

# Northern Region Coastal Conservation Planning and Coastal Timberland Planning December 15, 2008

## Guidance for Submitting Requests for Amendments for Lake or Streambed Alteration Agreements Associated with THPs and NTMPs

The Department of Fish and Game (DFG), Northern Region Coastal Conservation Planning (CCP) and Coastal Timberland Planning, is providing the following guidance to assist Applicants, Registered Professional Foresters (RPFs), or Responsible Parties requesting amendments to Lake or Streambed Alteration Agreements (LSAAs) associated with Timber Harvesting Plans (THPs) and Nonindustrial Timber Management Plan (NTMP) Notices of Timber Operations (NTOs).

Prior to issuing any amendment to an existing LSAA, the THP or NTMP that serves as the California Environmental Quality Act (CEQA)-equivalent document must completely and accurately describe the proposed activities. ***This means the THP or NTMP associated with the approved LSAA must usually be revised (amended) to describe the proposed changes or added activities before DFG can issue an LSAA amendment.***

To ensure everything needed by DFG to process the LSAA amendment has been included in the THP or NTMP (e.g. revised 1611 checklist pages, revised water drafting plan information, revised 1600 maps, additional culvert calculations, revised sketches/drawings of encroachments, new geology information), Applicants, RPFs, and Responsible Parties are strongly encouraged to coordinate up front with an DFG Environmental Scientist (ES) while preparing the THP or NTMP amendment and LSAA amendment.

DFG recommends the Applicant/RPF/Responsible Party provides the proposed *draft* THP or NTMP amendment information, including the proposed revisions of specific THP or NTMP pages to the ES *prior to* sending it to the California Department of Forestry and Fire Protection (CAL FIRE). Giving an ES an opportunity to review the proposal and suggest any changes that may be needed before DFG can process an LSAA amendment could eliminate the possibility of undertaking several THP amendments prior to DFG issuing an LSAA amendment. At this time, the ES can also determine the appropriate DFG amendment fee, i.e. “minor” (\$150) or “major” (\$500).

After revising the draft THP or NTMP amendment in response to DFG’s review, the Applicant/RPF/Responsible Party can simultaneously submit the request to CAL FIRE to amend the THP or NTMP and the request to DFG to amend the LSAA. The request for an LSAA amendment can be submitted to DFG via postal mail, FAX, or e-mail, as long as all the information is included.

### ***A complete request for an LSAA amendment consists of:***

- 1) THP number and LSAA number;
- 2) the “LSA Amendment Form” (see <http://www.dfg.ca.gov/habcon/1600/forms.html>);
- 3) an attachment that includes the location and a brief description of work covered by the amendment, the proposed or revised/amended THP or NTMP NTO pages pertaining to the LSAA (e.g., 1611 checklist, work order, 1600 maps, water drafting plan, culvert calculations, new geology information); and
- 4) the fee payment.

DFG can usually process requests to amend an LSAA in a relatively short period of time (e.g., two to three weeks), provided all the information is complete, the fees have been received, and CAL FIRE has accepted the initial THP or NTMP NTO amendment as a “minor deviation.” Processing time can be accelerated by undertaking the prior-to-submittal review by an ES as described above.

Following receipt of the request to amend an LSAA, DFG will draft the LSAA amendment and send two copies to the Applicant, RPF or Responsible Party for review and signature. Upon verification of CEQA completeness and receipt of both copies of the signed LSAA amendment back from the Applicant, RPF, or Responsible Party, DFG will sign and thereby fully-execute the LSAA amendment. DFG will then retain one signed copy and send one signed copy of the executed LSAA amendment to the Applicant, RPF, or Responsible Party.

DFG recommends the Applicant, RPF, or Responsible Party discusses with an ES any outstanding questions regarding the process, fees, or whether the LSAA amendment would be considered minor or major.

The LSAA fee schedule defines a “major” amendment as: “...one that would significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources, or require additional environmental review pursuant to section 21000 *et. seq.* of the Public Resources Code or section 15000 *et seq.* of title 14 of the California Code of Regulations.” Generally, DFG considers an LSAA amendment as “major” if it includes or requires:

- 1) new or different types of encroachments (e.g. a water diversion when there were none in the LSAA, a decommission when only permanent culverts had been proposed, a permanent bridge when there were only temporary crossings);
- 2) a field visit or extensive research;
- 3) the addition of any Class I watercourse drafting/diversion site (virtually all water drafting/diversion activities are considered “major”); or
- 4) the addition of a moderate to large number of sites relative to the original number of encroachments.

The fee schedule defines a “minor” amendment as: “...one that would not significantly modify the scope or nature of any project covered by the agreement or any measure included in the agreement to protect fish and wildlife resources.” Generally, DFG considers an amendment as “minor” if it includes:

- 1) only simple language changes (e.g., work period date changes, name change of Responsible Party);
- 2) a small increase in the number of sites relative to the original LSAA and no visit is deemed necessary; or
- 3) no new or different types of encroachments and no site visit is deemed necessary (e.g. adds another permanent culvert replacement when the LSAA has several already permitted).

If there are any questions regarding the above guidance for submitting requests for amendments for LSAAs associated with THPs and NTMPs, DFG encourages you to contact the CCP office at 707-441-2075. You will be directed to an ES who can assist you with your question or concern. We welcome your questions and will work to assist you in streamlining the process to amend LSAAs to the best of our ability.