these operations in the Watercourse and Lake Protection Zone (WLPZ). In response, Water Board staff inspected the site on September 28, 2007. Water Board staff thoroughly reviewed the thirty-five acre harvested area. Again, Water Board staff noted that the infrastructure appeared to be in an improved condition as compared to the January 26, 2006 inspection. Water Board staff walked the entire watercourse adjacent to the thirty-five acre harvested area. During this inspection, Water Board staff did not observe any discharge of waste that could be considered a significant impact to water quality. The Discharger's decision to harvest prior to Water Board approval and the need for this inspection detracted staff from bringing this item to you earlier this winter.

Water Board staff proposes three additional site specific conditions for RMC 2006 – 2007. CDF requires notification from the Discharger within fifteen days prior to commencement of timber harvest operations. Condition e in the Individual Waiver (Attachment 1) requires the Discharger to notify the Water Board concurrently when he files a notification for the commencement of operations with CDF. This condition will allow Water Board staff to better track environmental conditions during active harvest (e.g. rain events). Additionally, this condition provides staff with a more accurate timeframe for the request of active harvest inspections.

Conditions q and r address two comments from review team members that were not

specifically addressed in the final THP. Condition q requires the Discharger to evaluate all through cut road sections and then, based on the evaluation, realign and properly drain the roads as needed. Condition r requires that all trees marked for harvest near wet areas be directionally felled away from the adjacent wet area.

WINTER OPERATIONS

On September 10, 2007, CDF approved the Discharger's request to amend RMC 2006 – 2007. The approved amendment severely restricts winter operations by adding the following condition to the THP: "no equipment operations will occur during the winter period." Under the newly amended plan, the only activity the Discharger is allowed to conduct during the winter period, defined as October 15 through May 1, is falling of trees by hand crews outside the WLPZ. Additionally, during non-winter months, the Discharger must cease operations during saturated soil conditions. Saturated soil conditions are defined as soil that is sufficiently wet that timber operations displace soils or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into a watercourse. Evidence of saturated soil conditions include reduced traction by equipment, as indicated by spinning or churning of wheels or tracks in excess of normal performance, inadequate traction without blading wet soil, and creation of ruts greater than would be normal following a light rainfall.

MONITORING AND REPORTING PROGRAM

Monitoring and Reporting Order No. R3-2008-0013 is included as Attachment 2. 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. Implementation and effectiveness monitoring also includes photo-monitoring, temperature, turbidity, and forensic monitoring. Forensic monitoring is intended to find and eliminate any sources of waste. 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 found that the THP is in conformance with the Forest Practices Act and Board of Forestry Regulations on June 27, 2007.

In accordance with Title 14 of the California Code of Regulations, Chapter 3, Article 17, § 15251 (a), the Secretary for Resources has certified that a THP, as part of CDF's regulation of timber harvesting operations, may be submitted in lieu of an environmental impact report.

CDF reviewed and considered the recommendations made on the plan by each member of the interdisciplinary review team, which includes Water Board staff, before determining that the plan conforms to the Forest Practices Act and Board of Forestry Regulations.

CDF considered all the potential significant environmental effects of RMC 2006 – 2007 and made a finding that the timber operations will not have a significant effect on the environment. Therefore the above-referenced THP serves as a substitute negative declaration for the proposed timber harvest.

CONCLUSION

Based on review of the THP, Water Board staff inspections, special conditions imposed by CDF, and the special considerations for this site, Water Board staff finds the harvest and its associated management practices and mitigations appropriate for the site.

RECOMMENDATION

Staff recommends adoption of Order No. R3-2008-0013, Individual Conditional Waiver of Waste Discharge Requirements, and Monitoring and Reporting Program No. R3-2008-0013 for Timber Harvest Plan 1-06-080 SCR RMC 2006 – 2007.

ATTACHMENTS

1. Proposed Order No. R3-2008-0013, Individual Conditional Waiver of Waste Discharge Requirements.
2. Proposed Monitoring & Reporting Program Order No. R3-2008-0013
3. Proposed Water Quality Monitoring locations for MRP Order No. R3-2008-0013
4. RMC 2006 – 2007 THP Eligibility Criteria