

**Board of Forestry and Fire Protection**

**FINAL STATEMENT OF REASONS (FSOR)**  
**Pursuant to GOV §11346.9(a)**

**“Listed Anadromous Salmonid Amendments, 2016”**

**Title 14 of the California Code of Regulations (14 CCR),  
Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapter 2, Article 2  
Amend: § 895.1, § 898.2**

**UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))**

Since the Initial Statement of Reasons (ISOR) was published the history of the development of this regulation has grown to include:

- No changes have been made either significant or non-substantive since the publishing of the ISOR.

No information contained in the ISOR requires update, as published on June 03, 2016 as OAL File #Z-2016-0523-01. All material relied upon was identified in the ISOR and made available for public review prior to the close of public comment period.

**SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))**

The rule text was adopted in its 45-Day noticed form.

**REITERATION OF DISCLOSURES REGARDING THE ADOPTED REGULATION, RESULTS OF ECONOMIC IMPACT ANALYSIS, AND ANTICIPATED BENEFITS**

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)-(D)**. The adopted action:

- (A) will create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will create new businesses;
- (B) will not eliminate existing businesses within California;
- (C) will beneficially affect the expansion of businesses currently doing business within California.
- (D) will have nonmonetary benefits. The primary benefit of the proposed action is to clarify the intent in the Forest Practice Rules regarding when the Anadromous Salmonid Protection Rules may or may not apply and to clarify when the Director may approve a timber harvest plan that may result in take of experimental populations of federally listed anadromous salmonids. Clarity in the definitions

will provide forestry practitioners and forest landowners with assurances that the more restrictive Anadromous Salmonid Protection (ASP) rules will not necessarily apply to areas where experimental populations are reintroduced above permanent barriers to migration. Additionally, specific language regarding when the Director may approve a plan resulting in incidental take of anadromous salmonids will provide additional assurances to forestry practitioners and forest landowners that they will not be subject to varying interpretations regarding the intent of the rules. These modifications will help ensure forest management, in areas where reintroduction of experimental populations of anadromous salmonids, with an appropriate 4(d) take limit, are not subject to the same standards as areas where listed anadromous salmonids are present or where access to habitat could be restored without the need to remove large permanent barriers to upstream migration. These changes will likely alleviate forest landowner and forestry practitioner concerns over additional regulatory limits and liability concerns regarding to their forest management practices, thereby minimizing concerns over reintroduction efforts. Ultimately, this will help to promote the conservation and recovery of many populations of listed anadromous salmonids in California in areas subject to the FPRs.

Businesses will be beneficially impacted by the proposed regulation. Anytime experimental populations are introduced above permanent dams attenuating fish anadromy, there will be no expansion of the ASP rules. This will thereby impose no additional constraint of forestry activities governed by the FPRs above permanent barriers inhibiting downstream migration of the introduced salmonids, and incentivize landowners to support and assist with recovery efforts.

The Board has determined that adoption of the regulations identified herein will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, instead businesses will be beneficially impacted by this action (pursuant to **GOV §11346.3(a)(2)**).

**Mandate on local agencies and school districts (pursuant to GOV §11346.9(a)(2)):**  
The adopted regulation does not impose a mandate on local agencies or school districts.

**Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code sections commencing with GOV §17500 (pursuant to GOV §11346.9(a)(2)):**  
The adopted regulation does not impose a reimbursable cost to any local agency or school district.

**ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5)):**

Except as set forth in the ISOR and provided in the summary, no other alternatives have been proposed or otherwise brought to the Board's attention. Based upon the findings below and a review of alternatives the Board has determined the following:

- No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
- No alternative would be effective as and less burdensome to affected private persons than the adopted regulation.
- No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.
- No alternative considered would lessen any adverse economic impact on small business.

**FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION**

- The Board finds the adopted alternative fulfills the obligations of the Board, specified in statute, and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of the proposed action.
- The Board finds that the public, including affected landowners and forestry professionals, and agency representatives, both Federal and State, reviewed and provided input to help the Board determine the best adopted alternative.
- The Board finds the adopted alternative strikes a balance between performance based and prescriptive standards.
- The Board finds that not instituting minimum prescriptive standards would lead to confusion, subjective enforcement, and exploitative interpretations of the regulation.
- The Board finds that the endangered Sacramento River winter-run Chinook salmon Evolutionary Significant Unit (ESU), and the threatened Central Valley steelhead Distinct Population Segment (DPS) need recovery efforts to help restore their populations and ecosystems.
- The Board finds that native Chinook salmon and steelhead have declined dramatically since European settlement of the Central Valley in the mid-1800's.
- The Board finds that habitat quantity and quality have declined in response to construction of levees and barriers to anadromy, and modification of natural hydrologic regimes by dams and water diversions.

- The Board finds that major population declines are most likely to occur when barriers to fish passage are constructed.
- The Board finds that efforts are underway by NMFS to introduce experimental salmonid populations above permanent fish barriers to help restore populations and ecosystems.
- The Board finds that the introduction of the listed species is essential for their long term survival and restoration.
- The Board finds that concerns have been raised that introduction efforts above permanent barriers would result in an expansion of the existing ASP rules under current regulations (14 CCR §916.9 [936.9, 956.9]). New language must be adopted to protect timber operations governed by the FPRs from the introduction of salmonids, while incentivizing landowners to assist in the restoration of these threatened and endangered populations.
- The Board finds that although current ASP regulations (14 CCR §916.9 [936.9, 956.9] “Geographic Scope”) does provide a stipulation exempting activities within upstream watersheds above permanent dams that attenuate sediment transport, it is not clear and explicit enough to satisfy the clarity standard.
- The Board finds a provision needs to be adopted to allow the Director to allow incidental take of listed population of salmonids that are designated experimental pursuant to section 10(j) of the Federal ESA.
- The Board proposes this regulatory language to address concerns regarding the introduction of salmonids affects upon forestry activities within the State.
- The Board finds that future rulemaking may be necessary to further define “Watersheds with Listed Anadromous Salmonids” when introduced, if and when these listed salmonid populations are designated by the NMFS as 4(d) experimental populations as defined in the Federal Endangered Species Act of 1973 as amended, to maintain future consistency and congruity with federal and state regulations. The Board will strive to increase its consultation and discussion with U.S. Federal wildlife agencies pursuing the introduction of these experimental populations to avoid redundancy and ensure effective implementation and compatibility of clear and concise regulatory language to protect the best interest of the State and its citizens within its realm of jurisdiction.

**BOARD'S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4): Take Action as Proposed and Modified through the Formal Public Review and Comment Process (Alternative #4)**

The Board chose to adopt the rule text as presented in the 45-Day Notice. No modifications, through the formal public review and comment process, were made.

This alternative would result in an amendment to 14 CCR §895.1 "Definitions" to state that watersheds subject to the ASP rules would not apply upstream of barriers determined to be impassable and preclude fish passage and where their removal and/or fishway construction is not deemed feasible. Additionally, amendments to 14 CCR § 898.2 allows the Director to approve a plan where take of a listed species will occur under either of the following circumstances which include:

- (1) The taking of the listed species will be incidental and is authorized by a wildlife agency acting within its authority under the State or Federal ESA;
- (2) Or when an anadromous salmonid population is deemed Experimental under Section 10(j) of the Federal Endangered Species Act, and corresponding regulations under Section 4(d) of the Federal Endangered Species Act allows for the take of species through the duration of lawful forestry activities

This is the preferred alternative as it fulfills the obligations, specified in statute, of the Board and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of the proposed action. Public and agency representatives have reviewed the action and provided input, which is reflected in the action. The Board struck a balance between performance based and prescriptive standards. The Board found that minimum levels of prescriptive standards were needed to implement the statute.

**BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))**

**Alternative #1: No Action**

This alternative would result in not clarifying 14 CCR § 895.1 definition of a Watershed with Listed Anadromous Salmonids and the direction in 14 CCR § 898.2(d) which pertains to when the Director is required to disapprove a proposal project (THP, NTMP, Modified THP, etc.) that may result in a take of a listed species.

This alternative was rejected because maintaining the existing language in the FPRs would not address the need for required clarity in the rules and could act a disincentive to programs necessary for survival and recovery of listed anadromous salmonids and leave landowners responsible for adhering to prescriptive standards that were not intended for experimental populations.

**Alternative #2: Take Action to Increase the Specificity of the Regulation Needed**

### **to Implement the Statute**

This alternative would increase the specificity of the intent regarding the applicability of the ASP rules, including areas with reintroduced experimental populations of federally listed anadromous salmonids.

The Board rejected this alternative because it did not account for situations where individuals from reintroduced experimental populations may be subject to incidental take in situations when a 4(d) rule has been developed with take limits applicable to activities subject to the FPRs. The Board found that confusion regarding concerns over potential regulatory limits and liability would still occur in areas where experimental populations of salmonids were reintroduced, even if a 4(d) take limit was developed for activities subject to the FPRs.

### **Alternative #3: Take Action to Decrease the Specificity of the Regulation Needed to Implement the Statute**

This alternative would increase the specificity pertaining to Director approval of timber harvest plans resulting in incidental take of experimental populations of listed anadromous salmonids.

The Board rejected this alternative because it did not account for situations where experimental populations of listed anadromous salmonids might be reintroduced into areas not subject to the ASP rules. The Board found that confusion regarding concerns over potential regulatory limits and liability would still occur in areas where experimental populations of salmonids were reintroduced, even if a 4(d) take limit was developed for activities subject to the California Forest Practice Rules.

### **Alternative #4: Take Action as Proposed and Modified through the Formal Public Review and Comment Process**

This alternative would result in clarifying the existing 14 CCR § 895.1 definition of “Watersheds with Listed Anadromous Salmonid” by increasing the specificity of the definition and increasing the specificity of 14 CCR §898.2(d) pertaining to Director approval of timber harvest plans resulting in incidental take of experimental populations of listed anadromous salmonids.

The proposed action does not change the application of the FPRs, but clarifies the intent and includes new language regarding experimental populations of listed anadromous salmonids and the applicability of the Anadromous Salmonid Protection rules not previously considered by the Board.

This is the preferred alternative as it fulfills the obligations, specified in statute, of the Board and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of the proposed action. Public and agency representatives have reviewed the proposed action and provided input, which is reflected in the proposed regulation. The Board found that the proposed

action clarified the intent of the FPRs and would not result in application of the FPRs in terms of where the Board intended for them to apply.

### **SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

The comments below are identified in the following format: The letter S or W followed by a series of numbers separated by a hyphen, followed by the name and affiliation (if any) of the commenter (e.g. W1-8: John Doe, Healthy Forest Association).

S: Indicates the comment was received from a speaker during the Board hearing on the 45-Day Notice of proposed rulemaking.

W: Indicates the comment was received in a written format.

1<sup>st</sup> number: Identifies the comments in the order in which it was received.

2<sup>nd</sup> number (following the hyphen): Represents the specific comment within a written comment or speaker comment. The specific comments are numbered in the order in which they were presented.

### **SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))**

#### **WRITTEN COMMENTS AND RESPONSES RESULTING FROM 45-DAY NOTICE OF PROPOSED RULEMAKING PUBLISHED June 03, 2016**

#### **W1-1: Fred Blatt & Dave Fowler, North Coast Regional Water Quality Control Board (NCRWQCB)**

Mr. Blatt and Mr. Fowler state that they regret that they were unable to provide any input to ensure that this regulation complies with the Regional Water Quality Control Board requirements. They state "We are concerned that the proposed rule language sets in stone the limited geographical nature of the Anadromous Salmonid Protection (ASP) Rules. Restricting the geographical extent is inconsistent the requirements of the Water Quality Control Plan (Basin Plan) for the North Coast, and the Porter-Cologne Water Quality Control Act.

We believe that by further restricting the geographical extent of the applicability of the ASP rules, it is likely that the proposed WFMP regulations will not insure compliance with the North Coast water quality requirements, nor the Water Quality Control Plan for the North Coast Region. We recommend that rules be developed that are consistent with applicable water quality requirements and protection of the applicable beneficial uses of water. This approach would be consistent with the intent section of AB 904 (Public Resources Code § 4597(b)) and help our agencies provide the people of the state with efficient government."

**Board Response:** The Board considered these comments, but found applying the more restrictive ASP rules in watersheds that are above permanent barriers to anadromy were unwarranted. This rulemaking effort provides a person engaging in the harvesting of timber a reprieve from the FPRs (14 CCR §916.9 et seq.), which currently restricts landowners from such harvesting when listed anadromous are found within a

planning watershed when either of the following two situations exist. First, this amended regulatory language will apply when listed experimental populations of anadromous salmonids are introduced into watersheds associated with activities regulated by the FPRs or in situations where historical but unoccupied habitats can be restored to host experimental listed salmonid populations, but man-made or natural structures inhibiting anadromy are in place and their removal or remediation is deemed impractical<sup>1</sup> or not economically feasible. Second, this exemption seeks to restrict the Director from the immediate disapproval of timber harvest plans (currently required by 14 CCR §898.2), in watersheds where listed anadromous salmonids are present and affected by lawful activities governed by the California Forest Practice Rules, when populations are designated as “Experimental” under Section 10(j) with corresponding regulations within section 4(d) of the Federal Endangered Species Act of 1973 as amended, providing an exception from “take” prohibitions, even if no permanent barrier precluding fish passage exists.

These amendments do not change the geographic scope or extent of the ASP rules. It simply limits the institution of ASP rules when listed anadromous salmonids are experimentally introduced above permanent barriers, and grants a pardon to landowners from the take prohibitions in 14 CCR §898.2 if the listed anadromous salmonids are above barriers precluding fish passage. Additionally, these amendments are not entirely new, but are making what is implicit, explicit. Presently, 14 CCR §916.9 states that, “These requirements do not apply to upstream watersheds where permanent dams attenuate the transport of fine sediment to downstream watercourses with listed anadromous salmonids.” The Board found that the current rule language was ambiguous, and does not discuss the possible reintroduction of experimental populations.

Additionally, this letter from the NCRWQCB references the “Working Forest Management Plan,” (OAL File# Z-2016-0531-05) promulgated by the Board, that was noticed on June 10<sup>th</sup>, 2016. Currently, this rule package is under the 45-Day comment period and will have its initial hearing on August 24<sup>th</sup> in Sacramento. In its current regulatory draft form, the WFMP does not change the geographic scope, extent or applicability of the ASP rules. Since public comments are still being considered and the rule package is in a draft form, we find NCRWQB’s comments as speculative, as the rule package will not be in final form until officially adopted by the Board.

For the reasons listed above, the Board found that no change to the draft regulatory text was justified.

**Rule Text Edit:** No.

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<sup>1</sup> The determination of whether barriers to fish passage are deemed immovable, impractical, or not economically feasible to remove lies jointly under the jurisdiction of the California Department of Fish & Wildlife and NOAA’s National Marine Fisheries Service.

**W1-2: Fred Blatt & Dave Fowler, North Coast Regional Water Quality Control Board (NCRWQCB)**

Mr. Fowler goes on to cite past testimony presented at the Board on September 3<sup>rd</sup>, 2009, when the ASP rulemaking effort was underway. The NCRWQB stated that, “While the proposed ASP Rules include application to one planning watershed upstream of the limit of anadromy, they remain limited in geographic extent.”

**Board Response:** The Board would like to reiterate that they are not changing the geographic extent of the ASP rules with this rulemaking effort. The Board is simply providing a reprieve to landowners regarding the introduction of these species, and take of listed species above permanent barriers by means of otherwise legal timber harvest activities. If the ASP regulations were to be expanded, the Board would have to find good cause to do so, and it would be handled in a separate and exclusive rulemaking effort.

The Board finds that extending the ASP regulations to apply to all watersheds throughout the state is unduly burdensome on landowners, and would violate the very intent of the FPRs. Within the Z’Berg-Nejedly Forest Practice Act of 1973, PRC §4512(c) states that “The Legislature thus declares that it is the policy of this state to encourage prudent and responsible forest management calculated to serve the public’s need for timber and other forest products, while giving consideration to the public’s need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations.” The FPRs seek to provide protection of California’s landscape resources, while also ensuring the positive production of high quality timber. The ASP regulations are within the FPRs to provide further restrictions upon timber harvesting when salmonids are present and have access to anadromous migration. Requiring all timber harvest activities to operate as through anadromous fish are present with or without access to anadromy would enact very restrictive constraints, and would hinder timber management activities.

**Rule Text Edit:** No.

**W1-3: Fred Blatt & Dave Fowler, North Coast Regional Water Quality Control Board (NCRWQCB)**

The comment received is concluded with “Regional Water Board staff recommends that all provisions of the Forest Practice Rules, including the definition of “Watersheds with Listed Anadromous Salmonids” recognize the need to protect all beneficial uses of water regardless of geographical area, and comply with water quality objectives in accordance with the Basin Plan.

We realize that the goal of the Listed Anadromous Salmonid Amendments, 2016, rule package is to “provide forestry practitioners and forest landowners with assurances that the more restrictive Anadromous Salmonid Protection rules will not necessarily apply to areas where experimental populations are reintroduced above permanent barriers to migration.” We are concerned, however, that the blanket exclusion proposed for section 895.1 is not warranted for areas where experimental populations have not been

reintroduced, fails to adequately protect the beneficial uses of water, and further widens the gap between the Forest Practice Rules and the requirements of the Porter Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and the Basin Plan.”

**Board Response:** See response to W1-1 and W1-2.

**Rule Text Edit:** No.

**W2-1: Dr. Helge Eng, Deputy Director of Resource Management, California Department of Forestry and Fire Protection (CAL FIRE)**

Chief Eng wrote the Board to say that the Department fully supports this rulemaking package. Specifically, Chief Eng detailed, “CAL FIRE supports the proposed regulation that would maintain the standard Watercourse and Lake Protection Zone (WLPZ) widths and protection measures in areas where experimental populations of listed anadromous salmonids are reintroduced to watersheds. The proposed rule text revises the 14 CCR § 895.1 definition of “Watersheds with Listed Anadromous Salmonids” to provide clarity regarding the geographic scope that does not include the areas of introduction of experimental listed anadromous salmonid populations. The proposed regulations also amends 14 CCR § 895.1 definition of “Watersheds with Listed Anadromous Salmonids” to provide clarity regarding the geographic scope that does not include the areas of introduction of experimental listed anadromous salmonid populations. The proposed regulations also amends 14 CCR § 898.2 (d) to exclude such experimental populations of the Federal Endangered Species Act and California Endangered Species Act, an action that will provide regulatory assurances to private timberland owners in California.”

**Board Response:** The Board acknowledges and appreciates the support from CAL FIRE and Chief Eng.

**Rule Text Edit:** No.

**S1-1: Mr. John Ambrose, Fisheries Biologist, National Marine Fisheries Service (NMFS)**

Mr. Ambrose and NMFS recommend the adoption of these amendments by the Board, as it will help with the re-establishment of California listed anadromous salmonids, in particular the Sacramento winter-run Chinook and the central valley spring-run Chinook. The main point of these recovery efforts is to get these species over permanent dams. Currently, these fish are trapped below permanent barriers to anadromy in the 0-1,000 ft. elevation range, and recovery efforts in this range are not going particularly well. These fish need to get back into historical and restorable habitats, which are mostly above dams in the 1,000-6,000 ft. elevation range, to help the viability of these species and also provide assurances against climate change impacts to these species. Mr. Ambrose also states that these recovery actions as planned will not happen unless these amendments to the FPRs

are adopted, due to resistance voiced by landowners who would be impacted by the introductions. Under current rule language, the ASP regulations would follow these fish if they were to be experimentally introduced into these watersheds. The amendments will operate under the auspices of Section 10(j) and corresponding regulations of Section 4(d) of the Federal Endangered Species Act, allowing take of species listed by FESA deemed “experimental.” Although these Federal regulations of the FESA should be enough to suppress concerns of landowners, it has not done so. Landowners are still concerned that the FPR’s ASP regulations will follow these experimentally introduced fish. Having the Board adopt these amendments will provide further assurance to landowners that this species will not increase the constraints on their participation in timber management activities, while possibly incentivizing these landowners to engage in helping restore and recover these listed salmonid populations. Moreover, Mr. Ambrose echoed what Mr. Pompa, Board staff, stated in testimony before the Board, saying that we are making what is currently implicit, explicit. Mr. Ambrose concluded his oral comments with saying that if these amendments do become effective beginning January 1, 2017, that NMFS will be able to begin introducing salmonids above permanent anadromous barriers, especially Shasta Dam into the McCloud River, and New Bullard’s Bar Dam into the Yuba River.

**Board Response:** The Board acknowledges and appreciates the supportive nature of Mr. Ambrose’s comments.

**Rule Text Edit:** No.

**S2-1: Mr. Bill Condon, Timberland Conservation Program Manager, California Department of Fish and Wildlife (CDFW)**

Mr. Condon provided comments to the Board detailing that CDFW has sent two letters to the Board asking for these amendments to the ASP regulations, and fully supports this rulemaking package. This rulemaking language is narrower in scope than the initial effort that was proposed in July of 2015, and Mr. Condon believes that this current regulatory language will be monumental in helping NMFS and CDFW restore native populations of salmon and steelhead within California, especially ones that have been disrupted by the institution of permanent dams. Should this be signed by the Secretary of State, Mr. Condon vowed to the Board that NMFS and CDFW will work together to monitor how effective these amendments are on restoring the viability of these species.

**Board Response:** The Board acknowledges and appreciates the support of Mr. Condon’s and CDFW’s comments.

**Rule Text Edit:** No.

**S3-1: Mr. George “YG” Gentry, Vice President of Regulatory Affairs, California Forestry Association (CFA)**

Mr. Gentry stated that he fully supports this rulemaking effort, and believed that Mr. Pompa accurately explained the reason for promulgating these amendments and the benefits it will produce for listed salmonid species, as well as protecting legal timber management activities. Mr. Gentry did want to reiterate to the Board that these amendments will not change the geographic scope or extent of the ASP regulations within the FPRs, nor will it alter the application of these more restrictive constraints.

**Board Response:** The Board acknowledges and appreciates Mr. Gentry's and CFA's support of this rulemaking effort.

**Rule Text Edit:** No.

**S4-1: Mr. Cedric Twight, Manager of California Regulatory Affairs, Sierra Pacific Industries**

Mr. Twight asks the Board to support the adoption of these amendments. He believes that these amendments will provide three main benefits to landowners and the listed anadromous species. First, these amendments will provide assurances to landowners that their timber management activities will not be hampered by the introduction of these introduced species, and reduce the burden of adhering to the ASP regulations that would otherwise be required under current rule language. Second, this rulemaking effort will help to establish a cooperative relationship between landowners and the agencies proposing to introduce these species (NMFS/CDFW), which will provide better results and efficiencies in restoring the vitality of listed anadromous salmonids. Lastly, Mr. Twight refutes the comments provided by NCRWQCB, stating that the State of California has an "Interagency Fish Passage Steering Committee", which includes representatives from both the state's Department of Water Resources and the various Water Quality Control Boards. In their 2015 Annual Report, the steering committee both supported and expected these amendments proposed by the Board to be chaptered. Mr. Twight goes on to say that if concerns were raised about water quality in regards to these amendments, support would not have been provided in the 2015 Annual Report.

**Board Response:** The Board appreciates and acknowledges the support voiced by Mr. Twight and Sierra Pacific Industries.

**Rule Text Edit:** No.