

1 **Title 14 of the California Code of Regulations (14 CCR),**
2 **Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapter 2, Article 2**

3
4 **Amend:**

5 **§ 895.1** **Definitions**

6 **§ 898.2** **Special Conditions Requiring Disapproval of Plans**

7
8 **895.1**

9 ***** “Watersheds with Listed Anadromous Salmonids” means any planning watershed where
10 populations of anadromous salmonids that are listed as threatened, endangered, or candidate under the
11 State or Federal Endangered Species Acts are currently present or can be restored. This definition does
12 not apply to those portions of watersheds that meet either of the following criteria:

13
14 (a) Those areas upstream of barriers including large dams (where removal and/or fishway construction
15 has been determined by NMFS and CDFW to not be feasible) and natural barriers such as long term
16 bedrock falls or large static ancient slides with high-gradient or high-velocity barriers that NMFS and
17 CDFW have determined are permanent and preclude anadromous fish passage.

18
19 (b) Where anadromous salmonid populations, introduced to areas outlined in (a) above, are designated
20 as an Experimental Population under Section 10(j) of the Federal Endangered Species Act, and
21 corresponding regulations under Section 4(d) of the Federal Endangered Species Act for these
22 populations provide an exception from take prohibitions under the Federal Endangered Species Act
23 for activities subject to the California Forest Practice Rules. *****

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25 Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and
4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4525.5, 4525.7, 4526, 4528, 4551,

1 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4584, 4591.1, 21001(f), 21080.5, 21083.2 and
2 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title
3 14 Cal. Code of Regulations), *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82 and *Joy*
4 *Road Area Forest and Watershed Association, v. California Department of Forestry & Fire Protection,*
5 Sonoma County Superior Court No. SCV 229850.

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7 **898.2**

8 *****
9 (d) Implementation of the plan as proposed would result in either a "taking" or finding of jeopardy of
10 wildlife species listed as rare, threatened or endangered, by the Fish and Game Commission, the
11 National Marine Fisheries Service, or Fish and Wildlife Service, or would cause significant, long-term
12 damage to listed species. The Director is not required to disapprove a plan ~~which would result in a~~
13 ~~"taking" if the "taking" is incidental and is authorized by a wildlife agency acting within its authority under~~
14 ~~state or federal endangered species acts.~~ under either of the following circumstances:

15 (1) Which would result in a "taking" if the "taking" is incidental and is authorized by a wildlife agency
16 acting within its authority under state or federal endangered species acts.

17
18 (2) Where anadromous salmonid populations are designated as an Experimental Population under
19 Section 10(j) of the Federal Endangered Species Act, and corresponding regulations under Section
20 4(d) of the Federal Endangered Species Act for those populations provide an exception from take
21 prohibitions under the Federal Endangered Species Act for activities subject to the California Forest
22 Practice Rules, and federal and state agencies determine no further take authorizations are
23 necessary, under the Federal Endangered Species Act or the California Endangered Species
24 Act.*****

1 Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources Code. Reference: Sections 2053,
2 2080.1, 2090-2097, 2830 and 2835, Fish and Game Code; Sections 4555, 4582.7 and 4582.75, Public
3 Resources Code; Section 51115.1, Government Code; the federal Endangered Species Act of 1973, 16
4 U.S.C. Section 1531 et seq.; and Laupheimerv. State(1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

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