

**State of California  
Office of Administrative Law**

**In re:**  
**Board of Forestry and Fire Protection**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:**

**Amend sections: 916.2, 936.2, and 956.2**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL File No. 2014-0609-01 ER**

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The Board of Forestry and Fire Protection submitted this emergency action to amend sections 916.2, 936.2, and 956.2 of title 14 of the California Code of Regulations to add statewide provisions regulating the practice of water drafting to address the current drought. The proposed amendments add language from title 14, California Code of Regulations, section 916.9(r)(1) and (2), which is applicable only to watersheds with listed anadromous salmonids. The proposed amendments add the standards from title 14, section 916.9(r) to the three amended sections so that they will apply to all watersheds within the state when water drafting activities are proposed in conjunction with commercial timber harvest activities.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 6/19/2014 and will expire on 12/17/2014. The Certificate of Compliance for this action is due no later than 12/16/2014.

Date: 6/19/2014



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Richard L. Smith  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: George Gentry  
Copy: Matt Dias

# EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2014-0609-01ER</b>
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ENDORSED FILED  
IN THE OFFICE OF

2014 JUN 19 PM 1:54

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

For use by Office of Administrative Law (OAL) only

2014 JUN -9 PM 1:29

OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY California Board of Forestry and Fire Protection	AGENCY FILE NUMBER (if any)
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### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Water Drafting Regulations	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0528-01E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	AMEND
TITLE(S) <b>14</b>	REPEAL
	14 CCR 916.2 [936.2, 956.2]

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or before the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Matt Dias, Assistant Executive Officer	TELEPHONE NUMBER 916.653.8031	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) matt.dias@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Matt Dias</i>	DATE June 9, 2014
TYPED NAME AND TITLE OF SIGNATORY Matt Dias, Assistant Executive Officer, Board of Forestry and Fire Protection	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED  
JUN 19 2014  
Office of Administrative Law

1  
2 **Board of Forestry and Fire Protection**

3 **“Water Drafting Emergency Regulations, 2014”**

4 **Title 14 of the California Code of Regulations (14 CCR),**  
5 **Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 6**  
6

7 **AMEND:**

8 **§ 916.2 [936.2, 956.2] Protection of the Beneficial Uses of Water and Riparian**  
9 **Functions**  
10

11 \*\*\*

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

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

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

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

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

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

22 (C) the watercourse classification;

23 (D) the drafting parameters including the months the site is  
24 proposed for use; estimated total volume needed per day; estimated maximum

1 instantaneous drafting rate and filling time; and disclosure of other water drafting  
2 activities in the same watershed;

3 \_\_\_\_\_ (E) the estimated drainage area (acres) above the point of  
4 diversion;

5 \_\_\_\_\_ (F) the estimated unimpeded streamflow, pumping rate, and  
6 drafting duration;

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

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

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

18  
19 Authority: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference:  
20 Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections  
21 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.