



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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DEPARTMENT OF FISH AND WILDLIFE

Division of Ecosystem Conservation
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To: All Interested Parties

June 20, 2014

Re: "Water Drafting Emergency Regulations, 2014"

On April 25, 2014, Governor Edmund G. Brown Jr. issued an Executive Order to strengthen the state's ability to effectively manage water and habitat for fish and wildlife in drought conditions, and has called on all Californians to redouble their efforts to conserve water. The executive order finds that the severe drought conditions present urgent challenges concerning water shortages for communities, greatly increased wildfire activity, diminished water for agriculture production, degraded habitat for fish and wildlife, threat of saltwater contamination of large fresh water supplies, and additional water scarcity if drought conditions continue into 2015.

The State Board of Forestry and Fire Protection (Board) adopted emergency regulations for water drafting at their regularly scheduled Board meeting on May 14, 2014. The "Water Drafting Emergency Regulations, 2014" affects all Forest Districts and requires Registered Professional Foresters planning timber operations to consider beneficial uses of water including the potential impacts to drinking water. The emergency regulations include a new sub-section under Title 14, California Code of Regulations §§ 916.2(d), 936.2(d), and 956.2(d), and require compliance with §§ 1600 *et seq.* of the Fish and Game Code and specify requirements for disclosure in plans related to water drafting.

As per Public Resource Code § 4583, approved plans must comply with the provisions of the emergency regulations, and consider the beneficial uses of water as these uses can change over time. The change in beneficial uses of water is evidenced this year by the current domestic water supply shortages in many areas of the state. CAL FIRE Inspectors are to ensure that timber operations do not potentially cause significant adverse or cumulative impacts to the beneficial uses of water. CAL FIRE Inspectors shall inspect operations to ensure that Licensed Timber Operators do not remove water in quantities deleterious to fish, wildlife, or other current beneficial use of the water.

The "Water Drafting Amendments, 2014" are also required for new plans and plans pending approval. These plans should provide background as to the severity of the drought and potential impact to fisheries and wildlife as well as to domestic water supplies. State agencies responsible for regulatory compliance of timber operations shall pay special attention to water diversion activities on all active plans for the remainder of this year and should ensure that water use conservation is implemented to the extent feasible.

As a reminder, § 1602(a) of the Fish and Game Code states an entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of any river, stream or lake unless the Department receives written notification about the activity. You are encouraged to contact Department of Fish and Wildlife staff if you have any questions about the requirements under § 1602(a) of the Fish and Game Code. Contact information may be found at www.wildlife.ca.gov.

Please see the following link to the June 3, 2014 Notice regarding the "Water Drafting Emergency Regulations, 2014": http://www.bof.fire.ca.gov/regulations/proposed_rule_packages/emergency_adoption_of_water_drafting_a_mendment_2014/water_drafting_emergency_regulation_re-noticed.pdf

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California Department of Forestry and Fire Protection

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