

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

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 7, 2007
Prepared on August 6, 2007

ITEM NUMBER: 15

**SUBJECT: Individual Conditional Waiver of Waste Discharge Requirements of
Timber Harvest Plan Eureka Gulch I THP 1-07-017 SCR, Santa Cruz
County, Regional Water Quality Control Board, Central Coast
Region, Order No. R3-2007-0079**

KEY INFORMATION:

Harvest Type: Selective Harvest – Timber Harvest Plan

Project Area:	161.3 ac	Watershed:	Pajaro River
Harvest Area:	161.3 ac	Subwatershed:	Corralitos Creek
Water Courses:	Class I 2,700 feet	Forester:	Michael J. Duffy
(Class and Length)	Class II 6,180 feet		
	Class III 2,430 feet		
Eligibility Criteria:	Tier IV	Landowners and Dischargers:	Roger A. Burch Michelle Burch

SUMMARY

The Eureka Gulch I THP Timber Harvest Plan (THP) proposes a combination of ground based yarding (Tractor and Rubber Tire Skidder) and Cable Skyline yarding for the selective harvest of 161.3 acres in the Corralitos Creek Watershed. The Corralitos Creek Watershed is a sub-watershed of the Pajaro River watershed. On December 2, 2005 the Regional Board adopted Resolution No. R3-2005-0132, the Pajaro River (including San Benito River, Llagas Creek and Rider Creek) Sediment Total Maximum Daily Load (TMDL) Basin Plan Amendment. The TMDL became effective on November 27, 2006 when it was approved as a Basin Plan amendment by the Office of Administrative Law. Corralitos Creek is not listed as impaired for sediment on the Clean Water Act's 303(d) list.

The Eureka Gulch I THP is the second plan to be assigned Tier IV via the Eligibility Criteria since the Water Board's adoption of the General Conditional Waiver of Waste Discharge Requirements – Timber Harvest Activities in the Central Coast Region

(General Waiver) in July 2005. Tier IV plans are not eligible for enrollment under the General Waiver.

Water Board staff proposes an individual conditional waiver and monitoring requirements for the Eureka Gulch I THP.

HISTORY

On June 7, 2007, the California Department of Forestry and Fire Protection (CDF) approved the THP 1-07P-017 SCR Eureka Gulch I 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 or Waste Discharge Requirements.

On May 31, 2007, Water Board staff received a request from Michael J. Duffy, Registered Professional Forester (RPF, who represents the Discharger), for enrollment under the General Waiver for THP 1-07-017 SCR Eureka Gulch I THP. The Eligibility Criteria indicated that the Eureka Gulch I THP be ranked Tier IV.

DISCUSSION

The Eureka Gulch I THP Timber Harvest Plan (THP) proposes a combination of ground based yarding (Tractor and Rubber Tire Skidder) and Cable Skyline yarding for the selective harvest of 161.3 acres in the Corralitos Creek Watershed. The Corralitos Creek Watershed is a sub-watershed of the Pajaro River watershed. On December 2, 2005 the Regional Board adopted Resolution No. R3-2005-0132, the Pajaro River (including San Benito River, Llagas Creek and Rider Creek) Sediment Total Maximum Daily Load (TMDL) Basin Plan Amendment. The TMDL became effective on November 27, 2006 when it was approved as a Basin Plan amendment by the Office of Administrative Law. Corralitos Creek which is not listed as impaired for sediment on the Clean Water Act's 303(d) list contains runs of steelhead trout. The proposed harvest covers 2% of the 6968 acre Corralitos Creek Watershed. Approximately 35% of the watershed has been selectively harvested within the last 15 years.

The plan contains 3.5 miles of roads, 11 miles of skid trails, and 21 landings. The plan also contains four watercourse road crossings (one of which crosses a Class I stream), and no skid trail watercourse crossings.

Just over two miles of watercourses flow through or adjacent to the harvest area. Of the two miles, half a mile is designated as Class I watercourse.

Water Board staff attended the March 7, 2007 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.

On the road identified as EC 41.65 the discharger proposes to build a temporary road over a slide feature to Landing 22 at road point 900 - 1060. Construction of the temporary road will allow the discharger to access an additional 10 to 15 acres of harvestable timberland.

Water Board staff concurs with the proposed road construction as described in the THP for road point 900 - 1060 of road EC 41.65 based on following site conditions and mitigations proposed in the Timber Harvest Plan. The proposed site mitigations for road point 900 - 1060 of road EC 41.65 will also be a condition of the Individual Conditional Waiver.

- The construction site is far removed from any watercourse,
- The Registered Professional Forester (RPF) will remain onsite during the entire period of construction and deconstruction,
- The RPF will call the Certified Engineering Geologist if site conditions change,
- The temporary road will be in place for one season only and deconstructed prior to the winter period.

During the inspection of Eureka Gulch I THP, Water Board staff observed an abandoned encampment established by illegal trespass activity near Landing 14. The area appeared to contain mostly plastic debris including a large tent and bottles. As a condition of the Individual Waiver the discharger shall remove all non-forest debris associated with the abandoned encampment near Landing 14.

Based on review of the THP, the March 7, 2007 inspection and the special considerations for this site, Regional Board staff finds the proposed harvest and its associated management practices and mitigations appropriate for the site.

MONITORING AND REPORTING PROGRAM

Eureka Gulch I THP is the second plan to be designated as Tier IV via the Eligibility Criteria. Factors that contributed to the designation include a high Cumulative Effect Ratio; thirty-five percent (35%) of the Corralitos Creek sub-watershed has been

harvested in the past fifteen (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.

Eureka Gulch I THP also has a Medium Soil Disturbance Factor; the THP contains approximately 115 feet per acre of road and 374 feet per acre of skid trail. 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 higher than average on a per acre basis. Eureka Gulch I THP proposes approximately 1.3 landings per 10 acres compared to the average 0.6 landings per 10 acres in plans enrolled under the General Waiver.

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).

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. 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)

The above-referenced THP was submitted to the California Department of Forestry and Fire Protection (CDF) by Michael J. Duffy, Registered Professional Forester. On June 7, 2007, the CDF found that the THP is in conformance with the Forest Practices Act and Board of Forestry Regulations.

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 the Eureka Gulch I THP 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.

RECOMMENDATION

Staff recommends adoption of Order No. R3-2007-0079, Individual Conditional Waiver of Waste Discharge Requirements, and Monitoring and Reporting Program No. R3-2007-0079 for proposed Timber Harvest Plan 1-07-017 SCR Eureka Gulch I THP.

ATTACHMENTS

1. Proposed Board Order No. R3-2007-0079
2. Proposed Monitoring & Reporting Program Order No. R3-2007-0079
3. Proposed Water Quality Monitoring locations for MRP Order No. R3-2007-0079
4. Eureka Gulch I THP Eligibility Criteria

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