

County of Santa Cruz

BOARD OF SUPERVISORS

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MARK W. STONE
FIFTH DISTRICT

AGENDA: 4/14/09

April 6, 2009

BOARD OF SUPERVISORS
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, CA 95060

RE: APPEAL OF TIMBER HARVEST PLAN NO. 1-08-159 SCR

Dear Members of the Board:

As Board members may know, a 196.2 acre timber harvest plan (THP #1-08-159 SCR) has been proposed in the Corralitos Creek watershed approximately 3.5 miles from the town of Corralitos. County staff have been working with the Forester and Cal Fire to include additional protective measures in the timber harvest plan. If these measures are not included, it may be necessary to appeal approval of the plan to the State Board of Forestry. Such an appeal requires authorization from our Board.

The proposed timber harvest area is in the headwaters of Eureka Gulch, which flows southeast into Corralitos Creek. Slopes are moderate (15%) to very steep (+70%) and erosion hazard ratings range from moderate to extreme. The Corralitos Creek watershed is a water supply watershed. In addition, the Pajaro River is listed as impaired from sediment under Section 303(d) of the Clean Water Act and has an approved TMDL (Total Maximum Daily Load) which became effective on November 27, 2006. This TMDL established numeric targets and load allocations for sources within the entire watershed (including Corralitos Creek). Timber harvest activities were listed as a source within the "Forested" source category and within the "Roads" source category. The TMDL has established load allocations and numeric targets for attainment.

Concerns with the proposed THP revolve around the Winter Operations Plan, which County staff did not believe would adequately mitigate the potential for additional inputs of fine sediment into Eureka Gulch and Corralitos Creek. Under the proposed Winter Operations Plan, timber falling, ground-based yarding and log hauling could occur in portions of the harvest area during the winter period when soil conditions were suitable. Although restrictions apply on slopes exceeding 30% within 150 feet of a watercourse, and additional conditions are being requested by County staff, outstanding issues may remain. Any

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additional inputs of fine sediment into Eureka Gulch and Corralitos Creek could be considered an adverse cumulative impact as defined by 14 CCR §15355, cause significant harm to listed salmonids and their habitat, and impede recovery to levels mandated under the Pajaro River TMDL Basin Plan amendment.

County staff participated fully in the review process, including the pre-harvest inspection on November 21, 2008, the second review team meeting on January 23, 2009, and submittal of written recommendations to mitigate adverse effects from winter operations. Several of these recommendations, most notably the inclusion of the requested winter "cut-off" date, were not required by the Cal Fire Review Team Chairperson to be incorporated into the THP. As a result, County staff submitted a letter of non-concurrence to the Department of Forestry and Fire Protection (Cal Fire). Staff has met with Cal Fire staff and the Forester to add additional protective conditions, but agreement has not been reached on those conditions.

The review team's role is now concluded and the public comment period ends on April 8, 2009. The Director of Cal Fire has up to 15 working days from the close of public comment to consider all public and agency input, respond in writing to the issues raised, and render a decision as to the plan's conformance with the rule and regulations. The County then has 10 calendar days from the date of Cal Fire approval in which to file an appeal. The Forest Practice Act requires that the Board of Supervisors authorize the filing of an appeal from the County.

It is anticipated that Cal Fire will approve THP #1-08-159 SCR without inclusion of the County's additional conditions into the Winter Operations Plan. Given the short time line for the County to respond to the decision, it would be prudent to provide Environmental Health staff with the authorization to file an appeal of THP #1-08-159 SCR with the State Board of Forestry.

Accordingly, I recommend that the Board adopt the attached resolution authorizing Environmental Health to file an appeal of THP #1-08-159 SCR on behalf of the Board of Supervisors should the California Department of Forestry find the plan in conformance with the Forest Practice Act.

Sincerely,


MARK W. STONE, Supervisor
Fifth District

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MWS:ted
Attachment

cc: Environmental Health

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION AUTHORIZING STAFF TO APPEAL TIMBER HARVEST PLAN
#1-08-159 SCR SHOULD THE CALIFORNIA DEPARTMENT OF FORESTRY
FIND THE PLAN IN CONFORMANCE WITH THE FOREST PRACTICE ACT

WHEREAS, Redwood Empire Sawmills has proposed a Timber Harvest Plan, #1-08-159 SCR, to selectively harvest approximately 196.2 acres of timberland in the Corralitos Creek watershed approximately 3.5 miles from the town of Corralitos; and

WHEREAS, the THP area consists of slopes that are moderate (15%) to very steep (+70%) and erosion hazard ratings ranging from moderate to extreme; and

WHEREAS, the THP includes a Winter Operations Plan that proposes timber operations during the winter period, except during soil saturated conditions; and

WHEREAS, neither a cut-off date for winter operations nor additional protective measures requested by the County have been incorporated into the Timber Harvest Plan; and

WHEREAS, the Corralitos Creek is a water supply watershed;
and

WHEREAS, a sediment TMDL has been adopted for the Pajaro River system which found that timber harvesting activities in the Corralitos Watershed have the potential to contribute sediment to the Pajaro River, a water body designated as impaired pursuant to Section 303(d) of the Federal Clean Water Act; and

WHEREAS, Corralitos Creek is a productive spawning habitat for steelhead trout, a federally listed threatened species under the Endangered Species Act; and

WHEREAS, any additional inputs of fine sediment into Corralitos Creek from erosion caused by this logging project could be considered an adverse cumulative impact, causing significant harm to water supply, listed salmonids and their habitat, and further sediment impairment of the Pajaro River.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby authorizes staff to appeal Timber Harvest Plan #1-08-159 SCR should the California Department of Forestry find the plan in conformance with the Forest Practice Act.

RESOLUTION AUTHORIZING STAFF TO APPEAL TIMBER HARVEST PLAN
#1-08-159 SCR SHOULD THE CALIFORNIA DEPARTMENT OF FORESTRY FIND
THE PLAN IN CONFORMANCE WITH THE FOREST PRACTICE ACT
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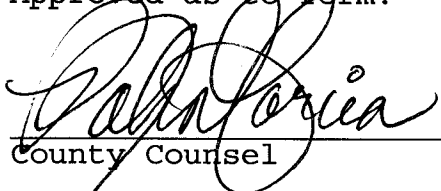
PASSED AND ADOPTED by the Board of Supervisors of the County
of Santa Cruz, State of California, this _____ day of
_____, 2009, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

NEAL COONERTY, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



County Counsel

DISTRIBUTION: Environmental Health Water Resources
County Counsel

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