

## BOARD OF FORESTRY AND FIRE PROTECTION

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July 27, 2015

Following is a request for information.

Attached is rule text for which information is being gathered on the economic impact associated with the "Water Drafting Emergency Regulations, 2015" that the Board of Forestry and Fire Protection adopted during their normally scheduled meeting on July 27<sup>th</sup>, 2015. The regulation will be submitted to the Office of Administrative Law (OAL), in August, 2015 and may be supported by the information that you provide. Once approved by OAL, it is anticipated it will become law in September, 2015.

Specifically, the following questions relate to the adverse impacts this proposed regulation may have on business and/or employees, small businesses, individuals, and potential benefits.

1. Are you an individual or do you represent a business?
2. Will you as an individual be impacted adversely? Specifically, how much will it cost you as an individual to have a RPF prepare the information required in the proposed action (see attached rule text)?
3. Will the business you represent be impacted adversely? If so, please explain and provide the approximate cost that your business may incur to comply with this regulation over its 6 month effective period?
4. If you represent a business, what type of business do you represent?
5. Will the regulation adversely affect the ability of California businesses to compete with other states by making it more costly to produce goods and services here?
6. Regarding the benefits to businesses, what beneficial effects are anticipated?
7. Regarding the environmental benefits, what beneficial effects are anticipated?

Thank you for your help; any information you can provide, prior to submission to OAL, will be put to use. Given the promulgation of this proposed action as an emergency, time is of the essence. Please communicate any material that may inform this effort by **no later than July 31, 2015**. None of the information you provide will be attached to you or your Company name. Please email

any response to [thembi.borras@bof.ca.gov](mailto:thembi.borras@bof.ca.gov) or you may also call me at 916-653-9633 and provide relevant information over the phone.

Thank you.

Thembi Borrás, Regulations Coordinator  
State Board of Forestry and Fire Protection

1 **Board of Forestry and Fire Protection**

2 **“Water Drafting Emergency Regulations, 2015”**

3 **Title 14 of the California Code of Regulations (14 CCR),**

4 **Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 6**

5  
6 **AMEND:**

7 **§ 916.2 [936.2, 956.2] Protection of the Beneficial Uses of Water and Riparian**  
8 **Functions**

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10 \*\*\*

11 (d) **Water drafting** - Water drafting for timber operations shall:

12 (1) Comply with Fish and Game Code Section 1600, et seq.

13 (A) Timber operations conducted under a Fish and Game Code  
14 Section 1600 master or long-term agreement that includes water drafting may provide  
15 proof of compliance with 14 CCR § 916.2 [936.2, 956.2] (d)(1).

16 (2) Describe the water drafting site conditions and proposed water  
17 drafting activity in the plan, including:

18 (A) a general description of the conditions and proposed water  
19 drafting;

20 (B) a map showing proposed water drafting locations;

21 (C) the watercourse classification;

22 (D) the drafting parameters including the months the site is  
23 proposed for use; estimated total volume needed per day; estimated maximum  
24 instantaneous drafting rate and filling time; and disclosure of other water drafting  
25 activities in the same watershed;

1                   (E) the estimated drainage area (acres) above the point of  
2 diversion;

3                   (F) the estimated unimpeded streamflow, pumping rate, and  
4 drafting duration;

5                   (G) a discussion of the effects on aquatic habitat downstream from  
6 the drafting site(s) of single pumping operations, or multiple pumping operations at the  
7 same location, and at other locations in the same watershed;

8                   (H) a discussion of proposed alternatives and measures to prevent  
9 adverse effects to fish and wildlife resources and other beneficial uses of water, such as  
10 reducing hose diameter; using gravity-fed tanks instead of truck pumping; reducing the  
11 instantaneous or daily intake at one location; describing allowances for recharge time;  
12 using other dust palliatives; and drafting water at alternative sites; and \_\_\_\_\_

13                   (I) The methods that will be used to measure source streamflow  
14 prior to the water drafting operation and the conditions that will trigger streamflow to be  
15 measured during the operation.

16  
17 Authority: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code.  
18 Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public  
19 Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600  
20 and 5650(c), Fish and Game Code.

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