



# COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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May 18, 2005

Roger W. Briggs, Executive Officer  
California Regional Water Quality Control Board  
Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401

**RE: DRAFT GENERAL CONDITIONAL WAIVER OF WASTE DISCHARGE  
REQUIREMENTS – TIMBER HARVEST ACTIVITIES IN THE CENTRAL COAST REGION –  
RESOLUTION NO. R3-2005-0066**

Dear Mr. Briggs:

The following comments are offered by County Water Resources staff to address issues contained within the draft Resolution and staff report, as well as the draft Monitoring and Reporting Program (MRP) and Eligibility Criteria Decision Tool. Overall, the documents reflect the large effort and amount of time put into synthesizing and incorporating information produced from previous Regional Board meetings and Timber Harvest Workshops on the potential for impacts to beneficial uses of water from timber harvest activities. The County's comments are concentrated on those issues that staff feels deserve more attention by the RWQCB. Although these comments are the product of a critical evaluation, staff hopes that the RWQCB accept the intent of the comments as constructive.

**SPECIFIC COMMENTS:**

Assignment of time periods to determine Cumulative Effects Ratio (CER): As stated, the equation to determine the CER uses the Acres Harvested in the Planning Watershed (CalWater) in the last ten years. County staff questions whether the time frame as defined (last ten years) is a long enough period to accurately express the extent of cumulative impact within a planning watershed. Also missing from the CER equation is the acreage of reasonably foreseeable future projects such as available NTMP acreage and THP's in the process of review. It is recommended that a minimum of fourteen years be used as the standard for the time period and that reasonably foreseeable future projects be included in the calculation. The following points support the expressed concern and recommendation:

- For purposes of assessment of cumulative impacts, the Forest Practice Rules (FPR) provide guidance that the assessment include the impacts of past and reasonably foreseeable future projects. The ten year period is a suggested **minimum** standard.

This ten year period is not long enough in Santa Cruz County because of a Special County Rule (FPR § 926.25) that defines the re-entry period, for the standard harvesting rate of 51 to 60% of trees greater than 18 inches dbh, as **14 years**.

- For NTMP's, it is standard practice by foresters to only include the amount of acreage actually harvested in the last ten year period in the cumulative impacts analysis. However, the remaining available acreage, which can be substantial, can be harvested at any time immediately upon the filing of a Notice of Timber Operations. This is an example of what can be considered a **reasonably foreseeable future project**, but is not typically included in the THP's cumulative impacts assessment.
- The number of THP's vary from year to year and tend to be grouped in re-entry cycles. For example, a large number of THP's were processed around 1994 for several reasons, including a high market value for timber. These plans will all qualify for re-entry within a similar time period. Add to this the possibility that timber harvest plans could be held back for better market values, for court decisions, etc. The point is, the CER could possibly be skewed depending on the number of plans over unique periods of time. It cannot be expected that the total harvested acreage will average over a ten year period.

Use of Planning Watersheds to determine Cumulative Effects Ratio (CER): Use of CalWater Planning Watersheds is not appropriate to determine CER. County staff recommends the use of better defined, hydrologically meaningful subwatersheds. Watersheds typically contain mixed land uses, such as timber lands, agriculture, residential, etc. However, some of the subwatersheds within the Planning Watershed may be composed almost entirely of large acreage parcels with timber resources. In Santa Cruz County, the small Ramsey Gulch and Gamecock Canyon subwatersheds are examples of this. If calculated for the subwatershed alone, the CER would be off the chart, but if averaged over the larger planning area the CER could possibly be diluted to an insubstantial number.

Water Quality Compliance Monitoring – Tier III Temperature: It is stated that if no Class I watercourse exists on the parcel and there is water in the Class II during the months of May 1 through October 15, the Discharger shall conduct temperature monitoring in the Class II when timber harvest operations occur in Class II WLPZ. There are several ways of interpreting this requirement. 1) If there is only water in the Class II during May but not through October is temperature monitoring required? 2) Shall temperature be monitored continuously using "hobo temps"? or can it be measured during discrete intervals by hand-held device?; 3) Does temperature monitoring in the Class II only occur when timber harvest operations are actively underway? County staff is concerned with the potential for monitoring requirements to be widely interpreted in many different ways. This would affect the usefulness of the data collected from year-to-year and from one entry period to another. It is recommended that continuous water temperature monitoring be required by use of "hobo temp" technology and that monitoring be conducted throughout periods when water is present in the stream.

Timber Operations into the Winter Period: County staff is concerned that the RWQCB has not adequately addressed winter operations within the context of the General Conditional Waiver of Waste Discharge Requirements. The winter period for Santa Cruz County is October 15 through April 15 (FPR § 926.18). Winter timber operations are allowed by the FPR's as long

as a winter operation plan is prepared and included in the THP. Most THP's include winter operations extending well past the October 15 date (from November 15 to the beginning of December) and with accumulated rainfall cutoff values from 2 inches to 4 inches. Some plans will specify how many skid trails, spur roads and landings will be open at any one time during the winter operating period. Others don't go into such specifics. County staff suggests that winter operations trigger thorough and specific requirements and an increased amount of inspection and a more frequent reporting requirement, such as a specific end of winter report. The documentation of rainfall measurement procedures and location should also be required in the MRP. County staff recommends rainfall measurement at the site of harvest operations and an accumulated rainfall cutoff value of four inches as measured in the previous 60 day period.

#### GENERAL COMMENTS:

The framework of the General Conditional Waiver of Waste Discharge Requirements should provide measures or encouragements for more types of voluntary compliance. In other words, there needs to be more reward for implementing resource protection measures beyond that required by the FPR's. Examples of activities that some timberland owners may elect to do as good land stewards includes the following: the collection of pre-harvest baseline data; abandonment of roads; no-cut riparian buffers; taking a smaller percentage of trees than allowed; leaving a higher percentage of canopy than required within the Class I or Class II WLPZ.

It is important to take the time during this stage of development of the General Conditional Waiver of Waste Discharge Requirements to carefully craft the definition of terms and requirements to provide for consistent application of the standards.

It is the prevention of impacts that is more desirable than the documentation of the extent of water quality degradation. Further, documented violations should require corrective action and incorporation and implementation of additional management measures and monitoring requirements.

Thank you for the opportunity to offer these comments. If you have any questions, please call me at (831) 454-2453.

Respectfully,



Donna Bradford  
Resource Planner IV