

US EPA:

California Nonpoint Source Program Findings and Conditions

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III. FORESTRY

FINDING: California's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms for implementation. However, additional management measures are necessary in order to attain and maintain water quality standards (see Section XII, page 16).

RATIONALE: The primary authority in California to implement the management measures for forestry in conformance with the 6217 (g) guidance comes from the Z'berg-Nejedly Forest Practice Act (FPA) (Cal. Pub. Res. Code 4511 *et seq.*). Regulations (14 Cal. Code Reg. 895 *et seq.*) adopted pursuant to this law include practices in conformity with the management measures. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) also have oversight over nonpoint discharges associated with forestry operations through the Porter-Cologne Act. The Porter-Cologne Act provides back-up authority for implementing the management measures, including waste discharge requirements, cease and desist orders, cleanup and abatement orders, civil monetary liability for specified violations, and criminal prosecutions for specified violations.

Prior to any timber harvest on non-federal lands, a Timber Harvest Plan (THP) must be prepared by a Registered Professional Forester. A multidisciplinary and interagency review is intended to be conducted for all THPs to meet the functional equivalency requirements of environmental documentation under the California Environmental Quality Act (CEQA). These activities are carried out primarily by the California Department of Forestry and Fire Protection and the Board of Forestry (CDF/BOF), as well as the RWQCBs, in accordance with the Water Quality Management Plan for Timber Operations on NonFederal Lands, and the Management Agency Agreement (MAA), as overseen by the SWRCB.

Although California does have the basic legal and programmatic tools to implement a forestry program in conformity with Section 6217, these tools have not been fully effective in ensuring water quality standards are attained and maintained and beneficial uses are protected. California waters currently experience significant impacts from forestry. For example, silviculture is the leading source of impairment to water quality in the North Coast of California. Related to these water quality problems, California has a number of species, in particular salmon, that are endangered, threatened or otherwise seriously at risk, due in very significant part to forestry activities that impair their spawning, breeding and rearing habitat.

Section 6217 recognizes that implementation of the (g) management measures alone may not always be adequate to protect coastal waters from nonpoint sources of pollution. In these cases, Section 6217 requires the identification and implementation of additional management measures. Thus, California will need to adopt additional management measures for forestry to address coastal waters that are not attaining or maintaining applicable water quality standards or protecting beneficial uses, or that are threatened by reasonably foreseeable increases in pollutant loadings from new or expanding forestry operations. (See Section XII, page 16)