

## **IV. AGENCY INVOLVEMENT**

### **1. INTRODUCTION**

Consistent with the CEQA concepts of lead, responsible and trustee agencies (CCR §§15367, 15381, 15386) as well as tiering (CCR §15152), many agencies will rely upon the environmental analysis contained in this EIR for the approval of various phases or actions related to implementing the Plan. The Board will use the EIR in determining whether to approve the management plan. CDF will rely upon the EIR and Plan when carrying out future activities on the Forest. Other agencies, such as the Department of Fish and Game and the State Water Resources Control Board will use the EIR to help analyze the environmental effects of management activities on JDSF and to submit comments about ways to lessen or avoid potential significant effects. They also will consider the EIR when they take action on any permits they may issue for activities on JDSF.

### **2. BOARD DECISION-MAKING**

#### **2.1 Approval the Forest Management Plan and Certification of the EIR**

Following Board policy, CDF prepared the current May 17, 2002, version of the DFMP (the proposed project) and submitted it to the Board for approval. The Board then contracted with CDF for the preparation of this EIR for the proposed project.

Following the public EIR review process, the Board will determine whether the proposed project, following incorporation of required mitigations identified in the final EIR, will have a less than significant effect on the environment. Where no further significant impacts remain the Board may certify the final EIR and approve the Plan. Where significant effects do remain, the Board may adopt additional mitigations, or may select a project alternative that reduces project impacts to a less than significant level. Changes to the DFMP, identified as mitigations in the EIR or as a result of selection of a project alternative by the Board, will be incorporated into the final Plan prior to Board approval.

After considering the final EIR, the Board may certify the final EIR and approve the final Plan. Following Board approval of the final Plan, CDF will administer JDSF in keeping with the final Plan.

#### **2.2 Future Decisions to Implement the JDSF Management Plan**

Upon approval of the final Plan by the Board, all land and resource management activities and all budget proposals will be based on that Plan. As soon as practicable after approval, all permits, contracts, cooperative agreements, and other instruments for use and occupancy of the Forest's lands will be brought into conformance with the final Plan, subject to existing rights.

This document is intended to be used as a program EIR (CCR § 15168). Program EIRs are developed to govern the conduct of a continuing program such as the JDSF Management Plan (see discussion under Section II.6.1 PROGRAMMATIC EIRS AND FUTURE PROJECTS).

Specific future CDF project approvals resulting from the DFMP will likely include the following:

- Timber Harvesting Plans
- Research and Demonstration Projects
- Construction of New Camp Sites, Trails and Related Recreational Facilities
- Habitat Restoration
- Construction of New Interpretive and Learning Center
- Road decommissioning, stream crossing upgrades, road upgrades, new road construction.

CDF makes most of the above approvals; however, some may also be appealed to the Board.

While the desired future condition described in the Plan creates a diverse forest landscape that is flexible and able to respond to many changes, the DFMP and EIR cannot anticipate all of the possible developments in how the State Forest can best serve the needs of California's citizens. Therefore, one or more of the methods identified in Table II.1 may need to be applied in order to achieve CEQA compliance. In addition, monitoring and adaptive management are key elements of the Plan, and they affect all of the individual management programs as well as the management plan as a whole. As part of the ongoing planning for management of the State Forest, the Plan will be reviewed periodically in the context of changing policies and priorities (DFMP, Chapter 5).

To the extent that a subsequent action qualifies as a "project" under CEQA (CCR §15378) and is not otherwise exempt, compliance with CEQA will be necessary.

### **3. OTHER AGENCY INVOLVEMENT**

#### **3.1 Intended Use of EIR by Other Agencies**

While not directly responsible for approval of the JDSF Management Plan or EIR, agencies other than CDF are "responsible" or "trustee" agencies for resources that may be affected by subsequent implementing actions of the DFMP.

Other agencies also have review and consultation responsibilities in development of this EIR. As "responsible agencies" under CEQA, they will utilize this EIR, and any subsequent CEQA documents tiered from this EIR, for their approval of permits or other

entitlements (CCR §15096). In rare circumstances, responsible agencies may assume the lead agency role if their own conclusions differ from CDF's.

### **3.2 Decisions and Approvals Subsequent to Management Plan**

As stated above, subsequent implementing actions by CDF may trigger one or more permits or other entitlements to carry out the project. The range of permits needed depends on the type of action. There are also numerous federal requirements that only apply where an action is "federalized" due to funding or the need for a federal permit. All potential permits or entitlements are listed in Table IV.2 and summarized below.

<b>Table IV.1. Other Permits and Responsible Agencies.</b>	
Possible Permits or Other Entitlements for Subsequent JDSF Actions	Responsible Agency
<b>FEDERAL</b>	
<ul style="list-style-type: none"> <li>• §404 Clean Water Act: Nationwide or Individual Permits for discharge of Dredge or Fill into "Waters of the U.S." (See discussion below regarding related federal requirements)</li> </ul>	U.S. Army Corps of Engineers
<ul style="list-style-type: none"> <li>• Federal Endangered Species Act: Consultation and Potential Incidental Take Permit</li> </ul>	U.S. Fish and Wildlife Service or NOAA Fisheries
<b>STATE</b>	
<ul style="list-style-type: none"> <li>• §1602 Streambed Alteration Agreement</li> </ul>	California Dept. of Fish and Game
<ul style="list-style-type: none"> <li>• California Endangered Species Act Consultation and Potential Incidental Take Permit</li> </ul>	California Dept. of Fish and Game
<ul style="list-style-type: none"> <li>• §401 Clean Water Act and the Porter-Cologne Water Quality Control Act: Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) Permits, or (more typically in the case of THPs) categorical Waivers or general WDRs.</li> </ul>	North Coast Regional Water Quality Control Board
<ul style="list-style-type: none"> <li>• Coastal Development Permit or Coastal Zone Consistency Determination (limited to areas in the California Coastal Zone)</li> </ul>	California Coastal Commission
<ul style="list-style-type: none"> <li>• Encroachment Permit (State Highways)</li> </ul>	California Dept. of Transportation
<b>LOCAL</b>	
<ul style="list-style-type: none"> <li>• General Plan Consistency Determination</li> </ul>	Mendocino County Planning Dept.
<ul style="list-style-type: none"> <li>• Encroachment Permit (County Roads)</li> </ul>	Mendocino County Public Works
<ul style="list-style-type: none"> <li>• Local Review of Coastal Development Permit</li> </ul>	Mendocino County Planning Dept.

Section 404 of the Clean Water Act authorizes the U.S. Army Corps of Engineers (ACOE) to issue permits for discharges of dredged or fill material into waters of the United States which include all streams and wetlands. Permits may be in the form of a Nationwide

Permit where projects meet all thresholds set forth therein. Otherwise an Individual Permit is required and subject to a more detailed review.

A Section 1602 Streambed Alteration Agreement is required through the California Department of Fish and Game when it is determined an alteration to a bed, channel, or bank of a stream will occur, such as a crossing installation.

The California Endangered Species Act (CESA) requires consultations with the California Department of Fish and Game to determine if an activity is likely to affect or result in the take of a plant or animal listed by the State as threatened or endangered.

Similar to CESA, the Federal Endangered Species Act (FESA) requires formal or informal consultation with the US Fish and Wildlife Service or the NOAA Fisheries where it is likely that the project could affect federally listed threatened or endangered species.

Section 401 of the federal Clean Water Act requires that State water quality standards not be violated by the discharge of fill or dredged material into "Waters of the United States." The owner or operator of any facility or activity that discharges, or proposes to discharge, waste that may affect groundwater quality, or from which waste may be discharged in a diffused manner (for example, erosion from soil disturbance), must first obtain waste discharge requirements (WDRs) from the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Act. However, typically THP activities in the North Coast Region are covered either by a categorical waiver or by general WDRs. The most recent NCRWCB orders concerning categorical waivers and general WDRs for non-federal timberlands are orders no. R1-2004-0016 and R1-2004-0030, respectively. Most water bodies in the North Coast Region are listed as impaired due to either sediment and/or temperature under Section 303(d) of the Clean Water Act. Federal regulations require that a total maximum daily load (TMDL) be established for 303(d) listed water bodies for each pollutant of concern. TMDLs for North Coast water bodies are scheduled to be completed. In the absence of TMDLs in a 303(d) listed water body, coverage under general WDRs must be obtained or specific WDRs must be established.

**Other Federal Requirements.** Consistency with the below rules and regulations may also be required where Federal approval or funding is needed to proceed with an activity:

**Migratory Bird Treaty Act:** The Migratory Bird Treaty Act and related international treaties and domestic laws provide protection for migratory birds. The Migratory Bird Treaty Act established that all migratory birds and their parts (including eggs, nests, and feathers) are fully protected. The Migratory Bird Treaty Act is the domestic law that affirms, or implements, the United States commitment to four international conventions (with Canada, Japan, Mexico, and Russia) for the protection of a shared migratory bird resource. Each of the conventions protects selected species of birds that are common to both countries (that is, they occur in both countries at some

point during their annual life cycle). The US Fish and Wildlife Service is the federal agency primarily responsible for protection of migratory birds.

**Fish and Wildlife Coordination Act:** The Fish and Wildlife Coordination Act (FWCA; P.L. 85-624) provides for the equal consideration and coordination of wildlife conservation with other project features of federally funded projects.

**Magnuson-Stevens Fishery Conservation and Management Act:** The act requires Federal agencies to consult with the NOAA Fisheries to ensure actions do not adversely affect fish and shellfish resources including Essential Fish Habitat. This would typically be done as part of FESA compliance.

**Section 106 of the National Historic Preservation Act:** Section 106 requires coordination with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) regarding the effects a project may have on properties listed, or eligible for listing, on the National Register of Historic Places (NRHP).

**Executive Order 13112 (Noxious and Invasive Plant Species):** EO 13112 was signed by President Clinton on February 3, 1999. EO 13112 requires federal agencies to prevent and control the introduction and spread of invasive species.

**Executive Order 11990 (Protection of Wetlands):** EO 11990 requires federal agencies to follow avoidance, mitigation, and preservation procedures with public input before proposing new construction in wetlands. To comply with Executive Order 11990, the federal agency would coordinate with the ACOE, under Section 404 of the Clean Water Act, and mitigate for impacts to wetland habitats.

**Executive Order 11998 (Floodplain Management):** EO 11998 requires all federal agencies to take actions to reduce the risk of flood loss, restore and preserve the natural and beneficial values in floodplains, and minimize the impacts of floods on human safety, health, and welfare.